



Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

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

DESCRIPTION OF THE SITE AND PROPOSAL

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.

PLANNING HISTORY

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.

PLANNING POLICIES

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>.

CONSULTATION AND PUBLICITY RESPONSES

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.

PLANNING CONSIDERATION AND ASSESSMENT

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.

CONCLUSION

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.

RECOMMENDATION AND CONDITIONS

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.

STATEMENT OF PROACTIVE ENGAGEMENT

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

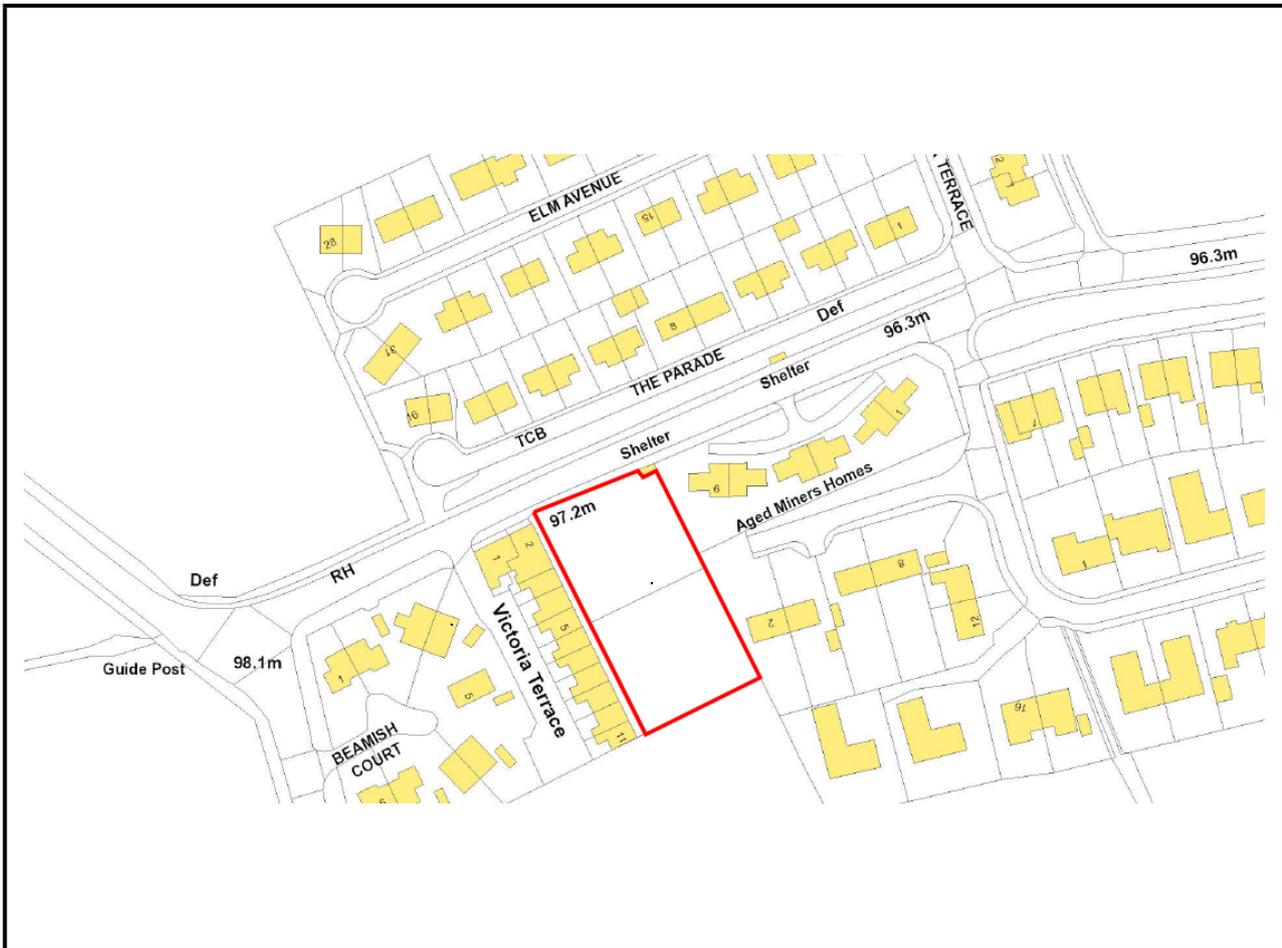
BACKGROUND PAPERS

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

The National Planning Policy Framework (2012)

National Planning Practice Guidance

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 27th April 2017

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