

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03232/OUT
FULL APPLICATION DESCRIPTION:	2no. dwellings (Outline application – all matters reserved) including demolition of existing garages
NAME OF APPLICANT:	Livin
ADDRESS:	Land to the east of 10 Hatfield Road, Newton Aycliffe, Co Durham
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Mark O’Sullivan, Planning Officer, 03000 261056, mark.o’sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site relates to 2no. blocks of terraced garages (11no. units in total), owned by Livin, located to the east of no.10 Hatfield Road, Newton Aycliffe. These garages are set back and accessed from Hatfield Road to the south, and surrounded to the north and east by open amenity space. To the south and west, properties on Hatfield Road are of 2 storey scale and terraced in nature.
2. The proposal seeks demolition of the garage blocks and erection of 2no. semi-detached 2 storey properties, to be managed by Livin as affordable rent or ownership. This is an outline application with all matters reserved, however an indicative site plan shows the potential development footprint and access from Hatfield Road.
3. The application is being reported to the Planning Committee at the request of Cllr Jed Hillary who raises concern over the loss of the garages which could result in the exacerbation of local parking issues.

PLANNING HISTORY

4. There is no relevant formal planning history relating to this particular parcel of land.

PLANNING POLICY

NATIONAL POLICY

5. 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 dependent.

6. 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'. The following elements of the NPPF are considered relevant to this proposal;
7. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
8. *Part 6 - Delivering a wide choice of high quality homes.* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
9. *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.
10. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.

LOCAL PLAN POLICY:

11. The development plan is the Sedgefield Borough Local Plan saved policies:
12. *Policy D1 - General principles for the layout and design of new developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
13. *Policy D3 - Design for access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
14. *Policy D5 - Layout of new housing development* - sets criteria for the layout of new housing developments.
15. *Policy H17 - Backland and infill housing development* - sets criteria for new backland and infill housing development.

RELEVANT EMERGING POLICY:

The County Durham Plan

16. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial

Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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:

17. *Aycliffe Town Council* – Have made no comment on the application.

18. *Highway Authority* – No objections to the proposals.

INTERNAL CONSULTEE RESPONSES:

19. *Arboriculture Section* – Confirms there is unlikely to be any major arboricultural impact. Conditions and informatives suggested relating to tree protection measures, future pruning works and excavation/storage of materials outside of the application site boundaries.

20. *Ecology Section* – No objections.

21. *Environmental Health (Noise)* – Have no comments other than recommendation that sensitive site operations are carried out during construction

22. *Environmental Health (Contaminated Land)* – Advise that given the potential for made ground / contamination on the site associated with the garages and due to the fact that this development constitutes a change of use to a more sensitive receptor, a contaminated land condition should be applied to any approval.

PUBLIC RESPONSES:

23. The application has been publicised by way of site notice and individual notification letters to neighbouring residents. No comments have been received at the time of preparing this report.

APPLICANTS STATEMENT:

24. Over the last few weeks Livin have completed a series of both Health & Safety and stock condition surveys on its entire garage portfolio. This has assisted Livin's Asset Management team to identify which garages have a negative Net Present Value (NPV) and therefore lose money from its business plan. This information combined with the demand data has been used to categorised the garage stock from high (high demand and good condition) to low (no demand and poor condition). This data is being used to prioritise a programme of refurbishment and possible demolition. Other factors such as anti-social behaviour, vandalism, fly tipping, graffiti, etc. will also impact on the decision to retain or remove a garage block.

25. Prior to any investment in the garages, Livin consider if there is any future development potential of the site to meet a housing need in the community in terms of affordable rent

and/or affordable home ownership, hence applications for both Biscop Crescent and Hatfield Road. The provision of affordable housing is a key strategic issue for DCC.

26. Livin will consider the provision of in-curtilage parking for Livin tenants displaced from any demolitions, or if available relocation to an alternative garage site if it is proved that the garage is used for the use of a vehicle and not storage. Private owner occupiers who rent a garage will be offered alternative garage sites if available, however no in-curtilage parking could be offered as this would be against Livin's charitable objectives.
27. Should a decision be made to demolish a garage block and not redevelop that site, Livin would also have any hard standings removed to remove any long term maintenance liabilities. It would not be the intention to provide off street parking in this situation as again this would be an investment issue going forwards with no financial income being received to fund on-going repairs.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at

<http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

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 at outline stage relate to the principle of development, highway safety, ecology and land contamination.

The principle of the development:

29. Saved policies H17 and D5 of the Sedgefield Borough Local Plan support new residential development on backland and infill locations where this can achieve a satisfactory means of access and parking provision, satisfactory amenity and privacy for both the new dwellings and existing adjacent dwellings, and where development is in keeping with the scale and form of adjacent dwellings and the local setting of the site. However, given the age of the Sedgefield Local Plan, its general housing policies are out of date and therefore carry little weight. In these circumstances the NPPF advises that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole.
30. The overarching principles of the NPPF seek to secure development in sustainable locations and one of the core land use principles is to encourage the re-use of brownfield land. Paragraphs 47- 55 of the NPPF seek to boost significantly the supply of housing to create sustainable, inclusive and mixed communities.
31. Newton Aycliffe is a Main Town, as identified in the County Durham Settlement Study. The application site lies in an established residential environment and has good links to the local amenities and services in the town. Two additional dwellings would make a meaningful contribution to housing supply and social objectives, and furthermore, the site constitutes brownfield land.
32. Visually, the existing garages do not contribute positively to the character and visual amenity of the area given their present condition and appearance, and they have been identified by the owner as uneconomical to repair in the context of their business plan. Although matters of design and the relationship with neighbouring properties would be subject to reserved matters approval it is likely that an acceptable development of semi-

detached two storey properties could be achieved that would sit comfortably in the context of the site and have acceptable relationships with neighbouring properties. As the garages are currently attached to the gable end of 10 Hatfield Way it would be appropriate to request details of the timing and appearance of the repairs to the gable end to ensure they are satisfactorily completed. Details of tree protection measures can be conditioned to protect the adjacent trees during demolition and construction.

33. The proposal would therefore deliver economic, social and environmental benefits and is wholly in accordance with the core principles of the NPPF. It should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Highway safety:

34. Saved policies H17 (A) and D3 of the Sedgefield Borough Local Plan, as well as NPPF Part 4 require new development to achieve a safe and suitable access. NPPF paragraph 32 states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
35. The application has been called to Committee over concerns about potential displacement of parking onto the public highway as a result of the loss of the garages.
36. The garages are owned by Livin who have confirmed that only 6 of the 11 garages are presently rented out, and it likely that they are used for general storage rather than vehicles. Livin have their own policies for relocation of garage tenants to alternative sites if available, so it does not necessarily mean parking will be displaced onto the highway, especially if the garages are only used for storage.
37. However, even if the proposal does lead to 6 vehicles being displaced onto the surrounding highway, the Highway Authority is satisfied this would not be at a level that is detrimental to highway safety in the surrounding streets, and the proposed development itself does not raise any highway safety objections.
38. There is no conflict with policies H17 and D3 of the Sedgefield Borough Local Plan, and in accordance with NPPF paragraph 32, the residual cumulative impacts of the proposal on highway safety could not be classed as severe and therefore there are no justifiable reasons to refuse the proposal on highway safety grounds.

Ecology:

39. As the proposal involves demolition, regard must be given to potential impacts on bats, a protected species.
40. In this case the garages are flat roofed and cold. As such, they do not represent suitable habitat for breeding or hibernating bats. The risk of disturbing bats or loss of habitat is therefore extremely low. The Ecology Section has considered the proposals and have no objection. There is no conflict with the requirements of the Habitat Regulations and Part 11 of the NPPF.

Contaminated Land:

41. Given the current use of the site for domestic garaging/storage it is very unlikely that there would be any significant ground contamination and therefore it would be appropriate to leave this matter to a condition, as recommended by the Contaminated Land Section.

CONCLUSION

42. The proposal represents a sustainable form of development that would deliver economic, social and environmental benefits in accordance with the core principles of the NPPF. All detailed matters are reserved for future consideration, but it is likely that an acceptable bungalow development can be delivered on the site in keeping with the character of the area and without compromising highway safety, residential amenity and other interests in relation to ecology, and land contamination, subject to detailed consideration at reserved matters stage.
43. All representations have been carefully considered, however there have been no adverse impacts identified that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF as a whole, or the other relevant policies of the Sedgefield Local Plan. In accordance with NPPF Paragraph 14 and the presumption in favour of granting permission in this case, the proposal is therefore recommended for approval.

RECOMMENDATION

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

1. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

2778-D-00-003 A (Proposed site plan), received 06 October 2016

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Part 7 of the NPPF and saved policies H17 and D1 of the Sedgefield Borough Local Plan.

5. No development, including demolition, shall commence until protective fencing has been placed around trees adjacent to the site, the details and position of which shall first have been submitted to and agreed in writing by the Local Planning Authority. The approved tree protection measures shall be retained throughout the construction period.

Reason: To ensure the nearby trees are appropriately protected during construction in the interests of the visual amenity of the area and to comply with policy D1 of the Sedgefield Borough Local Plan.

6. No development, including demolition, shall commence until details of the timing, method and finished appearance of repairs to the gable end of 10 Hatfield Road following the demolition of the garages has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 of the Sedgefield Borough Local Plan.

7. A Phase 1 Preliminary Risk Assessment (Desk Top Study) shall be carried out by competent person(s) and the results submitted to the Local Planning Authority before development commences, to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site.

If the Phase 1 identifies the potential for contamination, a Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) before development commences to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.

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 submitted to and approved in writing by the Local Planning Authority and thereafter 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.

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 minimized 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.

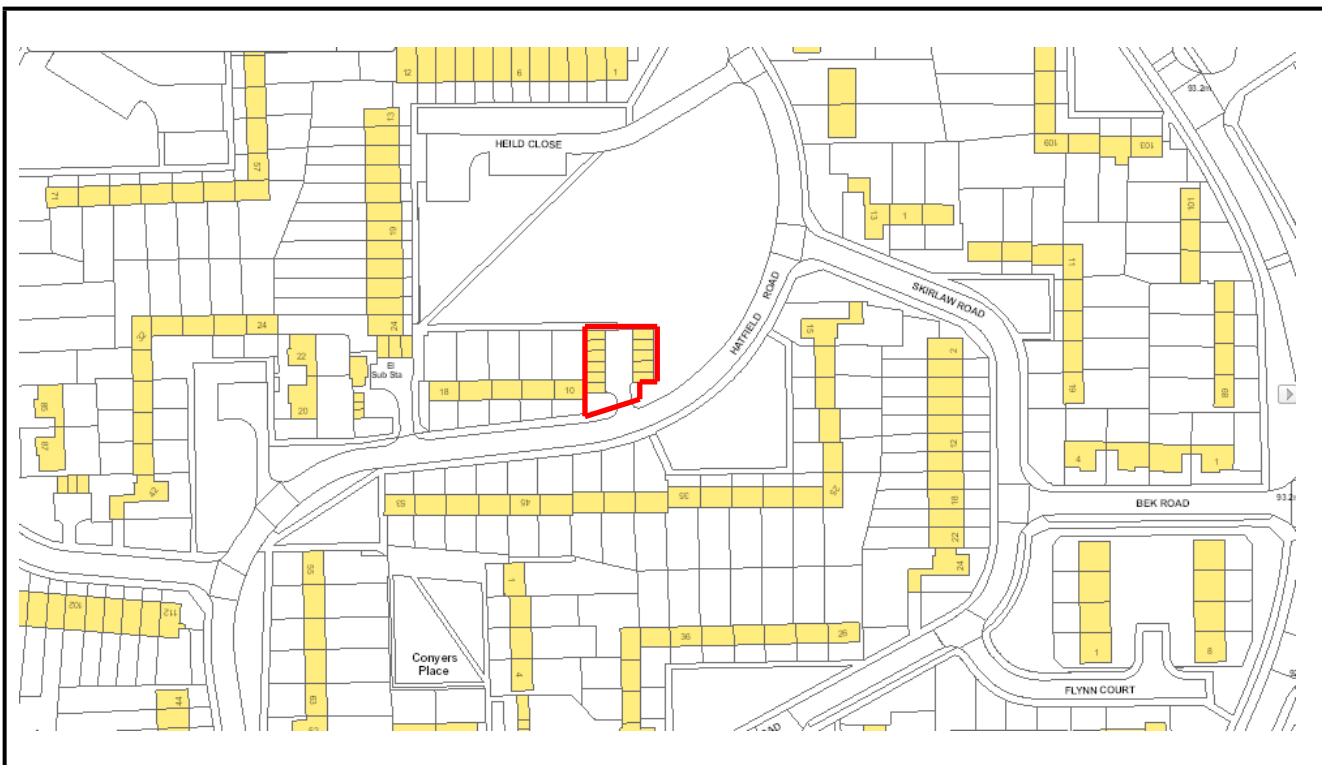
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision have, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and

proactive manner. The Local Planning Authority have sought to ensure that this application has been determined within the statutory determination period.

BACKGROUND PAPERS

- Submitted Application Forms, Plans and supporting documents
- National Planning Policy Framework
- Sedgefield Borough Local Plan
- Statutory response from the Highway Authority
- Internal responses from Ecology, Arboriculture, Environmental Health and Contaminated Land
- County Durham Settlement Study



Planning Services

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Comments

Date 17 November 2016