

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/14/01024/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>6no. Two Bedroom Flats</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Mark Abley</b>
<b>ADDRESS:</b>	<b>Land adjacent to 1 Bewley Terrace, New Brancepeth</b>
<b>ELECTORAL DIVISION:</b>	<b>Deerness</b>
	<b>Chris Baxter</b>
<b>CASE OFFICER:</b>	<b>Senior Planning Officer</b>
	<b>03000 263944</b>
	<b>chris.baxter@durham.gov.uk</b>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### The Site

1. The application site comprises of a parcel of vacant land adjacent to No. 1 Bewley Terrace in New Brancepeth. The site is now vacant however a public house used to be situated on the land. The terrace properties of Bewley Terrace are located directly to the north of the site, with the residential terrace properties of Hawthorne, Co-operative and Prospect Terrace to the east. The residential bungalow of Wood View is situated to the south with the New Brancepeth Club to the south east. Immediately to the west of the site is a derelict building. The adopted highway bounds the site to the south and east. There is an access lane bounding the site to the north which provides vehicular access to the rear of Bewley Terrace.

#### The Proposal

2. Planning permission is sought for the erection of 6no. two bedroom flats. The flats would be arranged in blocks of three units giving the appearance of a row of three terraced properties. Three flats would be ground floor with three flats being first floor. The proposed height of the buildings would be 8 metres to the ridge and in total would have a footprint of 16.2 metres by 9 metres. A small garden area is proposed to the east with 8no. parking spaces located to the west. Access to the parking area would be from the adopted highway to the south. A bin storage area is located to the south of the site.
3. The application is referred to the Committee at the request of the Local Member, Councillor David Hall on the basis that there are issues relating to highways and boundaries.

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### PLANNING HISTORY

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4. Planning permission was approved in 2007 for the erection of 2no. semi-detached dwellings on this site but this was never implemented and accordingly, the permission has now lapsed.

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## **PLANNING POLICY**

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### **NATIONAL POLICY:**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
7. The following elements are considered relevant to this proposal;
8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *NPPF Part 7 – Requiring Good Design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
11. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted..
12. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
13. *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.

*The above represents a summary of the NPPF considered most relevant the full text may be accessed at:*

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

## **LOCAL PLAN POLICY:**

### **City of Durham Local Plan**

14. *Policy H3 (New Housing Development within the Villages)* allows for windfall development of previously developed sites within the settlement boundaries of a number of specified former coalfield villages across the District, provided that the scheme is appropriate in scale, design location and number of units.
15. *Policy H13 (Residential Areas – Impact upon Character and Amenity)* states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.
16. *Policy T1 (Traffic – General)* states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property.
17. *Policy T10 (Parking – General Provision)* states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
18. *Policy Q8 (Layout and Design – Residential Development)* sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.
19. *Policy U8a (Disposal of Foul and Surface Water)* requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

## **EMERGING POLICY:**

20. The emerging County Durham Plan was submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). To this end, the following policies contained in the Submission Draft are considered relevant to the determination of the application:

21. *Policy 1 (Sustainable Development)* – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
22. *Policy 15 (Development on Unallocated Sites)* – States that development on unallocated sites will be permitted where development is appropriate in scale, design and location; does not result in the loss of a settlement's last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet criteria defined in Policy 35.
23. *Policy 18 (Local Amenity)* – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
24. *Policy 41 (Biodiversity and Geodiversity)* – States that proposals for new development will not be permitted if significant harm to biodiversity and geodiversity, resulting from the development, cannot be avoided, or adequately mitigated, or as a last resort, compensated for.
25. *Policy 47 (Contaminated and Unstable Land)* – Sets out that development will not be permitted unless the developer can demonstrate that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
26. *Policy 48 (Delivering Sustainable Transport)* – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

27. *County Highways Authority* has raised no objections to the application. It has been indicated that works in relation to the access, telegraph pole and the surrounding footways will have to be undertaken as a requirement of Section 184(3) of the Highways Act 1980.
28. *Environment Agency* has not raised any objections.
29. *The Coal Authority* has objected to the scheme as a coal mining risk assessment has not been submitted with the application.
30. *Northumbrian Water* have not raised any objections but have suggested that a condition is attached for details of surface and foul disposal to be submitted.

### **INTERNAL CONSULTEE RESPONSES:**

31. *Archaeology* has not raised any objections.

32. *Environmental Management* has not raised any objections subject to the imposition of conditions relating to lighting, noise and site operations.

#### **PUBLIC RESPONSES:**

33. Neighbouring residents were notified individually of the proposed development. One resident has raised concerns regarding the development. Concerns are raised in regard to the access lane directly to the north, indicating that the development may reduce the access restricting access to the rear of Bewley Terrace. The resident has also queried whether the existing garage building to the west is to be used as the boundary for the site. Finally, concerns are raised with regards to the type of tenants who would occupy the flats.

#### **APPLICANTS STATEMENT:**

34. Following my discussions with both the County and Parish Councillors for New Brancepeth I would like to make the following observations:

35. The land adjacent to Bewley Terrace has been derelict for many years and development of the site would be welcomed by the majority of residents. In addition there is a lack of similar accommodation within the immediate area. I appreciate that there may be some concerns with regards to future residents however; I am of the opinion that the proposed properties will be attractive as low cost, starter homes for first time buyers.

36. Regarding the objections raised by one local resident, I offered (through the County Councillor) to speak with the complainant in an attempt to allay any concerns that he might have. To date I have had no contact. Having discussed the issue of access with the Planning Department they felt that the access into Bewley Terrace is more than adequate and the Highways Department have not raised any concerns in relation to it.

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### **PLANNING CONSIDERATIONS AND ASSESSMENT**

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37. 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 principle of development; impact upon surrounding area; highway considerations; residential amenity; and other issues.

#### Principle of development

38. The application site is located within the settlement boundaries of New Brancepeth and therefore the proposal is in direct accordance with policy H3 of the local plan. The site is also previously developed and has been vacant for some time therefore the regeneration of the land with development is considered to be a significant improvement not only to the site itself but also to the immediate surrounding area. The settlement of New Brancepeth is classed as a medium sized settlement within the Council's Settlement Study which indicates that these villages tend to have fairly minimal facilities with some public transport services. It is considered that the development of this site for residential purposes would help in supporting the limited services currently within the village. Given the regeneration benefits which the proposal brings and that the development would help support local services, it is

considered that the proposed development would be in accordance with the sustainability principles of the NPPF.

#### Impact upon surrounding area;

39. The proposed site has been vacant for some time since the demolition of the former public house. The site is derelict and does not offer any visual amenity to the village of New Brancepeth. The proposed development would introduce 6no. flats onto the site. The building has been sensitively designed so it would appear as a row of three terraced properties which would blend in with the surrounding terraced properties. The original plans submitted showed the front doors of the properties facing into the site overlooking the proposed parking area. The applicant has confirmed that this was an error and it was always the intention for the main doors to face east looking onto the main road. Amended plans have been received showing the front of the properties and the main doors facing onto the main street. This will ensure that the development has a strong frontage which is more attractive within the street scene.
40. Brickwork and concrete tiles are proposed for the materials to the walls and roof. There is a varied mix of different materials in the area therefore brick and roof tiles are considered to be appropriate materials. A condition is recommended for exact details of the brickwork and roof tiles to be submitted and agreed prior to development commencing.
41. The proposed parking is to be located to the rear of the properties which is considered acceptable as it would be mostly screened from the main street scene by the proposed buildings. The bin storage area is proposed to be located to the southern end of the properties and there is the potential for the bins to be highly visible. It is suggested that suitable fencing or some walling be erected around the bin store to ensure visual impact is not compromised. A condition for details of means of enclosure to be submitted is recommended accordingly. The issue of boundary treatment has been raised by a local resident and it is noted that the condition for means of enclosure details would ensure that sufficient details for boundary treatment is submitted and agreed prior to works commencing on site. The submitted drawings do show that a brick retaining wall is to be relocated along the north boundary which would be considered acceptable given the difference in levels. The existing garage wall of the adjacent site to the west is currently the boundary treatment. This garage is outside of the application site therefore there is no control over whether this garage wall remains or is removed.
42. Overall it is considered that the proposed development is a welcomed scheme which would regenerate a site which has been vacant and a visual eye sore for some time. The proposed scheme is a sensitive design which would blend in with the built form in the immediate area. The proposal would have a positive impact on the street scene and would not compromise visual amenity in the surrounding area. The proposed development would be in accordance with policy H13 of the local plan.

#### Highway considerations

43. Eight car parking spaces are proposed to accommodate the 6no. two bedroom flats with access to these spaces from the highway to the south. The County Highways Officer has not raised any objections to the proposed parking provision. The access point is considered acceptable however it is advised that the access is widened to allow cars to pass each other. The widening of the access can be achieved through the requirements of Section 184(3) of the Highways Act 1980. The Highways Officer has also noted that an existing telegraph pole would have to be relocated to accommodate the access and also improvements to the footway to the north east.

These are issues which the developer would need to arrange with the Council's Highway Section and the Electricity Company.

44. A local resident has raised concerns that the access lane immediately to the north could be reduced restricting access to the rear of Bewley Terrace. This access lane is not an adopted highway. The submitted plans show that the access lane to the north would be 3.5 metres wide at its narrowest point, which would be adequate width to allow vehicular access. It is not considered that the proposed development would restrict vehicular access along the section of track immediately to the north.
45. The proposed scheme would provide adequate parking provision and suitable access to ensure that the development does not compromise highway safety. The proposal is considered to be in accordance with policies T1 and T10 of the local plan.

#### Residential amenity

46. The main outlook from the proposed properties is to the east and west. There are no windows proposed in the north and south elevations. The separation distance between the proposed properties and the existing buildings to the east is well over the required 21 metres. There are no windows in the gable elevation of the neighbouring property to the north and there are no windows in the gable elevation of the bungalow to the south. It is therefore considered that adequate separation distances are achieved ensuring there would be no loss of privacy to existing or future occupiers. Given the siting of the proposed buildings in relation to surrounding properties, it is not considered that any adverse overbearing or overshadowing effects would be created.
47. The proposed development would not have an adverse impact on the residential amenity of existing and future occupiers of neighbouring properties or the proposed flat accommodation. The proposal would be in accordance with policy Q8 of the local plan.

#### Other Issues

48. The Coal Authority has objected to the scheme as a coal mining risk assessment has not been submitted with the application. It is noted that the site is previously developed and a public house was once situated on the land. To ensure the stability of the land, a condition is recommended for a coal mining risk assessment to be submitted prior to works commencing on site.
49. No objections have been raised from Environment Agency or Northumbrian Water although a condition has been requested for details of the disposal of surface and foul water to be submitted and agreed prior to works commencing on site. A condition is recommended accordingly.
50. The Council's Environmental Health Officer has not raised any objections to the proposed development however some conditions have been requested. Conditions are requested in relation to noise and pollution control during construction stage; any burning on the site; and external lighting. It is recognised that this proposal is a small development therefore it is considered unreasonable to attach the conditions requested by the Environmental Health Officer. A further condition has been requested with regards to construction hours for working on site during the development phase. Given the site is in a predominantly residential area, and in order to protect residential amenity, it is considered prudent for a condition to be attached ensuring construction works are undertaken within reasonable hours of the day. A condition is attached accordingly.

51. Concerns have been raised by a local resident with regards to the type of tenants which would eventually reside in the flats. There has been no information provided as to whether the flats would be sold or leased, however this issue is not a material planning consideration which can be used in determining the application.

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## CONCLUSION

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52. The application site is currently a derelict parcel of land which would benefit from some development. The site is previously developed and sits within the settlement boundaries of New Brancepeth. The village has limited services and introducing further residential accommodation into the village would help support these services. It is therefore considered that the proposal can be considered sustainable development and would be in accordance with policy H3 of the local plan and guidance contained within the NPPF.

53. The proposed design of the buildings would blend in well with the surrounding terraced properties and not look out of place. The proposal would provide much needed development on this derelict site which would significantly contribute to the character and appearance of the street scene and surrounding area. The proposal would therefore be in accordance with policy H13 of the local plan.

54. Sufficient parking provision has been provided within the site and the proposed access onto the highway to the south is considered acceptable by Highway Officers. The proposed development would not compromise highway safety and the proposal would be in accordance with policies T1 and T10 of the local plan.

55. There are no concerns with regards to loss of privacy or any adverse overbearing or overshadowing impacts being created. The proposed development would therefore not have an adverse impact on the residential amenity of existing and future occupiers of neighbouring properties or the proposed flat accommodation. The proposal would be in accordance with policy Q8 of the local plan.

56. Conditions are recommended in terms of further details relating to coal mining issues and drainage therefore it is considered that the proposed development would not have any detrimental impacts in terms of these particular issues.

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## RECOMMENDATION

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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 in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
01 A	Site location plan	22/04/2014
	Plans and Elevations	13/06/2014



*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

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

*Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.*

4. No development shall commence until details of means of enclosures shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.*

5. No development works (including demolition) shall be undertaken outside the hours of 08:00am and 06:00pm Monday to Friday and 08:00am to 01:00pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

*Reason: To safeguard the residential amenity of neighbouring residents and to comply with policies H13 and Q8 of the City of Durham Local Plan.*

6. Prior to the commencement of the development details of the surface treatment and construction of all hardsurfaced areas shall be submitted to and approved in writing by the Local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the appearance of the area and to comply with policy H13 of the City of Durham Local Plan.*

7. No development shall take place until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

*Reason: In the interests of the amenity of the area and to comply with policy U8a of the City of Durham Local Plan.*

8. Prior to the commencement of the development a coal mining risk assessment of the site shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

*Reason: In the interests of the stability of the site and to comply with policy H13 of the City of Durham Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process.

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## **BACKGROUND PAPERS**

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Submitted Application Forms, Plans and supporting documentation

City of Durham Local Plan 2004

National Planning Policy Framework

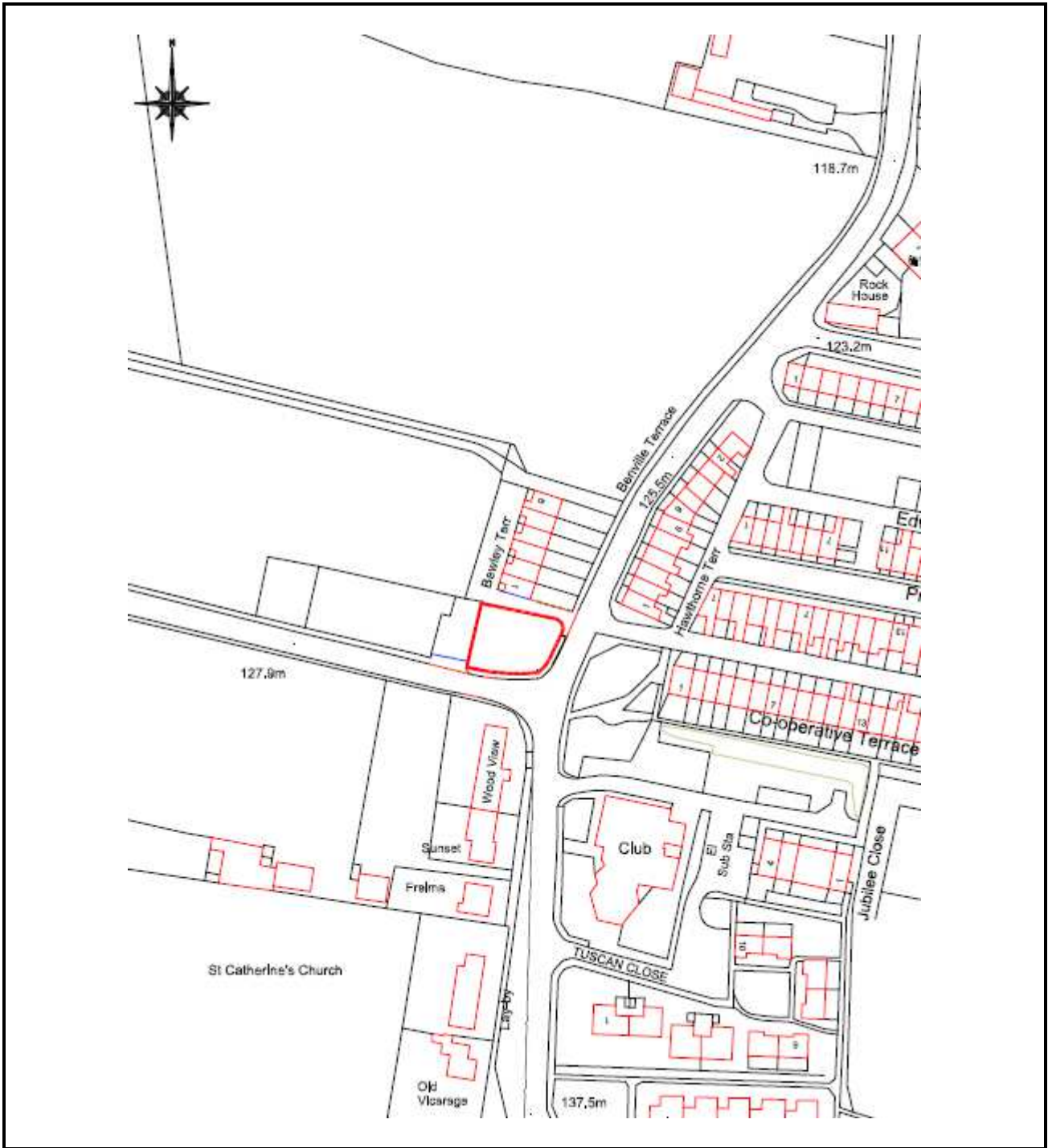
Internal consultee responses


Public responses

Responses from statutory and other consultees

National Planning Policy Guidance

Emerging County Durham Plan



 <p><b>Durham</b> County Council</p> <p><b>Planning Services</b></p>	<p><b>6no. Two Bedroom Flats at Land adjacent to 1 Bewley Terrace, New Brancepeth</b></p>
<p>This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.          Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.          Durham County Council Licence No. 100022202 2005</p>	<p><b>Date</b> 8<sup>th</sup> July 2014</p>