



## Area Planning Committee (North)

**Date** Thursday 27 April 2017  
**Time** 2.00 pm  
**Venue** Council Chamber, County Hall, Durham

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 30 March 2017 (Pages 3 - 8)
4. Declarations of Interest (if any)
5. Applications to be determined by the Area Planning Committee (North Durham)
  - a) DM/16/04013/FPA - St Cuthbert's Drive, Sacriston (Pages 9 - 26)  
Erection of 24 semi-detached dwellings including affordable units with associated services, infrastructure and landscaping.
  - b) DM/17/00262/FPA - Land To The West Of 2 Heathmeads, Pelton (Pages 27 - 38)  
Construction of 4 no. 2 storey detached houses with associated garages, gardens and access road.
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

**Clare Pattinson**

Interim Head of Legal and Democratic Services

County Hall  
Durham  
19 April 2017

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 30 March 2017 at 2.00 pm**

**Present:**

**Councillor C Marshall (Chairman)**

**Members of the Committee:**

Councillors B Armstrong, J Cordon, I Jewell (Vice-Chairman), J Maitland, O Milburn, J Robinson, A Shield, L Taylor and S Wilson

**Apologies:**

Apologies for absence were received from Councillors H Bennett, P Brookes, K Shaw, O Temple, K Thompson and S Zair

**1 Apologies for Absence**

Apologies for absence were received from Councillors P Brookes, K Shaw and O Temple.

**2 Substitute Members**

There were no substitute Members.

**3 Minutes of the Meeting held on 23 February 2017**

The minutes of the meeting held on 23 February 2017 were confirmed as a correct record and signed by the Chairman with the following amendment:-

Item 5(b) – Page 6, paragraph 8. To include that the officer acknowledged that the comments received from Stanley Town Council should have been included as a separate consultee response within the report.

**4 Declarations of Interest (if any)**

There were no declarations of interest submitted.

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

### a DM/16/03157/FPA - Land To The West Of Fulforth Way, Sacriston

The Committee considered a report of the Planning Officer regarding an application for the erection of 73 dwellings with associated landscaping and garaging (for copy see file of Minutes).

The Planning Officer provided a detailed presentation of the application which included photographs of the site and plans of the proposed layouts. He advised that the highways layout and access had been reviewed following the deferment of the application at the last meeting. Lengthy discussions had taken place between the developer, Highways Engineers and Planning Officers. Proposals had subsequently been amended to remove the access from St Cuthbert's Meadow and to amend the proposed highways layout, including upgrading and lengthening several of the proposed roads so they would meet adoptable standards. Members had visited the site the previous day and were familiar with the location and setting.

It was noted that since the publication of the report 5 additional representations had been received. There had been additional 1 objection from a resident of Acorn Close regarding the proposed junction adjacent to her property. 2 comments had been received regarding the highways layout, however since the removal of the access via St Cuthbert's Meadow, this had now been withdrawn as had two other objections relating to the same issue.

Councillor Liddle, local Member addressed the committee to speak in support of the application. Councillor Liddle advised that since deferment of the application at the last meeting, the developers had worked hard to resolve the issues regarding highways and had fully taken on board those comments. She therefore advised that her previous objections had been withdrawn and she was now happy with the revised scheme.

Mrs I Bradley, local resident addressed the committee to speak in support of the application. She advised that Cheviot homes had wholly listened to the concerns of residents and had worked hard with the community to address the issues raised.

Miss S Harrison, speaking on behalf of the developer, noted the alterations to the proposal in line with recommendations of the Planning Officer and Highways Engineer.

Councillor Wilson commented that he was pleased to see such a fantastic development proposed in his division and congratulated the developer on their hard work undertaken with the community to address initial concerns raised by residents. He therefore **MOVED** that the application be approved subject to the conditions as listed within the report. Councillor Cordon **SECONDED** the proposal.

Councillor Jewell further added his thanks to the planning officer for the revised report and noted that all concerns raised at the previous meeting had been mitigated against.

**Resolved:**

That the application be approved subject to the conditions as listed within the report.

**b DM/16/03633/OUT - 7 The Paddock and land to south of 7 The Paddock, Lanchester**

The Chair advised that the above items had been withdrawn.

**c DM/17/00202/FPA - Land to the rear of Pleasant View, Medomsley, Consett**

The Committee considered a report of the Planning Officer regarding the proposed change of use from allotments to equestrian use and erection of stable for horses for personal use and hay storage (for copy see file of Minutes).

The Planning Officer provided a detailed presentation which included photographs of the site and plans of the proposed layouts. Members had also visited the site the previous day and were familiar with the setting and surroundings.

Councillor Stelling, local Member, addressed the committee in order to object to the application.

He first declared an interest in the application, on the basis that his sister lived on the Terrace which was affected by proposals. He had sought legal advice from the Council's Solicitor and noted that he would leave the chamber once he had made his representations.

Councillor Stelling advised that to date the site had been used for the storage of a static caravan, playground equipment and a trampoline. In addition the applicant had hard core delivered to the site, a sheet metal fence had been erected and brick gateposts were built, which subsequently were lowered after advice given from DCC. All activity on site to date had been unrelated to keeping horses.

The fence which had been erected around the site was not in keeping with the area and did not blend into the landscape which detracted from the open countryside.

He further noted that he was extremely disappointed to learn that the Coal Authority had withdrawn their objections given the mining history in the area. In conclusion he advised that he could not support the application and as such asked members to refuse the application. (He then left the chamber.)

Mrs P Stokoe, local resident addressed the committee to object to the application. She advised that she spoke on behalf of the many residents who had objected to the application.

She advised that for approximately 14 months, residents had suffered disruption, mess and intrusion as a result of the applicant using the land without regard to policies, planning or local residents.

Further concerns were raised regarding access to the site via the single lane, noting that there was already damage caused to the road from 4x4 and other heavy vehicles which had been seen entering the site. It was felt that further damage to this road would occur during construction of the stables and would increase the risk of parked cars being damaged.

Mrs Stokoe advised that 17 households in the immediate vicinity had objected, with 24 individual objections being submitted. This demonstrated the strength of feeling regarding the proposed development. She further advised that residents had not been notified that the Coal Authority had withdrawn their objection and were disappointed to learn that they did not consider subsidence to be an issue. In conclusion she noted further concerns relating to security, light pollution and odour created from animal waste.

Mr G Rimmington, applicant, addressed the committee to speak in support of the application. He advised that historically the site had been used to keep pigeons and was in a rotten state when he had acquired the site.

Regarding its future use, Mr Rimmington advised that he would be the only regular visitor using a vehicle to access the site limiting disturbance to any residents. He further advised that he would be willing to assist residents in maintaining the road. The site was for the sole use of his family and children.

In addition regarding concerns raised relating to odour, he advised that he would be personally removing the animal waste on a fortnightly basis. He further made reference to the farm land surrounding the site which was regularly sprayed with manure.

He further pointed out that the site could not be seen from the main street and garages in the vicinity were not well kept, being in some places quite overgrown. He therefore could not see any reasons for refusal given that officers were also happy with the scheme.

Councillor Robinson asked for clarification regarding legislation on future use of previous allotment land and furthermore whether the residents had been permitted to view the report forwarded by the Coal Authority. In response the Solicitor advised that allotments only had to be replaced by allotments where they had been previously owned by a public authority.

The Planning Officer further advised that the latest correspondence from the Coal Authority had been received the previous day. The reasons for the withdrawal had been as a result of changes to the proposed structure and less significant groundworks being required.

Councillor Wilson in referencing paragraph 66 of the report raised a query regarding access for bridleways and the recommended 1 acre per horse as recommended by

the British Horse Association. The Planning Officer advised that the applicant had come to a gentleman's agreement with a landowner for the grazing and exercise of his horses within 400m of the site. Councillor Wilson queried what would happen should the landowner retract his offer of use of the land. The Planning Officer advised that it would be up to the applicant to find a suitable alternative. The Solicitor further clarified that this would be an animal welfare issue and would not in itself be a reason for refusal.

Councillor Shield who was a local member, advised that as a previous resident of Pleasant View he was greatly troubled by the report. He added that in order for the applicant to graze his horses he would need to cross a busy interchange. He furthermore queried the frequency of grazing and how he would transport the horses to that site.

The Highways Officer confirmed that Highways did not consider the transportation of horses to result in traffic movements that dissimilar to those seen during previous use.

Councillor Shield further commented that he considered the application to be in breach of policy EN1 of the Saved District Local Plan and paragraph 14 of the NPPF did apply. He therefore concluded that given the strong feeling of residents and the lack of trust in the applicant, he requested that the application be deferred.

Further discussion took place regarding the storage on site and Councillor Milburn asked whether a condition could be attached to specify that equestrian related only items were stored. In response the Solicitor advised that should the applicant want to use the site to store any other items that were not ancillary to the permitted use this would require a change in use application.

Councillor Cordon added that he was bemused to read some of the objections and added that he did not consider the application to contravene any part of NPPF planning policy and with such **MOVED** that the application be approved.

Councillor Jewell added that it was a difficult application because it was so emotive, however noted that the objections were non planning related issues and with such could not see a valid reason for the application to be refused. He therefore **SECONDED** the proposal.

**Resolved:** that the application be approved subject to the conditions listed within the report 1, 2, 3, 4, 5 & 7. Condition 6 was no longer applicable due to the withdrawal of Coal Authority objections.

**d DM/17/00384/FPA - Stanfield House, Joicey Square, Stanley**

The Committee considered a report of the Senior Planning Officer regarding an application for the change of use from former nursing home into a new 25 bed hotel (C1 Use Class) (for copy see file Minutes).

The Senior Planning Officer provided a detailed presentation of the application which included photographs of the site and plans of the proposed layouts.

Councillor Marshall added his thanks to the Planning Officer for his help with this planning matter also noting that this was extremely exciting for Stanley.

Councillor Milburn thanked officers and also noted that she was pleased that the applicant had undertaken extensive consultation with residents. She therefore **MOVED** that the application be approved subject to the conditions as listed within the report.

Councillor Jewell commented that although he considered the application to be positive for the area, he queried whether parking provision was adequate and the policy for guests' length of stay. The Senior Planning Officer advised that parking provision was considered acceptable and the owners had indicated that guests would be permitted to book the hotel for short stays only.

Councillor Jewell subsequently **SECONDED** the proposal.

**Resolved:**

That the application be approved subject to the conditions as listed within the report.

**6 Appeal Update**

Consideration was given to the report of the Planning Officer which provided details of appeals determined (for copy see file of Minutes).

**Resolved:**

That the content of the report be noted.

## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/04013/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Erection of 24 semi-detached dwellings including affordable units with associated services, infrastructure and landscaping.
<b>NAME OF APPLICANT:</b>	Prince Bishops Homes
<b>ADDRESS:</b>	St Cuthbert's Drive Sacriston
<b>ELECTORAL DIVISION:</b>	Sacriston Steve France
<b>CASE OFFICER:</b>	Senior Planning Officer Telephone: 03000 264871 <a href="mailto:steve.france@durham.gov.uk">steve.france@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site is 0.51 ha of land, adjacent Front Street in Sacriston, around 200m north of the village centre. Sacriston is defined as a 'Smaller town / Larger Village' within the County Durham Settlement Study 2012, indicating it includes a good range of facilities, access to goods and services and access to sustainable transport routes.
2. The land is a sloping fenced rough paddock, with hedging along the east and west boundaries. From the west, the site is overlooked by local authority-built mid-linked properties in Coniston Drive – a footpath separates these dwellings from the site's hedge / fence boundary. A modern development of mainly detached dwellings is sited south of the site, from which the proposed development takes its access. North of the site is a 0.46ha. area of mown playing field, separated from the site by a post and rail fence, associated with the primary school that faces the site across Front Street from the west, with its associated church and presbytery behind. To the north of these buildings the end of the Victorian terrace of Church Parade has two properties that overlook the site.

#### The Proposal

3. The application proposes erection of 24 dwellings, two and three storeys in height arranged around a 'hammerhead' cul-de-sac. Fourteen of the houses have three bedrooms, ten have four bedrooms. The site is proposed accessed from St. Cuthbert's Drive which includes a spur access that currently ends at the field entrance gate. The development would share 27m of St. Cuthbert's Drive to access Front Street. Parking is provided for each dwelling and visitors to the development in a layby arrangement. Each dwelling has a private rear garden.

4. The hedge on the west boundary, where it borders the footpath fronting Coniston Drive will be retained. The mature hedge along the roadside of Front Street is proposed removed and replaced with a new hedge to the rear of the proposed garden boundaries with a new footpath on the roadside. The existing bus stop will be unaffected.
5. This application is reported to Committee as a 'major' development

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## **PLANNING HISTORY**

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6. None

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
10. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 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.
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.
13. *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.

14. *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.
15. *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.
16. *NPPF Part 12 – Conserving and Enhancing the Historic Environment*. Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA's should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance

#### **NATIONAL PLANNING PRACTICE GUIDANCE:**

17. The newly introduced National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *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.
19. *Conserving and Enhancing the Historic Environment* – Explores the terms 'significance' and 'special architectural or historic interest' and 'harm', noting assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.
20. *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.

21. *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:**

22. The following are those saved policies in the Derwentside District Local Plan relevant to the consideration of this application:

23. *Policy HP6 – Residential within settlement boundaries* – identifies Sacriston as a settlement where residential development will be allowed on non-allocated sites subject to a number of detailed criteria and that meet the criteria of Policy HP9.

24. *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.

25. *Policy HP13 – Affordable Housing* – the Council will seek to negotiate affordable housing within windfall sites, with Sacriston falling within the Northern Delivery Area where a 15% provision is required.

26. *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.

27. *Policy T15 – Access and Safety provisions in design* – Development should have safe access to classified roads, 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:**

28. 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 from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

29. *Highways* – County Highways Engineers have no concerns relating to the proposal.
30. *Northumbrian Water* – suggest a condition to ensure details of foul drainage are agreed and direct the developer to the Hierarchy of Preference for the disposal of surface water.

### INTERNAL CONSULTEE RESPONSES:

31. *Housing* - This application proposes the delivery of 24 homes at Sacriston. The SHMA identifies a need for 15% affordable provision in the North of the County. The Council has supported a bid to the Homes and Communities Agency to deliver Rent to Buy units on this site with the caution that we do not currently recognise this as an affordable product due to there being no guarantee it will remain affordable in perpetuity. This is expected to change when the Housing & Planning Act 2016 comes into effect.
32. *Viability Officers* - consider the inputs contained within the appraisal are reasonable. In respect of the agreed purchase price, we would conclude that this is at a level sufficient to incentivise a landowner to dispose of the site. Inclusion of the full complement of affordable housing would likely reduce the land value to a level which is below realistic landowner expectations. Consequently, the overall findings that the scheme cannot support affordable housing are accepted.
33. *Drainage and Coastal Protection*– Engineers set out the Surface Water Management Train and advise they do not condition approval at full planning stage, requiring detailed information to be submitted with the application.
34. *Environment, Health & Consumer Protection (Air Quality)*- The proposed development will not generate exposure of the future occupants of the residential properties (receptors) to levels of one or more of the air quality pollutants that are close to or above the national air quality objectives. As the development would be expected to take less than 12 months, best practicable means of controlling dust emissions from the site should be employed having regard to applicable guidance.
35. *Environment, Health & Consumer Protection (Noise)* – noise from traffic will not cause disturbance provided the noise mitigation measures as stated within the noise impact assessment are implemented. Without appropriate controls on the construction phase this may potentially result in a statutory nuisance being created. It is considered that suggested conditions are sufficient to mitigate the potential of a statutory nuisance and therefore remove potential objection to the development.
36. *Environment, Health & Consumer Protection (Contamination)* – Environmental Protection Officers concur with the submitted reports suggestion of additional geo-environmental appraisal before development commences and standard contamination conditions.
37. *Ecology* – whilst the sustainability statement refers to the wrong site, the Ecological report identified biodiversity value in the east and west boundary hedges. It was recommended these hedges be retained with one proposed lost.

38. *Tree Officers* - Trees on site do not warrant individual Tree Preservation Orders and may need to be removed to facilitate development. Existing hedges which are located east and west boundaries must remain and be protected with fencing complying with BS 5837 2012; it may be prudent to exclude the hedging from rear gardens as the boundary may become problematic to some residents and be removed over time.
39. *Archaeology* - The County Durham Historic Environment Record (HER) has an entry relating to a prehistoric cist burial less than 200m from the proposed development area. Burials of this type are often associated with large earthworks which could be impacted by the development. The earthworks may not be visible on the ground however it is important to record any surviving below-ground remains due to their rarity and significance. As such it is recommended a programme of archaeological monitoring and recording in the form of a watching brief is secured by suggested conditions.
40. *Design and Conservation Officers* – made a number of comments, framed against the BfL12 Design Criteria and quoting Local Plan Policies. The quoted policies include that the site is beyond the settlement boundary. The site entrance is considered unbalanced, with parking dominating. Footpath links are unclear. No facilities are provided within the site, but it is close to shops, public houses, services, schools and community facilities. Pedestrian links in the site and links to external footpaths are good. There appears to be a bus route along Cross Lane, possibly leading to Consett and Durham. There appear to be 24 dwellings and these seem to include affordable housing. The house types are modest and simple and pick up on traditional design elements of the surroundings.
41. The site is fairly steeply sloping, open and south facing – many of the houses face south benefitting from solar gain. It is concerning the hedgerows are proposed removed – this is very harmful to the setting of the Presbytery opposite and Coniston Drive. Current open views across the field would be lost The feeder road could provide attractive framed views into the countryside if landscaped. A boulevard of trees could hide a street-scene dominated by garage doors and driveways.
42. The road layout is straightforward and creates a an intimate and friendly environment where cars do not dominate. The development has a good building line, where cohesion helps the street-scene be harmonious and united. Dual aspect buildings would help the site access. The road layout is memorable and easy to find your way around. It is uncertain if the road-swinging road to the north east to possibly the next phase would be a clear and straightforward route. The cul-de-sac creates a intimate and friendly environment for social activity and play space where cars do not dominate. It is good to see trees proposed in front gardens. Parking is generous, prominent and unsatisfactory in street-scene terms. It is unclear what the provision is for visitor parking. It is disappointing to see visitor spaces adjacent the entrance to the feeder road, this provides a car dominated appearance.
43. Removal of the hedges would give the site an urban appearance. The hedges encourage wildlife. There appears to be no open space. Rear gardens are acceptable. Front gardens for the affordable houses are dominated by cars and driveways. It is important bins are not stored at the front.
44. *Sustainability* – Officers note the Sustainability Statement submitted relates to another site. A condition is suggested to ensure an appropriate document and targeted measures is received, and on the basis of this no objection is offered.

## **PUBLIC RESPONSES:**

45. Neighbours have been consulted, site notices were posted at a number of points around the site, and a press notice was published in The Northern Echo. Representations have been received from four residents from the area, and the Headteacher of the Primary School opposite the site across Front Street.
46. Concerns relate to the increase of traffic at the road junction with Front Street, variously described as dangerous and an unwanted nuisance, and the potential effect on the school crossing point on the main road. The existing bus stops on Front Street can cause congestion. Relocating the footpath to run adjacent the Front Street will make it 'very dangerous' for children walking to school. There are complaints that this application was not being considered alongside the recent proposal at Fulforth Way.
47. The school claims to be overcapacity and asks whether the developer will be improving the facilities on the school playing field.
48. The land has been subject to flooding in the past.
49. Noise from construction vehicles and construction traffic is a concern.
50. Cllr. Liddle, the Local Ward Member organised a public meeting at which the application was discussed. The points made included those above, and in addition: The decision on the recent Fulforth Way application set a precedent with a proposed access being taken away from St. Cuthbert's Drive, is there a contingency travel plan for the school route during construction, construction works will disturb shift workers, where will visitors to the development park? Where will children from the development play, why are there no on-site open spaces?

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://publicaccess.durham.gov.uk/online-applications/search.do?action=simple&searchType=Application>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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51. 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, affordable housing, layout and design, and highway safety.

### Principle of the Development

52. In terms of compliance with the Development Plan, Policy HP6, 'Residential within Settlement Boundaries', shows the site as within one of the settlements listed as appropriate for development, but the policy requires sites to be 'brownfield', i.e. previously developed and the Policy is therefore not fully 'up-to-date'. In the context of the NPPF this means the Policy is only partially NPPF compliant, and therefore consideration must also be given to the advice in paragraph 14 of the NPPF, and the presumption in favour of sustainable development. In this regard, the Council's lack of a formally assessed housing supply is also relevant. It is concluded that the development is compliant in terms of Policy HP6 in so far as it is consistent with the

NPPF, and that the lack of housing supply lends weight to a positive assessment of the principle of development.

### Affordable Housing and Viability

53. The site is within the 'central' housing delivery area, where there would usually be an expectation of 20% of the scheme to be 'affordable' housing. It is noted that Housing Officers comments are made on the basis of the site being within the 'northern' delivery area, with a 15% 'affordable requirement'. The 20% requirement has a greater effect on viability assessments.
54. This application is described by the applicant as including 'affordable units'. Prince Bishops Homes, the applicants for this scheme, offer a form of affordable housing, but one that does not meet the definition of such in the NPPF, and therefore is not considered 'affordable' by the Council. Members will be aware that the 'Prince Bishops Model' has been accepted on other developments, including in Sacriston at the Plawsworth Road School site, currently under construction.
55. Therefore, whilst Housing Officers do not 'recognise' the Model, they have supported the applicant's HCA grant, and offer no objection to the proposals. Viability Officers have assessed the proposal's costings in detail and have concluded that to provide 'affordable' housing that meets the NPPF definition would render the development unviable. In planning terms, the form of 'semi'-affordable housing proposed is seen by Planning Officers as having justification through paragraph 50 of the NPPF which requires Local planning authorities to 'deliver a wide range of high quality homes (and) widen opportunities for home ownership'. This element of the scheme is therefore concluded acceptable.

### Impact upon the Surrounding Area and Neighbouring Amenity

56. The application is an inward facing development clustered around a hammerhead cul-de-sac. It is noted that none of the immediate neighbours overlooking the site have sent representations. The site is surrounded by modern open-market housing, 1960's local authority-built dwellings and Victorian Terracing, and therefore there is a variety to the surrounding character of the settlement and street pattern, which the development will potentially add to.
57. The proposed houses are of a basic appearance, Officers having sought, during the course of the application, to secure improvements to the layout and appearance of the scheme, particularly at the site entrance on the basis of the raised expectations of design issues set out in part 7 of the NPPF. The applicant has responded with a single additional window in the gable of Plot 24 to make an 'active gable'. Whilst the appearance and layout of the dwellings within the site, and particularly at the site entrance is disappointing, the issue, when considered in the planning balance, is not such that it is considered to override the potential benefits of the scheme.
58. Each of the new dwellings have private rear gardens and in-plot parking. Appendix 1 of the Local Plan includes 'indicative guidance' on suggested separation distances between new and existing development, suggesting 12.5m as appropriate between existing windows and a blank gable. Proposed plot 7 is only 11m from the facing windows of numbers 9/10 Coniston Drive, Plot 7 being a two-storey dwelling. The relationship is not such that it is considered a refusal could be sustained on it. The additional visual separation given to this relationship by the presence of the public footpath and the retention of the hedge is a positive material consideration in coming to this conclusion.

59. Again, Policy HP9 which relates to these issues is only partially NPPF compliant, as explained above and therefore the presumption in favour is given due regard. The development is considered acceptable in regard of this topic area.

## Highway Safety

60. Highway safety is a primary concern of the residents from the wider estate who have responded to the consultation exercise and the local Councillor. The application had been assessed, despite residents' contention, alongside the recent application for Fulforth Way until that scheme was amended. Highways Engineers have assessed the capacities and flows of the main and estate roads and junctions and have no concerns. In this regard the application is considered compliant with Policy T15 of the Plan. As a Policy with 'partial' weight, it is the Council's considered approach that, 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

61. Highways Engineers also considered the individual detailed highways related concerns raised by residents and the Councillor: They consider the new footway adjacent the vehicular highway of Front Street is a standard engineering practice and has no safety implications. In order to ensure safe pedestrian access around the site during construction works, the existing footpath should only be closed off once the new footpath is constructed (a condition is suggested, below). The low numbers of cars associated with the new development will have no impact on road safety of the existing highways network including the estate road and the Front Street. A detailed assessment of the car parking requirements of the scheme shows an overprovision of 10 spaces – therefore the two visitor spaces proposed are sufficient. The test quoted at the end of the previous paragraph is again referred to. The issues have been assessed in detailed by qualified Highways Engineers and the scheme found acceptable.

62. The application results in additional traffic sharing the entrance to St. Cuthbert's Drive, from where the objections to the scheme's highways implications have, in the main, emanated. Highways Engineers have examined the issues raised in detail and have concluded the effects of the development are acceptable, certainly not the 'severe' threshold stated in the Policy context, nor the 'significant and demonstrable' of the NPPF that would prevent approval.

## Other considerations

### Archaeology

63. Archaeology Officers have requested a condition requiring a scheme of archaeological work on the basis of a record showing discovery of a burial cist (a stone lined grave) within 200m of the site.

64. The developer contends this requirement would make the scheme unviable, and whilst the financial implications of this issue were not included in the viability calculations, that the Council's Viability Officers have found the scheme unviable in the other respects means it is reasonable to conclude that if this further significant cost was added into the equation, the scheme would be further unviable.

65. The NPPF advises (at paragraph 128) that where a site on which development is proposed includes or has development potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Given the request for a condition relates to a specific historic record in the area, and

the fact that the NPPF is also quite specific in this respect, the requested condition is proposed appended to any approval, despite the applicant's concerns at the viability implications, as Officers do not think the scheme is acceptable when read against the national advice without it.

### Drainage

66. Drainage Officers had requested additional detail over the scheme submitted –. There is no suggestion that an acceptable drainage scheme cannot be agreed. A condition will ensure an acceptable scheme is ensured.

### Contamination

67. Environmental Protection Officers concur with the applicant's submitted surveys that additional investigation works are required, and suggest appropriate conditions – these are attached below.

### Landscaping and Ecology

68. The scheme has been redesigned during the course of the application to include a replacement hedge between the rear garden fences and the new footpath on the Front Street boundary of the site, as a replacement for the existing roadside hedge proposed lost. This hedge has both prominent visual value, and an ecology value, and was requested retained – its replacement being considered a reasonable compromise. The replacement ensures any slight benefit to the setting of the Presbytery opposite, referred to by Design Officers.

69. A condition to ensure the hedge on the Coniston Drive elevation is retained is proposed. A hedge is not considered required on the boundary with the playing field, where none exists already.

### Economic Benefits

70. Whilst not quantified to a degree that would allow specific weight to be added to this important component of the planning assessment, that the development will bring economic benefits to the local economy during the construction phase of development is a material factor in favour of the development.

### Noise and site works

71. Officers intend to impose the current standard site works condition to protect the amenities of surrounding existing residents, albeit this will not benefit night-shift workers as referred to by the Councillor.

### Other Issues

72. The Councillor organised public meeting queried the lack of open space within the scheme and access to play facilities for resident's children. The first issue is explained by the developer as affecting viability issues, a contention that Officers accept, for the second it is noted that at the centre of the village there are formal play facilities consisting a cricket pitch, football pitch, MUGA and play equipment, only 0.22 miles from the site.

73. There is no effect on the non-designated heritage assets, consisting the church and presbytery opposite the site.

74. As noted by Sustainability Officers and echoed by Ecology, the documents submitted with the proposal for embedded sustainability measures related to another development. A condition to ensure the requirements for fabric-first development are embedded into this scheme is appended below that will address this omission.
75. There are a number of proposed conditions which by their nature require information to be provided and agreed before the development commences. Section 35 of the Development Management Procedure Order requires these to be identified and justified. Conditions with this requirement including Archaeology, Sustainability, Footpaths, Hedging and Drainage are set out below.

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## **CONCLUSION**

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76. Planning applications must be determined in the first instance against the policies in the Development Plan. There is then a 'planning balance' test, with those policies attributed weight dependent upon their compliance with the NPPF and applying the weighted 'presumption in favour' – do the benefits outweigh any identified harm?
77. The application brings the benefits of adding to the County's housing supply in a location that has been identified 'sustainable' and increases opportunities for home ownership. The short term benefits to the local economy brought by the construction phase are also of positive material weight. The lack of open space and other standard requirements has been accepted through detailed assessment by the Council's Viability Team, mitigated by the sustainable location. The detailed assessment of highways issues by Council Engineers does not reflect the apparent concern set out in the objection letters and summarised by the Local Member following her public meeting.
78. The effects of development on the existing hedges has been mitigated through redesign during the course of the application, and whilst the design of the development is slightly disappointing, this issue is not one that outweighs the benefits. Likewise the overall planning balance weighs in favour of the proposals, being in line with development plan policy so far as it is relevant, with further, no adverse impacts that would significantly and demonstrably outweigh the benefits.
79. It is worth referring again to the archaeology issue, as this is a point the applicants have argued, however Officers consider the advice in the NPPF is clear, and a condition requiring proper investigation of this issue required.
80. The application has been assessed by the various sections in Environmental Protection who recommend conditions to protect existing residential amenities relating to noise, dust, vibration, site works and working hours – all attached below.
81. No other issues have been raised that weigh significantly against the proposals or cannot be proportionately conditioned, and the proposals are therefore recommended positively.

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## RECOMMENDATION

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82. 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:  
315 PL001 Housetype 3  
310 PL-001 Housetype B  
310 PL-001 Housetype B (inc gable window).  
315 002 rev.I Proposed Site Layout  
315 003 rev.B Proposed Hard Landscape & Boundary Treatment Plan  
315 006 Proposed Site Section A-A  
R/1892/2 Landscape Detail  
R/1892/3 Landscape Detail  
BT / Sheet 05 Boundary Close Boarded Fence  
BT / Sheet 19 Boundary Party Fence Details Triprail (Birdsmouth Fence)  
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP6, HP9, HP13, T8 and T15 of the Development Plan.
3. The development shall be constructed wholly in accordance with the approved details of external elevational materials set out on submitted plan 315 004 Proposed External Materials Plan.  
Reason: In the interests of the appearance of the area and to comply with Policy HP9 of the Development Plan
4. Notwithstanding the information shown on plans 315 002 rev.I Proposed Site Layout, 315 003 rev.B 'Proposed Hard Landscape & Boundary Treatment Plan' and AIA TPP rev.A, before material development works commence a scheme and plan showing the retention of the hedge on the western boundary of the site, protected with fencing complying with BS 5837 2012 during construction works, and the proposed boundary markers for the rear gardens of plots 3 – 6 inclusive, and the western boundaries of plots 2 and 7, must be submitted to and approved in writing by the Local planning authority, and thereafter implemented in full in accordance with said agreement.  
Reason: In the interests of the residential amenity of the residents of Consiton Drive, the visual amenity of users of the adjacent footpath and for its ecology value.
5. Before development commences, and further to the information shown on plans 315 002 rev.I Proposed Site Layout and 315 003 rev.B 'Proposed Hard Landscape & Boundary Treatment Plan' a scheme and plan showing the relocation/replacement of the hedge on the eastern boundary of the site adjacent Front Street, and the implementation of an adoptable standard footpath adjacent Front Street must be submitted to and approved in writing by the Local planning authority, and thereafter implemented in full in accordance with said agreement. Said scheme must include a schedule to ensure the existing footpath in this location is only be closed off once the

proposed new footway alongside the carriageway is constructed to a suitable standard to maintain pedestrian movements in the area.

Reason: In the interests of the highway safety and visual amenity of users of the adjacent footpath and for its ecology value. As Highways Engineers have identified that the replacement footpath has an immediate safety implication when site works begin, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

6. 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. 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 Part 10. Given the need to assess the drainage implications of the site – both foul and surface drainage – through the sustainable drainage hierarchy to inform an acceptable drainage design, and that this has implications for the groundworks at the beginning of development, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. This issue is considered such that it is required addressed presubmission, the advice in s.35 of the DMPO, 2005 having been taken into account. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.

- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.

- iii; Post-fieldwork methodologies for assessment and analyses.

- iv; Report content and arrangements for dissemination, and publication proposals.

- v; Archive preparation and deposition with recognised repositories.

- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.

- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.

- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason: To comply with para 135 & 141 of the NPPF because the site is of archaeological interest. In order that the implication of any archaeology on the site can be identified, assessed, considered, mitigated and recorded appropriately, this issue is considered such that it is required pre-commencement, the advice in s.35 of the DMPO, 2015 having been taken into account.

8. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

Reason: To comply with para. 141 of the NPPF which ensures information gathered becomes publicly accessible.

9. The development hereby permitted shall not commence until a pre-commencement scheme to deal with contamination has been submitted to and agreed in writing with the Local Planning Authority. The full scheme, both pre-commencement and completion shall include the following, unless the Local Planning Authority confirms in writing that any part of sub-sections a, b, c or d are not required.

Throughout both the pre-commencement and completion phases of the development all documents submitted relating to Phases 2 to 4 as detailed below shall be carried out by competent person(s) and shall be submitted to and agreed in writing with the Local Planning Authority.

Pre-Commencement:

(a) A further Phase 2 Site Investigation and Risk Assessment is required to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. Prior to the Phase 2 a Sampling and Analysis Plan is required.

(b) If the Phase 2 identifies any unacceptable risks, a Phase 3 Remediation Strategy detailing the proposed remediation and verification works is required. If gas protection measures are required a verification plan is required detailing the gas protection measures to be installed, the inspection regime and where necessary integrity testing programme. The installation of the gas membrane should be carried out by an appropriately qualified workforce and the verification of the installation should be carried out by an appropriately competent, experience and suitably trained person(s) (preferably independent to the installer) to ensure mitigation of the risk to the buildings and the people who occupy them. No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority.

Completion:

(c) During the implementation of the remedial works (if required) and/or development if any contamination is identified that has not been identified pre-commencement, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be carried out in accordance with part b of the condition and where necessary a Phase 3 Remediation Strategy shall be prepared in accordance with part c of the condition. The development shall be completed in accordance with any amended specification of works.

(d) 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. If integrity testing of the membrane(s) was required a verification pro forma should be included.

Reason: The site may be contaminated as a result of past or current uses and/or is within 250m of a site which has been landfilled and the Local Planning Authority wishes 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 in accordance with NPPF Part 11. Given these issues need to inform the groundworks on the development site and inform additional investigation, site design and mitigation works, this issue is considered such that it is required addressed pre-commencement, the advice in s.35 of the DMPO, 2005 having been taken into account.

10. The development must be carried out wholly in accordance with the sound attenuation measures detailed in the noise assessment; ENS Reference NIA/6863/16/6856/v2/Front Street, Sacriston dated 13th October 2016; these must be implemented in full prior to the beneficial occupation of the development and permanently retained thereafter.

Reason: In order to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution in line with paragraph 109 of the NPPF.

11. The applicant must prepare and submit for the written approval of the Local Planning Authority a Construction Management Plan (CMP). The CMP must be prepared by a competent person and shall consider the potential environmental impacts (noise, vibration & light) that the development may have upon any occupants of nearby premises and shall detail mitigation proposed. This shall include:
- An assessment of the likely noise (including vibration) emissions from the site and the mitigation measures that will be taken to minimise noise disturbance taking into account relevant guidance such as BS5228 'Code of practice for noise and vibration control on construction sites' 2014.
  - Where it is necessary to undertake piling on the site details shall be provided justifying the method of piling used so as to minimise disturbance, from noise and vibration, to the occupants of nearby premises.
  - Details of the operating hours during which construction/demolition works are to be undertaken in line with the requirements of condition 13.
  - Detail of any planned measures for liaison with the local community and any procedures to deal with any complaints received.
  - Details of whether there will be any crushing/screening of materials on site using a mobile crusher/screen and the measures that will be taken to minimise any environmental impact.

No works, other than site investigation works, shall be permitted to start on site until the CMP has been submitted and approved in writing by the local planning authority. Once approved the development of the site shall be carried out in accordance with the plan.

Reason: In order to prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability in line with paragraph 109 of the NPPF.

12. Prior to the erection of the residential dwellings hereby approved, 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.

Reason: To ensure the sustainability credentials of the scheme in line with Part 11 of the NPPF.

13. No construction operations, including the use of plant, equipment and deliveries, which are likely to give disturbance to local residents should take place before 0800hrs and continue after 1800hrs Monday to Friday, or commence before 0800hrs and continue after 1300hrs on Saturday. No works should be carried out on a Sunday or a Bank Holiday.

Reason: In order to protect the amenities of residents in and adjacent the development site as a requirement of the Development Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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.

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (2012)  
National Planning Practice Guidance Notes  
Chester-le-Street District Local Plan (saved policies 2009)  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



**Planning Services**

Erection of 24 semi-detached dwellings including affordable units with associated, services, infrastructure and landscaping.

Application Number DM/16/04013/FPA

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**Comments**

**Date** 27<sup>th</sup> April 2017

**Scale** NTS

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## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/17/00262/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Construction of 4 no. 2 storey detached houses with associated garages, gardens and access road</b>
<b>NAME OF APPLICANT:</b>	<b>Mr M Tait</b>
<b>ADDRESS:</b>	<b>Land To The West Of 2 Heathmeads Pelton</b>
<b>ELECTORAL DIVISION:</b>	<b>Pelton</b>
	<b>Sarah Seabury</b>
	<b>Planning Officer</b>
<b>CASE OFFICER:</b>	<b>Telephone: 03000 261 393</b>
	<b><u><a href="mailto:sarah.seabury@durham.gov.uk">sarah.seabury@durham.gov.uk</a></u></b>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### THE SITE:

1. The application site is located in the settlement of Pelton within the western part of the village. There are residential properties to the north, east and west and school playing fields to the south. The application site is currently disused land that has become overgrown however it was previously used as garden space for neighbouring properties. The nearest shop is located 700m to the east on Front Street and the nearest school 370m to the south west.

#### THE PROPOSAL:

2. The application is for the construction of four detached 4-bedroom properties on a site measuring 0.2 hectares. The site would be accessed via a new access point from The Parade to the north of the site to the west of Victoria Terrace and the properties would be arranged around a cul-de-sac. Two would be located at the front of the site with the remaining two properties to the rear. The two properties to the west of the site would have attached garages whilst the properties to the east would have double length parking spaces located in a block between the properties.
3. The application is reported to committee for determination at the request of the local Councillor.

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## **PLANNING HISTORY**

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4. An application (84/00259/FUL) for the construction of 6 dwellings at the site was refused in 1984 due to the loss of amenity to residential properties, highways safety concerns, and at the time, ambiguity with regard to the ownership of the land.
5. A further application (2/02/00412/OUT) was received in 2002 for the siting of 6 residential properties on the land. This was refused at Committee on the basis that the proposal would result in an unacceptable loss of an area of outdoor amenity space to the detriment of residential amenity.
6. Finally, consent was refused in 2003 for outline permission (03/00084/OUT) for 4 dwellings as the proposal was contrary to National Policy at the time, Local Plan Policies HP1 and HP2 (now expired), due to the unacceptable loss of this area of outdoor amenity space and the unacceptable impact on residential amenity.

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## **PLANNING POLICIES**

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### NATIONAL POLICY:

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
8. The following elements are considered relevant to this proposal:
9. 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.
10. NPPF Part 4 Promoting Sustainable Transport. Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
11. NPPF Part 6 Delivering a Wide Choice of High Quality Homes. To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.

12. NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. NPPF Part 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.

NATIONAL PLANNING POLICY GUIDANCE:

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

LOCAL PLAN POLICY:

15. The Chester-Le-Street District Local Plan Policies (2009):
16. Saved Policy HP6 - Residential development within settlement boundaries - Identifies that residential developments within Pelton will only be permitted provided the site is classed as previously developed land and fulfils the general criteria of policy HP9.
17. Saved Policy HP9 - Residential Design Criteria - Sets out the criteria with which all residential developments should comply, including adequate privacy levels, satisfactory levels of amenity space and satisfactory access arrangements.
18. Saved 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.
19. Policy T8 – Car Parking Provision – States that new development should seek to minimise parking provision other than for cyclists and disabled users, other than in exceptional circumstances.
20. Saved Policy T15 - Access and safety considerations in design - Identifies that development proposals should provide safe access to the site, should not create levels of traffic which would exceed the capacity of the local road network while providing safe movement for pedestrians.
21. Saved Policy T17 - General Policy - States that new development proposals should aim to reduce reliance on the private car, encourage use of public transport and encourage walking and cycling.

#### RELEVANT EMERGING POLICY:

22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

23. Highways –No objection in principle subject to amendments relating to visibility splays.

#### **INTERNAL CONSULTEE RESPONSES:**

24. Landscape (Trees) – No objection.

25. Ecology – No comment.

#### **EXTERNAL CONSULTEES RESPONSES:**

26. Northumbrian Water – No objection subject to condition for the submission of details for the disposal of foul and surface water.

27. Coal Authority – Objection. Coal Mining Risk Assessment Required.

#### **PUBLIC RESPONSES:**

28. A total of six letters of representation have been received. The five letters of objection raise concerns with regard to noise/disturbance, impact on the character of the area and loss of amenity space, the location of the access, impact on residential amenity in terms of privacy and outlook.

29. One letter of support has been received stating that the site has been neglected and they are in support of the application.

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## PLANNING CONSIDERATION AND ASSESSMENT

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30. 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

31. In terms of compliance with the Development Plan, Policy HP6, 'Residential within Settlement Boundaries', shows the site as within one of the settlements listed as appropriate for development, but the policy requires sites to be 'brownfield', i.e. previously developed and the Policy is therefore not fully 'up-to-date'. In the context of the NPPF this means the Policy is only partially NPPF compliant, and therefore consideration must also be given to the advice in paragraph 14 of the NPPF, and the presumption in favour of sustainable development. In this regard, the Council's lack of a formally assessed housing supply is also relevant. It is concluded that the development is compliant in terms of Policy HP6 in so far as it is consistent with the NPPF, and that the lack of housing supply lends weight to a positive assessment of the principle of development.
32. The NPPF aims to boost the supply of housing and requires that housing applications are considered in the context of the presumption in favour of sustainable development. 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, including through the regeneration and renewal of areas of poor housing. It states that new development should be directed towards sites which are sustainably located, being close to services, public transport links and forming part of the built up settlement where they do not compromise standard material planning considerations. The NPPF identifies the three dimensions of sustainable development. New development is expected to perform an economic, a social and environmental role and Paragraph 8 makes it clear that sustainable development consists of a combination of all three elements.
33. The application site is located approximately 700m to the east of local shops on Front Street, Pelton and approximately 370m from the nearest school to the south west of the site. In addition the site is located in close proximity the local bus network with bus stops adjacent to the northern boundary of the site. Given that the building is within the Pelton settlement and is close to shops and services the construction of four houses is considered locationally sustainable. Furthermore, the construction of four dwellings would support the local economy, albeit a limited contribution due to its scale, through those employed within the construction industry. The proposal would also contribute to the range of homes available within the Pelton area. The proposal is therefore acceptable in principle in accordance with the NPPF and Saved Policy

HP6 of the Chester-Le-Street District Local Plan as far as it is up to date with the NPPF.

#### Design and Layout

34. Saved Policy HP9 sets out residential design criteria for new development, which includes the requirement for new development to relate well to the surrounding area respecting its dominant character, street pattern, setting and density. This Saved Policy is considered consistent with the NPPF which at Part 7 identifies that good design is indivisible from good planning, highlighting that developments should be visually attractive as a result of good architecture, appropriate landscaping and respond to local character.
35. There is a mix of residential styles close to the application site. To the west is a row of 2-storey terraced properties which face onto the site, to the east bungalows and aged miners' homes and to the north 2 storey semi-detached properties. The proposed properties would be 2-storey detached modern dwellings in a cul-de-sac arrangement accessed from The Parade to the north. The two properties and their boundary treatments to the north of the site have been designed to create an active frontage onto The Parade in keeping with adjacent and opposite properties which front onto The Parade. Due to the mix of housing types within the vicinity of the site it is considered that the proposed design is acceptable and the site layout and orientation of the properties make best use of the plot available whilst providing access and amenity space for future residents.
36. The proposal relates well to the surrounding area and provides an attractive residential environment whilst protecting the amenity of neighbouring properties by using an infill site within the settlement. The layout, design and character are considered to be acceptable. The proposal is therefore in accordance with the NPPF and Saved Policy HP9 of the Chester-Le-Street District Local Plan.

#### Impact on residential amenity

37. Chester-Le-Street District Local Plan Saved Policy HP9 requires development to not harm residential amenity. This Saved Policy is considered consistent with the NPPF which in Paragraph 17 states that a good standard of amenity for existing and future occupants of land and buildings is a core planning principle. Full weight can therefore be afforded to this aspect of the Policy in this respect in the decision making process.
38. Letters of representation have been received raising concerns with regard to loss of light and privacy and increased disturbance/noise.
39. The site layout has been designed to maximise the distance between the proposed properties and existing properties particularly Victoria Terrace to the west. Immediately in front of the front elevation of Victoria Terrace is a 1.57m to 2m width footpath which separates the application site from these residential properties. The applicant has located the 4 proposed properties to the east of the site and located the access road to the west adjacent to the footpath. The proposed properties would be orientated north-south or south-north whereas Victoria Terrace is orientated east-west. The side elevations of the two nearest proposed properties would be located approximately 13.5m from the front elevation of Victoria Terrace, with the attached garage for these properties 10m from Victoria Terrace. Saved Policies HP6 and HP9 refer to the indicative design criteria set out in Appendix I of the Chester-Le-Street

District Local Plan. Appendix I states that that a minimum separation of 12.5m should be provided between the main window of a habitable room and a gable elevation with no windows, this includes garages. As such the proposal does not quite meet the indicative guidelines of Appendix I. However it is considered that due to the positioning and orientation of the proposed properties and subject to the installation of obscured glazing to the single window to the western elevation of the property the proposal would not result in a an unacceptable impact on residential amenity sufficient to warrant refusal of the application.

40. While the site was formerly used as gardens it is currently unused and overgrown. The access road from The Parade to the north would extend south through the site approximately 4.5m from the front elevation of Victoria Terrace. This would introduce a new activity in close proximity to Victoria Terrace. The access road would however only provide access to four properties and it is not considered that it would be in intensive use. It is acknowledged that the introduction of residential development at this location would change the level of activity, noise and disturbance experienced by neighbouring properties, this is not considered to be excessive in relation to a predominantly residential area. Amendments have been made to the application to relocate the visitor parking away from the boundary with Victoria Terrace in the interests of the amenity of the residents of this terrace.
41. The landowner has the right to erect a fence along the western boundary of the site up to a height of 2m currently. The proposal would introduce a 1.5m high fence to this boundary around the garden of the proposed property to the south west of the site to provide privacy to the existing occupants of 9, 10 and 11 Victoria Terrace and the future occupants of the proposed dwelling. The proposed fencing would be restricted to in front of 9, 10 and 11 Victoria Terrace and extend approximately 16.8m from the south west corner of the application site. It would impact on the light entering these properties on Victoria Terrace however it is considered that the benefit of providing privacy outweighs the loss of light particularly as the proposed fencing is not to be installed to the maximum height possible. Furthermore, no new fencing is proposed along the remainder of the western boundary.
42. Overall, therefore it is considered that the proposed development is acceptable and accords with the NPPF and Saved Policy HP9 of the Chester-Le-Street Local Plan.

#### Impact on the Highway

43. Saved Policies T6, T8, 15 and T17 are considered to be broadly in line with the NPPF as they support sustainable transport, decreased reliance on the private motor car and highways safety. The letters of representation raise concerns with regard to the location of the proposed access and the impact of the development on the local highway network.
44. The proposed dwellings would be accessed from The Parade via a newly created access point, the creation of which will require the relocating of an existing street light. The Highways Development Management Officer has requested that the access point is amended slightly to achieve the required visibility splays however no objection is raised to the principle of the development. It is considered that the local highway network can accommodate the traffic associated with the development and that sufficient parking is provided for each dwelling. The access and internal road has been sited to minimise the impact of the development on residential amenity. In

addition, the application site is located within an existing settlement within walking distance of local amenities and with easy access to the local bus network.

45. It is therefore considered subject to the amendments requested by Highways Development Management the proposal would not have a detrimental impact on the highway and is therefore in accordance with the NPPF and Saved Policies T6, T8, T15 and T17 of the Chester-Le-Street District Local Plan.

#### Other Issues

46. The letters of representation raise concerns with regard to the loss of green space within Pelton as a result of this proposal. The application site was used as garden space for the properties of Victoria Terrace at the time of the previous application in 2003, although not in their ownership. Since this time the land has been cleared and has remained unused and overgrown. It is acknowledged that the proposal would result in the loss of this existing green space, however the application site is private property and there is no right of way across the land. The land does not comprise a playing pitch, court, green, park or allotment. Due to its condition and the right of the applicant to choose to fence off the land at any time it is not considered to be amenity open space. The proposal would make use of an area of disused land for residential development at a sustainable location within an existing settlement.
47. With regard to visual amenity and setting, there are a number of open grassed areas within Pelton which provide amenity to local residents. In particular along The Parade to the north and north east of the site are grassed areas adjacent to the roadside which soften the built up appearance of the settlement. It is not considered that the application site provides a significant contribution to visual amenity due to its condition and the relatively small extent which fronts onto The Parade. On balance it is considered that the loss of this informal open space is acceptable in accordance with the NPPF and Saved Policy HP6 of the Chester-Le-Street District Local Plan.
48. Section 11 of the NPPF requires Local Planning Authorities to prevent new development from being put at unacceptable risk from amongst other effects land instability. It is noted that the Coal Authority have objected to the development as a Coal Mining Risk Assessment is required. A Coal Mining Risk Assessment has been submitted and the Coal Authority has been consulted. Members will be updated at your meeting.
49. As noted in the history section above outline Planning Permission was refused in 2003 for the erection of four houses on this site. In determining an appeal against the refusal of permission the Inspector considered the main issue to be whether the site should be released for residential development taking into account the advice contained in the guidance in place at that time (Planning Policy Guidance Note 3 – Housing). PPG3 prioritised new development towards previously developed land. At the time of the appeal the land was being rented to the occupiers of Victoria Terrace and was used as gardens, it was not therefore regarded as previously developed land. The Inspector concluded that there was no overriding need to release the site in defiance of Policy HP6 to meet housing supply targets. Since that decision was made the guidance contained within PPG3 has been superseded by the NPPF which requires applications for housing to be considered in the context of the presumption in favour of sustainable development. As outlined above the proposed development is considered to be sustainable form of development and the lack of housing supply lends weight to a positive assessment despite the site not constituting previously

developed land. The previous application was also refused on the grounds that the proposal would result in the loss of an important area of open space and would lead to the loss of an area of outdoor amenity space. The land is no longer used for these purposes and has become undergrown and subject to complaint regarding its untidy appearance. Therefore, the site no longer forms an important area of open space contributing to the amenity of the area. In terms of residential amenity the Inspector noted that the application was for outline permission and residential amenity would be assessed at the reserved matters stage. In conclusion, the circumstances under which the previous application was refused are now very different and lend weight to a positive recommendation.

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## **CONCLUSION**

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50. Planning applications must be determined against the policies in the Development Plan. Policy 14 of the NPPF directs the Local Planning Authority to grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. In terms of the benefits the site is located within Pelton and is considered to be a sustainable location within an existing residential area. The proposal would increase the supply and choice of housing within the local area in accordance with the NPPF and has been designed to minimise impact on existing residential properties. There have previously been complaints regarding the unkempt/untidy appearance of the site and the proposed development would improve its appearance and enhance the neighbourhood. Whilst, it is acknowledged that the proposal would result in some impact upon the neighbouring properties of Victoria Terrace, on balance it is considered that this is not sufficient to warrant refusal of the application and that the benefits of the proposal outweigh the small impact on these properties. The submitted proposal overcomes the previous concerns as the development of the site does not result in the loss of amenity space or adversely affect residential amenity. In addition the highway safety issues have been addressed. The adverse impacts would not significantly and demonstrably outweigh the benefits proposal therefore it is considered that the development is acceptable and in accordance with the NPPF and Saved Policies HP6, HP9, T6, T8, T15 and T17 of the Chester-Le-Street District Local Plan.

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## **RECOMMENDATION AND CONDITIONS**

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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 only in accordance with the approved plans, specifications and conditions hereby imposed:
  - a) Site Location Plan No: 100047474 received 25 Jan 2017
  - b) House Plans & Elevations PV/2 excluding 'Garage side elevation plan' received 25 Jan 2017
  - c) Site Plan Rev D received 13 April 2017
  - d) Garage/ House side elevation received 7 March 2017

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Saved Policy HP9 of the Chester-Le-Street District Local Plan

3. Notwithstanding any details of materials submitted with the application, no building works shall commence until samples of the external walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason- In the interests of the appearance of the area and to comply with Saved Policy HP9 of the Chester-Le-Street District Local Plan

4. Before the dwellings hereby approved are occupied the garages and hardstandings/drives shown on plan (Site Plan Rev D received 13 April 2017) shall be constructed in accordance with the approved plans and details, and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private motor vehicles.

Reason- In the interests of highway safety and to comply with Saved Policy T8 of the Chester-Le-Street District Local Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 2015 (or any Order revoking and re-enacting that Order) the glass to be used in the windows to the western elevation of the properties with the attached garage shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local Planning Authority. Once installed the obscure glazing shall be retained in perpetuity.

Reason - In the interests of the privacy of the neighbouring occupier and to comply with in accordance with Saved Policy HP9 of the Chester-Le-Street District Local Plan

6. Prior to the commencement of development a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. 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. Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

7. In undertaking the development that is hereby approved:

No external construction works, works of demolition, deliveries, external running of plant and equipment shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: In the interests of the amenity of the residents of adjacent residential properties as required by Policy HP9 of the Chester-le-Street Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 2015 (or any Order revoking and re-enacting that Order) no wall or fence along the western boundary of the site shall exceed 900mm in height.

Reason: In the interests of the amenity of the residents of adjacent residential properties as required by Policy HP9 of the Chester-le-Street Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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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

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## **BACKGROUND PAPERS**

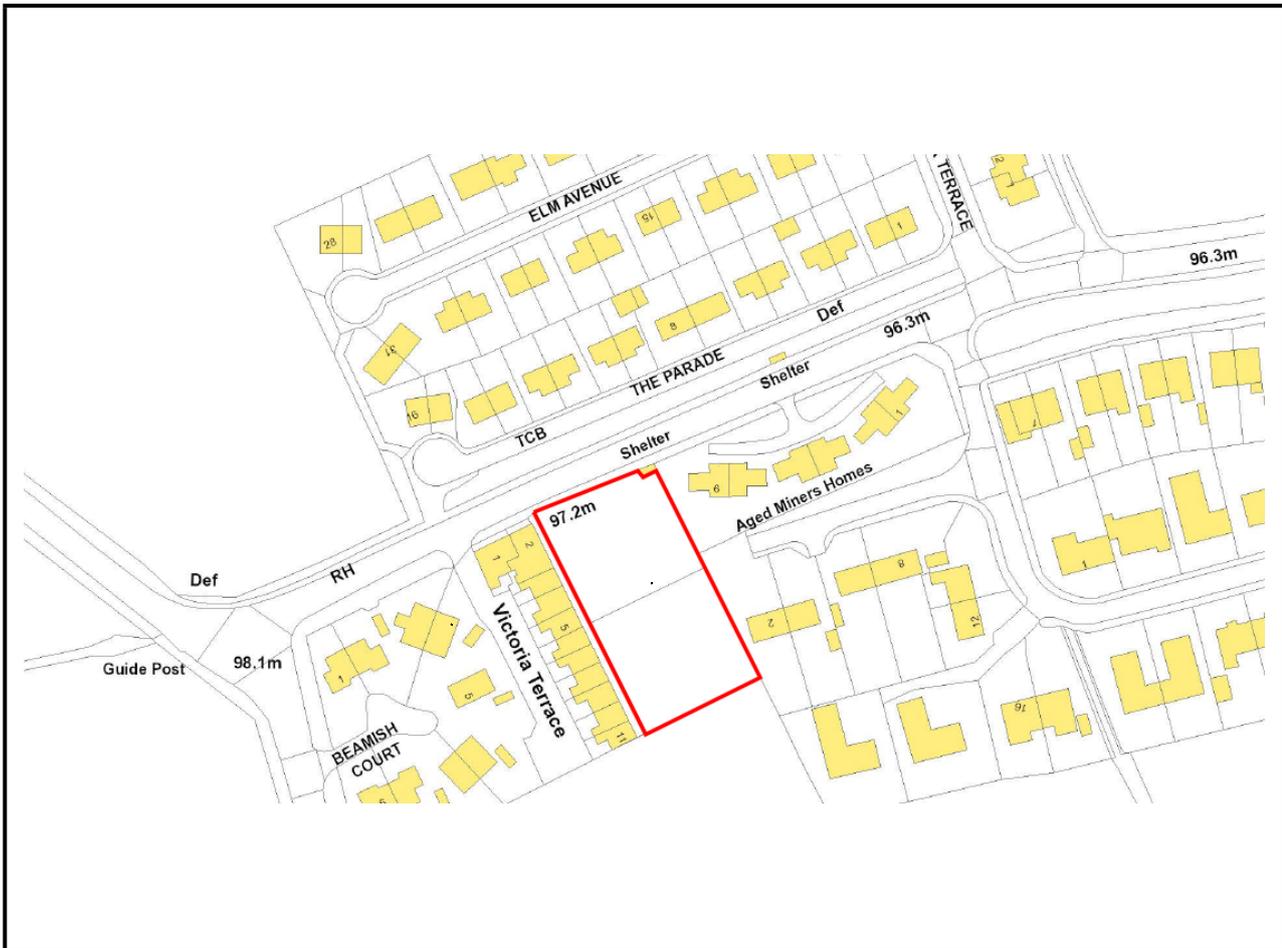
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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Chester-Le-Street District Local Plan (Saved Policies 2009)



**Planning Services**

Construction of 4 no. 2 storey detached houses with associated garages, gardens and access road

Application Number DM/17/00262/FPA

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**Comments**

**Date** 27<sup>th</sup> April 2017

**Scale** NTS