



Area Planning Committee (North)

Date Thursday 19 May 2016
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 28 April 2016 (Pages 1 - 4)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
 - a) DM/16/00473/FPA - Land at the South of Broomhill South Farm, Ebchester (Pages 5 - 16)
Change of Use of land to horse grazing, erection of stable block and retention of existing shed (resubmission)
 - b) DM/16/00351/FPA - Mendip House, Mendip Avenue, Chester-le-Street, (Pages 17 - 36)
Demolition of former care home and erection of 20 two bed homes and 2 one bed apartments
 - c) DM/16/00986/OUT - Land to the rear of 1 To 8 Wesley Terrace, Castleside Industrial Estate, Castleside (Pages 37 - 48)
Outline application for residential development of up to 21 units, including details of site access
 - d) DM/16/00672/FPA - 23 The Green, Nettlesworth, Chester-le-street (Pages 49 - 56)
Change of use from class D1 (non-residential institution) to B1 (offices) with ancillary treatment rooms for aromatherapy massage purposes

6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
11 May 2016

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

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

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

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

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

Present:

Councillor C Marshall (Chairman)

Members of the Committee:

Councillors H Bennett, P Brookes, J Cordon, I Jewell (Vice-Chairman), J Maitland, J Robinson, K Shaw, A Shield, L Taylor, O Temple, K Thompson and S Wilson

Apologies:

Apologies for absence were received from Councillors B Armstrong and S Zair

1 Apologies

Apologies for absence had been received by Councillors B Armstrong and O Milburn.

2 Substitute Members

There were no substitute members in attendance.

3 Minutes

The minutes of the meeting held on 24 March 2016 were agreed and signed as a correct record.

4 Declarations of Interest (if any)

There were no declarations of interest.

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

a DM/15/03155/FPA - The Volunteer Centre, Clarence Terrace, Chester-le-Street

The Committee considered a report of the Planning Officer regarding the demolition of the volunteer centre and erection of 14 apartments at the Volunteer Centre, Clarence Terrace, Chester-le-Street (for copy see file of minutes).

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

Mr C Lodge addressed the Committee as a local resident and raised concerns regarding an increased risk of flooding. He referred to properties in Clarence Terrace which contained an under floor space of 3 feet which filled with non-stagnant water. He believed that the water flowed across the road and under the small copse of trees in the public car park adjacent to the development via Osborne Road. If additional sewage and surface water were placed on the existing underground drainage routes, the risk of flooding would be exacerbated. If the plans contained a reference to the installation of underground routes he would not oppose the development, however the condition regarding drainage related to sewage and surface water, not underground water. He queried whether the public would have an input into the assessment made in relation to the proposals since it may have an impact on residential properties in the vicinity.

In addition, Mr Lodge referred to balconies proposed in the application and although they complied with guidance and included a 21m privacy distance, they were directly opposite another property and he believed the rooms were uninhabitable should privacy be an expectation of the occupier.

Mr M McCarrick addressed the Committee on behalf of the applicant, McCarrick Construction. He confirmed that the development would create affordable homes as well as additional employment opportunities in the area. McCarrick Construction had commissioned a drainage engineer to assist in developing the plans and he had also given his professional advice with regard to the concerns raised by Mr Lodge. The Engineer had confirmed that the properties at Clarence Terrace were situated on an area of land which consisted of 95% clay and it was unlikely that there would be any underground water travelling underneath the road. This was reiterated by the fact that there were no visible signs of deterioration in the road as would be expected if water was travelling underneath.

The Planning Officer confirmed that the purpose of evaluating drainage was not to alleviate existing problems, but to ensure that the proposal would not exacerbate or cause them. The plans which had been submitted by the applicant were not available to members of the public, however the Planning Officer confirmed that he was willing to allow them to be viewed. It would not be possible for comments by members of the public to be considered.

Councillor Robinson referred to the contribution for off-site children's play and the statement within the report confirming that the applicant had requested to choose where the contribution would be allocated. He was concerned that the developer had been specifically referred to and of how it could be interpreted by members of the public. The Solicitor confirmed that it was accepted within the report that it was not possible for the developer to choose where the money was spent however as a compromise a clause could be included within the Section 106 agreement in order for the applicant to be entitled to put forward schemes or proposals for consideration by the Working Group. This did not exclude anybody else from submitting an application or give the developer any preference, it only ensured that they were included in the group of people who could submit an application.

Councillor Shield shared the same concerns as Councillor Robinson and the Chairman sought further clarification should Members be minded to refuse the application on this point. The Planning Team Leader confirmed that the recommendation did not include a clause, however it was important for reference to be made within the report as the developer had specifically requested it to be.

Councillor Shield referred to the number of parking spaces per proposed dwelling as being well below the recommended requirement and queried whether this would create parking issues in the area. The Planning Officer advised Members that the reduced parking spaces were alleviated due to the town centre location of the development. There were excellent links to public transport with both a bus and train station within walking distance. He confirmed that there was a public car park next to the development which was available for visitors and there were parking restrictions in place on the road adjacent. Highways were satisfied that the proposed parking was acceptable.

In response to a query from Councillor Temple the Planning Officer confirmed that he was uncertain of the amount of parking spaces in the adjacent apartment block however, any potential buyers would be alerted to the single parking space per property when considering buying it. In response to Councillor Maitland, the Planning Officer confirmed the public car park was open 24 hours.

Councillor Cordon referred to the indication from the Drainage and Coastal Protection Officer, that during heavy rain there could be a risk of flooding to the development. He reminded the Committee of serious flooding in the town centre which had taken months to address and identified that Mr Lodge needed to be satisfied that the plans submitted contained the correct drainage system. The Planning Officer reiterated that Mr Lodge was welcome to view the plans and reassured Members that the Council would not accept a sub-standard design.

Councillor Jewell queried whether there was any flood history for the current site however the Planning Officer had not been made aware of any.

The Planning Officer assured Councillor Brookes that the balconies were the required 21m apart and there was no cause for concern regarding privacy.

Councillor Wilson highlighted that there was sufficient parking restrictions on Osborne and Clarence Terrace and no objections had been received by consultees. He therefore moved that the application be approved subject to the conditions as outlined in the report.

Councillor Brookes seconded the proposal and it was;

Resolved

That the application be approved subject to the conditions outlined in the report and the completion of a Section 106 agreement.

6 Appeal Update

Consideration was given to the report of the Planning Officer which provided an update on planning appeals received and determined (for copy see file of minutes).

Resolved

That the report be noted.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00473/FPA
FULL APPLICATION DESCRIPTION:	Change of Use of land to horse grazing, erection of stable block and retention of existing shed (resubmission)
NAME OF APPLICANT:	Mr Kenneth Metcalf
ADDRESS:	Land at the South of Broomhill South Farm Ebchester Hill Ebchester DH8 6RZ
ELECTORAL DIVISION:	Leadgate and Medomsley Graham Blakey Planning Officer
CASE OFFICER:	Telephone: 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to two fields located to the south of the former Broomhill South Farm, now a private dwelling separate from the surrounding land holdings. The fields are rectangular in shape, with the exception of the western field which has the property of Broomhill South Farm in the North West corner. To the western boundary is the B6309, the main road in the area linking Leadgate to the south and Ebchester to the north. To the north is the wider group of buildings and dwellings commonly referred to as Broom Hill, around 500 metres to the south is Medomsley Edge cross roads where main roads in the immediate area intersect. The Dene lies under 200 metres across an adjacent field to the east.
2. The topography of the area sees the field sit at the beginning of a slight plateau, albeit not level, that begins to drop markedly to the north down to the River Derwent below. The area is characterised by an increasingly open aspect south of Broomhill South Farm, with low level boundary walling and strong vistas north and west across the wider Derwent Valley prevalent.
3. Works have already begun on site with the creation of an access through the stone walling to the highway and the erection of storage shed. The fields have been divided up into smaller paddocks by the erection of fencing; however this fencing is permitted development under Part 2 of the General Permitted Development Order 2015 (As Amended).

The Proposal

4. Permission is sought to change the use of the land from the current agricultural use (once part of the wider land holding of the nearby Glebe Farm) to that for the grazing and keeping of horses for personal use. The retained storage building is proposed for retention and the erection of a stable block for 3 horses is proposed. The current unauthorised access would be made good, with a new point of access located 50 metres south, due to visibility concerns from a previous application, with an access 'track' from the new access point turning immediately north to the applicants land holding and then running along the southern boundary to the proposed stable block along an unmade track.
5. The stable block is to be located in the eastern field, with its back against the southern field boundary and stables facing north. It would measure 11.5 metres long by 4.1 metres wide (with additional 1 metre roof overhang) and reaching a height of 3.9 metres at its ridge. The building would be finished with a nature stone facing walls and slate roof. The repositioned storage building would be located to the eastern side of the stable block facing in to the field. Both would be to the east of a large mature tree and a screen planting scheme has been proposed to the southern and eastern flanks of the building group.
6. The application is reported to members for determination at the request of the local member.

PLANNING HISTORY

7. In 2015, an initial application was submitted for broadly the same development but was withdrawn by the applicant (ref: DM/15/02717/FPA). Concerns in regard to the use of the new access point and visibility would have made the proposal unacceptable in highways safety terms.

PLANNING POLICY

NATIONAL POLICY

8. 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.
9. 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'.
10. 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.
11. The following elements of the NPPF are considered relevant to this proposal;

12. *NPPF Part 1 Building a Strong, Competitive Economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
13. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
14. *NPPF Part 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 POLICY GUIDANCE

15. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
16. *Noise.* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.

LOCAL PLAN POLICY:

The Derwentside Local Plan

17. *Policy GDP1 General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account 'designing out crime' and consideration of drainage.
18. *Policy EN1 Development in the Countryside* – will only be permitted where it benefits the rural economy or helps maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

The County Durham Plan

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

21. Highways – The visibility for a driver of a vehicle egressing the proposed site access and looking south (left) is well above the required standard even for a derestricted road (that is so long as the highway verge is maintained). The visibility for a driver of a vehicle egressing the proposed access and looking north (right) is required to the same standard. During the previous application a requirement for a visibility splay of 2.4m x 160m would be needed in this direction. The relocation of the access to the position shown in these proposals is capable of achieving this requirement (that is so long as the highway verge is maintained).

Therefore if the proposed use is for personal use stables, and the existing field access is improved to include 6 metres entrance radii and a setback of the entrance gates by 12 metres from the highway edge, no objections are raised to the proposals. A condition to ensure the removal of the existing unauthorised access should also be included.

The applicant intends to walk from road to the proposed stables. Parking on the Road B6309 (if this is done) would not appear an ideal arrangement. It is also said that this arrangement of walking from the road will continue. Questions of how feed and supplies get to the stables and animal transportation would subsequently be raised. The loading and unloading of horses directly from on the Road B6309 must not occur, therefore an area within the site whether it be next to the stables or just within the site boundary will need to be shown suitable for use by a vehicle and horse box to be used to park, turn and egress.

INTERNAL CONSULTEE RESPONSES:

22. Landscape - The site is prominently visible from surrounding distant viewpoints, including the public footpath, 120m to the north, and the Dene Hamlet, c.200m to the east. Ebchester Road is a Primary receptor where a straight approach from the south east offers non-drivers and others opportunities for rewarding views across unbroken countryside to the east side of the road. The effect on landscape features and character would be adverse. The degree of significance would be affected by the

likely presence of horse boxes and vehicles, bedding and manure heaps, unsightly materials and items usually associated with such facilities, and the detailed design of the track, parking, turning facilities and lighting installations. Some form of visual impact mitigation in the form of field boundary hedge planting should be included along the southern and eastern boundaries by way of compensation.

23. Environmental Health - No objection to the development in principle however in order to minimise the environmental impact a condition to any planning consent requiring a scheme of storage and disposal of animal waste and sewage should be submitted to control the impacts.
24. Public Rights of Way – No objections as the existing footpath would be unaffected.

PUBLIC RESPONSES:

25. Neighbours have been consulted by way of direct notification, and 12 objections have been received. In summary their concerns are:-
 - Development of this nature in this location is having a negative impact upon the landscape of the wider area that is affecting the beauty of the valley. The associated buildings, vehicles and general items that are associated with these developments have had a detrimental effect on the local area. The location is random within the field and no screening is proposed.
 - The existing fencing, storage building, new access and formerly a caravan were all erected or placed on site without planning permission prior to this and the previous application.
 - Stable block is extremely large and disproportionately so in the context of the green open agricultural space.
 - Plans do still not show the location of the proposed parking space, the new pedestrian access or change to the right of way, the hours of use, numbers of people allowed to visit the site, the surface of the access track
 - The applicant has no horses of their own and various other people have visited the site to tend to horses on site, lending suspicion towards a sub-let arrangement that is by definition commercial and not for personal use.
 - No details in regard to the storage and disposal of waste at or from the site is included in the application.
 - Storage shed is an eyesore in the landscape through shoddy construction and appearance.
 - Stabling of horses in an intensive manner would transform the fields into brown mud through overuse and neglect.
 - There would be a loss of privacy to the nearest neighbouring property as a result of the change of use, with regular horse riding taking place up to the boundary of the dwelling and the field.
 - There would be an impact upon the security of the nearby dwellings as a result of the large number of comings and goings from different people since the applicant purchased the site and this will continue if this application is approved.
 - Proximity to the mains gas supply to the Consett area.

APPLICANTS STATEMENT:

26. The site has been a recent purchase by the applicant to graze several ponies owned by the applicant for the enjoyment of the applicant's grandchildren. The applicant has until recently had a static caravan on the site, this was used to store horse feed and tack on the site. The reason for a static caravan was that this was given free to the

applicant, the applicant was ignorant of the planning implications of having a static caravan on the site. The static caravan was always considered to be a temporary use for the storage of feed and tack while the stable application was being considered by the Local Planning Authority. The static caravan has now been removed from the site.

27. The application is primarily for the erection of 3no. stables with a building footprint of 47m². The construction of the proposed stable block is stone face with a slate roof covering in a style, type and arrangement of a standard horse stable, with stable doors and a single window to each unit. The application also includes a new highway access, parking area and landscaping all in accordance with the discussions with the Local Planning Authority.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVKYEAGD0A500>

PLANNING CONSIDERATIONS AND ASSESSMENT

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 development and the impact upon the character and the appearance of the surrounding area, neighbouring amenity and highway safety.

Principle of the Development

29. The National Planning Policy Framework (Para. 28) refers to horse riding and other equestrian activities being popular forms of recreation in the countryside which can help to diversify rural economies. The proposed personal equestrian use is considered compatible with its countryside location and the inclusion of stables are intended to facilitate this use. The land in question is rated of poor agricultural quality rating 4 out of 5 by Natural England and their Agricultural Land Classification. Poorer quality agricultural land would be preferred for alternative uses outside of agriculture, whereby paragraph 112 of the NPPF encourages the use of better quality land for agricultural purposes.
30. Overall the use of the land for the keeping of three horses for personal use and construction of stables appears a reasonable level activity for the size of the site and given its location is considered acceptable in principle in this countryside position subject to other material planning considerations as detailed below, consistent with Paragraphs 28 and 112 of the NPPF and Policy EN1 of the saved Derwentside Local Plan.

Impact upon the Character and Appearance of the Area

31. The NPPF and policy EN1 of the local plan only allow development where it enhances or maintains landscape character. The application site is located in open countryside. Generally hedgerow trees are sparse, however a row of large mature and visually imposing ash trees are located on the field/site boundary that divides the proposed site of the stable block from the Ebchester Road. One overhangs the proposed site.

32. It is noted that whilst this general area does not benefit from any protected landscape designations, it nonetheless has visual merit and is largely characterised by improved pastures and arable land within an enclosed period field pattern, typically divided by hedges. The landscape within which the application fields lie has substantial value as part of a consistent and undeveloped area of countryside within this extensive section of the Derwent Valley.
33. Views from Ebchester Road to the west of the application site would be the most common vistas of the site and the setback of the development from the roadside edge, where the fields are open, helps screen the development from these points due to the row of mature ash trees along the internal field boundary.
34. Views from the East (The Dene) and the North (public footpath) are more likely to see the building in the context of the open countryside and so a scheme for landscape mitigation would reduce this visual impact. Amended drawings have been submitted which indicate the inclusion of screen planting proposed to the rear (south) and side (east) of the proposed building and repositioned storage building. Although no detail is included – this detail can be obtained by way of condition – the planting would aid the screening of the building from these and longer distance views.
35. Development of this nature, stable block with storage building for use at the personal level is a type of development that is commonly found in the countryside. The scale of the proposals are a positive in landscape impact terms and it is considered that this specific development would not result in undue harm to the wider landscape. Floodlighting would be a possible future inclusion, although none is shown as proposed, which would have significant harmful impacts upon the landscape in the winter months. A condition preventing floodlighting from taking place without the prior consent of the Local Planning Authority would therefore be an appropriate inclusion in this instance.
36. Subject to the agreement of the Council's Landscape Officers and of details reserved by condition, the visual impact of the building would be reduced by the proposals put forward by the applicant after lengthy dialogue and would be consistent to the requirements of Policy EN1 and the wider NPPF in protecting the character and appearance of the landscape.

Impact upon Neighbouring Amenity

37. Policy GDP1 (h) of the Local Plan requires new development to respect the amenity of neighbouring residential occupiers and adjoining land users. Equine development of the nature proposed can have a number of different impacts upon residential properties which would need to be carefully managed to reduce these impacts to a level considered acceptable for residential properties.
38. The site lies to west of The Dene where several properties to the lower part of the estate lie around 120 metres away from the proposed stables. To the east lies Broomhill Farm that resides around 300 metres away from the position of the proposed stable building. Representations have raised concerns over waste management from the intended use and building, as well as issues in regard to direct impacts from the users of the fields upon the adjacent dwellings.
39. The Council's Environmental Health Officer has commented upon the application and has raised a concern with the lack of detail in regard to the management and disposal of waste from the site. They do not consider this an issue sufficient to warrant refusal of the application however and agreement of a suitable scheme by way of condition would be an appropriate route in this instance.

40. Representations have been made that express concern regarding the use of the fields by the applicant that are in proximity to a neighbouring property, where the application site is at an elevated level compared to the dwelling. The previously withdrawn planning application indicated a sub-divided field pattern adjacent to the dwelling, where a storage building and small paddock were located. The paddock was an area where the applicant regularly cuts the grass akin to that of a domestic property. Concerns have been raised over regular grass cutting (quoted as twice a week in summer months) of part of the site in close proximity to the nearest property. This was done using a semi-domestic sit-on lawn mower and would, according to representations, take a significant amount of time and create a prolonged noise impact up against the boundary of the adjacent dwelling. This level of maintenance of the land would not be consistent with the proposed equestrian use as the horses would be grazing the land. In order to protect the amenity of the nearby residents, the level of grass cutting activity can be controlled by way of condition allowing, for example, no more than two cuts per annum.
41. Amended drawings have re-located the storage building adjacent to the stables in the eastern field to be used for storage connected to the stables. This is considered to move the focus of activity within the fields away from the neighbouring property and beyond the field boundary lined with mature trees. The subdivided paddock fencing has been removed from the plans, although the fencing can be re-erected up to a height of two metres without planning permission in the future under permitted development rights.
42. A further concern has been raised in relation to the riding of horses against the boundary of the neighbouring property. This matter could not be controlled by condition. The site benefits from a large land holding that does have a focus to the eastern paddock and so there is an expectation that this would not be a regular occurrence. Were this to be the case on a regular basis this is likely to be viewed as anti-social behaviour and which would be covered by either the Council's own powers or Durham Constabulary.
43. Prior to the submission of the application, representations contest that the land had frequent and differing visitors that correlated to multiple alternative uses. This would not be expected from personal equestrian use. A condition requiring the use of the stables and land for personal use would be appropriate and enforceable in this instance (in accordance with the tests for conditions contained within paragraph 205 of the NPPF) would control the level of activities at the site.
44. Overall, the proposal would have some impacts upon the amenity of neighbour occupiers, however for the use proposed and subject to controls these impacts would be considered similar to the previous agricultural use of the land. The use of suitable conditions to secure an appropriate waste management plan and to control unnecessary activity such as grass cutting would be sufficient to ensure that the impacts upon the residential amenity are reduced to a level considered acceptable and which accord with Policy GDP1 of the saved Derwentside Local Plan.

Highways

45. Paragraph 32 of the NPPF and Policy TR2 of the Local Plan require new development to achieve safe and suitable access to the adopted highway network for the type of use that is being proposed. In this case, access is proposed via an adjacent field and an existing agricultural field access from the B6309.

46. Under the previously withdrawn scheme an access was proposed further to the north however concerns in regard to visibility up and down the B6309 was not sufficient for the proposed use and vehicle speeds on the road. In response, the current application proposes the new access point further south, utilising a current break in the wall. Comments from the Council's Highways Officer have requested that a minimum 6 metre radii entrance be provided with a 12 metre setback of the access gates. Both of these would allow the applicant to pull a vehicle and trailer fully off the highway before opening the site gates.
47. Amended details for the provision of these have been provided, and subject to the comments of the Highways Officer would be considered to accord with Policy TR2 of the saved Derwentside Local Plan in this regard.
48. Within a supporting statement to the proposals the applicant indicates that they would be unlikely to park any vehicles within the site when visiting. This would in itself produce problems for the applicant as the distance between the highway and the proposed stables (250 metres, or 275 yards, approximately) is relatively large when considering what the upkeep of horses would require. As such the submitted drawings indicate the provision of a parking area within the site adjacent to the proposed stables for the applicant to use when visiting the site. This would allow the proposal to comply with Policy TR2 of the saved Derwentside Local Plan.

Other Issues

49. Objectors have mentioned the proximity of the site to a gas main. Plans that the Local Planning Authority have access to does indicate the position of a gas supply pipeline that runs across the site. However, given the small scale nature of the proposal and subsequent foundation depth it is not considered that the change of use or physical works will conflict with the pipeline.
50. The acceptance of the principle of the development and changes made to the scheme are considered to outweigh the retrospective nature of the proposal, despite a recent ministerial statement which adds weight against developments of retrospective nature.

CONCLUSION

51. The proposal introduces a rural activity into a rural setting. Issues in regard to visual impact and impacts upon residential amenity are considered controllable by condition. The applicant has demonstrated that a suitable access can be achieved with subsequent engineering. All of these aspects weigh in favour of the proposed development.
52. The use of the site for anything other than the grazing and keeping of horses for personal use, as described in the application, would leave the potential for the applicant to be open to enforcement proceedings by the Local Planning Authority.
53. The acceptance of the principle of the development and changes made to the scheme are considered to outweigh the retrospective nature of the proposal, despite a recent ministerial statement which adds weight against developments of retrospective nature.

RECOMMENDATION

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

1. The stable block 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:

Location Plan
201 Rev C – Proposed site plan and stable details

15th February 2016
29th April 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies GDP1, EN1 and TR2 of the saved policies of the Derwentside District Local Plan.

3. Within three months of the date of this permission, the previously created access point from the B6309 shall be removed and the wall rebuilt to match the adjacent walling as shown on plan ref: 201 Rev C.

Reason: To ensure that the unsafe access is not used in the future contrary to Policy TR2 of the saved Derwentside District Local Plan.

4. Within three months of the date of this permission, the storage building currently located in the western paddock shall be relocated to the position as shown on plan ref: 201 Rev C or shall be permanently removed from the site. If retained the building shall within 3 months be painted dark green in colour and not used otherwise than as storage connected to the proposed stable block only.

Reason: The building was brought on to the land unlawfully and the proposed position and colouring would reduce the visual impact of the structure in accordance with Policies GDP1 and EN1 of the saved Derwentside Local Plan.

5. Within six months of the date of this permission, the improved access shall be installed to the proposed entrance in accordance with the details as shown on plan ref: 201 Rev C. The stable block hereby approved shall not commence construction until the improved access is installed in accordance with agreed details.

Reason: To ensure that safe access and egress from the site can be achieved in accordance with Policy TR2 of the saved Derwentside Local Plan.

6. Within one month of the commencement of the proposed stable block hereby approved, details of the proposed screen landscaping shall be submitted to the Local Planning Authority. Once agreed the screening must be planted in the first available planting season before 31st December. Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, protection from rabbits where required, and replacement of failed plants, damaged stakes and ties. Any failed plants within 5 years shall be re-planted with the same species.

Reason: To ensure that the visual impact of the proposed development is reduced in accordance with Policies GDP1 and EN1 of the saved Derwentside Local Plan.

7. Within one month of the commencement of the proposed stable block hereby approved, details of a scheme for the storage and disposal of animal waste and sewage shall be submitted to the local planning authority. The details should be agreed before the proposed use commences. The aim of the scheme shall be to minimise any impact from odour/flying insects on sensitive receptors. Once agreed, the development should be carried out in accordance with the agreed details.

Reason: To ensure that the impact upon the neighbouring properties is reduced in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

8. No more than two cuts of grass shall be taken from the fields within the application site boundary in a calendar year.

Reason: To reduce the disturbance upon the neighbouring occupiers in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

9. The site, stables and storage building shall be used for personal equestrian use related to the keeping and grazing of horses only.

Reason: To ensure that the amenity of the neighbouring properties is protected in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

10. No floodlighting shall be erected or used on site without the prior written consent of the Local Planning Authority.

Reason: To ensure that the impact upon the surrounding countryside is controlled in accordance with Part 11 of the NPPF and Policy EN1 of the saved Derwentside Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

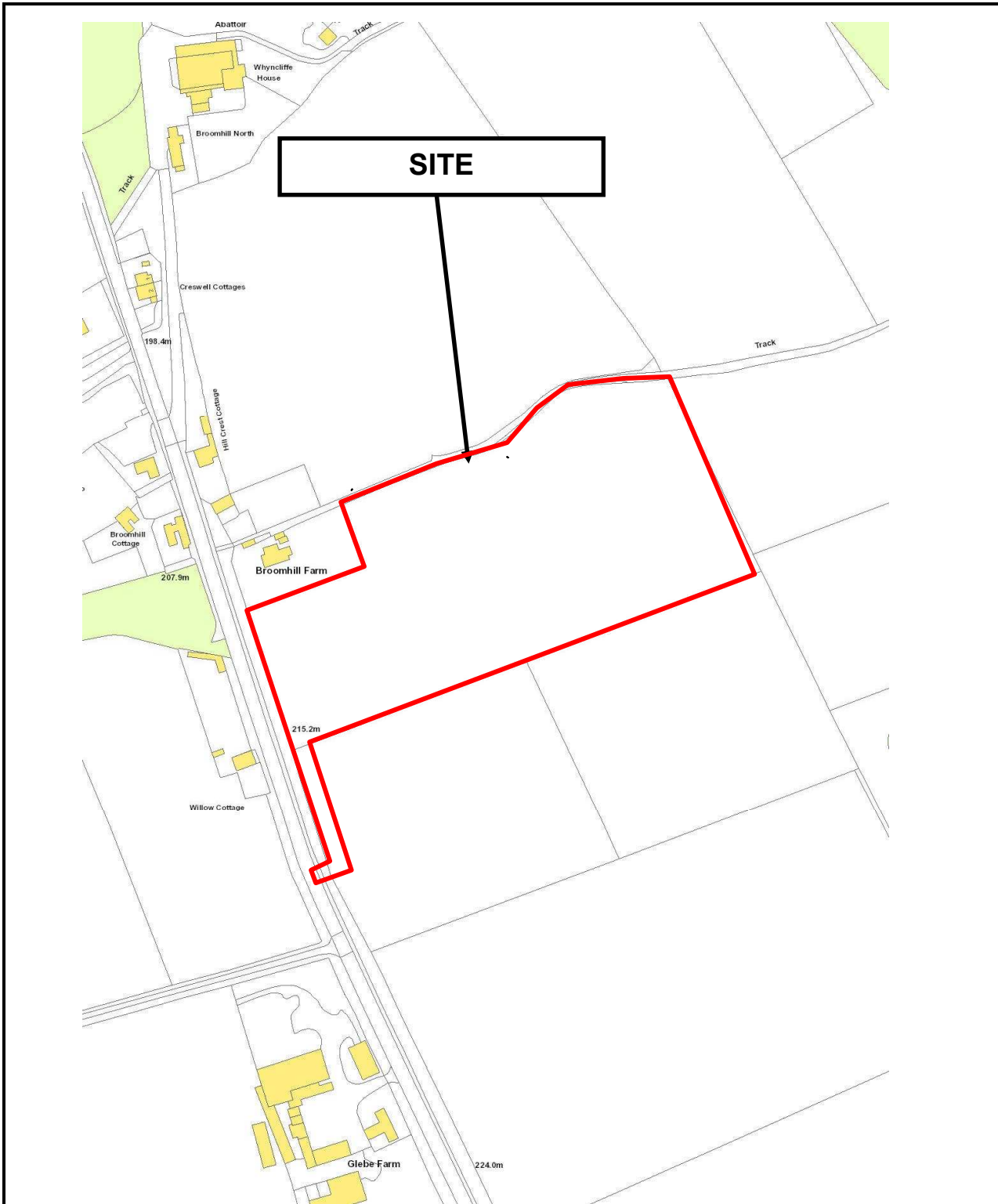
BACKGROUND PAPERS

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Derwentside Local Plan (saved Policies 2007)



Planning Services

Land At The South Of Broomhill South Farm,
Ebchester Hill, Ebchester, DH8 6RZ

Application Number DM/16/00473/FPA

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Comments

Date 19th May 2016

Scale 1:2500

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00351/FPA
FULL APPLICATION DESCRIPTION:	Demolition of former care home and erection of 20 two bed homes and 2 one bed apartments
NAME OF APPLICANT:	Galliford Try Partnerships Ltd
ADDRESS:	Mendip House, Mendip Avenue, Chester-le-Street, DH2 3AS
ELECTORAL DIVISION:	Chester-le-Street South
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone:03000 264 878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The site is currently occupied by a two storey red brick former Council care home built in the 1960's (and closed in January 2014) and a garage block containing 12 garages. Situated on the outskirts of Chester-Le-Street Town Centre the site is adjacent to and south of Waldrige Road. The north west corner of the site lies the Waldrige Road/Mendip Avenue mini roundabout. To the west of the site is a residential road known as Mendip Avenue. To the south of the site there is a convenience store and the rear of a terraced street (Cumbrian Avenue). The site is bounded to the east by a terraced residential street (Southdowns). The site currently has two accesses, one from Waldrige Road and one from an unadopted road to the south. There are several mature trees along the western boundary of the site. The site slopes fairly significantly from west to east and south to north.

The Proposal

2. The application proposes the demolition of the building and garages on the site and the development of four 2 storey terraces around a central parking courtyard. The application originally proposed 20 new build apartments and 13 dwellings however a change to the development has been made in response to Officer concerns over several issues. The amended proposal seeks permission for twenty 2 bed properties and two 1 bed apartments within this arrangement. All of the terraces would front onto the surrounding roads and back onto the central parking courtyard. Each dwelling would have an enclosed private garden although the apartments would have a shared garden. Properties facing onto Mendip Avenue and Waldrige Road would also have areas of shared open space to the front. A further small area of open space would be located on the eastern boundary of the site between the end of the proposed terrace and Southdowns. The existing access from Waldrige Road

would be used to access the central parking area which would accommodate 18 parking spaces with three visitor parking spaces along the eastern boundary. A further 9 spaces along the southern boundary would be accessed from the unclassified road south of the site boundary.

3. The design of the dwellings includes pitched roofs, flat fronted street elevations with flat roofed door canopies. The materials proposed are red brickwork and coloured render and grey slate effect concrete tiles for the roofs. Windows would be grey UPVC and main doors would be composite with other doors being aluminium.
4. All of the properties would be affordable homes to be managed by Cestria Housing and let to households who are eligible for social rented housing at an initial rental level of 80% of gross market rent. However in the future the registered provider may take the decision to make some units available for intermediate home ownership. Either type of provision is to be secured by a section 106 agreement.
5. This application is supported by an asbestos management plan, tree conditions and works survey, tree schedule, drainage assessment and statement, traffic management plan, planning statement, vehicle movement details, vehicle movement drawing, ecological assessment, site management methodology, viability assessment, air quality information, design and access statement, Ground Investigation Report and Statement of community involvement.
6. The application is reported to Committee as a 'major' development.

PLANNING HISTORY

7. There is no relevant planning history for this site.

PLANNING POLICY

NATIONAL POLICY:

NATIONAL PLANNING POLICY FRAMEWORK

8. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, the most relevant of these in this instance being:
9. *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.

10. *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.
11. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
12. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
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.
14. 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.

<http://planningguidance.planningportal.gov.uk/>

NATIONAL PLANNING PRACTICE GUIDANCE:

15. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
16. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.
17. *Health and Wellbeing* - development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do.

18. *Design* -The importance of good design. Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
19. *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.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

20. The following section details the saved policies in the Chester-le-Street District Local Plan thought most relevant to the consideration of this application:
21. *Policy BE2 – Public Art* – for development that costs £500,000 or more developers should be encouraged to devote at least 1% of those costs to the provision of works of art in new building and landscaping projects accessible to the general or client public.
22. *Policy HP6 – Residential within settlement boundaries* – identifies Chester-le-Street Town 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.
23. *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.
24. *Policy HP13 – Affordable Housing* – On sites of 15 units or more affordable housing is sought at a rate of 30%.
25. *Policy HP15 – Community Provision*- Requires housing sites with 10 or more dwellings to provide for related social, community, infrastructure and/or recreational and leisure facilities in the locality where they are necessary and directly related to the development.
26. *Policy RL1 Sport and Leisure Opportunities: General* – Requires existing leisure facilities, open spaces and rights of way to be protected and promotes the improvement or creation of new recreation and leisure facilities.

27. *Policy RL5 – Provision in New developments* – for every 1 hectare of land developed there will be at least 125 sq metres of equipped children’s play space and 250 sq m of informal open space provided within the site. For development of less than a hectare a proportion of this standard will be expected within the site.
28. *Policy T6 – Provision for Public Transport: General* – Development proposals should be designed to encourage use of public transport and reduce reliance upon the private car by locating accesses close to bus routes and footpath links. Where new transport links are required an appropriate contribution will be sought from the developer through a Section 106 obligation.
29. *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.
30. *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.
31. *Policy T17 – General Policy* – All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking.

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.durham.gov.uk/Pages/Service.aspx?ServiceId=494>

EMERGING POLICY:

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

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. Northumbrian Water (NWL): no issues however request adherence to drainage layout to be made subject of condition.
33. The Coal Authority: no objection.
34. Highways Officer: Advises that the general arrangement is acceptable however he requests that the new access be further improved with a 6m junction radii on both sides of Waldrige Road with a 1.8m footway on the eastern radius. He requests an

amended engineering layout plan. It is advised that the new footway to the south of the development would become an adopted footway link but he requests further clarification as to which footways within the development are to be dedicated as public highway or remain private. The Officer advises that bin storage doors would need to open inwards so as not to obstruct pedestrians. The Officer advises that the parking is compliant with the Council's guidelines.

INTERNAL CONSULTEE RESPONSES:

35. Contaminated Land Officer: Requests the imposition of a contaminated land condition requiring a phase 2 Site Investigation and Risk Assessment to be undertaken and a phase 3 and 4 assessment and remediation works to be undertaken if required as identified by the assessments. The Officer also advises that a condition is attached to require appropriate works to be taken if asbestos containing materials are found during the demolition works.
36. Environmental Health Officer: The Officer does not object in principle nonetheless he advises that the vehicles on this well used road have the potential of exposing the development to noise levels above acceptable limits. However considering the nature of the area and nearby uses he does not consider that the noise level will be prohibitive to the development, therefore he advises that it may mean upgraded noise mitigation measures in relation to road noise and any external plant from the shop use. In relation to noise and dust from demolition and construction the Officer notes that construction management Plan only details construction rather than demolition and requests a condition requiring the submission of and adherence to a demolition plan.
37. Air Quality Officer: Advises that during the construction phase there is potential for emissions of dust to impact on residential receptors located in proximity to the proposed development site. Therefore he requests a condition requiring the submission and approval of a Dust Management Control Plan and that the Plan should then be implemented over the duration of this phase of the proposed development.
38. Housing Development and Delivery Officer: Considers the proposal to be acceptable in affordable housing terms and that it would assist in meeting the identified housing need for the area. However it is noted that the registered provider may take the decision to make some units available for intermediate home ownership and advises that if this is done via discount market sale the open market price of the units will be required by the Council to allow the percentage discount to be determined to ensure the units comply with affordability criteria.
39. Trees Officer: Advises that the trees on site do not warrant individual tree preservation orders but advises that the trees to be removed should be replaced with an approved landscaping scheme and any trees to be retained should be appropriately protected with fencing. Submission of landscaping scheme and protection measures are advised to be made subject of condition.
40. Landscape Officer: Has no objections to the proposal but requires the submission of a detailed landscape scheme to compensate for the loss of mature trees on site and the reduction in visual amenity value and advises that larger trees and longer lived varieties would be suitable.
41. Spatial Policy Officers: Advise that a contribution of enhancement of open space is necessary under paragraphs 203/204 of the NPPF.

42. Design and Conservation Officer: Advises that the scheme is a significant improvement on the previous application for a large apartment block. The Officer considers the corner apartment building works to some extent but considers that it still lacks presence in the streetscene and advises that raising the pitch of the roof and increasing the ridge height and providing more overhanging eaves and possibly a chimney would provide a more prominent roofscape to signify that this is a landmark building in the streetscene. The Officer considers that the amenity space around the dwelling and apartments is acceptable. The Officer welcomes the alterations to the car park with improved surfacing and additional planting although recommends that the details need to be confirmed through condition. Amendments to the proposed fencing area that backs onto the car park are also welcomed although it is recommended that this fencing should be used for other plots too. The Officer considers the design of the terraced houses to be attractive with their simple built form, effective building lines and distinctive design and also welcomes the contemporary modern recessed windows, timber boarded doors and simple canopies. To ensure that these design elements are incorporated it is advised that these be conditioned.
43. Ecology Officer: Advises that the ecological assessment is sound and considers there to be no further ecological work required assuming that work commences within 12 months. It is advised that the mitigation should be included within the conditions.
44. Drainage Officer: In principle is satisfied with the proposals but requests the submission of a detailed drainage design, including calculations and software model.
45. Sustainability Officer: Does not object to the application however requires the submission of SAP Assessments to confirm improvements to part L 2013 buildings regulations and advises that the use of energy efficient technologies should be offered to individual tenants/buyers within the construction phase if appropriate.
46. Police Architectural Liaison Officer: Highlights the importance of lighting for the parking court and provided advice on suitable lighting standards.

PUBLIC RESPONSES:

47. The application has been advertised on site and in the press and neighbouring land owners and occupiers have been consulted. No letters of objection or otherwise have been received.

APPLICANTS STATEMENT:

48. Developed on behalf of Cestria Community Housing in partnership with Galliford Try, the site is located in the heart of Chester le Street and currently houses a redundant nursing home. The scheme will provide 22 new residential units split in three terraces facing onto Waldrige Road, Mendip Avenue and Cumbrian Avenue. These will be constructed by the applicant Galliford Try on behalf of the end user social landlord Cestria. The existing nursing home will be demolished to make way for the new development.
49. The proposal seeks to redevelop an area of brownfield land in an established residential location for 22 two-storey dwellings designed specifically to provide affordable housing within the County. The homes are to be constructed using quality materials that reflect the vernacular. The homes have been designed in collaboration with Cestria Community Housing who will own and manage the units. They will

replace the existing nursing home and will be let to eligible applicants subject to Cestria's allocation criteria. Amenity separation between proposed dwellings and existing houses is well defined and adequate to avoid conflict and adverse impact upon privacy and design features such as rear parking and landscaping encourage permeability across the scheme.

50. In accordance with NPPF it is considered that the proposal represents a sustainable form of development, enabling the efficient re-use of land within an accessible location close to local services and amenities. The applicant has endeavoured to create a well-designed, inclusive environment with a specific end user in mind. The proposal relates well to the surrounding residential area in terms of its scale, character and density and the proposed materials are in keeping with the local environment.
51. The development will deliver 22 units of affordable housing to assist in meeting the needs of the community in Chester le Street. The continuation of the units for this purpose will be secured via a S106 process which will ensure the units remain affordable.
52. For the reasons outlined above the applicant feels that the proposed development represents an acceptable form of development and would respectfully request that the application is approved subject to a S106 agreement securing affordable housing.

PLANNING CONSIDERATIONS AND ASSESSMENT

53. 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 in planning terms the main planning issues in this instance relate to the principle of development, access and highway safety, design and impact on the character of the area, residential amenity, trees and landscaping, affordable housing, provision of open space, ecology, sustainability, drainage, contamination and land stability, public art and planning obligations.

Principle and the General Policy Context

54. The NPPF seeks to boost significantly the supply of housing and requires that housing applications should be considered in the context of the presumption in favour of sustainable development. The Government's key housing objective and one which LPA's are expected to deliver is to increase significantly the delivery of new homes. The NPPF states that everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means: increasing the supply of housing, delivering a wide choice of high quality homes that people want and need, widening opportunities for home ownership; and creating sustainable, inclusive and mixed communities, based on the needs of different groups within the community.
55. The application site is located within the settlement of Chester-le-Street within an existing residential area and as there are currently buildings on site to be demolished it would comprise an area of previously developed land. The proposed development on the site would therefore effectively re-use land that has been previously developed in accordance with paragraph 111 of the NPPF.

56. A key objective of planning policy is to achieve a sustainable form and pattern of development which prioritises directing new development to existing main settlements to ensure access to and support for services and where possible reusing previously developed land. The site lies within the settlement of Chester-le-Street close to shops, a school, and services in a highly sustainable location. The site is within reasonable walking distance to Chester-Le-Street Town Centre and the train station and there are regular bus services including to Durham, Newcastle and Sunderland. The proposals therefore fulfil the requirements of the NPPF and Policies T15 and T16 of the Chester-le-Street District Local Plan.
57. The scheme would largely conform to the key objectives of the NPPF; in particular Paragraph 54 in that development will support the vitality and viability of services and facilities in Chester-le-Street. The scheme is also considered 'deliverable' within the next five years, an important consideration set out within the NPPF.
58. The proposed mix of dwellings and apartments for affordable rent would provide housing opportunities for small households to meet the identified housing need in the area.
59. Bearing the above in mind the proposal is therefore considered to be acceptable in principle.

Access and Highway Safety

60. Section 4 of the NPPF requires vehicular movements generated by new development to be safely accommodated on the local and strategic highway network.
61. Paragraph 34 of the NPPF and Chester-le-Street Local Plan Policies T15 and T17 require developments to have a satisfactory access onto the adopted road network and safe vehicle entrance and exits. There are no issues arising from the development with regards to the increased traffic on local roads. The Highways Officer considers the general layout to be acceptable however requires improvements to the Waldrige Road junction and access, clarification on the proposed public or private use of footpaths throughout the site and alterations to bins storage doors. These issues can be addressed through the imposition of conditions requiring amended plans and footway details to be submitted and approved prior to the commencement of the development.
62. Paragraph 39 of the NPPF requires that the accessibility of the development, type, mix and use, availability of public transport, car ownership levels and the overall need to reduce the use of the car to be generally taken into account when looking at car parking levels. Policy T8 of the Chester-le-Street Local Plan is in general alignment with the NPPF as it seeks to minimise parking provision. The Highways Officer is generally satisfied with the level of parking proposed and these details are considered to be acceptable.
63. Chester-le-Street Local Plan Policy T15 requires amongst other requirements development to make provision for cyclists. There is no provision for cycle parking areas/systems however given the benefits the scheme brings in terms of affordable housing overprovision the lack of such facilities are considered acceptable in this instance.

Design, Layout and effect on the Character and Appearance of the Area

64. Section 7 of the NPPF, Policy HP9 of the Chester-le-Street Local Plan place great importance on the design of the built environment. Planning decisions must aim to

ensure development adds to the overall quality of the area, establishes a strong sense of place, responds to local character and history and is visually attractive.

65. The existing building is vacant and boarded up resulting in a poor appearance and is of little visual or architectural merit. The re-development of the site would ensure the future viability and vitality of this sustainable site within Chester-le-Street and is very much welcomed.
66. Officers consider that the design is a significant improvement on the previous apartment block submission and now performs well in terms of permeability, amenity space around the buildings with good treatment of parking and public areas. The layout has positively evolved since the original submission in response to concerns raised by Officers and the layout is now considered acceptable given the site's constraints.
67. The applicants have amended the boundary treatments in line with the advice of the Design and Conservation Officer. The design is considered attractive and in keeping although it is advised that the design of the apartments could be improved by raising the roof to make this a feature and focal point. The applicants do not wish to further alter the design of the corner plot due to the viability implications. Whilst it would be preferable to have such design on the corner plot it is not considered that the acceptability of this scheme rests on this aspect.

Residential Amenity

68. Chester-le Street Local Plan Policies HP9 and HP17 require new development to respect the amenity of adjacent property and to provide adequate privacy and amenity for future residents. Required separation distances are exceeded between the existing properties of Southdowns, Mendip Avenue, Cumbrian Avenue and the proposed dwellings to both protect existing privacy, light and outlook and ensure future privacy for residents of the development. Within the estate separation distances between the back to back properties is achieved. Distances between rear and gable ends are generally achieved except between four properties. For one of these properties the distance between falls marginally below recommended distances which is acceptable. In the other three instances the shortfall is less marginal however given that the properties are open plan flats which let light travel throughout and there are no windows in the gable of the dwelling the privacy, light and outlook afforded the units would be acceptable. There has been no material planning issues raised by local residents in terms of privacy, light or outlook.
69. Section 11 of the NPPF and the NPPG require Local Planning Authorities to ensure that new development is appropriate for its location and to take account of the effects of amenity from pollution such as noise pollution both presented by and experienced by the development.
70. The Environmental Health Officer has raised concerns in relation to potential noise from the road traffic and external shop plant which may affect the future residents. However he is satisfied that any noise could be mitigated against with attenuation measures. He advises that the need and type of attenuation measures would need to be identified by an acoustic report but is satisfied that this can be made subject of a condition.
71. In a compact urban environment, the demolition and build process has the potential to impact on the residential amenity of surrounding residents. Therefore in order to protect the amenity of existing residents it is agreed with the Environmental Health and Air Quality Officer that it is appropriate to impose a condition requiring a

construction/demolition management plan be submitted and adhered to detailing dust mitigation measures, noise mitigation measures, methods of piling, hours/days of operation, neighbour liaison and complaints procedure.

72. It is noted that the Architectural Liaison Officer has requested specific lighting of the car park however use of a condition to agree lighting is not considered necessary as the developers are likely to wish the street lighting to be adopted therefore the location of new street lighting will be regulated by the Highways Department under a S38 agreement.
73. It is considered that with the above detailed conditions that the proposal would not be harmful in terms of residential amenity and would accord with the NPPF, Chester-le-Street Local Plan Policies HP9 and HP17.

Impact on existing Trees and assessment of Landscaping

74. Chester-le-Street Local Plan Policy HP9 requires development to incorporate as far as possible, existing landscape features and to make provisions for new landscaping. The site benefits from ten mature trees around the perimeter which form a tree lined approach to Mendip Avenue. Concerns have been raised by Landscape and Design Officers in relation to the loss of the trees on site.
75. The developers were informed of concerns in regard to the impacts to the trees earlier in the application process, however the developer has been unable to accommodate the existing trees without reducing density and compromising the viability of the site. Nonetheless, since the submission of the application the trees have been significantly pruned and subsequently are not considered worthy of protection and landscaping is proposed to form a new tree lined approach and throughout the site therefore the development has evolved positively in this respect.
76. The Landscape Officer is generally supportive of the scheme. However as the landscaping proposal lack detail and larger trees and long lived varieties would be suitable within the site it is appropriate to impose a condition that an alternative planting scheme will need to be submitted, agreed and implemented in the first planting season following completion.
77. With such a condition it is considered that satisfactory landscaping can be achieved in accordance with the above policies.

Affordable Housing

78. Paragraph 50 of the NPPF requires that where affordable housing has been identified as being needed policies should be set for identifying this need, which contributes to the objective of creating mixed and balanced communities.
79. Chester-le-Street District Local Plan Policy HP13 relates to the provision of 30% affordable housing provision on sites such as this. However the more recent Strategic Housing Market Assessment has a requirement for 15% affordable housing on new developments in the Northern Housing Market Delivery Area.
80. Paragraph 54 of the NPPF advises that LPA's should be responsive to local circumstances and plan housing to reflect local needs. The application proposes to provide 22 affordable housing units on site. These are all to be for affordable rent at a rental level of 80% of gross market rent (inclusive of service charge) in perpetuity. However, whilst the starting point is that the affordable housing will be provided on site, due to changes in funding the applicant has requested flexibility to convert to

other forms of affordable housing, the applicant proposes that a small portion of properties for intermediate home ownership potentially via discount market sale. It is considered that the applicant will be able to convert between the various forms of affordable housing provided that the open market price of the units is submitted to the Local Planning Authority to enable the percentage discount to be determined. Officers from Housing have assessed the proposed affordable housing provisions and consider the flexibility is acceptable subject to the above information being submitted. The affordable housing provisions will be secured within a section 106 agreement.

81. The scheme would far exceed the required threshold in this area. The apartments are likely to appeal to both the younger and older population and the two bed properties to a variety of small households. The size, tenure and occupation of the properties reflect the identified housing need outlined within the SHMA which identifies an undersupply in the area of affordable houses for smaller households. The scheme would help to address local need and would therefore comply with local and national planning policy.

Open Space, Play area and Community Facilities Provision

82. Policy HP15 of the CLS Local Plan requires the provision of recreational/leisure facilities. Policy HP15 accepts contributions in lieu of such on site provision.
83. As this is a new housing site Policy Officers consider that in accordance with the NPPF open space/play equipment should be provided on site or advise that the developers should contribute financially in lieu of such provision. Given the existing provision of play equipment within the area it is considered that such funding could be used for the enhancement/maintenance.
84. Following negotiations the applicants have agreed a financial contribution in lieu of such equipment to the amount of £11,000, half of the amount required under Local Plan Policy. The applicant has demonstrated that it would not be financially viable for the full financial payment to be made and on balance, given that affordable housing is to be provided which is much welcomed; this is considered acceptable in this instance. As this is only acceptable based on affordability grounds it is appropriate that the 100% affordable provision be secured by a s106 agreement.

Impact on Ecology

85. The NPPF Section 11 seeks to minimise impacts upon biodiversity and advises that where significant harm to biodiversity cannot be avoided then planning permission should be refused. Paragraph 109 and 118 of the NPPF require impacts upon biodiversity to be minimised and net gains provided where possible.
86. A bat survey and ecology survey have been submitted in support of the application. The bat survey established that the existing building has only a low risk of supporting roosting bats and that the trees on site offer no potential roost locations. Limited mitigation is advised includes no clearing of any areas of the site suitable for supporting birds during the bird breeding season.
87. The County Ecologist is satisfied with the conclusions of the reports subject to the mitigation strategy being adhered to via condition. With such a condition it is considered that the proposal would ensure the protection of protected species and local biodiversity in accordance with the above policies.

Sustainability

88. Section 10 of the NPPF highlights the general need to improve energy efficiency in new development. The sustainability Officer is satisfied with the proposed intentions to minimise emissions detailed in the sustainability statements subject to the production of SAP assessments and the developer offering the use of energy efficient technologies to tenants/buyers within the construction phase. Therefore it is considered appropriate to attach a condition and an informative to cover these aspects.

Drainage Issues

89. Section 10 of the NPPF requires Local Planning Authorities to ensure that developments do not result in an increase in flood risk off site. Available data suggests there does not appear to be a risk of flooding to the development site.
90. Northumbrian Water and the Council's Drainage Team are generally satisfied with the foul and surface water drainage arrangements however request the submission of a more detailed design to include calculations and a software model. The submission and adherence to which can be ensured via condition to ensure the compliance with national policy.

Contamination and Land Safety and Stability issues

91. Section 11 of the NPPF requires Local Planning Authorities to prevent new development from being put at unacceptable risk from amongst other effects soil pollution and land instability. As the site is previously occupied by buildings there may be a degree of contamination on the site and the site lies within a Coalfield development High Risk Area.
92. In terms of contamination the Contaminated Land Officer is satisfied with the findings of the submitted reports however the Officer advises that further information will be required in relation to potential risks from contamination and the suitability of imported soils for their use on site. The Officer advises that a condition can require these details to be submitted within a Phase 2 Risk Assessment and any further investigation, remediation works to be undertaken before the development commences. The Officer also requests that appropriate works be undertaken in the event that asbestos containing materials are found during the demolition works which can be subject of condition. With such a condition it is considered that the site is suitable for development in terms of contamination.
93. In terms of land stability as the Coal Authority have not objected to the development the site is considered suitable for development in this regard.

Provision of Public Art

94. Policy BE2 of the Chester-le-Street Local Plan requires developments that cost more than £500,000 or more to devote at least 1% of these costs to the provision of art in the new building and landscaping projects accessible to the general or client public. Policy Officers advise that this policy is not particularly compatible with the NPPF which states that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Furthermore the applicants have provided a viability statement as to why this would not be possible for this development without rendering the scheme unviable. Taking the above on board it is considered acceptable in this specific instance to not require public art or monies in lieu of its provision to make the scheme acceptable.

Section 106 Agreement

95. Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation is;
- Necessary to make the development acceptable in planning terms;
 - Directly related to the proposed development; and
 - Fairly and reasonably related in scale and kind to the development.
96. The applicant has demonstrated to the Local Planning Authority's satisfaction that it would be unviable to set aside the full requirement for money in lieu of play equipment provision and provision of community facilities and public art as required by Chester-le-Street Local Plan Policies HP15, RL5 and BE2. This is accepted due to the viability issues with the scheme and on the basis that the scheme is for affordable housing. The section 106 agreement will ensure that the housing remains affordable in perpetuity and the agreement is considered to meet the above tests.

CONCLUSION

97. The application is acceptable in principle representing a 100% affordable housing scheme on a brownfield site in a residential area within Chester-le-Street with good links to Chester-le-Street Town Centre. Further material benefits would be realised in the form of the development providing good quality, modern accessible housing to meet a local need. The residential amenity impacts are acceptable subject to appropriate conditions during demolition and construction and adequate amenity would be afforded to future residents.
98. The general design, layout and density are acceptable in its context, taking account of opportunities, constraints and the context of the area in which it sits. Importantly, this is the scheme which is financially viable and deliverable in the immediate future.
99. The proposal has acceptable highways implications and conditions can ensure appropriate road and parking standards. The impacts upon trees and protected species are acceptable subject to suggested conditions.
100. The applicant has committed to a satisfactory amount of money in lieu of play provision based on viability of this affordable housing scheme. In addition the section 106 agreement will ensure the affordable housing is retained in perpetuity.
101. It is accepted that viability and physical constraints have largely defined the layout, design and density and open space provisions. Careful and thorough consideration has been given to the issues regarding the design of the corner apartment plot and shortfall in funding for play provision however on balance these matters were not considered to carry significant weight in the determination of the application.

RECOMMENDATION

That the application be **APPROVED** subject to the applicant entering into a s.106 agreement to secure the affordable housing in perpetuity and the payment of £11,000 in lieu of play equipment/community facilities and 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 relates to details of development as shown on the following approved plans except insofar as such details may be inconsistent with any conditions attached hereto when such condition shall prevail:

Drawing No	Date
RES 436 200-20	20/04/2016
RES 436 301-01	14/04/2016
Location Plan	14/04/2016
RES 436 2001-01 Rev 15	14/04/2016
200-02	14/04/2016
RES 436 301-02	14/04/2016
RES 436 301-03	14/04/2016
Amended external finishes	14/04/2016
Design and Access Statement	14/04/2016
(DR) 100	15/04/2016
(DR) SK01-PO3	15/04/2016
(DR) SK004-PO2	15/04/2016
(MO) 002	15/04/2016
(MO) 001	15/04/2016
(MO) 003	15/04/2016
500-01 Rev 4	28/04/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP17 and T15 of the Chester-le Street District Local Plan 1996 (saved 2009)

3. No construction shall take place before SAP Assessments are submitted to and approved in writing by the Local Planning Authority to confirm improvements of between 5 and 7% above part L 2013. Thereafter the development shall be carried out in complete accordance with the approved scheme.

Reason: To meet the requirements of NPPF part 10 in providing appropriate sustainable on-site technologies and addressing the wider sustainability issues of the site

4. Notwithstanding the drainage details submitted no drainage works shall take place before full drainage details, including calculations and a software model have been submitted to and approved in writing by the Local planning authority. The drainage shall be completed in accordance with the details and timetable agreed.

Reason: To ensure proper drainage of the site in accordance with the NPPF.

5. No construction shall commence before the submission to and approval of a construction management plan to include an assessment of noise and

vibration emissions from the site and the mitigation measures that will be taken to minimise noise disturbance, details of and methods of piling, details of the operating hours and days during which construction/demolition works are to be undertaken, details of any liaison with the local community and of complaints procedure, details of crushing/screening and mitigation measures to minimise environmental impact. The development shall take place in accordance with the approved details.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP9, HP17 and T15 of the Chester-le Street District Local Plan 1996 (saved 2009)

6. No construction shall take place until an acoustic report, carried out by a competent person in accordance with all relevant standards, on the existing noise climate at the development site has been submitted to and been approved in writing by the Local Planning Authority. The aim of the report will be to establish whether sound attenuation measures are required to protect future residents from the transferral of sound from commercial premises and from road traffic noise. In the event that the acoustic report finds that the following noise levels would be exceeded a noise insulation scheme shall be submitted to and approved in writing by the Local Planning Authority.
35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
45 dB LAmax in bedrooms during the night-time
55dB LAeq 16hr in outdoor living areas
The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP9, HP17 and T15 of the Chester-le Street District Local Plan 1996 (saved 2009)

7. The development shall take place in accordance with the dust management plan dated 9/05/2016.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP9, HP17 and T15 of the Chester-le Street District Local Plan 1996 (saved 2009)

8. Once the buildings have been demolished 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.

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

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.

9. In the event of any asbestos containing materials are found during the demolition works an appropriate asbestos survey shall be undertaken and any asbestos containing materials shall be removed by a suitably qualified contractor and dispose in the correct manner.

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

10. The development must be carried out wholly in accordance with the mitigation strategy set out in page 27 of the 'Bat Survey & Preliminary Ecological Assessment for Mendip House, Chester-le-Street by E3 Ecology' dated 02/02/16.

Reason: to ensure the interests of species protected by law are fully taken into account through the development process, in accordance with part 11.

11. Notwithstanding the landscaping details submitted within three months of the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include accurate plan with details of the following:

- Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.
- Details of planting procedures or specification.
- Finished topsoil levels and depths.
- Details of temporary topsoil and subsoil storage provision.
- Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage.
- Full details of a maintenance regime to last a minimum of 5 years.
- The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years, and where planting fails, must be replaced within the same time period.

Reason: In the interests of the visual amenity of the area and to comply with Policies HP6, HP9 and HP17 of the Chester-le Street District Local Plan 1996 (saved 2009).

12. All planting, seeding or turfing in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development.

Reason: In the interests of the visual amenity of the area and to comply with Policies HP6, HP9 and HP17 of the Chester-le Street District Local Plan 1996 (saved 2009).

13. The car parking provision as approved shall be constructed and available for use prior to the occupation of the new dwellings.

Reason: In the interests of highway safety to comply with Policy T15 of the Chester-le-Street Local Plan.

14. No engineering works shall commence until amended plans are submitted to and approved in writing by the Local Planning Authority showing full engineering details including improvements to the access with 6m junction radii on both sides of Waldrige Road with a 1.8m footway on the eastern radius. The development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety to comply with Policy T15 of the Chester-le-Street Local Plan.

15. The proposed Bin storage doors for plots 1 and 2 shall open inwards not outwards as shown on the approved plans.

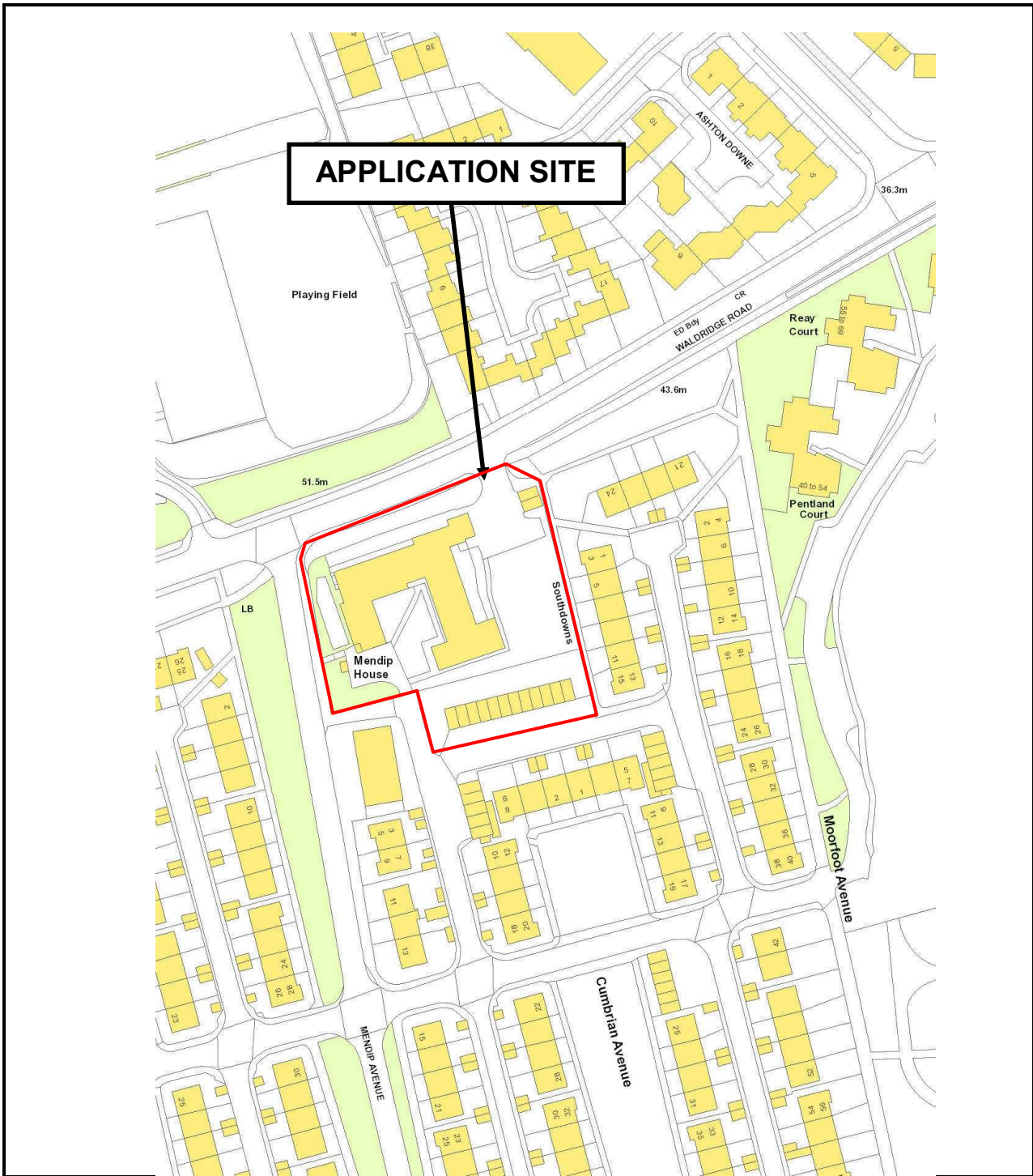
Reason: In the interests of highway safety to comply with Policy T15 of the Chester-le-Street Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at the recommendation to approve the application has sought to actively engage as appropriate with the applicant to secure a positive outcome in accordance with the NPPF.

BACKGROUND PAPERS

Chester-le-Street District Local Plan (saved policies 2009)
National Planning Policy Framework, March 2012
National Planning Practice Guidance
asbestos management plan
tree conditions and works survey
tree schedule
Drainage assessment and statement
traffic management plan
Planning statement
Vehicle movement details
Vehicle movement drawing
Ecological assessment
Site management methodology
Viability assessment
Air quality information
Design and access statement



Planning Services

Mendip House, Mendip Avenue, Chester-le-Street, DH2 3AS

Application Number DM/16/00351/FPA

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Comments

Date 19th May 2016

Scale 1:1250

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/16/00986/OUT
FULL APPLICATION DESCRIPTION:	Outline application for residential development of up to 21 units, including details of site access
NAME OF APPLICANT:	Mrs Karen Archer
ADDRESS:	Land to the rear of 1 To 8 Wesley Terrace Castleside Industrial Estate Castleside DH8 9QB
ELECTORAL DIVISION:	Castleside Steve France
CASE OFFICER:	Senior Planning Officer Telephone: 03000 264871 steve.france@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is 0.64ha of sloping unimproved open grassland, formerly included within the area of Castleside Industrial Estate at Moorside, between Consett and Castleside. The land fronts onto the A692 that connects those two settlements, being surrounded on three sides by existing residential development – modern detached and semis, post-war semis and detached Victorian – all of which backs onto the site. The remaining boundary is shared with the access road to the industrial and commercial buildings in the employment area - a designated Public Right of Way runs on this boundary, the path of which is included within the site boundary as it runs along the rear of the new housing development of Wesley Lea. Site features are restricted to two areas of unmaintained scrub on the south and west site boundaries.

The Proposal

2. The application is outline form, proposing the principle of residential development, and the detail of the site access. An 'indicative' site plan has been provided with a suggested layout to show the land is capable of accommodating the quantum of development suggested.
3. The application is reported to Committee as a 'major' development.

PLANNING HISTORY

4. The site has no relevant history.

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 dependant.
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’.
7. 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.
8. The following elements of the NPPF are considered relevant to this proposal;
9. *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.
10. *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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
11. *NPPF Part 10 - Meeting the challenge of climate change, flooding and coastal change.*
Applicants for energy development need not demonstrate the overall need for renewable or low-carbon energy. Small scale projects provide a valuable contribution to cutting green-house gas emissions. Applications should be approved if the impacts are considered acceptable.

NATIONAL PLANNING PRACTICE GUIDANCE:

12. The 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.

13. *Planning obligations* - Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
14. *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:

15. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:
16. *Policy GDP1 – General Development Principles* – is an overarching policy which aims to ensure that all developments incorporate a high standard of design, conserve energy and are energy efficient, protect the existing landscape and natural and historic features, protect and manage the ecology of the area, protect valuable open land, provide adequate landscaping, incorporate crime prevention measures and improve personal safety, protect amenity, provide adequate drainage, protect flood risk areas and protect the water resource from pollution.
17. *Policy HO22 – Recreational Public Open Space within Housing Sites*, requires provision of such, or monies in lieu of such provision, in new residential developments.
18. *Policy EN26 – Control of Development Causing Pollution* – permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, seeking to ensure highway safety in new development.

RELEVANT EMERGING POLICY:

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

21. *Highways* – County Highways Engineers have pointed out the site access is indicated on the drawing to be served from the adopted highway, positioned 45m south of the A692 junction centre line and 30m north west of the junction centre line at the industrial estate unit access. The existing highways are subject to a 30mph speed limit. The site has good access onto the A692, the visibility requirements for the proposed junction are acceptable. The proposed access road would be designed to a 4.8m carriageway width with 6m junction radii. There would not appear to be any Highway Development Management reasons to object to these outline proposals for the site access which are therefore deemed to be acceptable.
22. *Northumbrian Water* – note the lack of detail regarding flow management and request a condition be added to any approval to ensure these issues are addressed in a detailed proposal.

INTERNAL CONSULTEE RESPONSES:

23. *Drainage and Coastal Protection* – Consistent with Northumbrian Water, note the lack of detailed information at this stage of the process, and to ensure the applicant complies with the Councils requirement to uphold sustainable drainage systems wherever possible require further information for a detailed proposal.
24. *Sustainability* – Note the relatively good access for community facilities and the loss of open amenity space. The development is not within the catchment of regional/national employment and retail, but next to local employment. No objection is raised to the location. A condition is suggested to ensure embedded sustainability.

PUBLIC RESPONSES:

25. Thirty-four neighbours have been consulted by way of direct mail and a press notice was published in The Northern Echo. One objection has been received from a dwelling in the new housing development to the south, whose gable shares a boundary with the site. That correspondent contends the greenfield site is used by residents and tourists for recreation and dog-walking, would diminish the view from the new development, and be prominent within the village. Residents of the new estate paid a premium for the surrounding views and natural space. The relationship of the new dwellings to the objector's house compromises privacy.

APPLICANTS STATEMENT:

26. The driver for the proposed layout is the steep embankment running along the Northern edge of the site. This is considered too steep for private drive access off the industrial estate service. Proposals are to develop this strip of land as a landscape buffer to screen the industrial estate and to define a natural landscape corridor along the existing footpath.
27. The feasibility study indicates a minimum figure of 21 units for the site. The housing mix is generic, based on generous footprints sizes for 2 and 3 bed properties. Most properties are semi-detached, providing private external access to the rear gardens.

28. The indicative planning drawing 225-sk-010216-01b demonstrates the feasibility of developing the site around a Type 3 access road. Planning guidelines have been followed to ensure privacy is provided between principle elevations.
29. The scale and character of the site is designed to reflect the recent residential development adjacent to the site (Wesley Lea). The layout also reflects the linear arrangements of the older properties along Wesley Terrace and on the Consett Road (A692). The proposed estate is inward facing with most of the properties fronting onto the shared access road and creating a communal space, offering good surveillance over the road and adjacent public green spaces.
30. Particular attention has been paid to the siting of the houses adjacent to the existing developments to avoid issues of overlooking and privacy, with rear gardens providing a buffer zone between the proposed and existing properties. The newer Wesley Lea estate to the South is elevated above the proposed development. Existing rear fences to these properties address issues of privacy and overlooking.

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

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, and its relationship to surrounding, existing land-uses.

Principle of the Development

32. The development is, and has historically been undeveloped – therefore ‘greenfield’. Without an up-to-date development plan – the County Plan has been withdrawn and the Derwentside District Local Plan has no relevant policies – and therefore in the absence of the preferred ‘plan-led’ approach to new housing development, the Council must consider each proposed housing site on its own merits. The advice for the principle of development therefore reverts to paragraph 14 of the NPPF which advises that where the development plan is silent or out of date sustainable development should be approved, ‘without delay’ unless ‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.
33. The Government’s key housing objective and one which LPA’s are expected to deliver is to increase significantly the delivery of new homes. The NPPF states that everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live.
34. The application site within a hierarchy of interrelated urban areas connected by major roads is well served by sustainable transport opportunities – both in terms of pedestrian and public transport access to goods, services and facilities. Positioned within an existing established settlement with its own range of facilities, closely associated with larger settlements providing for a wider range of such, the site is considered in principle, locationally sustainable and therefore an acceptable residential development site.

Highway Safety

35. Highways Engineers raise no objections to the proposals, the outline application having included the details of the proposed site access for approval, and set out an indicative layout to show that the number of properties proposed could be serviced in a manner that meets adopted County Highways Standards for layout and parking. The scheme therefore meets the requirements of Policy TR2.

Impact upon the Surrounding Area

36. The development will result in the loss of green-field land that will be used to some extent by local residents for amenity. The site is rough grassland, so this will be mainly restricted to dog-walking related activities. The use of the site by tourists is considered unlikely. The site is not designated as open space and its use as a community facility is both informal and low intensity. The current use is therefore not considered such as would be able to support a viable refusal reason.

Neighbouring Amenity

37. One neighbour has written objecting to the proposals, raising a number of concerns, as outlined above. The objector's house's gable shares a boundary with the site, and because of the ground levels of that development has been set atop a retaining wall. That dwelling has no gable windows. With the scheme proposed in outline, and the submitted layout only 'indicative', the exact relationship cannot be ascertained – but given the difference in ground-levels and the orientation of the existing, the effect on residential amenity can be confidently assessed as not unreasonable.
38. With loss of view and devaluation of property given no weight in the planning process, particularly when taking into account the aspect and orientation of the existing dwelling, these raised concerns are given no weight in the determination.
39. The proposals are considered compliant with Policy GDP1(h) of the development Plan in this respect.

Amenity of Future Occupiers

40. The site visit carried out during the application process noted the presence of air-conditioning units on the nearest commercial unit in the industrial estate, potentially in 24 hour operation. The extent to which these may impinge on residential amenity must be taken into account in the decision making process, and the degree to which they may affect the new residents.
41. The NPPG states that neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise Policy Statement) expect noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development – the issue therefore be in the standard weighted balance of the planning assessment. The surrounding existing noise environment includes both the operations of the Industrial Estate and traffic noise from the adjacent A692 which is used by heavy traffic to access the main A68 as it passes through Castleside to the west. There are comparable established relationships between the noise source (the air-conditioning units) and the same class of 'sensitive receptors' (the existing dwellings – traditional and new-build), without any record of complaint on this issue. On this basis the proposed relationship is considered acceptable – but to ensure that the issue is fully taken into account a condition is proposed to require the detailed proposals to be accompanied by an

assessment of this issue by a competent, qualified assessor, and provision of any mitigation that that report deems appropriate. In the context of the wider benefits of the scheme, this element of the proposals is considered capable of being addressed by condition.

Planning Obligations

42. The application proposes an amount of development that would lead to a requirement for provision of affordable housing within a detailed scheme. The applicant has submitted a section 106 legal agreement to ensure this provision, with the recommendation for approval that follows conditional on this being completed. The requirement for a legal agreement has been tested against the requirements for such set out in the NPPG as, 'necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework'.
43. As an 'outline' scheme, the detailed layout that may be proposed is not known at this stage. There are policies to ensure provision of open space within 'major' new housing schemes, or monies in lieu of such where no on-site provision is proposed as required by Policy HO22 of the development Plan. The potential for the latter must be included within the aforementioned legal agreement. Again, the requirement has been assessed against the tests set out in the preceding paragraph, and is again considered, 'necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'.

Other considerations

44. The site is, and has historically been a 'greenfield' site, and therefore has no contamination issues. Historic coal mining records do not indicate any shallow mine-workings on, or in the proximity of the site.
45. The site has a designated Public Right of Way running along one boundary of the site, which should be unaffected by the proposed layout. Any obstruction however would constitute an offence over which the Council have control.
46. No ecology interests have been identified on the site. The small areas of existing bushes/scrub may have nesting potential. An 'informative' to remind a developer of the Protective Species legislation and the timing restrictions on works to this flora is proposed as part of any approval.
47. Conditions are also proposed to ensure provision of the required physical sustainability measures required by the Council's Sustainability Officers, and to meet the technical requirements of Drainage Officers, ensuring the proposals are in accordance with Policy GDP1 of the Development Plan.
48. Whilst as an outline application the economic benefits of the development at this stage cannot be quantified, the scheme will bring economic benefits both to the building supply chain, and to housing supply in County Durham.

CONCLUSION

49. The application site is within an established urban area, with immediately adjacent access to employment opportunities and good links to goods, services and facilities within the immediate and adjacent settlements. The site is considered to be in a sustainable location, with the implicit presumption in favour of the decision that this brings.
50. The development will bring economic benefits through the construction period and to housing land supply and delivery in the County. The NPPF advises that such site should be approved 'without delay' unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits', when assessed against the NPPF as a whole.
51. Whilst the development of 'brown-field' sites is preferred, in the absence of a plan led policy environment, the merits of 'green-field' proposals must be considered, and refused only where there are the above mentioned significant and demonstrable adverse impacts. In this instance both the effect on existing residential amenity and the relationship to the adjacent noise source have been respectively weighted in the process and are not such that they would lead to a recommendation for refusal.
52. On the basis of an approval that ensures the provision of affordable housing and public open space the scheme is recommended positively.

RECOMMENDATION

53. That the application be **APPROVED** subject to the following conditions/reasons and the applicant entering into a Section 106 legal agreement to ensure the delivery of affordable housing on the site, and monies in lieu of on-site play- and open-space provision, if such facilities are not included within the detailed layout of any reserved matters application following this approval.

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 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 approved shall be carried out in strict accordance with the following approved plans:
225-PL-01 – Proposed Access

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy

4. Prior to the commencement of the development a scheme to embed sustainability and minimise Carbon from construction and in-use emissions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained while the building is in existence

Reason: To ensure that sustainability is fully embedded within the development as required by the NPPF.

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 in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

6. Before development commences, a written scheme of drainage must be submitted to and approved in writing by the Local planning authority, with sustainable drainage systems provided unless demonstrated to be inappropriate. The development must thereafter be implemented in full accordance with said written agreement.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. The reserved matters application must be accompanied by a noise assessment by a competent, qualified assessor, investigating any potential effects noise from the air-conditioning plant sited on the nearest industrial unit on the Industrial Estate on the proposed residential dwellings occupant's amenity, with specific, detailed recommendations for mitigation as appropriate in the new development on identified dwellings. The reserved matters application must detail any mitigation proposed, and said mitigation must be implemented in full on each identified dwelling before it is occupied, and retained on said property in perpetuity. The assessment and recommendations must be submitted to and approved in writing by the Local planning authority alongside the Reserved Matters application.

Reason: To ensure residential amenity in accordance with Policy GDP1(h) of the Derwentside District Local Plan 1997 (saved Policies 2009), and the advice set out in the NPPF and NPPG.

STATEMENT OF PROACTIVE ENGAGEMENT

54. 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.

BACKGROUND PAPERS

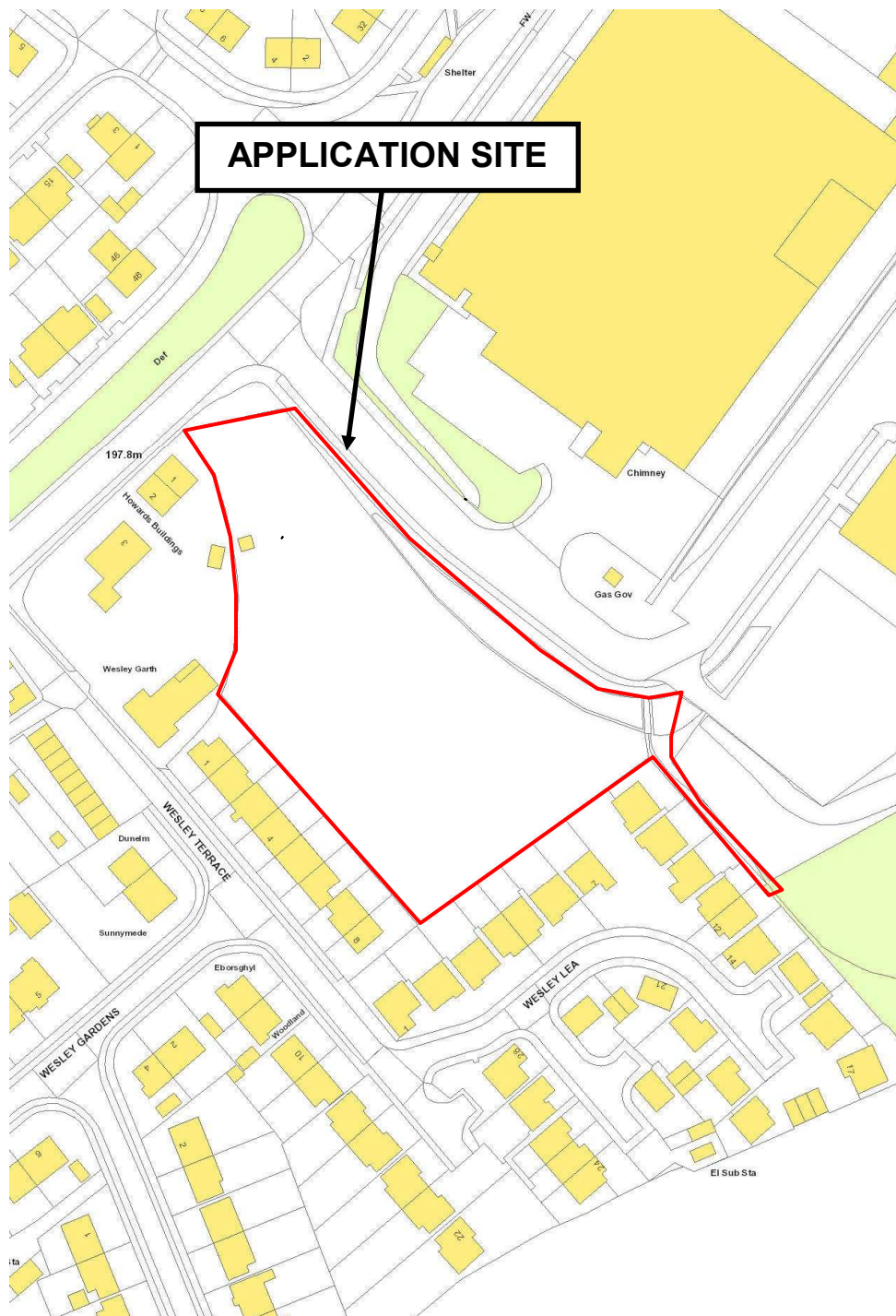
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Derwentside District Local Plan (saved policies 2009)

Statutory, internal and public consultation responses



APPLICATION SITE



Planning Services

Land To The Rear Of 1 To 8 Wesley Terrace, Castleside Industrial Estate, Castleside, DH8 9QB

Application Number DM/16/00986/OUT

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Comments

Date 19th May 2016

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Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/00672/FPA
FULL APPLICATION DESCRIPTION:	Change of use from class D1 (non-residential institution) to B1 (offices) with ancillary treatment rooms for aromatherapy massage purposes
NAME OF APPLICANT:	If U Care Share Foundation
ADDRESS:	23 The Green Nettleworth Chester-le-street DH2 3PQ
ELECTORAL DIVISION:	Sacrison
CASE OFFICER:	Nick Graham Planning Officer Telephone: 03000 264 970 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is comprised of 23 The Green, Nettleworth, a two storey detached building with a mono-pitch roof. The last known use of the site was as a day centre, falling within the D1 use class, and has been subject to sale by the Council's Assets Department.
2. The site falls within a broadly residential area, with properties located to the north, east and west of the site at The Green. Approximately 50 metres to the west of the site, planning approval has been granted, and conditions have discharged, for the demolition of two bungalows and the erection of nineteen dwellings. Nettleworth Primary School lies approximately 80 metres to the east of the site, with the library, playground and community centre further to the east.
3. To the south of the site is a small piece of recreational land, beyond which is the B6312 Plawsworth Road. Two bus stops lie on Plawsworth Road within 70 metres of the site, with daily hourly services to Durham, Sacrison and Langley Park. Further bus stops lie on the A167, 700 metres to the east of the site, with services to Newcastle, Gateshead and Bishop Auckland. Three car parking spaces are located within the curtilage of the site fronting The Green. Topographically, the site sits a relatively flat level, with views of the site particularly prominent across the recreation land from Plawsworth Road.

The Proposal

4. Permission is sought for the change of use of the building from a non-residential institution (use class D1) to offices (use class B1) with ancillary treatment rooms in the building for aromatherapy massage purposes. All works at the building are proposed to be internal, with no external changes proposed.
5. The application is presented to Committee at the request of the Divisional Member.

PLANNING HISTORY

6. 2/09/00192/FUL – Conversion of garage to rear room and replacement of flat roof with pitched roof – Approved 25 August 2009

PLANNING POLICY

NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
12. *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.

LOCAL PLAN POLICY:

13. *Policy IN8 – Industrial Development Beyond Defined Industrial Estates* – permits B1 uses within defined settlement boundaries, of which Nettlesworth and Kimblesworth is one, subject to the following being acceptable: the amenity of neighbouring occupiers; the design, scale and visual impact; adequate landscaping; and does not involve the loss of sound housing in residential areas.
14. *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:

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

16. The *Highways Engineer* has noted the site is a former community building with car parking to the front, and no objection is made to the proposed use.

INTERNAL CONSULTEE RESPONSES:

17. None.

EXTERNAL CONSULTEE RESPONSES:

18. None.

PUBLIC RESPONSES:

19. Neighbours have been consulted by way of direct notification, and a site notice was posted on The Green. No comments or objections have been received.

APPLICANTS STATEMENT:

20. The If U Care Share Foundation (IUCSF) provides support around the prevention of suicide, delivers services to support those affected by it and to promotes positive mental health in and around the North East of England. On a day to day basis, we

support individuals who have been bereaved by suicide. The vast majority of appointments take place away from the office however we do still have appointments in the office, but on average only about 2-3 appointments per day.

21. We have 10 members of staff, 2 of which do not have cars, 3 are support workers who are often out of the office, 3 staff deliver training and are also out of the office on a regular basis.

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

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

Principle of development

23. The application site is located within the defined settlement boundary of Nettlesworth and Kimblesworth, as designated on the Chester-le-Street District Local Plan Proposals Map. The change of use needs to be assessed against Policy IN8 of the Chester-le-Street District Local Plan. This states that a proposal constituting a B1, B2 or B8 use is permitted within the defined settlement boundaries subject to certain criteria. The inclusion of aromatherapy treatment rooms within the scheme would not fall within the B1 use class, and would instead normally be considered under the D1 use class, however as this use would be incidental to the primary use as offices, this is considered to be ancillary.
24. Policy IN8 seeks to protect neighbouring occupiers in terms of virtue of noise, dust, smell and general disturbance. The proposed use is for offices and when compared to the previous use as a day centre, the amenity impacts are considered to be minimal given no external changes would occur and the proposed operating hours are standard working times of 9am to 5pm Monday to Saturday.
25. The proposal is for a B1 use within a defined sustainable settlement, and is re-using an existing building, strongly supported by the aims of the NPPF and NPPG. The site is considered to meet the criteria of Policy IN8 of the Chester-le-Street District Local Plan and can therefore be supported in principle subject to the amenity of neighbouring residents not being adversely affected, which is discussed below.
26. The presumption in favour of sustainable development is a prime material consideration 'unless adverse impacts of the development significantly and demonstrably outweigh the benefits'. These detailed issues are examined below.

Impact on neighbouring amenity and privacy

27. Residential properties are located to the north, west and east of the site, however as the building is to be unchanged in terms of its construction, the privacy of these neighbours is not considered to be of an increased impact from the existing arrangement.

28. It is important to note that under the existing D1 use class, the building could be used as a health centre, crèche, nursery or school without requiring the benefit of planning permission. It would also appear the building currently has no restriction on the hours of operation it could be used. A continuation of any of the above uses could theoretically operate at any time, with the number of employees and visitors unknown, and could generate significantly more noise and disturbance and attract greater levels of parking than the proposal under consideration.
29. The proposal under consideration has noted the number of employees and proposed daily visitors. Additionally, as part of any approval granted, it is proposed to attach a condition restricting the proposed hours of operation in the interests of residential amenity, and would control such hours of operation which are deemed to be standard business hours, 9am to 5pm Monday to Saturday. Given the above, it is not considered the amenity of neighbours would be adversely affected, particularly when compared against the existing, unrestricted, arrangement.

Highway safety and access

30. The application has been called in by the divisional member on the issue of car parking within the vicinity of the site. The applicant has stated in their supporting statement that the charity employs ten members of staff, whilst only eight of these use cars and six members of staff are regularly out of the office as part of their employment. It is also noted two-three visitors would frequent the site for massage therapy purposes daily. It is therefore considered in theory, there could be a maximum of ten-eleven vehicles visiting the site at any one time, and this would be during the operating hours of between 9am and 5pm Monday to Saturday. The applicant has indicated within the application that the car parking area to the front of the building can accommodate three, possibly four, cars.
31. It is also noted two bus stops fall within 70m of the site to the south on Plawsworth Road, with daily hourly services to Durham City, Sacriston and Langley Park. Further bus services are located on the A167, approximately 700m to the east of the site or a 10 minute walk, with frequent daytime services to Newcastle, Gateshead, Durham City, Bishop Auckland, Spennymoor and South Shields.
32. The Highways Engineer is satisfied that given the existing and proposed uses of the building, the number of car parking spaces associated with the proposal is acceptable, and when coupled with the proximity to public transport, the proposal is considered to meet the criteria of Policy T15 of the Chester-le-Street District Local Plan.

CONCLUSION

33. The site, by virtue of its location, is considered sustainable and noted as reusing an existing building. This is considered to meet the requirements of the Chester-le-Street District Local Plan and the NPPF.
34. Subject to a condition restricting operating hours, the proposal would meet the requirements with respects to neighbouring privacy and amenity, and highway safety and access. No objections have been raised from statutory consultees or the public.
35. No other issues have been raised, and it is on the above basis that the application is recommended favourably.

RECOMMENDATION

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:

Location Plan and Site Plan ARC-15-326

29 February 2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies IN8 and T15 of the saved policies of the Chester-le-Street District Local Plan, 2009.

3. The use of the premises as an office (B1) with ancillary treatment rooms shall not be open: before 8am Monday to Saturday; after 6pm Monday to Saturday; at any time Sundays and Bank Holidays.

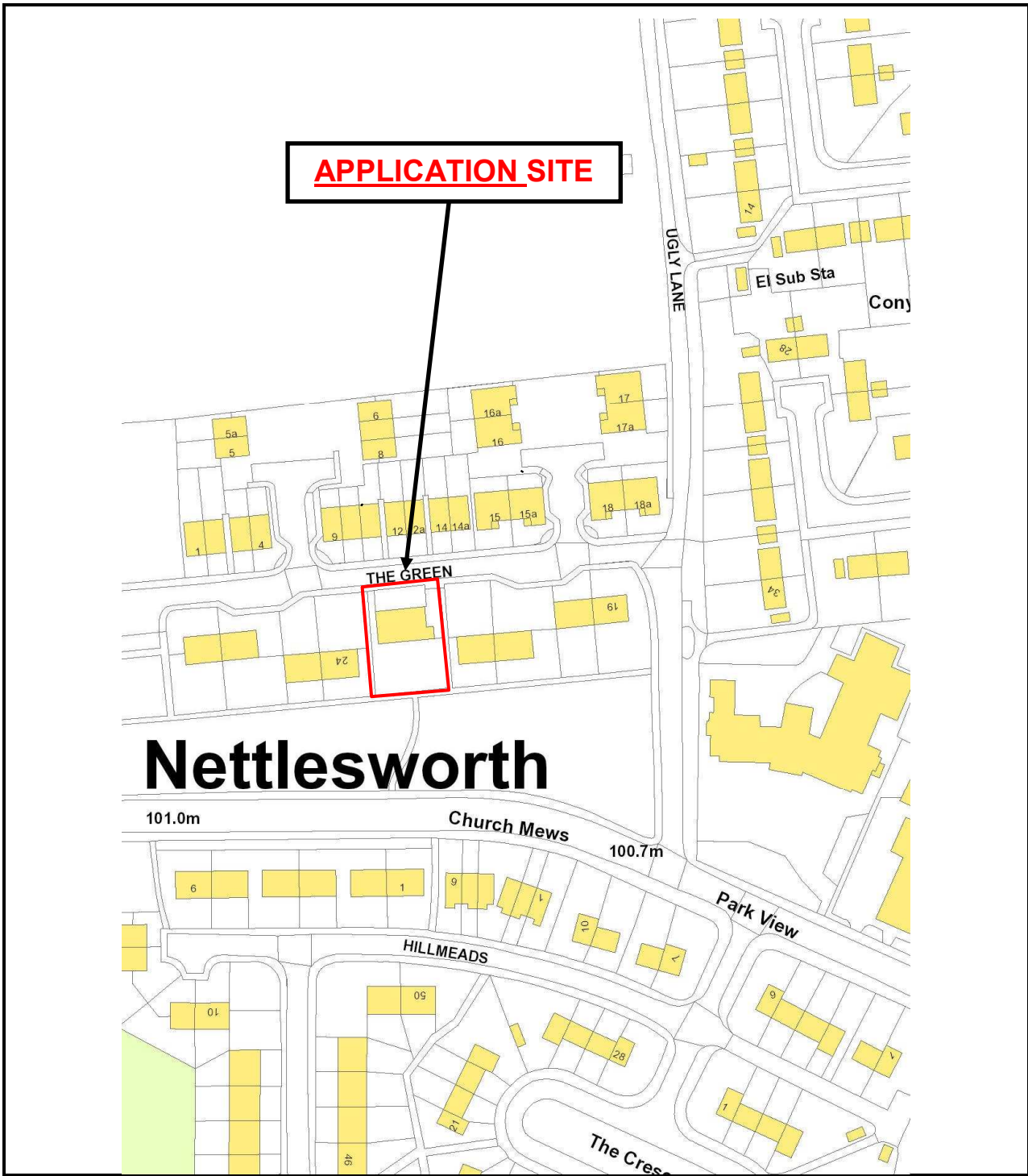
Reason: In order to control any disturbance from the use within the local area and to accord with Policy T15 of Chester-le-Street District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, 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 with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance Notes
- Chester-le-Street District Local Plan (saved Policies 2009)
- Statutory consultation responses



Nettleworth



Planning Services

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23 The Green, Nettleworth, Chester-le-Street, DH2 3PQ

Application Number DM/16/00672/FPA

Comments

Date 19th May 2016

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