



Area Planning Committee (North)

Date **Thursday 29 September 2016**
Time **2.00 pm**
Venue **Council Chamber, County Hall, Durham**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 28 July 2016 (Pages 1 - 8)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/16/00520/FPA - Wrights Removals, Hedley Terrace, Park Drive, Langley Park, DH7 9TA (Pages 9 - 20)
Change of use to storage for removal company and siting of ten shipping containers (part retrospective).
 - b) DM/16/02056/FPA - Garage Blocks, Arnold Close, East Stanley (Pages 21 - 32)
Conversion of existing garages into residential Bungalows.
 - c) DM/16/02057/FPA - Garages Adjacent To 27 To 31 Betjeman Close, East Stanley (Pages 33 - 44)
Conversion of existing garages into residential Bungalows.
 - d) DM/16/01426/FPA - Land North Of Both 85 Pelaw Crescent & 1 Cedars, Beechwoods, Chester-le-Street (Pages 45 - 54)
Proposed demolition of existing garages and erection of 6no. 2 storey houses and external works.
 - e) DM/16/01446/FPA - Land Adjacent To Conyers Road, South Pelaw, Chester-le-Street (Pages 55 - 66)
Proposed demolition of existing garage and erection of seven 2-storey terraced houses.
 - f) DM/16/01472/FPA - Land Adjacent To 32 Beechwoods, Chester-le-Street, DH2 2HR (Pages 67 - 76)
Proposed erection of 4no 2 storey houses and external works.

6. Appeal Update (Pages 77 - 80)
7. 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
21 September 2016

To: **The Members of the Area Planning Committee (North)**

Councillor C Marshall (Chairman)
Councillor I Jewell (Vice-Chairman)

Councillors B Armstrong, H Bennett, P Brookes, J Cordon,
J Maitland, O Milburn, J Robinson, K Shaw, A Shield, L Taylor,
O Temple, K Thompson, S Wilson and S Zair

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**DURHAM COUNTY COUNCIL
AREA PLANNING COMMITTEE (NORTH)**

At a Meeting of the **Area Planning Committee (North)** held in the Council Chamber, County Hall, Durham on **Thursday 28 July 2016 at 2.00 pm**

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

Councillors I Jewell (Vice-Chairman), J Maitland, K Shaw, A Shield, L Taylor, O Temple and K Thompson

1 Apologies for Absence

Apologies for absence were received from Councillors B Armstrong, H Bennett, P Brookes, O Milburn and S Zair.

2 Substitute Members

There were no substitute Members in attendance.

3 Minutes

The Minutes of the meeting held on 30 June 2016 were confirmed as a correct record and signed by the Chairman.

4 Declarations of Interest

There were no declarations of interest.

5 Applications to be determined by the Area Planning Committee (North Durham)

a DM/16/00759/FPA - 1A Arcadia, Ouston, Chester-le-Street

The Committee considered a report of the Planning Officer regarding an application for the change of use from a shop (use class A1) to restaurant and takeaway (mixed use A3 and A5) and erection of awnings at 1A Arcadia, Ouston, Chester le Street (for copy see file of Minutes).

The Planning Officer provided a detailed presentation of the application which included photographs of the site and a plan of the proposed layout.

Councillor Bell of Ouston Parish Council addressed the Committee to object to the application, which had attracted over 80 objections.

The proposed use of the premises was as an Italian restaurant and takeaway yet there were only 6 parking bays available for all of the shops at this location which Councillor Bell did not consider to be an ample number. The proposed restaurant would cause nuisance to both the bungalow opposite which would have views of the neon signage and awnings as well as to locals generally with noise levels when customers were leaving the premises on an evening. The proposed restaurant was not subject to any passing traffic and Councillor Bell queried the need for signage.

There were already traffic problems in the area caused by dropping off and picking up for the local primary school and if the proposed restaurant was open during the day this could exacerbate these problems.

It was feared that the restaurant could attract anti-social behaviour from young people on an evening, as such problems in the area had been experienced in the past. Any outside seating at the proposed restaurant would be looking onto homes and the local school. The Parish Council agreed with the submitted objections and considered there was no need for a further food outlet and that the application was not advantageous to the village of Ouston.

Councillor A Batey, local Member, addressed the Committee to object to the application. She informed the Committee that the nearby school was now a primary school and not a junior school with over 200 pupils on roll. There were only 6 parking bays available for the retail units and 2 disabled parking bays, and these were used by shop customers and local residents. Additional parking restrictions had been imposed opposite the parking bays at the request of local residents to provide increased safety at the road junction outside of the primary school and this was impacting on the businesses in the Arcadia shopping area.

There were concerns that the proposed restaurant could lead to anti-social behaviour issues, which had previously been experienced, and noise from users of the restaurant could impact on residents of the flats above the retail units. Any tables proposed to be placed on the pavement outside of the restaurant would directly face the primary school and this could lead to concerns about child protection issues. Additionally, customers using the outside tables may smoke which could lead to health concerns. Any noise from the restaurant could impact on the nearest classroom at the school which was only some 30 metres away. Councillor Batey informed the Committee that the area was regularly used by people in wheelchairs and was a high traffic area for pedestrians. There were also concerns about bin storage and collection issues at the proposed restaurant. She asked that the Committee refuse the application.

Mrs Musgrove, local resident, addressed the Committee to object to the application. A letter of objection to the application had been signed by 86 residents who were elderly, young and couples with families, which reflected that the whole area did not want this development, for the reasons previously explained. Any potential smoking outside of the premises would not be ideal because this would be in view

of the primary school. The whole community was concerned and upset by the application which was in the wrong place.

L Renaudon, Planning and Development Solicitor, referring to the issues of illuminated signage and canopies, reminded the Committee that this was the subject of the following agenda item.

Mr C Wale addressed the Committee on behalf of the applicant. He informed the Committee that there were no plans for neon or flashing signs at the restaurant and that any signage would be in keeping with other outlets at the site.

The proposed restaurant would seat 40 to 50 customers at maximum and was not therefore a large operation. It would rarely operate to full capacity and any noise would be minimal. There was no application for an entertainment licence and the level of any background music could be conditioned.

The hours of trade for the restaurant would be dictated by market demand and would probably be for a couple of hours in the afternoon and then early evening until 9.30/10.00 p.m. These hours would not impact on school pick up or drop off times.

The restaurant was proposed to be a family type of outlet used by local people who would not necessarily be using cars, or would be using taxis or arriving at the restaurant with 4 people in a car, so parking should not be such an issue.

The operator of the restaurant currently ran a larger restaurant in Newcastle. This was a family business and both partners involved their families in the restaurant, which was operated as a family friendly venue. The proposed restaurant would offer a full range of Italian food and a quality a la carte menu and would be a good family facility for local people. It would be warm and welcoming and have an intimate style.

The Planning Officer informed the Committee that there was no reference to outside seating in the planning application.

Councillor Maitland asked whether the restaurant would be selling alcohol. The Planning Officer replied that this was a licensing issue which would need to be considered separately outside of the planning process.

Councillor Shield sought clarity on the number of parking spaces available and queried the reasons for refusal. Members of Planning Committees had previously been advised that local saved plans carried low weighting, yet the primary reason for refusal for this application was Policy R19 of the saved Chester le Street District Local Plan with NPPF being a secondary reason. Councillor Shield also asked what NPPF 123 referred to.

The Planning and Development Solicitor replied that normally, local plans were considered to be out of date and should be given low weighting when dealing with housing applications. In this application the Local Plan Policies were not out of date and therefore weight could be given to the saved Local Plan. This application should be determined in the context of the saved Local Plan and other material

considerations. NPPF 123 stated that development should avoid noise that would give rise to significant adverse impacts on health and quality of life.

J McGargill, Highway Development Manager informed the Committee that there were 3 disabled parking bays and 4 general use parking bays at the location, with a further two spaces at the side of the retail properties. When assessing the application the restaurant would have 13 tables and would not always be operating to capacity. When it was operating at capacity consideration was given to whether all customers would drive to the premises. With 8 customer vehicles and staff vehicles it was calculated that up to 12 vehicles visiting the premises when it was at capacity and therefore there was the potential that 3 or 4 vehicles could not be accommodated in the parking bays and that these vehicles would be dispersed through the residential area. The application would not have a road safety issue and the impact of parking was not considered to be severe and therefore there could be no reason to recommend refusal on highways grounds.

Councillor Temple informed the Committee that he was not knowledgeable of the area and whether there were other restaurants in the area. If this was the only restaurant in the area then he considered it might attract local trade and whether the restaurant would be commercially viable was not a planning consideration. He considered the reason for refusal to be narrow and expressed concern.

Councillor Thompson asked whether the cumulative effect of school traffic had been considered when the application had been assessed on highways grounds.

The Highway Development Manager replied that consideration had been given to when the restaurant would be operating and the likely peak periods of trade and that during school pick up and drop off periods the restaurant would not be busy.

Councillor Jewell informed the Committee that he concurred with the views of Councillor Temple that this was a finely balanced application and the reason for refusal was narrow. Speakers against the application had mentioned matters which were not relevant to the application such as residents using the parking bays, which was not a right. He did not consider that the peak operating hours for the restaurant would be in conflict with peak school traffic times.

The Planning Officer informed the Committee that Policy R19 in the saved Chester-le-Street District Local Plan had two strands.

The first strand of the Policy directed new food and drink (A3 uses) to Chester-le-Street Town Centre, established Local Retailing Centres, or as part of local shopping provision in new housing or mixed-use development. In this instance, although it was considered that the site was within a parade of shops that would likely have been built for the residents of the newly built estate at Ouston in the 1970s and it continued to function as such, this would have been prior to the Local Plan period. Therefore, the first strand of Policy R19 did not apply and no support could be given to the proposal in principle by virtue of its location geographically outside of these areas.

The second strand of Policy R19 of the Local Plan outlined what material considerations new food and drink uses should be assessed against, and was considered to be compliant with the NPPF. One of these was that a proposal should not have a detrimental impact upon the amenity of residential properties from noise, fumes, smell, lighting, activity levels or hours of operation. Paragraph 123 of the NPPF stated that development should avoid noise that would give rise to significant adverse impacts upon health and quality of life. The proposed use as a restaurant and hot food takeaway was considered to bring adverse impacts upon the quality of life and amenity of neighbouring nearby residents and therefore the second strand of Policy R19 would apply.

Councillor Shield informed the Committee that while he considered this to be a finely balanced decision he considered that the application site was in the wrong place and **moved** refusal of the application as recommended in the report. This was **seconded** by Councillor Shaw.

Upon a vote being taken it was

Resolved:

That the application be refused for the reason set out in the report.

b DM/16/00760/AD - 1A Arcadia, Ouston, Chester-le-Street

Mr Wale, on behalf of the applicant, informed the Committee that in light of the previous application being refused, he wished to withdraw this application. If the applicant wished to submit a secondary application for the premises, or was successful on appeal, this application would then be re-submitted.

c DM/16/01816/FPA - St Marys Roman Catholic Primary School, Pemberton Road, Consett

The Committee considered a report of the Planning Officer regarding an application for the erection of a MUGA (multi-use games area), with associated fencing, gates and path at St Mary's Roman Catholic Primary School, Pemberton Road, Consett (for copy see file of Minutes).

The Planning Officer provided a detailed presentation of the application which included photographs of the site and a plan of the proposed layout. The Planning Officer informed the Committee that a late representation had been received in response to the applicant's supporting statement which emphasised that the proposal would cause more cars to be located within the vicinity of the site for longer periods and more frequently.

Councillor S Robinson, local Member informed the Committee that he was in favour of the application. However, the school gates to the turning circle at the school were closed for health and safety reasons when children were being picked up and dropped off and this had led to severe traffic problems at these times. He asked that if the MUGA was to be used until 6.30 p.m. the school gates could be opened so that users of the MUGA did not cause parking problems in the surrounding streets.

Mr D Hall, local resident, addressed the Committee. While he agreed that the MUGA would be of benefit to the school and the community he had strong concerns about traffic and parking problems in the area. There was already parking on verges and pavements at Barley Mill Road and Pemberton Road, including on the brow of a hill, and cars parked on the junction which resulted in restricted views. The width of Pemberton Road resulted in vehicles needing to park on the kerb and vehicles travelling into Barley Mill Road from Pemberton Road sometimes needed to reverse onto Pemberton Road if there was a vehicle travelling towards it on Barley Mill Road, which was a dangerous manoeuvre. Vehicles often parked across driveways which had resulted in incidents of verbal abuse and threats being made. In effect, both Pemberton Road and Barley Mill Road were used as a visitor's car park and any increase in traffic volume would lead to an increase in risk.

While not objecting to any noise which may be generated from the MUGA, Mr Hall was objecting to the car parking situation surrounding the school and asked that a risk assessment and environmental impact be carried out before a decision on the application was made.

Mr D Miller addressed the Committee on behalf of the applicant. The proposed MUGA was an all-weather sports pitch which would enhance the provision of PE at the school. It would allow for access to new sports to promote healthy lifestyles and enhance physical and emotional wellbeing of users of the facility.

Currently, the school had one yard where both active and passive play activities took place and this sometimes led to conflict. The MUGA would allow for these activities to be separated.

The MUGA would enhance the schools facilities. The school was currently graded as Good by OFSTED and was aiming to achieve an Outstanding grade.

The gates at the school were opened during after school activities which allowed vehicles to park within the turning circle. After school activities were supervised by staff and there was a limit to the number of children who could use the MUGA as it was the size of a 7 a-side football pitch.

Councillor Temple informed the Committee that this school had been within his electoral division before boundary changes, and he was aware of the long running issue of parking problems in the area. Councillor Temple considered the request by Councillor Robinson, that the school gates were opened during after school activities, to be a possible solution to any parking problems and asked whether this could be a condition attached to the planning permission. Subject to such a condition, he **moved** approval of the application.

Councillor Marshall informed the Committee that while it appeared nobody had any objection to the MUGA, it was essential that parking problems in the area were not exacerbated as a result of it.

Councillor Shield informed the Committee that a school where he was a Governor had installed a MUGA yet had also experienced parking problems around the school. The problem had been solved by allowing users of the MUGA to park in school grounds and he considered that this solution would be possible for this application. Local people wanted the MUGA facility but were not prepared to tolerate possible traffic and parking issues from it. He **seconded** that the application be approved subject to the condition that the school gates were open during any after school activities.

The Planning Officer informed the Committee that there was scope to attach a condition to the planning permission that the school gates remain open during out of school hours.

Councillor Jewell informed the Committee that problems of parking around schools were not unique to this area and that the problem would be at its worst during pick up and drop off times. The volume of traffic generated by after school activities would not be the same.

Councillor Marshall informed the Committee that it had been moved and seconded that the application be approved subject to the inclusion of a condition that the school gates remain open during after school activities. Referring to wider issues of traffic and parking problems in the area Councillor Marshall asked that Highways Officers liaise with Councillor Robinson to address local issues.

Upon a vote being taken it was

Resolved:

That the application be approved subject to the conditions in the report and a condition that the school gates were open during after school activities.

d DM/16/01811/FPA - Hollydene, North Lodge, Chester-le-Street

The Chairman informed the Committee that due to a change in the Council's Constitution there was no need for this application to be considered by Committee and therefore the item was withdrawn from the agenda.

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/00520/FPA
FULL APPLICATION DESCRIPTION:	Change of use to storage for removal company and siting of ten shipping containers (part retrospective)
NAME OF APPLICANT:	Wrights Removals
ADDRESS:	Hedley Terrace Park Drive Langley Park DH7 9TA
ELECTORAL DIVISION:	Esh and Witton Gilbert
CASE OFFICER:	Graham Blakey Senior Planning Officer Telephone: 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. Located to the east of Langley Park village centre, the proposal site is located adjacent to Hedley Terrace. The site, historically a small parcel of land for private use, has residential development to south, east and west which includes a nursing home. To the north is a MOT garage, and to the south and west is a small area of open grass land between the site and the properties of Thomas Street and the Kingsway Nursing Home. Park Drive runs along the eastern side of the site and forms the only point of access, with the terraces of Ash, Elm and Oak Street opposite the site.
2. Surrounded by a 2 metre high timber fence, recently repaired by the applicant, the site also features a derelict outbuilding that once operated as a cobblers shop a period of time ago. New, wider gates have been installed to the entrance to the site, with at the time of application four of the eleven containers on site and a wagon trailer being stored. The site has been cleared and a solid base and road plainings laid across the site. The applicant has used the site for the purposes set out in this application for a period of 5 months prior to the submission of the application. Historically the site has been used for a cobblers shop (the building on site) and associated storage, whereby upon the retirement of the owner the site reverted to a personal storage area that can be considered to be previously developed.

The Proposal

3. Permission is sought to change the use of the land from a previously developed storage area of private use to be used for storage in relation to a removal company that includes the siting of ten shipping containers. The containers would be arranged

to either side of the vehicular access in a 6+4 formation allowing for an access track up the centre of the site at 5 metres width initially dropping to around 3.3 metres wide when the containers are placed opposite each other. Containers are proposed at a single stack level, painted dark green, and vehicular access would be via the enlarged gates on to Park Drive. The scheme has been amended to demolish the existing outbuilding on site and set back the front boundary of the site by 2.47 metres from the kerb line of the road to improve visibility of vehicles using the site.

4. The application has proposed no limit to the hours of use and the creation of three part time jobs as a result of the change in use.
5. The application is reported to members for determination due to the submissions of the Local Parish Council, whom have raised an objection to the proposal (see below), and where officers are recommending to members to approval the scheme.

PLANNING HISTORY

6. No planning history is relevant to the application site.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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'.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 1 Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. *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.
13. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should where possible, prevent new and existing development being put at

risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING POLICY GUIDANCE

14. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
15. *Noise.* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.
16. *Light Pollution* - Artificial light can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. Some proposals for new development, but not all, may have implications for light pollution. Impacts upon background light levels, impacts from existing lighting, impacts upon protected species and wildlife, dark landscapes and reflection from existing buildings all are important factors to consider. If any of these are affected, then where light shines, when it shines, how much shines and ecological impacts should be investigated.
17. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.

LOCAL PLAN POLICY:

The Derwentside Local Plan

18. *Policy GDP1 General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
19. *Policy IN4 – Development within General Industrial Estates* – permission will be only be granted for Business (B1), General Industrial (B2) and Storage and Distribution (B8) within General Industrial Estates.
20. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

21. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council is to withdraw the CDP from examination, forthwith. In the light of this, policies of the CDP are no longer material to the determination.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. Highways – Observations of the road adjacent to the proposed site would suggest that there is currently a problem with parked vehicles causing an obstruction and inconvenience to other road users. The parking of vehicles associated with the applicant/proposals would likely add to this issue. However, it is considered that this is insufficient to raise an objection to the proposal.

The amended drawing indicates the removal of the outbuilding which will benefit visibility in one direction (south). However, the open space created between the last container and the proposed fence line would likely be used for further storage to the detriment of visibility. As such the change to 2.4m from the back of the footpath and utilising a railing type fence, as indicated on the submitted plans, the proposal would be acceptable.

INTERNAL CONSULTEE RESPONSES:

23. Environmental Health – The development location is in a mainly residential area, however neighbouring a garage. Considering the mainly residential area there are concerns in relation to any further commercialisation of this site and the inherent potential for noise.

In relation to the specific proposal the likely noise is from vehicle movements and access and unloading/loading from vehicles and the containers. These are unlikely to significant nor prolonged noise sources and therefore, considering the nearby commercial use, are unlikely to cause significant impact on nearby residents if occur during reasonable hours. The above is made with the assumption that the containers are used for temporary storage associated with the removals business, and that the site is not a depot for all the business vehicles etc.

Considering the above, no objections are raised to the development in principle however in order to minimise the environmental impact it is requested that the use of the premises be restricted to the hours of 8am to 6pm Monday to Fridays and 8am-2pm Saturdays only. The premises shall not be used on Sundays and Bank Holidays.

24. Contaminated Land – No objections.

PUBLIC RESPONSES:

25. Neighbours have been consulted by way of direct notification, and two objections have been received with one being from Esh Parish Council. In summary their concerns are:-

- The storage of containers on this site is inappropriate in this area and many residents have complained to the Parish Council about this proposed development.
- Parking in the vicinity is problematic, with many residents already having problems.
- The parking issues in Park Drive are causing issues with the bus service that uses the road on a half hourly / hourly basis.
- The applicant has arrived at site early in the morning (5/6am) causing noise and waking children and residents.
- Vehicles are being parked overnight on site from the business.
- Fires are being lit close to the car garage.
- Work began before planning permission was granted, the applicant has shown no regard to the laws.

APPLICANTS STATEMENT:

26. Having acquired the site in August 2015, significant works have taken place to secure the site from late night unauthorised access, large quantities of waste removed and the site generally tidied presenting a much better aspect to the area.
27. The site is to form a facility for storage of domestic furniture in connection with my business of thirty years standing specialising in all aspects of furniture transport. The average dwell time of domestic storage is approximately six months, leading to low site visitation. The site is to be private, and not for the public to deliver their own goods to.
28. Generally the site would be accessed during working hours; occasional visits would be necessary out of hours and at weekends.
29. Typically one or two vehicles would occupy the site overnight, the site contains enough parking for three vehicles in order to decrease on-street parking pressure; normally no on-street parking would be generated by the site.
30. The containers which will be sited in the compound are to be painted to match the above building.

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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVKYEAGD0A500>

PLANNING CONSIDERATIONS AND ASSESSMENT

31. This application seeks to change the use of a parcel of land for storage connected to the removals business run by the applicant. Works have begun on site and the proposed use had begun at the time of submission of the application. At the time of

writing this report the site had been hardcored, boundary fencing replaced to the rear (west) of the site, a new wider access gate installed to Park Drive and six of the proposed ten containers had been placed on site. Recent Government advice in the form of a Ministerial Statement makes intentional unauthorised development 'a material consideration that would be weighed in the determination of planning applications and appeals'. Therefore given the retrospective nature of the proposal this carries weight in the decision making process.

32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development in this location, the impact upon the character and the appearance of the surrounding area and neighbouring amenity, the impact upon highway safety, and contaminated land.

Principle of the Development

33. The application site is situated in a mixed use area. In the immediate area is a vehicle repair and MOT garage, that operates a frequent and busy patronage; there is also a church, vacant area offices for the local registered social landlord (RSL) Derwentside Homes, and various garage blocks and other buildings of mixed uses.
34. In the context of a mixed use area the introduction of a storage use, considered B8 under the Use Classes Order, would preferably be directed to industrial land, however numerous examples of smaller scale, less intensive storage related uses similar to that proposed here can be found in non-industrial estate areas. The applicant is a removals company and it is proposed that the containers be used as anything from short, to medium or longer term storage associated with their business – i.e. the furniture of a customer is stored while a house move is secured. This in itself is not likely to be considered an intensive level of storage, with likely peaks and troughs associated with the logistics of bringing items to and from the site.
35. Paragraph 14 of the NPPF, which outlines that where development accords with the development plan, proposals should be approved without delay is of material weight in this proposal. Policy IN4 of the saved Local Plan allows for development of B8 storage uses at designated industrial estates. While this site is not within an allocated employment site, the policy wording does not limit these types of development outside of designated employment sites either. Policy GDP1 therefore carries weight as a result, in regard to the environmental and amenity impacts of the development, with Policy TR2 requiring new development to adhere to maintaining highway safety.
36. The proposal is sited adjacent to other employment generating uses (the MOT garage) and would also utilise a site that had been previously developed and left vacant for an unknown period of time. NPPF paragraph 7 does give support to the economic role of development, where in this instance the proposal does provide employment benefits. Re-use of the previously used vacant land for a new use does also benefit from support from within the core principles of the NPPF (paragraph 17). These are benefits to the proposal that carry material weight in favour of the decision, but must be set against any potential negative impacts from the proposed development. These material considerations will be assessed in the following sections of the report in order to form a view on the planning balance.

Impact upon the Character and Appearance of the Area

37. Being located to an area of the village that is behind the main buildings of Front Street, the chief thoroughfare in the village, the site is not readily visible to most passing traffic within the village. However, the site does lie upon a secondary route that links to the housing located east of Front Street and includes a bus route. The site has an open aspect to the south and is set up against the adopted highway to the eastern boundary, allowing views from up to 100 metres away. The proposal does utilise the existing perimeter timber fencing at 2 metres in height and the applicant has widened the vehicular access by adding a wider gate (but without a dropped kerb).
38. Policy GDP1 of the saved Derwentside Local Plan requires new development to be of a high standard of design which is in keeping with the character and appearance of the area. The applicant has proposed colouring the containers a 'meadow green' in a link to the adjacent box profile sheet garage building to the north. This would improve the visual appearance of the original shipping containers but the containers would remain new features within the site that would be visible over the perimeter fencing. When viewed from the south the containers would be set against the MOT garage to the north. An existing weathered timber fence to the perimeter only reaches 1.8-2 metres (6-6ft 6in) in height and so around a further 0.5-0.8 metres (1ft 6in-2ft 6in) of container would be visible above the fencing. Ensuring a consistent colour scheme to the prominent southern elevation would be necessary for the development to reduce the visual impact of the containers above the fencing.
39. The surrounding area is characterised by the transition from village centre to inner residential streets. The presence of the MOT garage is at odds with the softer domestic appearance of the terraces of dwellings and care home, and the inclusion of storage containers in to the street scene would however been seen in tandem with the MOT garage. Subject to the single, consistent colour scheme across the containers, the proposals would on balance not be considered to intrude in to the street scene sufficiently to cause an undue visual impact upon the surrounding area that would warrant refusal of the proposals under Policy GDP1 of the saved Local Plan.

Impacts upon the Amenity of the Neighbouring Occupiers

40. Residential amenity is assessed with reference to Policy GDP1 (h) of the Local Plan that seeks to protect the amenity of neighbouring residents from negative impacts from proposed uses. National Planning Policy Guidance (NPPG) expands further to offer tests by which the impacts of noise and light pollution upon residents can be assessed.
41. As the applicant has commenced work on site and begun business operations, local residents have raised objection to the level of disturbance that has arisen from these operations to date. The residents have stated that activity has not been restricted to just storage within the containers, with the applicant parking his business' vehicles overnight, lit fires on site and given the impression of operating as a depot for the removals business. Some of these activities could be associated with the clearance of the site, such as the burning of materials; however the parking of vehicles and the use of the site 24 hours, 7 days a week are both material considerations proposal.
42. NPPG outlines that noise disturbance that causes significant observed adverse effects upon health and quality of life should be avoided by the planning process. The use of the site, including associated vehicular movements, early in the morning or late at night would be considered to cross this threshold. During daytime hours,

such as 8am until 6pm weekdays, the disturbance from the proposal could still influence quality of life but this would be considered to be at a low level. The NPPG in these cases directs the planning process to seek mitigating measures that could protect the amenity of residents.

43. The Council's Environmental Health Officer within their comments acknowledges that the proposal has the potential to create conflict with the surrounding residential properties through the further commercialisation of the area by this development. In terms of the proposed storage use, the proposal would be considered to produce only short periods of noise that if occurring during reasonable hours would be unlikely to cause significant impact. As a result, they propose that a condition restricting hours of use to daytime hours would aid to reduce the impacts from the development and would be a suitable method of mitigation.
44. The inclusion of a condition to that effect would remove the significant adverse effects from the development, bringing the proposal in line with other uses in the area, and being proposed for only storage related activities connected to a removals business would be considered on balance to outweigh concerns of commercialisation of the area and the general impacts of a further business use so close to residential properties. The proposal is therefore considered to accord with Policy GDP1 (h) of the Local Plan and the NPPG available.

Impact upon Highway Safety

45. Policy TR2 of the saved Local Plan only allows planning permission to be granted for development that provides a clearly defined and safe vehicular access and exit to the adopted highway network. The application site originally had an informal vehicular access through the fenced boundary with Park Drive; however prior to the submission of the application the applicant has removed the fencing from this boundary with the public highway between the outbuilding and adjacent tyre compound and replaced it with a set of steel gates, opening inwards, to a width of 5.06 metres. The gates are coloured black. No dropped kerb is in place and a plank of wood has been placed on the road against the kerb to aid access.
46. Originally, the proposal was to utilise the access point against the back of the public footpath, however the Council's Highways Officer considered that with a close boarded timber fence and a solid wall from the outbuilding to either side would cause restricted visibility in both directions for vehicles exiting the site. They accepted that due to the proposed layout vehicles could not enter and leave the site in a forward gear. Logistically, vehicles would reverse in to the site to be able to access all of the proposed containers.
47. After a series of amendments, the Highways Officer's request for a 2.4 m setback of the roadside boundary fence and gates from the back of the footpath has been submitted. The Highways Officer would consider this would be sufficient for them not sustain an objection to the proposals from a highway safety aspect allowing enough visibility for vehicles exiting the site.
48. Residents have raised as a major concern the impact of the business use upon the already strained parking situation on this stretch of Park Drive. Opposite the site are a total of 49 terraced properties (Elm Street and Ash Street) which have no through access and only a single lane back street to connect the houses to the adopted highway for vehicular movements. As such a large number of residents park their vehicles on Park Drive at the end of the terraces, and in proximity to the application site. Residents are concerned that the proposal would lead to additional parking issues and problems with accessing properties. Park Drive is also a bus route and

sees a regular bus service (every half hour) that often runs in trouble through this area of Park Drive.

49. The nature of the proposed business is a material consideration in regard to the impacts of a proposal upon the immediate highway and its users (nearby residents). The overall level of vehicle movements to and from the site are not proposed to be to such a level that would cause conflict with other highway users, and would not be to the same level as the MOT garage adjacent which contributes significantly to the highways issues in the area.
50. Based upon the above requirements of set back and open style fencing, the Council's Highways Officer cannot raise an objection to the scheme on highway safety grounds. A condition requiring details of the dropped kerb and its implementation are considered appropriate due to the retrospective nature of the application. The concerns over the operation of the site and the resultant conflict with highway users is not considered to outweigh the limited level of traffic proposed in the application and the proposal is therefore considered to on balance satisfy the requirements of Policy TR2 of the Local Plan.

Other Issues

51. Due to the previously developed nature of the site, the proposal was reviewed by the Council's Contaminated Land Officer, however the proposed development was not considered to raise any issues in this regard.

CONCLUSION

52. Paragraph 14 of the NPPF states that planning permission should be granted for development which accords with the development plan. The nature of the proposals, the presence of other uses in the vicinity and the re-use of land of limited use for a period of time all carry weight in favour of the scheme.
53. Mitigation in the form of colouring of the containers dark green, conditioned hours of access to the site and set back of the vehicular access to the site all counter sufficiently concerns relating to visual impact, residential amenity and highway safety, which did weigh against the proposed development.
54. The applicant's previous disregard for planning law is a consideration in regard to the Government's advice issued through their ministerial statement that gives weight against the proposals; however this in its own right is not enough to warrant refusal of the application which is considered to mitigate against the impacts it would cause.
55. As such, the proposal is considered to accord with Policies GDP1 and TR2 of the saved Derwentside Local Plan, policies which are considered to be up to date and consistent with the NPPF, and Parts 1, 7 and 11 of the NPPF.

RECOMMENDATION

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

1. The development hereby approved relates to details of development as shown on the following approved plans except insofar as such details may be inconsistent with any conditions attached hereto when such condition shall prevail:

Drawing No	Date
Location Plan (Rev 2)	25/08/2016
Site Plan and 3D Visualisations (Rev 3)	25/08/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1 and TR2 of the saved Derwentside District Local Plan.

2. By the 31st December 2016, the outbuilding currently on site and the existing fencing to the roadside boundary shall be removed from the site and the new fencing and gates erected in the position of a minimum 2.4 metres from the edge of the public highway, and in the style as shown on the site plan submitted 24th August 2016. Details of any hazardous materials found in the demolition of the outbuilding shall be submitted to the Local Planning Authority together with details of its disposal. If works are not undertaken within the agreed timescale, the development hereby approved shall cease, and the containers removed, with the land reinstated to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure the safety of users accessing the site together road users is protected and to ensure any hazardous materials are disposed of appropriately in accordance with Policy TR2 of the saved Derwentside District Local Plan and the NPPF.

3. By the 31st December 2016, works to improve the vehicle crossing from the site over the public footpath to the road must be completed. If works are not undertaken within the agreed timescale, the development hereby approved shall cease, and the containers removed, with the land reinstated to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that access to the site is appropriate for the use hereby approved in accordance with Policy TR2 of the saved Derwentside District Local Plan.

4. Within three months of the date of this permission, or one month of being brought on to site, the storage containers hereby approved shall be coloured dark green to all public elevations facing outward from the site and remain so in perpetuity.

Reason: To ensure that the visual impact of the proposed containers upon the surrounding area is reduced in accordance with Policy GDP1 of the saved Derwentside District Local Plan and paragraph 14 of the NPPF.

5. The site shall be used solely for the purposes of storage of furniture, personal household goods and other items associated with the furniture removals company operating from the site and for no other use contained within B8 (Storage and Distribution) of the Use Classes Order (1987) (As amended), or any other uses permitted by that Order.

Reason: To ensure that the impact upon the surrounding area in terms of residential amenity and visual impact is controlled in accordance with Policy GDP1 of the saved Derwentside District Local Plan.

6. No persons or vehicles shall access the premises before 8am or after 6pm Monday to Fridays and not before 8am or after 2pm Saturdays. The premises shall not be accessed on Sundays or Bank Holidays.

Reason: To ensure that the impact upon residential amenity is protected in accordance with Policy GDP1 (h) of the saved Derwentside District Local Plan.

7. Storage shall only take place within the shipping containers hereby approved and there shall be no external storage within the site.

Reason: To ensure that the impact upon the surrounding area in terms of residential amenity and visual impact is controlled in accordance with Policy GDP1 of the saved Derwentside District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

56. The Local Planning Authority in arriving at its decision, has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

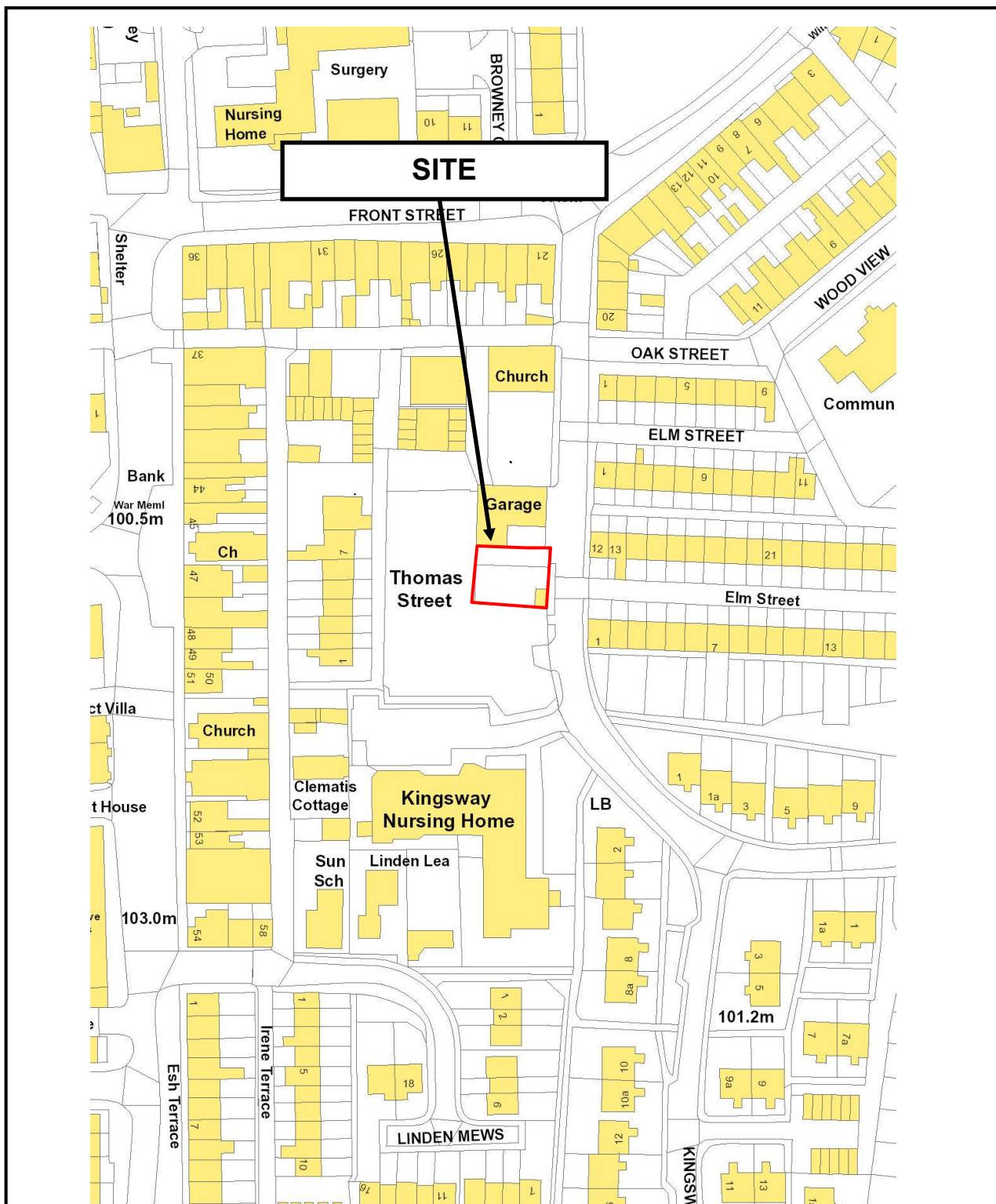
BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Derwentside Local Plan (saved Policies 2007)



Planning Services

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Hedley Terrace, Park Drive, Langley Park,
DH7 9TA

Application Number DM/16/00520/FPA

Comments

Date – 29.09.16

Scale 1:1250

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/02056/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing garages into residential Bungalows
NAME OF APPLICANT:	Derwentside Homes
ADDRESS:	Garage Blocks Arnold Close East Stanley
ELECTORAL DIVISION:	Stanley
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This is one of the two separate garage site proposals for new residential development by Derwentside Homes presented to Members on this agenda. The larger of the two applications, 602m² in area this proposal involves the conversion of three garage courts, containing six garage blocks or 30 individual garages to form six new residential properties for rent to older residents. The garages were designed to serve the 32 dwellings in Arnold Close, a twin cul-de-sac development of two-storey, local authority built mid-linked family dwellings, with open parking courts also available in some areas. These houses have private, fenced rear gardens, and a mix of fenced and open-plan front gardens, presumably dependent on their tenure. The built residential environment is high-density, but separated by large areas of close mown open space with occasional trees. The surrounding estate includes cul-de-sacs of bungalows for older residents, with Arnold Close leading to Stanley Court, a block of 30 Care Connect monitored flats for older residents.
2. Each of the garage blocks is bounded by adopted footpaths and/or open space. One of the sites' garages back onto existing rear gardens, two of the sites are arranged so that the gable ends of the garages and the existing vehicle manoeuvring areas share a boundary with a footpath also serving rear gardens – one of these sites backs onto a two storey blank gable and open space, with small trees, the other backing onto an open parking court and open space with trees.

The Proposal

3. The application proposes conversion of the existing pairs of garage blocks into paired facing dwellings proposed for older residents. The conversion involves a mono-pitch roof, raised at one end, running the length of the building, with

fenestration serving living accommodation facing across a shared garden area with bin store, and a car parking space for each unit. A high level window gives additional internal light at the higher end of the remodelled roof. Modern materials will give the proposed units a highly contemporary appearance, with a colour palette intended to integrate into the existing surrounding residential environment.

4. The scheme is presented as an innovative re-use of brownfield sites that have the potential to attract anti-social behaviour, and that may have limited redevelopment potential, providing contemporary and cutting edge cost effective affordable housing provision. The application is supported by a number of documents setting out the above, and contending that the applicant has currently 21 alternative individual garages available within 2 minutes walk of the current sites in surrounding streets that, they state, would be offered to displaced garage occupants.
5. The application is reported to Committee at the request of one of the local Ward Members.

PLANNING HISTORY

6. The application is a resubmission following withdrawal of the same scheme earlier in the year to allow the applicants the potential to address concerns raised.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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’.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.

12. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential gardens where development would cause harm to the local area.
13. *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.
14. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs.

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
16. *Design - The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

LOCAL PLAN POLICY:

17. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
18. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
19. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
20. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

21. Paragraph 216 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Highways* – County Engineers write, potential ‘alternative car parking measures (for the occupants of the existing garages) have been identified as part of these proposals, the land in question is not highway land and therefore could be fenced off so taking this into consideration in principal I have no objections to this proposal...’. Whether the offer of alternative garages is taken up or not, Engineers consider there is sufficient spare capacity in the highways network to accommodate the on-street parking of vehicles that would be displaced by the proposals. Subject to a number of detailed requirements relating to the modification, reconstruction and reconfiguration of the existing site access and footways and stopping-up procedures.

23. *Northumbrian Water* - have written to say they have no comments on the proposals.

PUBLIC RESPONSES:

24. Sixty four letters of consultation were sent out, reflecting the representations received in relation to the previous (withdrawn) application, and site notices were posted adjacent the three sites. Eleven objections have been received in response to the current application. Strong representation has also been received from one of the local Ward Members. All responses are summarised below:
25. The Councillor is concerned at the lack of regard shown for the views and opinions of local people in the process of how this and the parallel application were submitted. Both applications are contended to result in a loss of amenity for local residents and change the entire principle and way of life for residents in the areas. The applications will impact on the local highways, causing more congestion in an already busy area and will result in issues with turning, parking and the general manoeuvrability of vehicles. Most houses in this area are privately owned and the proposed schemes will not fit in the area. The garages are well used and well maintained and the alternative parking arrangements suggested by Derwentside Homes are unrealistic and simply not practical.

26. The Councillor has tried unsuccessfully to work with Derwentside Homes to speak with local people and to take on board their concerns but has concluded the applicant's aims are driven by financial incentive at the expense of local people.
27. Local residents strongly echo the above sentiments, with it clear that their main concerns relate to the loss of parking into an already congested area, and the direct implications to highway safety both for their own vehicles and for delivery, service and emergency vehicle access. The relationship and access to garages is presented as an integral part of the design of the estate, more relevant today, with higher rates of car ownership. The garages are presented as valued community assets that are well-used. The alternative garage provision proposed is considered unacceptable, too far from Arnold Close, this issue being of particular concern for older and ill residents. Problems will be exacerbated in winter. The state of repair of the alternative garages offered is of concern to one resident. Raised insurance premiums and damage to vehicles parked on-street are also raised.
28. For other issues, some correspondents consider that the scale and character of the buildings are inappropriate in the estate, with the raised roof of particular concern, both in obtrusively affecting views, overshadowing and necessitating tree removals. Proposed materials will not fit in and are questioned in regards to potential longevity. Existing pedestrian access to properties will be obstructed if the scheme is approved.
29. Further concerns are raised in relation to the impact of the construction period, potential devaluation of house prices, the potential for antagonism directed at new residents in relation to the loss of the garages, and a contention that designated car parking for the proposed properties is 'disrespectful'. One resident asks that all those objections sent in respect of the last application be taken into consideration on the current one.

APPLICANT'S STATEMENT:

30. The National Planning Policy Framework (NPPF) explains the purpose of the planning system is to contribute to the achievement of 'sustainable development', setting out the three dimensions of such as; an economic role, a social role and an environmental role. These three aspects are mutually dependent, and lead to a presumption in favour of 'sustainable development' schemes unless other material considerations indicate otherwise, and the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The NPPF identifies a requirement for requiring good design (at Part 7), particularly in delivering a wide choice of high quality homes (at Part 6), contributing positively to making places better for people. With the HUSK concept designed around conversion of existing garage structures in direct conformity with the NPPF's definition of 'previously developed land', and the social inclusion that the usual arrangement of the garage structures within existing local-authority built estates will bring, ensuring the intended older demographic clientele will remain sited within and interacting with their local community, thereby 'promoting healthy communities' (at Part 8).
31. The conversions will at the same time address the appearance of existing garage blocks which are often a blight to housing estates whilst introducing contemporary materials and finishes that will introduce modern contemporary buildings as a design feature and new design standard in existing, established estates. That the dwellings proposed are to be restricted to older residents and make a virtue of what may otherwise be seen as substandard residential relationships where garage blocks are facing, through the benefits of passive security and the principles of 'designing out crime', both for the dwellings themselves and their parking provision. Sited

sporadically across estates, rather than in an enclave of their own, older residents will remain integral to and interacting with the comings and goings of the wider community. The layout of the estates usually allows for a pragmatic approach to visitor car parking provision, whilst not compromising pedestrian safety or existing residential amenity. The provision of bungalows, especially for older residents is often a shortfall of housing demand the HUSK product can help address.

32. The three identified elements of 'sustainable development' identified in the NPPF are interwoven into the HUSK model for the conversion of existing garage block buildings within Local authority built estates in a way that should comply with up-to-date planning policies or direct comparison with the NPPF and the government's aspirations for significant housing provision.

The above is not intended to list every point made and 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.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development, and the potential impact on highway safety.

The Principle of Development

34. The proposals have been discussed in principle between the Architect and Officers over a number of months before submission of the applications. Notwithstanding the issue of displaced parking – i.e. if the garages were redundant, the proposals were concluded to potentially represent a highly sustainable re-use of existing structures.
35. As conversion of existing buildings, the amount of construction and ground disturbance involved is significantly reduced. The garage blocks by definition are sited within established communities in a large settlement, with good access to the facilities, services, commercial opportunities and sustainable transport links that define locational sustainability – especially important where dwellings for older residents are proposed. In providing new housing with access to the requirements of modern living, in close proximity to sustainable transport links, and in continuing the existing mixed community of family and older people's accommodation that is a feature of the estate, the proposals are considered in line with the advice given in Parts 4, 6 and 8 of the NPPF (as above).
36. The planning policies set out in the current Development Plan, the Derwentside District Local Plan 1997 (saved policies 2009) are out-of-date and of reducing weight. In terms of the principle of development (rather than considering the detail of the proposals where Policy GDP1 is relevant), Policy HO5 for Housing Development on Small Sites has four criteria, as set out above. Tested against the individual requirements; the proposals are considered appropriate to the existing pattern and form of the settlement, they do not extend beyond the existing built up area of the settlement, they are not backland development and the size of the site is under 0.4ha (this last element not NPPF compliant. This policy is 'partially' NPPF compliant as it is considered inflexible in terms of the definition of a small site. The weight this policy lends to the debate is positive in the planning assessment balance.

37. The provision of new housing is the imperative of the Government's requirements for the planning system. Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.
38. The proposals are concluded in principle sustainable – the NPPF advising that 'development which is sustainable can be approved without delay'.

Housing Land Supply

39. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong "presumption in favour of sustainable development". This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham. This issue is material in considering the current proposals.

Scale and Character

40. The conversion of the garages involves an alteration to the roof to result in a long mono-pitch that runs the length of the structure, which also allows for a high-level gable window to light the lounge area. One of the potential advantages of the conversions proposed is that the footprint and basic massing of the building, and therefore its relationship to surrounding buildings, curtilages and highways remains as already established. Demolition and rebuild on the proposed sites would be viewed as new development and therefore likely unacceptable. The proposals seek to integrate into the area through the use modern materials in traditional colours.
41. Both the NPPF (at part 7) and NPPG bring quality of design to the fore as a material planning consideration – 'good design is a key aspect of sustainable development, (and) is indivisible from good planning'. The NPPF lists potential benefits from the achievement of high quality and inclusive design including; establishing a strong sense of place, creating attractive and comfortable places to live, optimising the potential of sites to accommodate development, creating an appropriate mix of uses, responding to local character whilst not preventing or discouraging appropriate innovation, creating safe places that do not undermine quality of life or community cohesion, and being visually attractive as a result of good architecture. The NPPF makes it clear that 'planning.... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The requirements of Development Plan Policy GDP1, for proposals to be in 'keeping with the character and appearance of the area', should be read and proportionately weighted in the context of this advice.
42. Officers consider the proposals represent a highly innovative alternate use for the garage structures on brownfield sites which, if redundant, would be difficult to redevelop for other uses. The conversion is undoubtedly innovative and achieves an interesting balance between modern appearances in a traditional colour palette. Read in the context of the advice in the NPPF, and the proportionate weight given to Policy GDP1 the proposals are considered acceptable in terms of their scale and character.

43. This topic has two dimensions – those relating to existing residents and those relating to proposed residents – Policy GDP1(h) requiring, ‘protection of the amenities of neighbouring occupiers and land users’.
44. The proposals are a conversion of the existing garage blocks - one resident’s concern that the proposals will obstruct an existing access to a rear garden is therefore unfounded. The proposals involve, as described above, the creation of a mono-pitch roof – raising one end of the structure around 1.5m in height. In terms of the proposed massing – and therefore any effect of the height of the structure in relation to existing houses and their rear gardens is a matter of degree rather than a new feature, as the basic relationship is already established. The effect on the privacy and amenity of existing residents is therefore considered acceptable.
45. One resident complains at the negative effect on an existing view. This is not a material planning consideration.
46. In terms of the new residents, the two proposed dwellings will face each other closely, although they are handed rather than mirrored so the living rooms do not face each other. The facing distance is 7m, and residents would have to decide whether the benefits of a close neighbour, mutual support and good passive security outweigh the closeness of a separate dwelling and a shared curtilage. Officers consider that the proposal represents another alternative for personal preference, there being traditional semi-detached bungalows and an apartment block for older residents both close at hand on the estate, the proposals adding to variety and choice.

Highway Safety

47. When the proposals were discussed presubmission and in principle it was on the basis that the structures that would be proposed converted were redundant, and the issue of parking displacement was not discussed. The strong response to the first planning application, subsequently withdrawn indicated, at best, that there was significant disagreement between the applicant and local residents on the extent of the garages’ use and their value to the community. A Statement of Community Involvement detailing the results of a postal consultation on the proposals undertaken by Derwentside Homes is submitted with the current application, however the nature and timing of this and the applicants apparent unwillingness to meet has inflamed some residents and led to significant criticism from a local Ward Member.
48. The estate is by no means wholly dependent on the garage block for parking - Arnold Close and surrounding streets use the communal garage blocks and also open parking courts, along with roadside parking often remote from dwellings. Not all garages are used for parking, and the tenants of the garages do not necessarily reside in the adjacent dwellings, or even the same street. Car ownership has increased since the estates were built, bringing additional demand. There is no doubt that the proposals will displace some parking onto surrounding streets, and that there will be an impact. However, Highways Engineers response highlights a critical material consideration and conclusion. Owned by Derwentside Homes, the garage structures are private, and with proper notice to tenants could be removed from use at any time, whether development was proposed or not. Highways Engineers analysis of the proposals takes into account both the safety implications of the detailed specification proposed and the more general effects on highway’s safety and capacity. A recommendation for refusal on highway safety grounds contrary to

the formal advice of the County Council Highways Engineers is considered untenable by Planning Officers.

49. There is contention as to the effectiveness and convenience of the developer's offer of alternative garage parking, and whilst there is sympathy for residents whose health makes this an apparently unviable alternative, there is no requirement on the developer to provide space for existing residents, even when some of those residents may be the developer's tenants. Whilst Highways Engineers have acknowledged the offer of alternative provision, this is not critical to their conclusions.
50. The reduced weight of the Policies in the development plan relating to highway safety is set by the NPPF, which advises planning authorities to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..... only preventing development on transport grounds where the residual cumulative impact is severe'. Furthermore, to use the language of Paragraph 14 of the Framework, the adverse impacts of a refusal (on highways grounds) would not significantly and demonstrably outweigh the benefits, those benefits being the supply of new dwellings in a sustainable location. The development provides on-site parking for new residents, and with the various criteria of Policy TR2 considered by Highways Engineers in framing their response, the conclusion must be that in strict highways terms, the proposals are acceptable.
51. To address the other highway concern raised by local residents, the realities of car ownership in winter in North Durham in residential estates that are not gritted are a fact of life rather than an argument against the development as contended by one resident.

Other Issues

52. Members will note that the proposed dwellings are proposed intended for, and indeed are specifically designed for, older residents. This area of provision is an integral part of the applicant's business. There is no policy justification to formally ensure this through condition.
53. Northumbrian Water has raised no objection to the development in relation to drainage issues. Whilst some existing residents complain of existing foul drainage problems, it is not for the proposed development to address these problems.
54. The siting of the bin stores causes concern to some correspondents. The defined, enclosed areas are a standard feature of housing development. They are sited within the sites adjacent footpaths and have no safety or amenity implications.
55. That the proposals represent conversion of existing structures ensures there is no immediate pressure for removal of adjacent trees. Submitted photographs show that some of these trees overhang the garage blocks as existing and would therefore require pruning works for clearance. A condition is proposed attached to give detailed control over the extent of these works. The trees are on Council land giving control over any suggestion of their removal.
54. One resident questions the potential longevity of the materials proposed. The use of modern, efficient building systems is not to be discouraged and is often more sustainable in nature than traditional materials and methods. The Building Regulation process will ensure that the materials will meet required standards. Whilst as a conversion, the implications of the construction period should be reduced, however, in a restricted cul-de-sac with known parking and access issues, a standard

construction timing condition is proposed to attempt to mitigate to some degree the effects of the construction works.

56. Members will be aware that any potential devaluation of property is not a material consideration in the determination of the planning balance.

CONCLUSION

57. The application proposes an innovative scheme of conversion of existing buildings that will provide new, sustainable residential dwellings, with the NPPF is clear in its presumption in favour of such. That the Council is in lieu of its requirements for identifying residential development land adds further to the presumption in favour of development. A refusal could therefore only be countenanced where there are 'adverse impacts' that would 'significantly and demonstrably' outweigh the benefits. These adverse impacts must be able to be demonstrated in terms of planning policy to be defensible as a refusal reason.
58. Whilst there is significant concern at the loss of the garages, in the absence of an objection on any level from Highways, the weight these objections bring is not considered such that it would 'significantly and demonstrably' outweigh the benefits. Officers are disappointed that what appears to have potential as an innovative and sustainable method of reusing buildings and providing sustainable homes has been distracted by a lack of understanding of the importance of including existing residents and communities in the development process by the applicants. The applicant's offer of some mitigation through provision of alternate garaging, albeit this is likely to be more remote from people's homes, has been noted however it is also noted that this could not be enforced.
59. Nonetheless, with the highways issues considered and found acceptable, and all other issues raised either addressed or considered capable of resolution by condition, the proposals are recommended positively.

RECOMMENDATION

60. 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: H-15002-husk-pl-0010 Proposed site plan, H-15002-HUSK-PL-125 Floorplans and Elevations as Proposed, H-15002/husk/PL/0011A Plots 1&2 Site plans, H-15002/husk/PL/0012 Plots 3&4 Site plans, H-15002/husk/PL/0013 Plots 5&6 Site plans.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, HO5 and TR2 of the Derwentside District Local Plan (saved policies 2009).
 3. Notwithstanding any details of materials submitted with the application details of the finish and materials of all proposed hardstanding areas and boundary markers /

binstores must be submitted to and approved in writing by the Local planning authority before their use on-site. The development shall be constructed in accordance with the approved details.

Reason: To achieve an acceptable form of development in accordance with Policies GDP1, HO5 and TR2 of the Derwentside District Local Plan (saved policies 2009).

4. The applicant must submit to, and have approval in writing by the Local planning authority, a detailed scheme to show the proposed modification, reconstruction and reconfiguration of the existing site access and footways, to include, but not restricted to, detail the continuation of the 1.8m wide footway at the vehicular access with a lowered vehicular crossing point. Said scheme, and any required stopping-up of the highway must be completed in full before the beneficial occupation of the residential units hereby approved.

Reason - In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan (saved policies 2009).

5. No construction works may commence until the applicant has submitted a detailed scheme of tree works and tree protection that ensures the retention of the adjacent trees during the construction period and mitigates the relationship of the trees and the structure. Said tree protection works must be in compliance with British Standard BS 5837:2012 and remain in place for the full period of external development works. Authority for the works must be sought from the land-owner.

Reason: To protect trees on and adjacent the site during the construction period in line with Policy EN11 of the Derwentside District Local Plan, 1997 (saved Policies 2009), this information required pre-commencement as affecting all physical development works on-site.

6. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

61. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

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Conversion of existing garages into residential Bungalows

Application Number : DM/16/02056/FPA

Comments

Date – 29.09.16

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/02057/FPA
FULL APPLICATION DESCRIPTION:	Conversion of existing garages into residential Bungalows
NAME OF APPLICANT:	Derwentside Homes
ADDRESS:	Garages Adjacent To 27 To 31 Betjeman Close, East Stanley
ELECTORAL DIVISION:	Stanley
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This is one of the two separate garage sites proposed for new residential development by Derwentside Homes.
2. The site, 245m² in area, is an existing garage court of two blocks of containing a total of ten garages which serves the surrounding mid-linked local authority built dwellings in Betjeman Close. This immediately surrounding estate is a mix of high density mid-linked two storey dwellings and bungalows – the bungalows generally wholly open-plan, the houses having enclosed rear private gardens and a mix of open and fenced front gardens – presumably dependent on their tenure. Stanley Court, a block of 30 Care Connect monitored flats for older residents is close to the west of the site. Despite the high density appearance of the buildings, the estate also incorporates extensive areas of close-mown open space with occasional trees.
3. Each of the garage blocks affected by the application backs onto one of these open areas, the one to the east including two small trees. The area between the garages blocks is, as would be expected, an asphalt surfaced vehicular manoeuvring space, with a central drainage gully. This area is an adopted highway. The garages consist of two parallel blocks of flat roofed structures, which appear well maintained and in use. The northern end of the garage blocks are separated from the blank gable and fenced rear garden of an existing two-storey dwelling by an adopted footpath.

The Proposal

4. The application proposes conversion of the existing two garage blocks into two dwellings proposed for older residents. The conversion involves a mono-pitch roof running the length of the building, with fenestration serving living accommodation facing across a shared garden area with bin store, and a car parking space for each

unit. Modern materials will give the proposed units a highly contemporary appearance, with a colour palette chosen that will ensure integration into the existing surrounding residential environment.

5. The proposed accommodation consists of a kitchen / dining / living room, two bedrooms, a hall, bathroom / wc, a small utility area and a store.
6. The scheme is presented as an innovative re-use of brownfield sites that have the potential to attract anti-social behaviour, and that may have limited redevelopment potential, providing contemporary and cutting edge cost effective affordable housing provision for older residents.
7. The application is reported to Committee at the request of one of the local Ward Members.

PLANNING HISTORY

8. The site has no recent planning history.

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. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
14. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and

mixed communities. Policies should be put in place to resist the inappropriate development of residential gardens where development would cause harm to the local area.

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 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs.

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *Design - The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

LOCAL PLAN POLICY:

19. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
20. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account ‘designing out crime’ and consideration of drainage.
21. *Policy HO5 – Housing Development on Small Sites* – Stanley is one of the listed settlements where housing development will be permitted on small sites. Development must be appropriate to the existing pattern and form of development; must not extend beyond the existing built up area; represents acceptable backland or tandem development; and should not exceed 0.4 hectares when taken together with an adjoining site.
22. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

23. Paragraph 216 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The

County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

24. *Highways* – County Engineers have confirmed they have no objections to this proposal subject to detailed requirements relating to the modification, reconstruction and reconfiguration of the existing site access and footways. It is considered that there is space capacity in the surrounding highways network to accommodate any parking that may be displaced by the loss of the garages. The requirement to stop-up the adopted highway between the garages is noted.

25. *Northumbrian Water* - have written to say they have no comments on the proposals.

PUBLIC RESPONSES:

26. Twenty-three consultation letters were sent out to local residents surrounding the site, and a site notice was posted. One letter of objection has been received from a resident affected by the other planning application from Derwentside Homes on this Committee Agenda, that resident living +300m from this development site. Strong representation has also been received from one of the local Ward Members. All responses are summarised below:

27. The Councillor is concerned at the lack of regard shown for the views and opinions of local people in the process of how this and the parallel application were submitted. Both applications are contended to result in a loss of amenity for local residents and change the entire principle and way of life for residents in the areas. The applications will impact on the local highways, causing more congestion in an already busy area and will result in issues with turning, parking and the general manoeuvrability of vehicles. Most houses in this area are privately owned and the proposed schemes are totally unfitting of the area. The garages are well used and well maintained and the alternative parking arrangements suggested by Derwentside Homes are unrealistic and simply not practical.

28. The Councillor has tried unsuccessfully to work with Derwentside Homes to speak with local people and to take on board their concerns but has concluded the applicant's aims are driven by financial incentive at the expense of local people.

29. The in principle objection from one of the estate's original residents states that the area has always been a nice place to live for both families and older people. However the proposed relationship of older residents' adjacent family gardens, and the parking and turning problems that will result from the development indicate that the applicants are not customer focussed.

APPLICANT'S STATEMENT:

30. The National Planning Policy Framework (NPPF) explains the purpose of the planning system is to contribute to the achievement of 'sustainable development', setting out the three dimensions of such as; an economic role, a social role and an environmental role. These three aspects are mutually dependent, and lead to a presumption in favour of 'sustainable development' schemes unless other material considerations indicate otherwise, and the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The NPPF identifies a requirement for requiring good design (at Part 7), particularly in delivering a wide choice of high quality homes (at Part 6), contributing positively to making places better for people. With the HUSK concept designed around conversion of existing garage structures in direct conformity with the NPPF's definition of 'previously developed land', and the social inclusion that the usual arrangement of the garage structures within existing local-authority built estates will bring, ensuring the intended older demographic clientele will remain sited within and interacting with their local community, thereby 'promoting healthy communities' (at Part 8).
31. The conversions will at the same time address the appearance of existing garage blocks which are often a blight to housing estates whilst introducing contemporary materials and finishes that will introduce modern contemporary buildings as a design feature and new design standard in existing, established estates. That the dwellings proposed are to be restricted to older residents and make a virtue of what may otherwise be seen as substandard residential relationships where garage blocks are facing, through the benefits of passive security and the principles of 'designing out crime', both for the dwellings themselves and their parking provision. Sited sporadically across estates, rather than in an enclave of their own, older residents will remain integral to and interacting with the comings and goings of the wider community. The layout of the estates usually allows for a pragmatic approach to visitor car parking provision, whilst not compromising pedestrian safety or existing residential amenity. The provision of bungalows, especially for older residents is often a shortfall of housing demand the HUSK product can help address.
32. The three identified elements of 'sustainable development' identified in the NPPF are interwoven into the HUSK model for the conversion of existing garage block buildings within Local authority built estates in a way that should comply with up-to-date planning policies or direct comparison with the NPPF and the government's aspirations for significant housing provision.

The above is not intended to list every point made and 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.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

33. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development, and the potential impact on highway safety.

The Principle of Development

34. The proposals have been discussed in principle between the Architect and Officers over a number of months before submission of the applications. Notwithstanding the issue of displaced parking – i.e. if the garages were redundant, the proposals were concluded to potentially represent a highly sustainable re-use of existing structures.
35. As conversion of existing buildings, the amount of construction and ground disturbance involved is significantly reduced. The garage blocks by definition are sited within established communities in a large settlement, with good access to the facilities, services, commercial opportunities and sustainable transport links that define locational sustainability – especially important where dwellings for older residents are proposed. In providing new housing with access to the requirements of modern living, in close proximity to sustainable transport links, and in continuing the existing mixed community of family and older people's accommodation that is a feature of the estate, the proposals are considered in line with the advice given in Parts 4, 6 and 8 of the NPPF (as above).
36. The planning policies set out in the current Development Plan, the Derwentside District Local Plan 1997 (saved policies 2009) are out-of-date and of reducing weight. In terms of the principle of development (rather than considering the detail of the proposals where Policy GDP1 is relevant), Policy HO5 for Housing Development on Small Sites has four criteria, as set out above. Tested against the individual requirements; the proposals are considered appropriate to the existing pattern and form of the settlement, they do not extend beyond the existing built up area of the settlement, they are not backland development and the size of the site is under 0.4ha (this last element not NPPF compliant). This policy is 'partially' NPPF compliant as it is considered inflexible in terms of the definition of a small site. The weight this policy lends to the debate is positive in the planning assessment balance.
37. The provision of new housing is the imperative of the Government's requirements for the planning system. Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole.
38. The proposals are concluded in principle sustainable – the NPPF advising that 'development which is sustainable can be approved without delay'.

Housing Land Supply

39. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong "presumption in favour of sustainable development". This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham. This issue is material in considering the current proposals.

Scale and Character

40. The conversion of the garages involves an alteration to the roof to result in a long mono-pitch that runs the length of the structure, which also allows for a high-level gable window to light the lounge area. One of the potential advantages of the conversions proposed is that the footprint and basic massing of the building, and

therefore its relationship to surrounding buildings, curtilages and highways remains as already established. Demolition and rebuild on the proposed sites would be viewed as new development and therefore likely acceptable. The proposals use modern materials in traditional colours.

41. Both the NPPF (at part 7) and NPPG bring quality of design to the fore as a material planning consideration – ‘good design is a key aspect of sustainable development, (and) is indivisible from good planning’. The NPPF lists potential benefits from the achievement of high quality and inclusive design including; establishing a strong sense of place, creating attractive and comfortable places to live, optimising the potential of sites to accommodate development, creating an appropriate mix of uses, responding to local character whilst not preventing or discouraging appropriate innovation, creating safe places that do not undermine quality of life or community cohesion, and being visually attractive as a result of good architecture. The NPPF makes it clear that ‘planning... decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. The requirements of Development Plan Policy GDP1, for proposals to be in ‘keeping with the character and appearance of the area’, should be read and proportionately weighted in the context of this advice.
42. Officers consider the proposals represent a highly innovative alternate use for the garage structures on brownfield sites which, if redundant, would be difficult to redevelop for other uses. The conversion is undoubtedly innovative and achieves an interesting balance between modern appearances in a traditional colour palette. Read in the context of the advice in the NPPF, and the proportionate weight given to Policy GDP1 the proposals are considered acceptable in terms of their scale and character.

Residential Privacy and Amenity

43. This topic has two dimensions – those relating to existing residents and those relating to proposed residents – Policy GDP1(h) requiring, ‘protection of the amenities of neighbouring occupiers and land users’.
44. Local residents have raised no objections regards the proposed relationships or the scale and character. The proposals involve, as described above, the creation of a mono-pitch roof – raising one end of the structure around 1.5m in height. In terms of the proposed massing – and therefore any effect of the height of the structure in relation to existing houses and their rear gardens is by degree, as the basic relationship is already established. The effect on the privacy and amenity of existing residents is therefore considered acceptable.
45. In terms of the new residents, the two proposed dwellings will face each other closely, although they are handed rather than mirrored so the living rooms do not face each other. The facing distance is 7m, and residents would have to decide whether the benefits of a close neighbour, mutual support and good passive security outweigh the closeness of a separate dwelling and a shared curtilage. Officers consider that the proposal represents another alternative for personal preference, there being traditional semi-detached bungalows and an apartment block for older residents both close at hand on the estate, the proposals adding to variety and choice.
46. The objector is concerned that older residents may be an incompatible mix in amongst family housing. There are potential advantages and disadvantages in the proposed siting in this regard, but ultimately the NPPF presents mixed communities

as a positive, and it is noted that overall the wider surrounding estate appears a good example of this.

Highway Safety

47. When the proposals were discussed presubmission and in principle it was on the basis that the structures that would be proposed converted were redundant, and the issue of parking displacement was not discussed. The garages here appear well maintained and in use. This application is a new scheme, and there has been no objection received in response to the Council's consultation exercise from directly affected residents.
48. The estate is by no means wholly dependent on the garage block for parking - Betjeman Close and surrounding streets use the communal garage blocks and also parking courts, along with roadside parking often remote from dwellings. Not all garages are used for parking, and tenants of the garages do not necessarily reside in the adjacent dwellings, or even the same street. Car ownership has increased since the estates were built, bringing additional demand. There is no doubt that the proposals will displace some parking onto surrounding streets, and that there will be an impact. Highways Engineers response notes the garages are owned by Derwentside Homes, the garage structures are private, and with proper notice to tenants could be removed from use at any time, whether development was proposed or not. Highways Engineers analysis of the proposals takes into account both the safety implications of the detailed specification proposed and the more general effects on highway's safety and capacity. A recommendation for refusal on highway safety grounds contrary to the formal advice of the County Council Highways Engineers is considered untenable by Planning Officers.
49. The reduced weight of the Policies in the development plan relating to highway safety is set by the NPPF, which advises planning authorities to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..... only preventing development on transport grounds where the residual cumulative impact is severe'. Furthermore, to use the language of Paragraph 14 of the Framework, the adverse impacts of a refusal (on highways grounds) would not significantly and demonstrably outweigh the benefits, those benefits being the supply of new dwellings in a sustainable location. The development provides on-site parking for new residents, and with the various criteria of Policy TR2 considered by Highways Engineers in framing their response, the conclusion must be that in bald highways terms, the proposals are acceptable.

Other Issues

50. Members will note that the proposed dwellings are proposed intended for, and indeed are specifically designed for, older residents. This area of provision is an integral part of the applicant's business. There is no policy justification to formally ensure this through condition.
51. Northumbrian Water has raised no objection to the development.
52. That the proposals represent conversion of existing structures ensures there is no immediate pressure for removal of adjacent trees. Submitted photographs show that some of these trees overhang the garage blocks as existing and would therefore require pruning works for clearance. A condition is proposed attached to give detailed control over the extent of these works. The trees are on Council land giving control over any suggestion of their removal.

53. Whilst as a conversion, the implications of the construction period should be reduced, however, in a restricted cul-de-sac with known parking and access issues, a standard construction timing condition is proposed to attempt to mitigate to some degree the effects of the construction works.

CONCLUSION

54. The application proposes residential development on brownfield land in a sustainable location. The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The proposals will reduce the car parking available to existing residents, but not to a degree where highway safety is compromised to a degree that would significantly and demonstrably outweigh the scheme's benefits. Conditions are considered an acceptable method of addressing the site's drainage and contamination requirements. The application is recommended positively.

RECOMMENDATION

55. 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: H-15002-husk-pl-0016 Site plan as proposed, H-15002-HUSK-PL-125 Floorplans and Elevations as Proposed, H-15002/husk/PL/0014 Plots 7&8 Site plans.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, HO5 and TR2 of the Derwentside District Local Plan (saved policies 2009).
3. Notwithstanding any details of materials submitted with the application details of the finish and materials of all proposed hardstanding areas and boundary markers / binstores shall be submitted to and approved in writing by the Local planning authority before their use on site. The development shall be constructed in accordance with the approved details.
Reason: To achieve an acceptable form of development in accordance with Policies GDP1 and TR2 of the Derwentside District Local Plan (saved policies 2009).
4. No construction works may commence until the applicant has submitted a detailed scheme of tree works and tree protection that ensures the retention of the adjacent trees during the construction period and mitigates the relationship of the trees and the structure. Said tree protection works must be in compliance with British Standard BS 5837:2012 and remain in place for the full period of external development works. Authority for the works must be sought from the land-owner.
Reason: To protect trees on and adjacent the site during the construction period in line with Policy EN11 of the Derwentside District Local Plan, 1997

(saved Policies 2009), this information required pre-commencement as affecting all physical development works on-site.

5. The applicant must submit to, and have approval in writing by the Local planning authority, a detailed scheme to show the proposed modification, reconstruction and reconfiguration of the existing site access and footways, to include, but not restricted to, detail the continuation of the 1.8m wide footway at the vehicular access with a lowered vehicular crossing point. Said scheme, and any required stopping-up of the highway must be completed in full before the beneficial occupation of the residential units hereby approved.

Reason - In the interests of highway safety in accordance with Policy TR2 of the Derwentside District Local Plan (saved policies 2009).

6. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy GDP1 of the Derwentside District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

56. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015).

BACKGROUND PAPERS

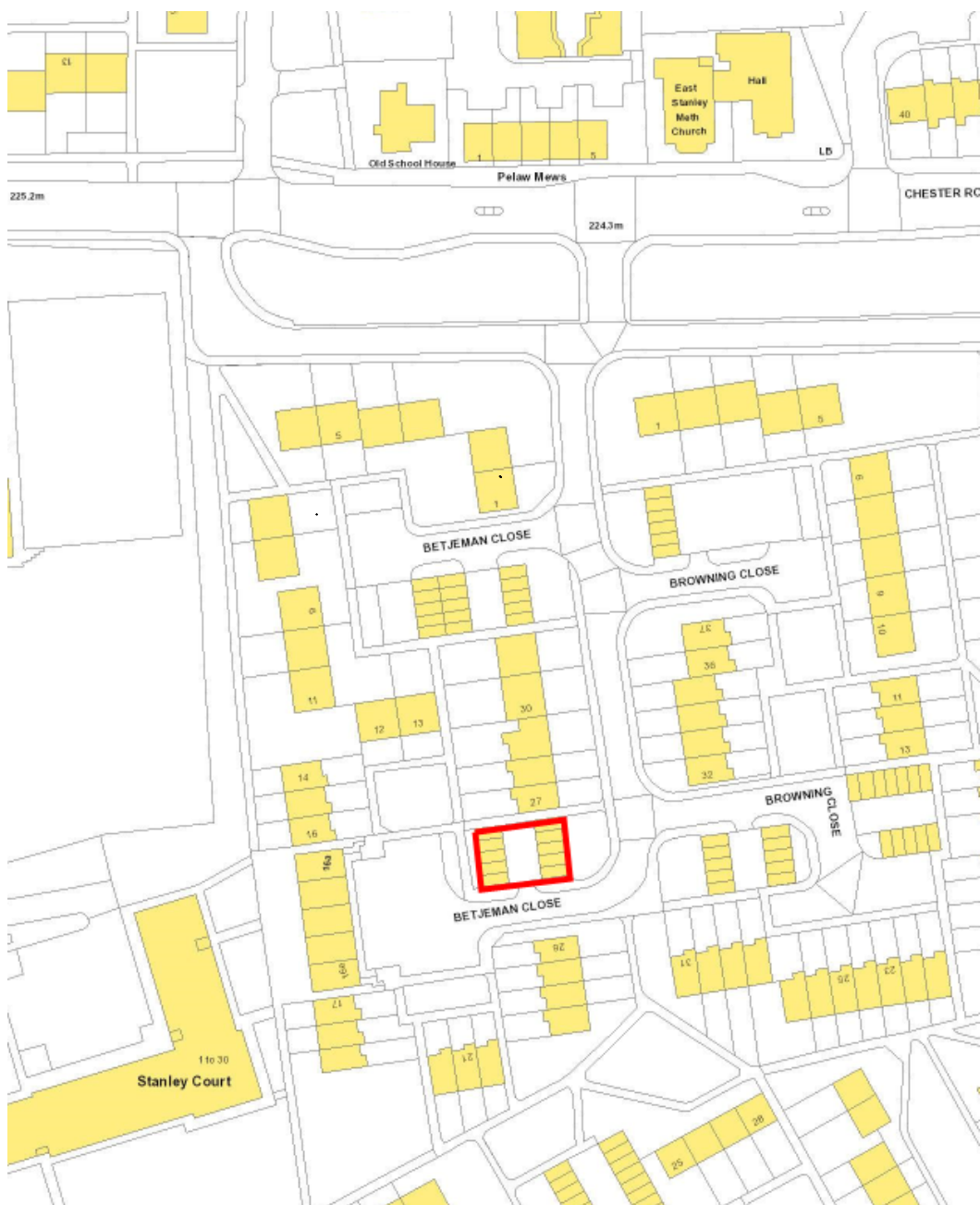
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

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Conversion of existing garages into residential bungalows.

Application Number : DM/16/02057/FPA

Comments

Date - 29.09.16

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/01426/FPA
FULL APPLICATION DESCRIPTION:	Proposed demolition of existing garages and erection of 6no. 2 storey houses and external works
NAME OF APPLICANT:	Cestria Community Housing Association
ADDRESS:	Land North Of Both 85 Pelaw Crescent & 1 Cedars Beechwoods Chester-le-Street
ELECTORAL DIVISION:	Chester-le-Street North Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This is one of the three proposed former garage sites proposed for new residential development by Cestria Homes. The site, 1142m² in size, is at the western extent of Beechwoods, accessed from a single point and consists of an area of open hardstanding fronting 19 individual garages arranged as a single terrace. There is no footway along the front of the site. A small group of trees is apparent at the western extent of the garages, separating the site from the road that connects South Pelaw to Pelton. There are bus stops, a public house, shops, a school and an autocentre all in close proximity
2. The surrounding estate is a local-authority built development of two storey semi-detached properties, open plan to the front, with enclosed private rear gardens, with the majority of the properties relying on on-street or remote garage parking.
3. Behind the site a surfaced track descends the former railway cutting to link with the C2C Cycle route bounded by semi-natural scrub. At the eastern edge of the site the gable end of a semi-detached dwelling presents a first floor utility window and a side door towards the site. Facing the site on the opposite side of the road is an area of treed open space and the gable ends of two storey semi-detached dwellings, the nearest of which in Cedars has a flat-roofed garage attached to it.

The Proposal

4. The application proposes demolition of the existing garages and erection of six two-storey houses in the form of three paired semis. The dwellings will be open-plan at the front with on-site parking, and fenced private rear gardens to the rear. A new footpath, built to adoptable standards is proposed along the front elevation of the

development. The dwellings use a simple materials palette to reflect the surrounding estate, as does the simple massing and use of plain gables. The design also includes projecting front gables, covered porches and infill panels that give a modern appearance. Living accommodation consists of a hall, wc, kitchen and lounge downstairs, with two bedrooms and a full-sized bathroom upstairs.

5. The application is reported to Committee at the request of the local Ward Member.

PLANNING HISTORY

6. The site has no recent planning history.

PLANNING POLICY

NATIONAL POLICY

7. 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.
8. 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'.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 4 – Promoting Sustainable Transport*. Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
12. *NPPF Part 6 – Delivering a wide choice of high quality homes*. Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.

13. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

14. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
15. *Design - The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

LOCAL PLAN POLICY:

16. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application:
17. *Policy HP6 – Residential within settlement boundaries* – identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
18. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
19. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
20. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

21. Paragraph 216 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court

Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

22. *Highways* – Highways Engineers note that the proposed adoptable standard footway needs to be continued west of the development, beyond the defined site and link to the footpath that serves the bus shelter. This will then form a permeable footpath network to the development. No objection is offered to the development.
23. *Northumbrian Water* - have suggested a condition requiring a detailed scheme of foul and surface water drainage from the development be attached to any approval.

INTERNAL CONSULTEE RESPONSES:

24. *Tree Officers* – The group of trees on the western end of the site warrant retention and should be included within the design proposals as this group creates a screen to the proposed and is part of the overall street scene landscape. Trees that are to be retained should be protected prior to development in accordance with British Standards.
25. *Environmental Protection (Contamination)* - agree with the submitted risk assessment and the requirement for further works. Although site investigation works are proposed in terms of risks from gas and asbestos, there are no recommendations with regard soil sampling and analysis. It is therefore recommended soil sampling and analysis is undertaken as part of the site investigation works. As the development constitutes a change of use to a more 'sensitive receptor', a condition is recommended attached to any approval to secure these requirements.

PUBLIC RESPONSES:

26. Fifteen letters have been received in response to the public consultation exercise or passed from the local Ward Member. Six of these are a standard pro forma that points to existing congestion and the additional traffic the development will entail. Additional off road parking for existing residents is requested.
27. Residents request provision of car parking for them, the conversion of existing grassed areas for parking, introduction of a one-way system and suggest building elsewhere. The existing road corner leading to the site is contended dangerous. Residents are worried at the prospect of construction traffic and access for emergency vehicles.

The above is not intended to list every point made and 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.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development, and the potential impact on highway safety.

The Principle of Development

29. The garage site meets the definition of 'previously developed land' (or 'brownfield land') set out in the Glossary of the NPPF. The proportionate weight given to the policy context from the Chester-le-Street Plan's relevant saved policies is supportive of development in this location, subject to consideration of the details. Within an existing settlement with excellent 'sustainability credentials', the presumption in favour of sustainable development set out at paragraph 14 of the Framework is a significant material planning consideration. The Government's imperative for the planning system is the delivery of new houses, likewise reflected in the Council's corporate aspirations. With the Council unable at this time to demonstrate a five year supply of housing, the presumption in favour of residential development in sustainable locations is all the stronger. The principle of residential development is therefore considered wholly acceptable in this location. The planning consideration, informed by both assessment against Policy HP6 and paragraph 14 of the NPPF, whether any adverse impacts of approving the development would significantly and demonstrably outweigh the scheme's benefits – these being the contribution the development would make to the Council's housing land supply.

Housing Land Supply

30. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong "presumption in favour of sustainable development". This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham.

Scale and Character

31. The application proposes a modern interpretation of the basic two-storey semi-detached dwelling. Through the use of appropriate materials and restrained detailing the proposed elevations are considered an attractive and appropriate balance between the surrounding vernacular and a modern appearance. There has been no objection to the appearance or layout of the site. In terms of scale and character the development is considered a positive addition to the locale and compliant with the requirements of Policy HP9 of the development plan, and the advice on design at part 7 of the NPPF and in the NPPG.

Residential Privacy and Amenity

32. With neighbouring and facing dwellings presenting gable ends to the site there are no direct privacy issues involved in the proposals. The relationship to 2 Beechwoods is comparable to standard building separations across the site. The proposed dwellings have an open plan front and an enclosed rear garden in a similar

arrangement to the surrounding estate, ensuring new residents have the required amount of private amenity space.

Highway Safety

33. This is the main general issue for surrounding residents, exacerbated by the contention from residents that the existing highways layout is already compromised. In their opinion, the loss of the garage courts and the introduction of additional traffic are unacceptable, with suggested solutions ranging from provision of new parking for additional residents to the development being redirected elsewhere. Officers had suggested the possibility of contributions for off-site parking provision, or investigating amendments to the scheme to provide communally available parking, but ultimately these suggestions came to naught.
34. For the most part dwellings on the estate do not have in-curtilage parking, relying on the public highway and the garage courts built as an integral part of the estate. Whilst the roads and footpaths appear to adoptable dimensions, the level of car ownership on the estate has obviously increased significantly since it was built – parking can therefore be a challenge in an area of multiple car ownership and when works vans are brought home on an evening. The local Ward Member has directed effort and monies into addressing this problem, and to this end the proposed development schemes have not been well received by local residents in potentially undermining these efforts.
35. In positive terms, the development will improve the single sided footpath arrangement that currently exists - the section to the front of the garage court is currently devoid of a footway, with one proposed built to adoptable standards as part of the proposals.
36. There are two blunt facts in considering the whether the highways implications of the scheme are such that they would represent the significant and demonstrable adverse impacts that could justify a refusal. Firstly, the garages are within a private land ownership. Whilst they have been a valued resource to surrounding householders, the applicant controls them and could in principle prevent access once all tenancies have finished. The Council as Local planning authority cannot enforce the garages continued accessibility to the public, who ultimately have no rights over them. Secondly, the planning system requires the developer to ensure that the applicant will build a scheme that meets current modern standards and does not unreasonably affect the residential privacy and amenity existing residents enjoy and does not compromise highway safety.
37. In the absence of an objection from Highways Engineers, and taking into account the above, the scheme is not considered able to be refused on highways safety grounds, nor approved with additional requirements for the developer to provide car park parking for residents outside of the proposed scheme. The latter eventuality could only be achieved on a good-will basis, and as noted above, suggestions to this end came to naught. Engineers' assessment takes into account the capacity and existing specification of the existing road, along with implications for access for service and emergency vehicles.
38. The reduced weight of the Policies in the development plan relating to highway safety is set by the NPPF, which advises planning authorities to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..... only preventing development on transport grounds where the residual cumulative impact is severe'.

39. Whilst Officers acknowledge there appear to be highways difficulties in the immediate area of the site, they are not such that would prevent the scheme that makes proper provision for its own parking. Engineers have not indicated that the additional traffic the scheme would attract would compromise surrounding highway safety. There are no reasonable mechanisms for imposing a requirement for provision of parking for existing residents either on or off the site.
40. Highways Engineers require a footway link to the nearby bus stop built to adoptable standards. A footpath link is shown on the submitted plans and a condition is proposed to ensure it is built to an appropriate standard.

Other Issues

41. Northumbrian Water has raised no objection to the development and suggested a condition to ensure a viable and detailed scheme of drainage is agreed before the development commences. This is considered reasonable and proportionate – the suggested condition appended to the recommendation, below.
42. Historically the site and surrounding estate was in an industrial use, therefore with the residential development a 'more sensitive receptor' proposed, it is considered diligent to impose the condition ensuring potential contamination is fully investigated and addressed suggested by Environmental protection Officers who considered a report that assessed two of the proposed sites together.

CONCLUSION

43. The application proposes residential development on brownfield land in a sustainable location. The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The proposals will reduce the car parking available to existing residents, but not to a degree where highway safety is compromised to such an extent that the issue would significantly and demonstrably outweigh the scheme's benefits. Conditions are considered an acceptable method of addressing the site's drainage and contamination requirements. The application is concluded compliant with the development plan.

RECOMMENDATION

44. 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 except where required by other conditions attached to this approval: 02-(SK1)-7790 rev.C Site Plan as Proposed, 14137 GS1-C-GA-101 rev.P1 External Works Arrangement, 011-(SK)-7790 rev.B Plans and Elevations as Proposed.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, T8 and T15 of the Chester-le-Street District Local Plan (saved policies 2009).

3. Notwithstanding any details of materials submitted with the application details of the make, colour and texture of all walling and roofing materials including rainwater goods, and all hardstanding and fencing materials must be submitted to and approved in writing by the Local planning authority before their use on-site. The development shall be constructed in accordance with the approved details.

Reason: To achieve an acceptable form of development in accordance with Policies HP6 and HP9 of the Chester-le-Street District Local Plan (saved policies 2009)

4. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place fully in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF, required pre-commencement to ensure there is sufficient capacity in the existing drainage system.

5. The applicant must submit, and have approved in writing by the Local planning authority, and implement in full an adoptable standard footpath link joining the approved new footway to the front of the dwellings to the bus stop to the west of the site before the development is occupied.

Reason: In the interests of increasing the sustainability of the site's location in accordance with Policy HP9 of the Chester-le-Street District Local Plan (saved policies 2009) and the advice in the NPPF.

6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3

Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11, required pre-commencement as any requirements may impact first groundworks.

7. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy HP9 of the Chester-le-Street District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

45. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

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Proposed demolition of existing garages and erection of 6no. 2 storey houses and external works.

Application Number : DM/16/01426/FPA

Comments

Date - 29.09.16

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/01446/FPA
FULL APPLICATION DESCRIPTION:	Proposed demolition of existing garage and erection of seven 2-storey terraced houses
NAME OF APPLICANT:	Cestria Community Housing Association
ADDRESS:	Land Adjacent To Conyers Road South Pelaw Chester-le-Street
ELECTORAL DIVISION:	Chester-le-Street North Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This is one of the three garage sites proposed for new residential development by Cestria Homes. The site, 1720m² in area, situated at the eastern extent of the local-authority built estate at South Pelaw is an irregular shape, in the form of a truncated triangle. An L shaped construction of twelve garages is set out at the southern part of the site fronted by hardstanding, with maintained grassland to the rear of the flat-roofed structures. The hardstanding extends north to the end of Conyers Road where a further block of five garages is unaffected by the proposals. The East Coast Main Line runs in a deep cutting along the east, rear boundary, of the site which to the north west is bounded by the gable elevation of a two storey mid-link dwelling. The west and south boundaries face single storey semi-detached and mid-linked bungalows. The bungalows are open to both front and rear, under a communal maintenance regime. The two storey houses have fully defined, fenced boundaries. The majority of the properties surrounding rely on on-street or remote garage parking. There is no footway along the front of the site, which is in the form of an open access into the garage court. There are no trees on the site.

The Proposal

2. The application proposes demolition of the existing garages and erection of seven two-storey houses in the form of a single terrace. The dwellings will be open-plan at the front with on-site parking, and fenced private rear gardens to the rear. A new footpath, built to adoptable standards is proposed along end gable of 1 Conyers Road. The proposed plans show eight public car parking spaces within the site, but outside the area proposed physically developed annotated as to be offered for 'adoption' by Durham County Council, with two new on-street visitor

spaces facing The Close. A new footpath, built to adoptable standards is proposed along the front elevation of the development.

3. The terraced form proposed mirrors the mid-linked properties, that are a feature of the surrounding area. The dwellings use a simple materials palette to reflect the surrounding estate, as does the simple massing and use of plain gables. The design also includes projecting front gables, porch roofs and contrasting infill panels that give a modern appearance. Living accommodation consists of a hall, wc, kitchen and lounge downstairs, with two bedrooms and a full-sized bathroom upstairs.
4. The application is reported to Committee at the request of the local Ward Member.

PLANNING HISTORY

5. The site has no recent planning history.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
11. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a

wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential gardens where development would cause harm to the local area.

12. *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.
13. *NPPF Part 11 – Conserving and enhancing the natural environment*. The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

NATIONAL PLANNING PRACTICE GUIDANCE:

14. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
15. *Design - The importance of good design*. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
16. *Noise* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

17. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application:
18. *Policy HP6 – Residential within settlement boundaries* – identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
19. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.

20. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
21. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

22. Paragraph 216 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Highways* – Highways Engineers had asked for a rearranged layout for the pair of on-street parking bays into a layby form – the revised drawings showing this are expected submitted before the Committee meeting. They also note that the proposed car parking spaces to the north of the development as mentioned in the 'Proposals' section, above, would not be adopted or maintained by the County Council – they would remain the applicant's responsibility. Vehicular crossing points must be provided for the driveways across the footpath at the front of the site.
24. *Northumbrian Water* - have suggested a condition requiring a detailed scheme of foul and surface water drainage from the development be attached to any approval.

INTERNAL CONSULTEE RESPONSES:

25. *Environmental Protection (Noise) Officers* - note that the application site is in close proximity to a significant noise source, namely the main east coast train-line. The applicant's submitted noise assessment is considered appropriate and sufficiently robust to demonstrate the existing noise climate, impact on proposed dwellings and therefore inform on mitigation measures. The outcome of the assessment demonstrates that noise at the development will be in excess of that considered acceptable in guidance. This is mainly lead by individual occasions of

high noise when train pass, but otherwise is fairly quiet. The consultant has identified a number of noise mitigation measures, including acoustic fencing and detailed specifications of double glazing, which if employed appear sufficient to ensure the appropriate internal noise levels are achieved. With the applicant providing specific details on the mitigation scheme required, it is considered reasonable that the application be conditioned to require these measures to be installed prior to beneficial occupation.

26. *Drainage and Coastal Protection* - have no comment to make regarding flood risk associated with this development due to the insignificant increase to the existing impermeable area.
27. *Environmental Protection (Contamination)* – have assessed the submitted risk assessment and due to the proposals representing a more ‘sensitive receptor’, suggest a condition is attached to any approval to secure the usual required checks and safeguards.

PUBLIC RESPONSES:

28. Nineteen consultation letters were sent out, with sixteen replies. Eight of these responses were in the form of a standard pro-forma letter of objection, some from elsewhere on the estate. A number of the representations were directed to and passed on by the local Ward Member. One representation is submitted as neutral comments, rather than as an objector, the remaining fifteen letters are logged as objections.
29. The pro-forma letter raises general concerns at the increase in traffic and congestion resulting from the development and the loss of existing resident's parking as a general concern.
30. Specific concerns relating to this application concern the overspill traffic generated by parents accessing a local nursery, and a Charity using the community building, using the surrounding streets and the site as remote parking. In addition with the bungalows occupied by older members of the community, both on-street parking and the use of the garage court has care-worker visits as an additional feature. The two storey dwellings are presented as having particularly restricted parking opportunities in a heavily congested street, with the potential for not being able to park adjacent properties a source compromising personal wellbeing. Roads are requested widened. There has been no offer of compensation or apology to long term garage tenants who will be displaced. One residents of the bungalows notes that an application to provide a drive on his own property was refused by the landlord.
31. Concerns at subsidence towards the railway line and sinkholes on the site – the latter as a result of a depression in the current hard-surfaced area are raised as of concern, as is the potential for building works to be a particular disturbance for older residents.

The above is not intended to list every point made and 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.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>

PLANNING CONSIDERATIONS AND ASSESSMENT

32. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant

guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development, and the potential impact on highway safety.

The Principle of Development

33. The cleared site meets the definition of 'previously developed land' (or 'brownfield land') set out in the Glossary of the NPPF. Within an existing settlement with excellent 'sustainability credentials', the presumption in favour of sustainable development set out at paragraph 14 of the Framework is a significant material planning consideration. The proportionate weight given to the policy context from the Chester-le-Street Plan's relevant saved policies is supportive of development in this location, subject to consideration of the details. The Government's imperative for the planning system is the delivery of new houses, likewise reflected in the Council's corporate aspirations. With the Council unable at this time to demonstrate a five year supply of housing, the presumption in favour of residential development in sustainable locations is all the stronger. The principle of residential development is therefore considered wholly acceptable in this location.

Housing Land Supply

34. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong "presumption in favour of sustainable development". This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham.

Scale and Character

35. The application proposes a modern interpretation of the local authority-built mid linked dwellings evident in the area – or in more traditional language, a terrace. Through the use of appropriate materials and restrained detailing the proposed elevations are considered an attractive and appropriate balance between the surrounding vernacular and a modern appearance, and give the proposals a distinctive, high quality appearance. In terms of scale and character the development is considered compliant with the requirements of Policy HP9 of the development plan, and the advice on design at part 7 of the NPPF and in the NPPG.

Residential Privacy and Amenity

36. The relationships proposed to the existing facing bungalows and the flanking one and two storey dwellings are acceptable, and no concerns have been raised against the development in this regard. To this end, the development is acceptable in this regard to the requirements of Policy HP9 of the development plan.

Highway Safety

37. This is the main general issue for surrounding residents. For the most part dwellings on the estate do not have in curtilage parking, relying on the public

highway and the garage courts built as an integral part of the estate. Whilst the roads and footpaths appear to full adoptable dimensions, the level of car ownership on the estate has obviously increased significantly since it was built – parking can therefore be a challenge in an area of multiple car ownership and when works vans are brought home on an evening. It is however relevant in this instance that whilst there are undoubtedly parking issues, and that the garages and garage court are well used, that the odd-numbered properties in Conyers Road have the opportunity for front or rear parking – an arrangement available in a number of the streets in this part of the estate.

38. The specific parking problems in this part of the estate appear to be as a result of three main reasons – parents attending a nursey, staff and visitors attending a charity office and care workers attending the needs of older residents in the area. The nursery and building used by the charity are over 200m distant by road. With the site in private ownership, it is clear that the applicant is in no way responsible for the servicing of the needs of car borne visitors to these facilities.
39. That the site is private land has significant implications to the responsibilities of the applicant in providing parking for the wider estate. The applicants are a housing association based in County Durham that own and manage around 4,200 homes across the town of Chester-le-Street and the surrounding villages. They are a not-for-profit independent housing organisation established in February 2008 following a stock transfer from the former Chester-le-Street District Council. As a private body they do not have the same responsibilities for the area as a Council and manage their land as a private landowner.
40. The planning application requires them to provide a highways arrangement within the site that meets modern standards, and reasonably addresses any impacts. Effectively neither garage tenants, informal users of the parking court, nor local residents have any long term rights or claim on the land, and therefore the developer cannot be forced through a planning application to make provision for them, on anything other than a goodwill basis.
41. The local Ward Member has directed effort and monies into addressing this problem, providing new parking spaces and to this end the proposed development schemes have not been well received by local residents in potentially undermining these efforts.
42. The highways proposals are acceptable in regards to the site itself, subject to a small alteration being pursued as this report is written. Whilst there will obviously be an impact from the traffic that will be displaced by the development, and the development will generate additional vehicular movements, in the absence of an objection from Highways Engineers, who assess both the capacity of the road network in addition to the detailed implications to highway safety, a refusal on these grounds is considered untenable. The reduced weight of the Policies in the development plan relating to highway safety is set by the NPPF, which advises planning authorities to ‘actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable..... only preventing development on transport grounds where the residual cumulative impact is severe’. Furthermore, to use the language of Paragraph 14 of the Framework, the adverse impacts of a refusal (on highways grounds) would not significantly and demonstrably outweigh the benefits, those benefits being the supply of new dwellings in a sustainable location.

43. An approval could secure the provision through surfacing and layout of the group of eight parking spaces shown on the proposed plan. County Highways Engineers have made it clear that they would not accept maintenance of these spaces through any kind of 'adoption' process and that this responsibility would remain with the applicant.

Other Issues

44. Northumbrian Water has raised no objection to the development and suggested a condition to ensure a viable and detailed scheme of drainage works is agreed before the development commences. This is considered reasonable and proportionate – the suggested condition appended to the recommendation, below.
45. The presence of the east coast main line within the deep cutting to the east resulted in the submission of the noise assessment reviewed by Council Environmental Protection Officers. That document contains very specific mitigation measures to ensure that both the residential accommodation proposed, and the use of their private rear gardens meet modern standards in respect of potential noise impacts. A condition to ensure these mitigation measures are in place before the dwellings are occupied is proposed in the event that planning permission is granted.
46. Historically the site and surrounding estate was in an industrial use, therefore with the residential development a 'more sensitive receptor' proposed, it is considered diligent to impose the condition ensuring potential contamination is fully investigated and addressed suggested by Environmental protection Officers.
47. The modern building regulations will ensure the properties built are not subject to subsidence. The conduct of the applicants in respect of their relationship with their tenants is beyond the remit of the application or the Council.

CONCLUSION

48. The application proposes residential development on brownfield land in a sustainable location. The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The proposals will reduce the car parking available to existing residents, but not to a degree where highway safety is compromised to such an extent that would significantly and demonstrably outweigh the scheme's benefits. Conditions are considered an acceptable method of addressing the site's drainage, noise mitigation and contamination requirements. The application is recommended positively.

RECOMMENDATION

49. 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: 06-(SK2)-7790 rev.D Site Plan as Proposed, 012-(SK)-7790 Plans and Elevations as Proposed, 14137 CE-C-GA-101 rev.P2 External Works Arrangement.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, T8 and T15 of the Chester-le-Street District Local Plan (saved policies 2009).
3. Notwithstanding any details of materials submitted with the application details of the make, colour and texture of all walling and roofing materials including rainwater goods, and all hardstanding materials and fencing must be submitted to and approved in writing by the Local planning authority before their use on-site. The development shall be constructed in accordance with the approved details.
Reason: To achieve an acceptable form of development in accordance with Policies HP6 and HP9 of the Chester-le-Street District Local Plan (saved policies 2009).
4. Before any part of the development hereby approved is occupied the developer must submit to and have approved in writing by, and thereafter fully implement a scheme showing the surfacing and layout of the group of eight car parking spaces proposed to the north of the residential units.
Reason: In the interests of highway safety in accordance with Policies T8 and T15 of the Chester-le-Street District Local Plan (saved policies 2009).
5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place fully in accordance with the approved details.
Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF, required pre-commencement to ensure there is sufficient capacity in the existing drainage system.
6. The development must be carried out to include all the recommendations included within Northern Acoustics' Acoustics Report 15-51-379, dated 23 July 2015, 'Part 8 – Conclusion', with all measures implemented in full for each dwelling before its beneficial occupation.
Reason: In the interests of residential amenity, in accordance with Policy HP9 of the Chester-le-Street District Local Plan (saved policies 2009).
7. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:
Pre-Commencement
(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3
Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the

remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11, required precommencement as the requirements may impact first groundworks.

8. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy HP9 of the Chester-le-Street District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

50. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

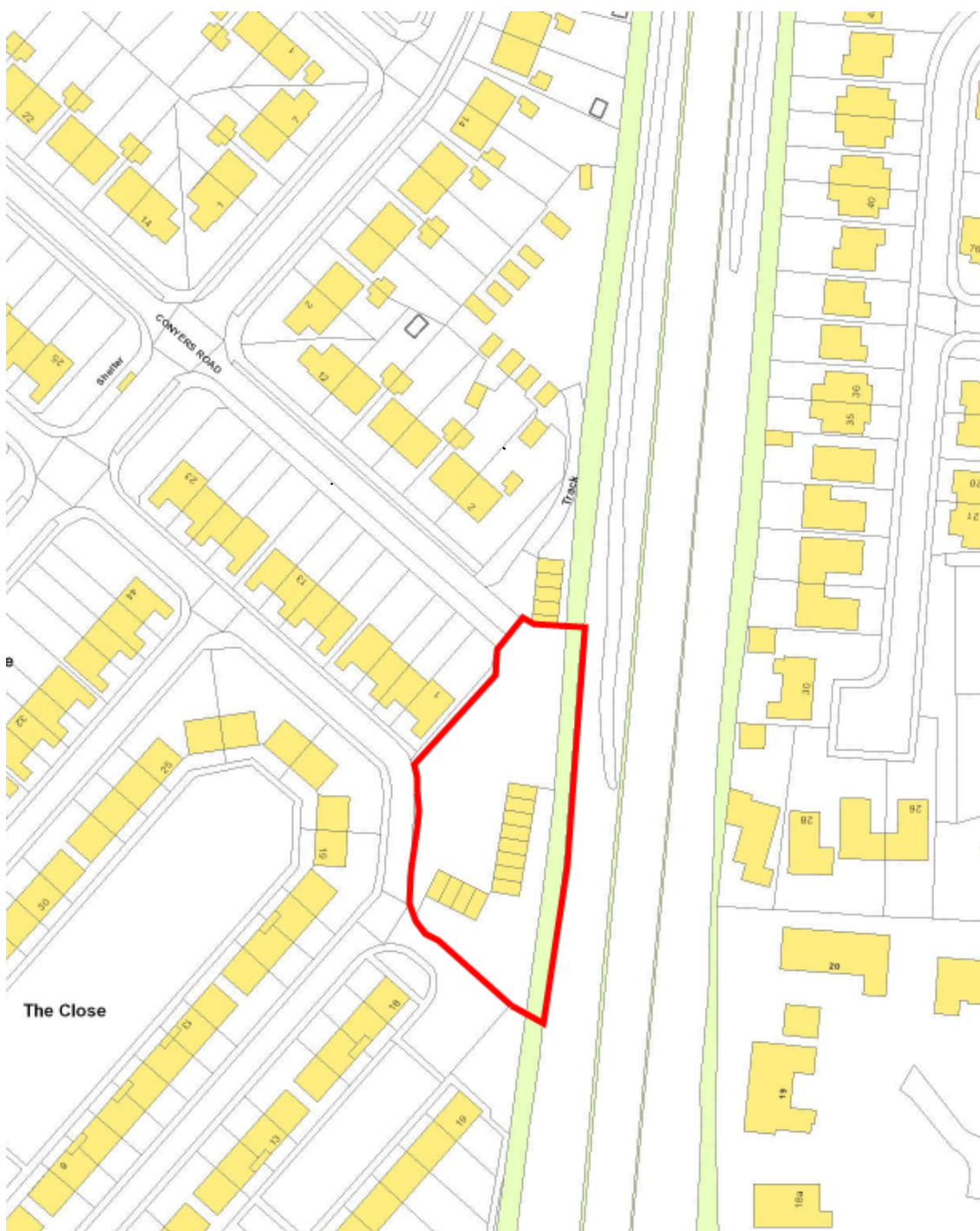
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

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Proposed demolition of existing garage and erection of 7 No. 2 storey terraced houses

Application Number : DM/16/01446/FPA

Comments

Date – 29.09.16

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COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/01472/FPA
FULL APPLICATION DESCRIPTION:	Proposed erection of 4no 2 storey houses and external works.
NAME OF APPLICANT:	Cestria Community Housing Association
ADDRESS:	Land Adjacent To 32 Beechwoods Chester-le-Street DH2 2HR
ELECTORAL DIVISION:	Chester-le-Street North
CASE OFFICER:	Steve France Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This is one of the three former garage sites proposed for new residential development by Cestria Homes. The site, 778m² in area, is at the northern extent of Beechwoods, the smallest of the sites, with the garages that formerly occupied it already cleared. The site therefore consists of an open area of deteriorating hardstanding, flanked by the gable ends of two semi-detached properties – the dwelling to the west has an attached flat-roofed single garage and a first floor utility window facing across the site entrance, with that to the east having a side door and a similar first floor window. The surrounding estate is a local-authority built development of two storey semi-detached properties, open plan to the front, with enclosed private rear gardens, with the majority of the properties relying on on-street or remote garage parking.
2. The land behind this site is developing woodland which is part of the designated Green Belt, with a network of formal and informal footpaths in it that show community usage. The woodland and an area of grassed informal public open space with occasional trees are informally accessed through the former garage court, with bollards preventing vehicular access to such.

The Proposal

3. The application proposes erection of two pairs of semi-detached two-storey dwellings, i.e. four dwellings in total, set on the street corner at 90 degrees to each other, sharing six on-site car parking spaces. The dwellings will be open-plan at the front, with fenced private rear gardens. A footpath link is proposed to the side of the development to maintain access from Beechwoods to the woodland and public open space to the rear of the estate. The dwellings use a simple materials palette to reflect

the surrounding estate, as does the simple massing and use of plain gables. The design also includes feature gables and infill panels that give a modern appearance. Living accommodation consists of a hall, kitchen and lounge downstairs, with two bedrooms and a full-sized bathroom upstairs.

4. The application is reported to Committee at the request of the local Ward Member.

PLANNING HISTORY

5. The site has no recent planning history.

PLANNING POLICY

NATIONAL POLICY

6. 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.
7. 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’.
8. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
9. The following elements of the NPPF are considered relevant to this proposal;
10. *NPPF Part 4 – Promoting Sustainable Transport.* Notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
11. *NPPF Part 6 – Delivering a wide choice of high quality homes.* Housing applications should be considered in the context of a presumption in favour of sustainable development. Local Planning Authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create inclusive and mixed communities. Policies should be put in place to resist the inappropriate development of residential of residential gardens where development would cause harm to the local area.
12. *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.

NATIONAL PLANNING PRACTICE GUIDANCE:

13. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
14. *Design - The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

LOCAL PLAN POLICY:

15. The following are those saved policies in the Chester-le-Street District Local Plan relevant to the consideration of this application:
16. *Policy HP6 – Residential within settlement boundaries* – identifies Chester-le-Street as a settlement where residential development will be allowed on non-allocated sites that are previously developed land and meet the criteria of Policy HP9.
17. *Policy HP9 – Residential Design Criteria (General)* – requires new development to; relate well to the surrounding area in character, setting, density and effect on amenity of adjacent property, to provide an attractive, efficient and safe residential environment, to provide adequate privacy and amenity, safe road access and retain existing landscape features.
18. *Policy T8 – Car Parking Provision* – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
19. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified road, should not create high levels of traffic exceeding capacity, have good links to public transport, make provision for cyclists and service vehicles and have effective access for emergency vehicles.

RELEVANT EMERGING POLICY:

20. Paragraph 216 of the NPPF says that decision-takers should give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the withdrawn CDP can no longer carry any weight. As a new plan progresses through the stages of preparation it will begin to accrue weight in due course.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. *Highways* – County Highways Engineers have confirmed that in principle the drive access arrangement is acceptable subject to a continuation of the 1.8m wide footway, built to an adoptable standard, with construction details needed to be provided by the applicant for the vehicular access crossing point. The footpath link to the south east of plot 4 will remain private and will not be maintained by the County Council as public highway. The proposed new path and ramp adjacent the existing dwelling No 32 Beechwoods should be constructed in agreement with the private land owner.
22. *Northumbrian Water* - have suggested a condition requiring a detailed scheme of foul and surface water drainage from the development be attached to any approval.

INTERNAL CONSULTEE RESPONSES:

23. *Tree Officers* – A single sycamore tree adjacent the gable of the existing dwelling to the east is proposed removed to facilitate the development. No objection is raised to the loss, the tree not contributing to the street-scene.
24. *Environmental Protection (Contamination)* - agree with the submitted risk assessment and the requirement for further works. Although site investigation works are proposed in terms of risks from gas and asbestos, there are no recommendations with regard soil sampling and analysis. It is therefore recommended soil sampling and analysis is undertaken as part of the site investigation works. As the development constitutes a change of use to a more 'sensitive receptor', a condition is recommended attached to any approval to secure these requirements.

PUBLIC RESPONSES:

25. The owner of the adjacent dwelling complains the scheme provides no access to her rear garden, making disposal of garden waste and bin collection inconvenient. Her potential for future extension above the garage is considered compromised. She considers the development would make her dwelling a mid-link, devaluing it. Other concerns relate to the potential loss of privacy and amenity, compromising the rural location.
26. A pro-forma letter to the Ward Member has been forwarded by her in regard of the two developments proposed in Beechwoods. Ten of these letters have been attributed to this application, however, whilst the letter raises general concerns at the increase in traffic and congestion resulting from the development and the loss of existing resident's parking as a general concern, it specifically refers to the demolition of garages proposed and therefore may not relate directly to this site.

PLANNING CONSIDERATIONS AND ASSESSMENT

27. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of residential development, and the potential impact on highway safety.

The Principle of Development

28. The cleared site meets the definition of 'previously developed land' (or 'brownfield land') set out in the Glossary of the NPPF. The proportionate weight given to the policy context from the Chester-le-Street Plan's relevant saved policies is supportive of development in this location, subject to consideration of the details. Within an existing settlement with excellent 'sustainability credentials', the presumption in favour of sustainable development set out at paragraph 14 of the Framework is also a material planning consideration. The Government's imperative for the planning system is the delivery of new houses, likewise reflected in the Council's corporate aspirations.
29. With the Council unable at this time to demonstrate a five year supply of housing, a supportive development plan context, and the national presumption in favour of residential development in sustainable locations, the principle of residential development is therefore considered wholly acceptable in this location.

Housing Land Supply

30. The Council is currently unable to demonstrate the housing land supply required of it. Whilst the lack of a 5 year supply, and the guidance at paragraph 49 of NPPF make it clear that it is not the case that every housing site should therefore be approved, there is a strong "presumption in favour of sustainable development". This site and the development proposed are considered sustainable. The scheme will make a positive contribution to the supply of housing in County Durham.

Scale and Character

31. The application proposes a modern interpretation of the basic two-storey semi-detached dwelling. Through the use of appropriate materials and restrained detailing the proposed elevations are considered an attractive and appropriate balance between the surrounding vernacular and a modern appearance. The adjacent dwelling to the west will remain in semi-detached form, despite that householder's concerns. In terms of scale and character the development is considered compliant with the requirements of Policy HP9 of the development plan, and the advice on design at part 7 of the NPPF and in the NPPG.

Residential Privacy and Amenity

32. The relationships proposed to adjacent dwellings are consistent with those around the estate. A condition will be required to ensure the off-site works consisting of the revised ramp arrangement shown for the tenant of the dwelling to the east. There are no tangible adverse unreasonable privacy or amenity issues from the development to these two neighbours. Despite concerns raised, the neighbour at 28 has no right of access to her rear garden over land not in her ownership, the usual open route to the

back of the property is occupied by the garage built by and on that property – with access through that structure not unreasonable for bins or for maintenance access. Whilst not a material planning issue, the development will have no effect on that householder's ability to extend in the future, and likewise while the non-material issue of potential devaluation of property is offered as an objection, it is suggested that the development compared to the deteriorating cleared garage court could be seen as preferential by some buyers.

Highway Safety

33. This is the main general issue for surrounding residents. For the most part dwellings on the estate do not have within curtilage parking, relying on the public highway and the garage courts built as an integral part of the estate. Whilst the roads and footpaths appear to full adoptable dimensions, the level of car ownership on the estate has obviously increased significantly since it was built – parking can therefore be a challenge in an area of multiple car ownership and when works vans are brought home on an evening.
34. The local Ward Member has directed effort and monies into addressing this problem, and to this end the proposed development schemes have not been well received by local residents in potentially undermining these efforts.
35. The applicants are a private landowner, who ultimately have the ability to fence their land and prevent public access to it, whether the site is developed or not. With no objection from Highways Engineers to sustain a viable planning refusal on these grounds, it is acknowledged that the development will be of detriment to general car parking opportunities in the estate, bringing safety implications by degree, but the effect of the proposals is not such that it would compromise highway safety to a degree that would justify a refusal. In the language of the Framework, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits - those benefits being the supply of new dwellings in a sustainable location.

Other Issues

36. Northumbrian Water has raised no objection to the development and suggested a condition to ensure a viable and detailed drainage scheme is agreed before the development commences. This is considered reasonable and proportionate – the suggested condition appended to the recommendation, below.
37. Historically the site and surrounding estate was in an industrial use, therefore with the residential development a 'more sensitive receptor' proposed, it is considered diligent to impose the condition ensuring potential contamination is fully investigated and addressed suggested by Environmental protection Officers. This condition is proposed in pre-commencement form, with the breaking of ground and potential exposure to any contamination risk occurring from the start of the start of development works.

CONCLUSION

38. The application proposes residential development on brownfield land in a sustainable location. The proposed dwellings are considered acceptable in scale and character, with no adverse implications in terms of privacy and amenity for existing and future residents. The proposals will reduce the car parking available to existing residents, but not to a degree where highway safety is compromised to a degree that

would significantly and demonstrably outweigh the scheme's benefits. Conditions are considered an acceptable method of addressing the site's drainage and contamination requirements. The application is recommended positively.

RECOMMENDATION

39. 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: 04-(SK1)-7790 rev.B Site Plan as Proposed, GS2-C-GA-101 rev.P1 External Works Arrangement, 14-(SK)-7790 Plans and Elevations.
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, T8 and T15 of the Chester-le-Street District Local Plan (saved policies 2009).
3. Notwithstanding any details of materials submitted with the application details of the make, colour and texture of all walling and roofing materials including rainwater goods, and all hardstanding and fencing materials must be submitted to and approved in writing by the Local planning authority before their use on-site. The development shall be constructed in accordance with the approved details.
Reason: To achieve an acceptable form of development in accordance with Policies HP6 and HP9 of the Chester-le-Street District Local Plan (saved policies 2009).
4. The replacement ramped access to the side door of 30/32 Beechwoods must be completed in full before the existing access ramp is removed.
Reason: To ensure the residential amenity of the occupiers of the specified properties in accordance with Policy HP9 of the Chester-le-Street District Local Plan (saved policies 2009).
5. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place fully in accordance with the approved details.
Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF, required pre-commencement to ensure sufficient capacity exists in the affected drainage system to accommodate the proposed flows.
6. The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:
Pre-Commencement

(a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

(b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3

Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

Completion

(c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11, required pre-commencement as any requirements may impact first groundworks.

7. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of Policy HP9 of the Chester-le-Street District Local Plan, 1997 (saved Policies 2009).

STATEMENT OF PROACTIVE ENGAGEMENT

40. The Local Planning Authority in arriving at the decision to approve the application has actively engaged with the applicant to secure a positive outcome in accordance with the Local Plan and the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Chester-le-Street District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



Planning Services

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Proposed erection of 4no 2 storey houses and external works.

Application Number : DM/16/01472/FPA

Comments

Date – 29.09.16

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Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPEALS RECEIVED

An appeal has been received against the refusal of planning permission for the erection of a single 4 bedroom dwelling and 2 outbuildings (DM/15/03625/FPA) on land to the east of Ravenscroft, Stoney Lane, Beamish.

The appeal relates to the erection of a large two story family dwelling house with detached outbuildings on open agricultural land in the designated Green Belt between Urpeth and Beamish. The application was refused by Members at the February Committee Meeting this year on the grounds of its effect on the openness of the Green Belt, its siting without justification in the open countryside and in being in a non-sustainable location.

The applicants have requested a written representations procedure for the appeal, the outcome of which will be reported to Members in due course.

An appeal has been received against the refusal of planning permission for a new stable block, retention of existing shed and change of use of fields to horse grazing (resubmission) (DM/16/00473/FPA) at land to the south of Broomhill South Farm, Ebchester Hill, Ebchester.

This appeal relates to a stable building, retention of a shed, which has since been removed, and the change of use of land to grazing. Members refused the application at Planning Committee in May 2016, concerned at the impact of the proposal on the valued landscape, natural environment, and not being of benefit to the rural economy.

The applicants have requested a written representations procedure for the appeal, the outcome of which will be reported to Members in due course.

An appeal has been received against the refusal of planning permission for the erection of a front porch and two storey rear extension (DM/16/00449/FPA) at 11 Park View, South Pelaw, Chester-le-Street.

This appeal relates to the erection of a front porch and two storey rear extension at the above property. The application was refused under delegated powers, concerned at the impact of the proposal in terms of its design and the amenity of neighbouring properties.

The applicants have requested a written representations procedure for the appeal under the Householder Appeals Service (HAS), the outcome of which will be reported to Members in due course.

APPEALS DETERMINED

Appeal against the refusal of planning permission for Retrospective change of use of land to leisure use including motor sport (sui generis), incorporating ancillary operational development (DM/15/02137/FPA) on land to the South of Quickburn Quarry and Drover House Lane, Satley.

An appeal against the refusal of planning permission for the above was received in June 2016, the application having been refused at the Strategic Committee meeting in October 2015 (the application referred to that Committee on the basis of the size of the application site - this report will also be forwarded to them). The application was refused for the following reasons:

- 1. The use will significantly compromise the rural character of countryside tranquillity within the AONB designated landscape, and further be visually obtrusive in the landscape, contrary to relative weight given to Policies EN1, EN5 and EN26 in the saved policies of the Derwentside District Local Plan and the advice in the NPPF.*
- 2. The use will generate noise of an adverse impact to a degree likely to compromise the protection of the amenities of neighbouring occupiers and land users, and in particular, those residential properties in Drover House Lane, contrary to the relative weights given to Policies GDP1 and EN26 of the saved policies in the Derwentside District Local Plan taking into account the advice set out in the NPPG.*

The Planning Inspector dismissed the appeal, concurring with the Council that the NPPF gave 'great weight' to conserving the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) – 'I do not see how such statutory requirements, the aims of such advice, or indeed, the compatible 'saved' policies cited above, could possibly be interpreted to condone the construction or reinstatement of a previously unauthorised motocross track in this location'. Assessed in detail from a number of viewpoints the scheme was concluded, 'unnatural, incongruously intrusive and visually damaging'.

The effects of the proposals in terms of implications of vehicle movements and the use itself, ' would also introduce noticeable activity and noise into an area of relatively remote and tranquil countryside', which 'would further fail to conserve or enhance the natural beauty of this AONB'.

In terms of the 'noise' element of the proposals, the Inspector set out a detailed critique of the applicant's noise assessment and proposals, both finding significant elements of concern and questioning the applicant's ability to enforce their proposed management plan. The effect on local residents was concluded unacceptable.

The Inspector concluded, 'this scheme would undermine the statutory purpose of designating this AONB and impair the rural character of this tranquil moorland landscape. It would also result in activities that would intrude into the peace and quiet that might reasonably be expected by people in the vicinity and by nearby residents. The appeal was dismissed.

Enforcement Officers made immediate contact with the applicant and their agents regarding the reinstatement of the land to its former appearance.

RECOMMENDATION

That the report be noted.

Reports prepared by Nick Graham (Planning Officer) and Steve France (Senior Planning Officer).

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