

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/16/01426/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed demolition of existing garages and erection of 6no. 2 storey houses and external works
<b>NAME OF APPLICANT:</b>	Cestria Community Housing Association
<b>ADDRESS:</b>	Land North Of Both 85 Pelaw Crescent & 1 Cedars Beechwoods Chester-le-Street
<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 proposed former garage sites proposed for new residential development by Cestria Homes. The site, 1142m<sup>2</sup> 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.

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## **PLANNING HISTORY**

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6. The site has no recent planning history.

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## **PLANNING POLICY**

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### **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>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **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>*

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## PLANNING CONSIDERATIONS AND ASSESSMENT

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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.

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## CONCLUSION

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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.

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## RECOMMENDATION

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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).

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.)

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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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