

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, 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

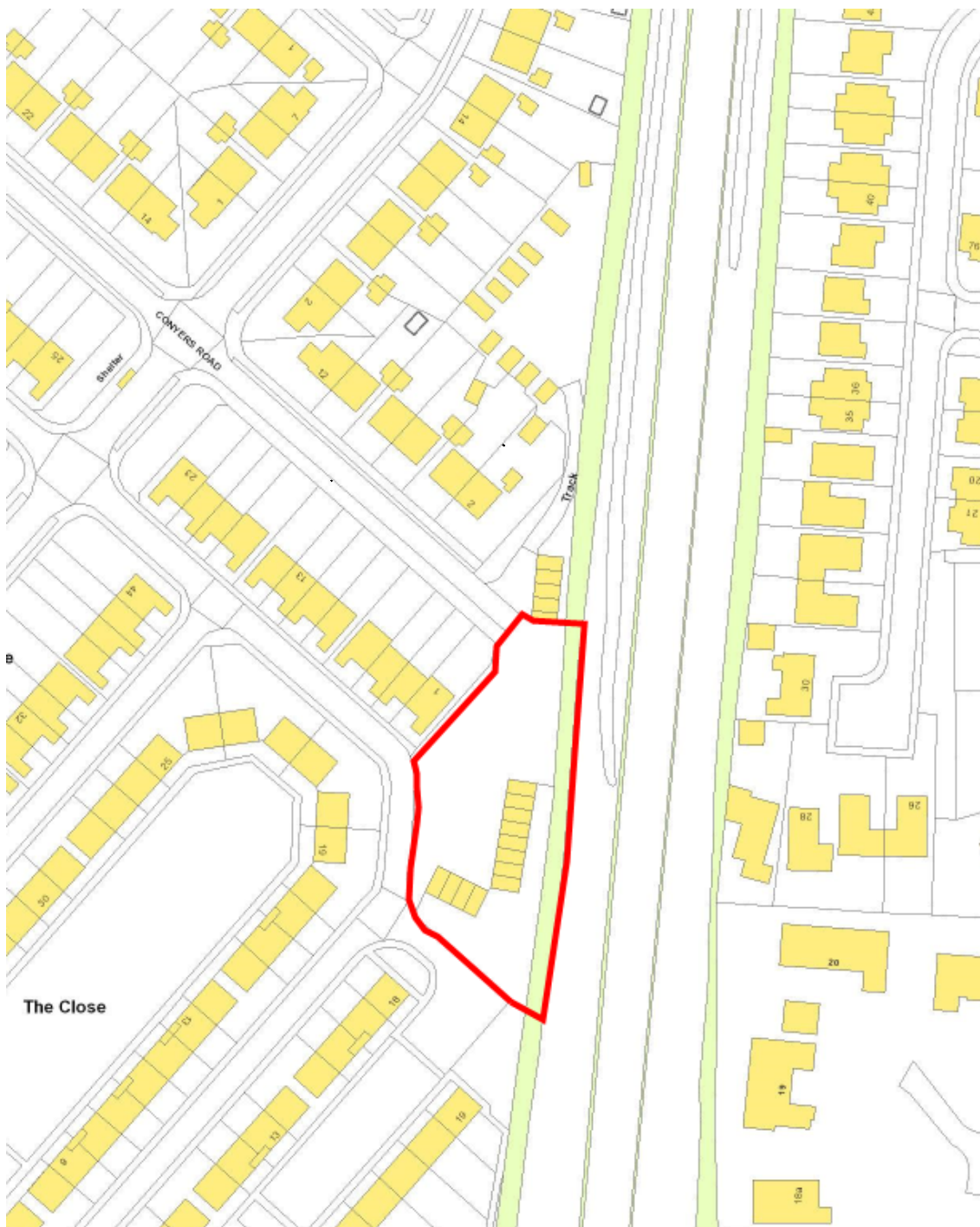
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

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

Scale 1:1250