

# COMMITTEE REPORT

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## APPLICATION DETAILS

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

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. This is one of the three former garage sites proposed for new residential development by Cestria Homes. The site, 778m<sup>2</sup> 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.

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## **PLANNING HISTORY**

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5. The site has no recent planning history.

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## **PLANNING POLICY**

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### **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.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **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.

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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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.

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## CONCLUSION

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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.

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## RECOMMENDATION

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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).

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

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## **BACKGROUND PAPERS**

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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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### Comments

Date – 29.09.16

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