

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/18/02098/FPA
FULL APPLICATION DESCRIPTION:	Change of use of first floor from retail use to 14 apartments, installation of external door, additional first floor windows and rooflights
NAME OF APPLICANT:	Mrs Miranda Bell – CDP Ltd.
ADDRESS:	29 Front Street Chester-le-Street DH3 3AW
ELECTORAL DIVISION:	Chester-le-Street West Central
CASE OFFICER:	Nick Graham Planning Officer Telephone: 03000 264960 nicholas.graham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

- 1.The application relates to 29 Front Street, located within Chester-le-Street town centre on the main shopping street and 100 metres to the south of the Market Place. The building is the former Co-operative store, and dates from the 1930s. The buildings is Art Deco in style, and is considered to be a non-designated heritage asset within the Chester-le-Street Conservation Area. The site currently comprises of retail units to the ground floor, with the first floor also in the retail use class, although currently unused.
- 2.The site is surrounded by commercial properties to the north, south and east, with a single residential street, Co-operative Street, located to the north and north west of the site. Bus stops are located immediately outside the site to the east on Front Street, and the train station approximately 500m to the south west.

The Proposal

- 3.The application proposes the change of use of the first floor of the building to create 14 apartments. Minor external alterations are also proposed relating to doors, windows and rooflights. A separate bin storage area is proposed to the rear of the building.
- 4.This application is reported to Committee as the scheme is classed as a 'major' development.

PLANNING HISTORY

5.The planning history of the site relates to the ground floor retail uses, with the following applications of most relevance to this application:

6.2/10/00093/ADV - Display of four internally illuminated fascia signs and one internally projecting signs to the front of the building - Approved

7.DM/18/01971/FPA – Replacement shopfront – Approved

PLANNING POLICY

NATIONAL POLICY

8.The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.

9.The NPPF requires local planning authorities to guide development towards sustainable solutions whilst taking local circumstances into account, to reflect the character, needs and opportunities of each area.

10.In accordance with paragraph 213 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

11.The following elements of the NPPF are considered relevant to this proposal;

12. *NPPF Part 2 - Achieving sustainable development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.

13.*NPPF Part 4 - Decision-making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

14.*NPPF Part 5 - Delivering a sufficient supply of homes* - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

15. *NPPF Part 6 - 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 a low carbon future.
16. *NPPF Part 9 - 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.
17. *NPPF Part 12 - Achieving well-designed places* - 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.
18. *NPPF Part 14 - Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 - 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. Amongst other aims decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site to impacts that could arise from the development. Noise should be mitigated and reduced to a minimum potential adverse impact to avoid noise giving rise to significant adverse impacts on health and quality of life.
20. *NPPF Part 16 - Conserving and enhancing the historic environment*. Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

NATIONAL PLANNING PRACTICE GUIDANCE:

21. 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.
22. *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.

23. *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.
24. *Land affected by Contamination* - When dealing with land that may be affected by contamination, the planning system works alongside a number of other regimes including Building Control and Environmental Protection. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes.
25. *Rural Housing* - It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
26. *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.

LOCAL PLAN POLICY:

27. The following saved policies in the Chester-le-Street Local Plan 2003 are relevant to the consideration of this application.
28. *Policy HP6 - Residential within settlement boundaries* – Proposals for residential development will be permitted within the defined settlement boundaries of a number of listed settlements providing it is classed as previously developed land and meets the general criteria of Policy HP9.
29. *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.
30. *Policy HP12 – Residential Subdivisions to Flats or Bedsits* – Proposals for the subdivision of existing large dwellings or other large buildings of self contained flats will be permitted where the development is well served by public transport, shopping and community facilities, the property is suitable for conversion without significant detriment to the character of the area and amenity of neighbouring properties, there would be no intensification of activity or traffic generation and would have satisfactory access and meet parking standards.

31. *Policy RL5 – Outdoor sport and recreation provision in new residential development* - the requirements for every 1 hectare of land developed or redeveloped for residential purposes, will be that at least 125 square metres of equipped children's play space and 250 square metres for informal open space be provided within the site. On sites of under 1 hectare a proportion of this standard will be expected within the site. Open space for sporting use, of at least 1000 square metres per hectare developed or redeveloped should be provided within or adjacent to the site. As an alternative to on-site provision a developer may make a commuted payment for off-site provision.
32. *Policy BE2 – Public Art* - Where development costs total £500,000 or more, the Council will encourage developers to devote at least 1% of those costs to the provision of works of art in new building and landscaping projects accessible to the general or client public. In determining planning applications, due regard will be given to the contribution made by any such works to the appearance of the scheme and the amenities of the area.
33. *Policy BE4 – Development in Conservation Areas* – new development in or adjacent Conservation Areas must; respect the character of the area, must not generate excessive traffic and must not affect its setting.
34. *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.
35. *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.
36. *Policy T15 - Access and Safety provisions in design* - Development should have safe access to classified road, should not create high levels of traffic exceeding the capacity of the local road network, and have adequate links to public transport, with consideration for cyclists and service vehicles and emergency vehicles.
37. *Policy T17 - General Policy* - All new developments should have regard to and be consistent with the provision of a safe and accessible transport network, in particular through reducing reliance on the private car, encouraging the use of public transport and promoting cycling and walking

RELEVANT EMERGING POLICY:

38. Paragraph 48 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. An 'Issues & Options' consultation was completed in 2016 on the emerging the County Durham Plan (CDP) and the 'Preferred Options' was approved for consultation at Cabinet in June 2018. However, the CDP is not sufficiently advanced to be afforded any weight in the decision making process 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>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

39. *Highways* – The site would not be eligible for parking zone permits for future residents of the flat units. If the applicant provides no parking for the flat units no objections are raised given the site operated as an A1 retail area and is a town centre location within 400 metres of the Market Place. An informative should be attached to any approval granted indicating parking zone permits would not be authorised by the highways department for future residents.

40. *Northumbrian Water* – No comments to make.

INTERNAL CONSULTEE RESPONSES:

41. *Design and Conservation Officer* - The site relates to an unlisted commercial property located within the central part of Chester-Le-Street Conservation Area. The unit in question forms part of a substantial building that occupies a prominent position standing at the road junction of Front Street and Co-Operative Street. The locality forms part of the active commercial centre which is characterised by a linear street tightly developed with variety in building forms and heights where many 19th and 20th century traditional shop fronts have survived. The main impression of Chester-Le-Street today is of a busy market town with a variety of townscapes deriving mostly from development in the 19th century.

42. The building is considered to be a non-designated heritage asset, its significance deriving from its historic and architectural interest, and its evidential value testifying to the building that precede it. It is a former Co-operative Store dating from the 1930's that is a re-building of the original established in the late 19th century. It consists of 9 staggered bays and 2 storeys with an Ashlar front and is distinctive architecturally because of its Art Deco style that should be considered for listing. Given the above the impact of the proposal upon the significance of the heritage assets concerned, and interrelated design matters, should be a key consideration in the applications determination.

43. The proposed new entrance door would be located within the side elevation where it would be considered a sympathetic introduction. This is due to its appropriate size, central placement within the bay, and its design incorporating elements of detailing that reflect the existing openings. The proposed new windows would relate to either the side elevation or the elevations that face the service street and yard to the rear of the building that are less embellished and more functional compared to the main front elevation that would be unaltered. A number of historic in-filled windows would be utilised which is welcomed, and the new insertions sympathetic in terms of their placement, size, shape, and style, and are therefore in keeping.

44. The proposed windows are specified to be made from uPVC which is ordinarily resisted in conservation area, but given the fact that the service yard elevations are of limited quality at best, and that uPVC is already in existence it would not be opposed given the individual circumstances.

45. In summary, the proposed external alterations would be considered to preserve the buildings special historic and architectural interest and the positive contribution it makes to the surrounding conservation area. There is no objection to the proposed new use, as it offers an opportunity for the building to contribute positively to the vibrancy and vitality of the town centre through the increased footfall the proposal

would bring. As a consequence, there is no objection to this application from a heritage and design perspective. If approval is granted it would be suggested that precise details of the upgrading of the existing decorated windows is conditioned as these are a key architectural component of the main building.

46. *Education Officer* - Based on the methodology set out in the Councils adopted Securing Developer Contributions towards Education Provision in County Durham, the proposed development of 14 dwellings would produce 5 pupils of primary school age and 2 pupils of Secondary age.

In relation to primary school pupils, the development is located within the Chester le Street Central local school place planning area, of which the following schools could serve the development based on a 2 mile safe walking distance of five primary schools and two secondary schools.

Based on the projected rolls of the schools, taking into account the likely implementation of the development, build out rates and other relevant committed development it is anticipated that there will be sufficient space to accommodate the pupils generated by the development in primary and secondary schools and no further mitigation is required in this instance. This reflects the current position based on information known at the time of responding. The council reserves the right however to review this if factors change before a final application is approved.

47. *Environmental Health Officer* – Has confirmed the information submitted indicates that the development is likely to breach the thresholds within the TANS (Noise TANS section 3.7 pg 18). This indicates that the development may, without further controls, lead to a significant impact.

48. The applicant has submitted two noise assessments with this application; ADT Noise assessment ref 2764/SI dated 15/8/18 and ADT Noise assessment ref 2764 dated 17/9/18. The Officer agrees with both of these assessments however in order to ensure that the plant noise will not cause disturbance to the future occupants of the dwellings a scheme of sound insulation works will be required in the form of glazing and ventilation.

49. In addition, having considered the information submitted with the application the Officer is of the opinion that the granting of planning permission for the development may potentially result in a statutory nuisance being created. However a condition ensuring a scheme of noise mitigation measures protecting occupiers from commercial noise would mitigate the potential of a statutory nuisance and no objection would be raised to the development subject to the imposition of such a condition.

50. *Spatial Policy Officer* – Has noted the existing policy situation and considers the contribution to housing land supply can only be afforded limited weight. Contributions may be required relating to public open space, public art and education contributions.

51. *Energy Officer* – No issues raised, generally supportive.

EXTERNAL CONSULTEE RESPONSES:

52. *Durham Constabulary* - The Police are supportive of this proposal to bring a redundant building back into use, the only concern is the nature of the occupancy of the apartments; we would be concerned if the development becomes supported living or hostel accommodation which would require a robust management policy.

53.NHS – No comments from a health perspective.

PUBLIC RESPONSES:

54. Seventy five letters of consultation were sent out to surrounding residents, a site notice was posted, and a press notice published in the Northern Echo. This has resulted in four letters of representation being received from local residents and a local business, with the concerns summarised as follows:

- Shortage of parking within the vicinity of the site. Co-operative Street is permit parking during certain times of the day.
- It would be naïve to think that all 14 apartments would be populated by car-less occupants. New residents would scatter cars wherever they could, such as the surrounding streets.
- Privacy issues from apartments 12 and 13 to the rear of properties at Co-operative Street.
- Access issues to the loading bay / ramp for our shop unit during the works by contractors and following construction the prospective occupiers. Lorries require an adequate turning circle.
- Signage should be imposed on the loading bay stating it should not be blocked, as well as road marking.
- Scaffolding during construction works may block our shop front and inconvenience potential customers.

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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P7ACJGGDKOB00>

APPLICANTS STATEMENT

55. The proposal will bring back into use the first floor of the property which has been vacant for around 10 years and epitomises sustainable development whilst serving a local housing need. The property is highly accessible to shops and other facilities and by all forms of public transport and a residential use will add to the vitality and viability of the town centre. The associated planning contributions will also fund community projects to improve the local area. Overall, the proposal is fully in accordance with the development plan and NPPF and should be supported.

PLANNING CONSIDERATIONS AND ASSESSMENT

The Principle of the Development

56. 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, whether this is a sustainable location for housing development, the impacts upon residential amenity and the economy, impacts upon the character of the area, ecology and highway safety and whether appropriate land safety, stability and drainage can be achieved.

The Development Plan

57. 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 NPPF was updated in July 2018. The overriding message remains 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.

58. In accordance with paragraph 213 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.

The Principle Issues

Engagement of paragraph 11 of the NPPF

59. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise):

- approving development proposals that accord with the development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

60. Policy HP12 of the Chester-le-Street Local Plan permits the subdivision or conversion of existing large dwellings or other large buildings subject to criteria. This policy is considered to be consistent with Paragraph 118(d) of the NPPF which promotes the development of under-utilised land and buildings, for example converting space above shops. Policy BE4 of the Chester-le-Street Local Plan allows alterations within Conservation Areas subject to certain criteria, and this policy is considered to be consistent with the broad aims of Part 16 of the NPPF insofar that the heritage asset is an irreplaceable resource and should be conserved in a manner appropriate to its significance.

61. In this regard, it is considered the most important policies are consistent with the NPPF and therefore the application should be determined in accordance with the development plan.

Housing Supply considerations

62. Paragraph 73 of the NPPF requires Local Planning Authorities (LPAs) to maintain a five-year supply of deliverable sites (against housing requirements). Paragraph 60

of the NPPF advises that “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance”. Applying that method for County Durham, the housing need figure is 1368 dwellings per annum.

63. Against this figure, the Council is able to demonstrate in excess of 6 years supply of deliverable housing land. Accordingly, the weight to be afforded to the boost to housing supply as a benefit of the development is clearly less than in instances where such a healthy land supply position could not be demonstrated. The boost to housing supply from the development of fourteen dwellings should not therefore be given significant positive weight in the planning balance.

Residential Amenity

64. Chester-Le-Street Local Plan Policy HP9 requires proposals to avoid damage to neighbouring amenity and provide an attractive environment and adequate privacy and daylight. This policy is broadly consistent with the NPPF and NPPG. In this instance it is considered that the site could be developed in a manner that would achieve acceptable amenity for future residents given the proposal is an existing building, with the inclusion of additional windows and rooflights.

65. Additionally, the applicant has sought to resolve privacy issues to the residential properties at Co-operative Street and has included angled windows to ensure there are no facing habitable room windows between the proposal site and neighbouring properties.

66. Two noise reports were submitted as part of the application, detailing the potential impact of nearby plant to future occupiers. The Environmental Health Officer considered the findings of the assessments acceptable, however indicated the proposal would result in a significant impact to future occupiers, as well as potentially causing a statutory nuisance in terms of noise outbreak. In this regard, a condition is recommended which would ensure a scheme of noise mitigation measures as outlined within the second noise report, are installed at the site to protect future occupiers from commercial noise, and achieve noise threshold levels depending on the room type and type of day. Subject to the imposition of such a condition, the proposal is considered acceptable in terms of residential amenity for future occupiers.

Making effective use of land

67. Part 11 of the NPPF advises that decisions should promote an effective use of land in meeting the need for homes whilst safeguarding and improving the environment and ensuing safe and healthy living conditions. Paragraph 118(d) promotes the development of under-utilised land and buildings, such as converting space above shops. The proposal would therefore comply with the aims of this part of the NPPF.

Impacts upon character of the Chester-le-Street Conservation Area

68. Chester-le-Street Local Plan Policy HP9 requires developments to relate well to the surrounding area, respect its predominant character and street pattern. This policy is broadly consistent with the NPPF. Policy BE4 of the Local Plan also requires alterations within the Conservation Area to respect the design, layout, massing, materials and scale of the Conservation Area, consistent with the broad aims of Part 16 of the NPPF. When examined against Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the

desirability of preserving or enhancing the character and appearance of the Conservation Area.

69. The proposal is an unlisted building within the Conservation Area, and is considered a non-designated heritage asset. The external alterations are considered appropriate and in keeping with the wider building in terms of their style and siting. The principal façade facing the Front Street, in its distinctive Art Deco style, would be retained which is greatly welcomed. It is also noted that if the first floor of the building remains unused the site may fall into a state of disrepair, whereas this proposal is likely to secure its future. A condition relating to detailed plans of the upgrading of the existing decorated windows is recommended given they are a key design feature. Given all of the above, the proposal is considered comply with Policy BE4 of Local Plan, as well as preserving and enhancing the character and appearance of the Conservation Area in accordance with Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access / Parking / Highway Safety

70. A range of transport policies apply to this scheme however only T6 and T15 of the Local Plan achieve some consistency with national guidance. T6 requires development to be consistent with a safe and accessible public transport network and should help to encourage its use by all members of the public. T15 requires developments to have safe access, turning and manoeuvring space, acceptable levels of traffic, adequate links and access to and provision for public transport and consideration for pedestrians and cyclists. Paragraph 108 advises that appropriate opportunities to promote sustainable transport modes can be taken up, a safe and suitable access to the site can be achieved and that any significant impacts can be cost effectively mitigated.

71. No parking is proposed associated with the development, however it is considered that this is a highly sustainable location with opportunities for residents to use sustainable transport modes, including high frequency bus services from the Front Street and Market Place, and Chester-le-Street train station located 500 metres to the south west of the site. The Highways Officer has no concerns and has no objections to the principle of new residential development, however does note the occupants of the development would not be eligible for parking permits, which would ensure the protection of parking provision at Co-operative Street. Bearing the above in mind it is therefore considered that in terms of Highways Safety the proposal is in accordance with the NPPF and Chester-le-Street Local Plan Policy.

Drainage Considerations

72. Section 14 of the NPPF requires Local Planning Authorities to take full account of flood risk. Paragraph 163 advises that development should not increase flood risk elsewhere. Northumbrian Water have raised no objections to the proposal and as the development is the re-use of an existing building, no concerns are raised in this regard.

Provision of Affordable Housing, Recreational Space, Education and community Facilities and Public Art.

73. The NPPF is supportive of delivering affordable housing as a component of ensuring sustainable development. This proposal falls below these thresholds and affordable housing would not be required based on the number of units proposed.

74.Paragraph 94 of NPPF confirms that the government places importance in ensuring that sufficient choice of school places is available to meet the needs of existing and new communities and requires LPAs to ensure this. The Education Officer has confirmed the capacity within the local school system for potential children living at the development site.

75.Policy RL5 requires small sites such as this to dedicate a proportion of the site for equipped children's play space /informal open space or a commuted sum to be paid in lieu of such provision. This broadly aligns with the approach set out in paragraph 91 of the NPPF. The Open Space Needs Assessment (OSNA) indicates a requirement of £24,506 for an off-site contribution, which would be secured via a Section 106 agreement.

76.Policy BE2 seeks contributions for public art where a development costs total £500,000 or more. This policy is consistent with the Framework insofar as the NPPF is supportive of ensuring that development is well designed and responds to local character. Delivery of public art must be considered in relation to viability, which will be dependent upon local circumstances. A viability appraisal has been submitted and appraised by Officers, and a sum of £7,800 would be secured via a Section 106 agreement in this regard.

77.Paragraph 92 of NPPF recognises the need for planning decisions to ensure an integrated approach when considering the location of new housing and to plan positively for the provision and use of community facilities and local services. This provides policy justification to seek mitigation in respect to essential services including GP provision where a deficit would result from, or be exacerbated by, a proposal. Given the size of the development the impacts to local community facilities would be minimal and neither weigh in favour or against this proposal.

Other Issues

78.Reference has been made to allowing the loading bay to the rear of the properties to be unaffected by the proposal, as well as the implications for scaffolding to the building. This is considered a civil matter and would need to be agreed by the relevant parties.

CONCLUSION

There would be no significant impacts in terms of residential amenity and privacy, noise, highway safety and parking, and the proposal represents benefits in terms of a small boost in housing land supply, in a highly sustainable location, conserving and re-using a non-designated heritage asset within a Conservation Area. The proposal is therefore acceptable and in accordance with the NPPF and Chester-le-Street District Local Plan.

RECOMMENDATION

That the application be **APPROVED**, subject to the developer entering into a s.106 legal agreement to provide the following, and the conditions detailed below:

A section 106 Legal agreement to secure, proportionate to the direct impacts of the development:

- monies to make provision for off-site open space shortfall as assessed through the Council's OSNA model (£24,506)
- monies to make provision for public art provision (£7,800)

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 following approved plans:

Plan Ref:	Date Submitted:
Location Plan PL-01A	8 August 2018
Proposed Ground Floor and Mezzanine Plan PL-08A	8 August 2018
Proposed Mezzanine Plan PL-09A	8 August 2018
First Floor Proposed PL-10C	5 October 2018
Proposed Roof Plan PL-11	12 July 2018
Elevations Proposed PL-12D	5 October 2018
Proposed Elevations – 2 PL-13A	15 August 2018
Proposed Bin Store PI-15	8 August 2018

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies HP12 and BE4 of the Chester-le-Street District Local Plan.

3. No development shall commence until details of the upgrading of the existing decorated windows to Elevation 1 and Elevation 2 have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details and retained in perpetuity.

Reason: To ensure the conservation of the heritage asset to comply with Policy BE4 of the Chester-le-Street District Local Plan and Part 16 of the NPPF.

4. No development, site clearance or preparatory work shall be undertaken outside the hours of 0730 and 1800 Monday to Friday and 0730 and 1300 on a Saturday, with no works to take place on a Sunday or Bank Holiday.

Reason: To give due regard to the amenity and privacy local residents can reasonably expect to enjoy in line with Part 15 of the Framework.

5. Prior to the commencement of any part of the development, site clearance or preparatory work hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include as a minimum, but not necessarily be restricted to, the following:

- (a) A Dust Action Plan including measures to control the emission of dust and dirt during construction;
- (b) Details of methods and means of noise reduction;
- (c) Designation, layout and design of construction access and egress points;
- (d) Details for the provision of directional signage (on and off site);
- (e) Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;

- (f) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
- (g) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
- (h) Routing agreements for construction traffic;
- (i) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (j) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
- (k) Detail of measures for liaison with the local community and procedures to deal with any complaints received, and;
- (l) Demonstration that regard shall be had to BS 5228 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To give due regard to the amenity and privacy local residents can reasonably expect to enjoy in line with Part 15 of the Framework.

6. No development shall commence until a scheme of noise mitigation measures (as stated within ADT Acoustic report ref. 2764 dated 17/9/18) has been submitted to, and approved in writing by, the Local Planning Authority. The aim of the scheme shall be to protect future occupiers from commercial noise and should ensure the following noise levels are achieved:

- 35dB LAeq 16hr bedrooms and living room during the day-time (0700 - 2300)
- 30 dB LAeq 8hr in all bedrooms during the night time (2300 - 0700)
- 45 dB LAmax in bedrooms during the night-time
- 55dB LAeq 16hr in outdoor living areas

The approved scheme shall be implemented prior to the beneficial occupation of the development and shall be permanently retained thereafter.

Reason: To give due regard to the amenity future occupiers can reasonably expect to enjoy in line with Part 15 of the Framework.

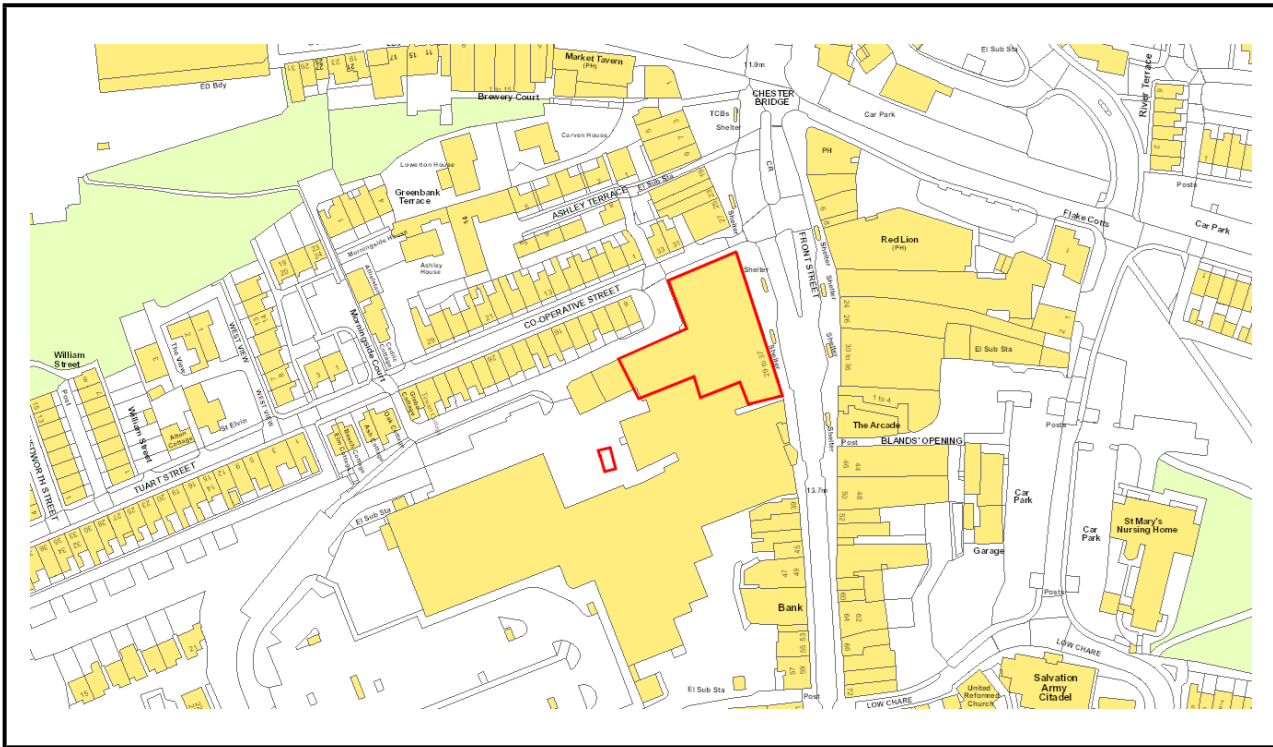
STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to refuse 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. However the delivery has not been possible in this instance. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

BACKGROUND PAPERS

The National Planning Policy Framework (2018)
National Planning Practice Guidance Notes

Chester-le-Street Local Plan 2003 (saved policies)
Statutory, internal and public consultation responses
Submitted forms, plans and supporting documents



Planning Services

Change of use of first floor from retail use to 14 apartments, installation of external door, additional first floor windows and rooflights

Application Number DM/18/02098/FPA

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Comments

Date 25.10.2018

Scale NTS