

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/11/00776
FULL APPLICATION DESCRIPTION:	Erection of 1 no. Dwelling House
NAME OF APPLICANT:	Yuill Ltd
ADDRESS:	Land North of 67 Front Street, Pity Me, Durham
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Mrs Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes an area of land to the North of 67 Front Street, Pity Me. The land is within the limits of development for Durham City. The application site has an area of approximately 0.09 Hectares and is more or less rectangular in shape. It was a piece of land, which was left over from the Smithfield, Pity Me development site. The site slopes upwards significantly to the north, towards properties at Smithfield. The application site is not within any conservation area.
2. The site was originally heavily planted however the site was cleared of vegetation very recently. In the absence of a felling licence or any TPO status, when the mature trees were felled, The Forestry Commission decided not to prosecute. As a compromise a replanting scheme was agreed, this replanting scheme allowed for the future sacrifice of half the site for one house. The tree planting scheme has been implemented on the site however it is failing due to a lack of maintenance, it is completely covered by bindweed and other associated plants including bramble.
3. To the north of the site is mature tree planting which is protected by a Tree Preservation Order. To the west of the site is the busy Rotary Way roundabout. To the east of the site is housing at Smithfield and to the south of the site is the terrace of Front Street. Access to the site would be taken from Front Street, Pity Me.

The proposal

4. Planning permission is sought for the erection of 1 no. dwelling house at land to the north of 67 Front Street, Pity Me.
5. The dwelling would be a large detached property, of a contemporary design and would work with the levels on the site. The building would have three floors, but appears as a two-storey dwelling from the west and a single storey with roof accommodation to the east, due to the change in level of the site. The building would be brick built with a slate roof, to tie in with the local vernacular. The contemporary appearance of the dwelling is mainly created through the use of large areas of glazing and a non-traditional roof construction.

6. The development would provide parking for 4 vehicles, 2 in the double garage and 2 on the driveway.
7. The application is reported to committee at the request of the divisional Councillor for Framwellgate Moor.

PLANNING HISTORY

8. There has been no recent relevant planning history.

PLANNING POLICY

NATIONAL POLICY

9. In July 2011 The Government published the National Planning Policy Framework in its draft form. The draft framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. The presumption means that where local plans are not up-to-date, or not a clear basis for decisions, development should be allowed. However, the development should not be allowed if it would undermine the key principles for sustainability in the Framework. Being in draft format and a consultation document it is subject to potential amendment. It can be considered a material consideration, although the weight to be attributed to it will be a matter for the decision maker in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
10. *Planning Policy Statement 1: (PPS1) Delivering Sustainable Development* sets out the Governments overarching planning policies on the delivery of sustainable development through the Planning System.
11. *Planning Policy Statement 3: (PPS3) Housing* sets out the delivery of the Government's national housing objectives. New housing should be directed to sites within the development limits of towns and villages which offer access to a range of local facilities, jobs, services and public transport, with priority given to development on previously developed land (brownfield). The PPS defines affordable housing and suggests proposals in excess of 15 dwellings should have an appropriate affordable housing commitment.
12. *Planning Policy Statement 9: (PPS9) Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system.
13. *Planning Policy Statement 22: (PPS22) Renewable Energy* sets out Government policies for renewable energy. The guidance preceded the PPS1 Climate Change Supplement. The importance of renewable energy in delivering the Government's commitments on climate change is emphasised. Local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments. Small-scale renewable energy schemes utilising technologies such as solar panels, biomass heating, small-scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings.

REGIONAL PLANNING POLICY

14. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS)* was published in mid-July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies;
15. *Policy 4 Sequential Approach to Development* provides the broad locational criteria for identifying development land giving preference to suitable previously developed sites within urban areas.
16. *Policy 8 Protecting and Enhancing the Environment* seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.
17. *Policy 38 Sustainable Construction* sets out the principles to support sustainable construction in planning proposals that minimise energy consumption and achieve high energy efficiency.
16. *Policy 39: Renewable Energy Generation* requires at least 10% of the energy requirements of development proposals to be met by decentralised and renewable or low carbon sources.

LOCAL PLAN POLICY:

17. *H2 New Housing in Durham City* supports the development of new housing within the settlement boundary of Durham City provided the development is in accordance with other local plan policies.
18. *Q1 General Principles – Designing for People* sets out the criteria which development should consider in relation to meeting the needs of users of the development.
19. *Q2 General Principles – Designing for Accessibility* sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
20. *Q8 Layout and Design* –sets out the requirements, which all new residential development should adhere to.
21. *H13 The Character of Residential Areas* seeks to protect the character, appearance and amenity of residential areas.
22. *E14 Existing Trees and Hedgerows* – In considering proposals affecting trees and hedgerows the Council will require development proposals to replace trees and hedgerows of value which are lost.
23. *T1 Highways – General Policy* considers traffic generation of new development and resists development, which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

24. *T10 Parking* – sets out the requirements for provision of off road parking in new residential development.
25. *U8A Disposal of Foul Water* – development proposals should include satisfactory arrangements for disposing foul and surface water discharges.

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:

26. *The County Highway Authority* No objections subject to suitable condition and informative.

INTERNAL CONSULTEE RESPONSES:

27. *The Councils Tree Officer* has stated that the scheme would be acceptable subject to suitable conditions.
28. *The Landscape Section* have stated that the scheme would be acceptable subject to suitable conditions.
29. Design and Conservation raise no objection, has suggested some design improvements, some of which have been incorporated into revised drawings.
30. The County Ecologist states that there is no significant ecological issues. Attach a suitable informative relating to breeding birds to any planning permission.

PUBLIC RESPONSES:

31. One e-mail objecting to the development has been received making the following comments:
32. The development would remove the ability to park in the turning head. The turning head should be extended further north and an agreement entered into between the applicant and the Council to allow parking in this area.
33. The application should be referred to the Council's ecologist due to concerns of Great Crested Newts and Bats in the area.

APPLICANTS STATEMENT:

34. The applicant's statement is based on the submitted planning statement.
35. The development would contribute to addressing the identified shortfall in housing in the City, specifically executive housing and would bring a vacant site into beneficial use.
36. The application offers an opportunity to create a focal building in a prominent location.

37. The design of the dwelling takes advantage of the aspect and topography of the site, working with the scale and proportions of the terraced houses next to which it is positioned.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

38. 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 the development, residential amenity, design, landscape and trees, ecology and highway safety

Principle of the development

39. The application site is located within the settlement limits for Durham City as identified by the City of Durham Local Plan 2004 proposals map. The site represents undeveloped land, which is located within a primarily residential area. Durham City is identified as an area where development will be directed to under local plan policy H2 'New Housing in Durham City' provided the development would not be in conflict with other local plan policies or any other designations. It is considered that the proposed development would be in accordance with policy H2 of the City of Durham Local Plan 2004.
40. National Planning Policy guidance applies a presumption in favour of securing sustainable housing development by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services and is located approximately 2 miles from Durham City Centre. The area is also serviced by good public transport links. Therefore the site is considered acceptable for residential development and generally conforms to PPS3 'Housing' and PPS1 'Delivering Sustainable Development'.
41. In terms of regional planning policy the North East Regional Spatial Strategy (RSS) policy 4 'The Sequential Approach to Development' emphasises that the underlying reason for the implementation of a sequential approach is to direct development to the most sustainable locations. The application site is considered to be located in a sustainable location in accordance with the North East Regional Spatial Strategy (RSS) and would meet the key principles of sustainable development.

Residential Amenity

42. Policy Q8 'Layout and Design – Residential Development' sets out the minimum privacy distances between dwellings. Window to window elevations should have a distance of 21 metres, window to blank two-storey elevations should have a distance of 13 metres and window to blank single storey elevations should have a distance of 6 metres.

43. The proposed development has been assessed against the above criteria and as such has been found to meet the minimum privacy distances set out by Policy H8 of the City of Durham Local Plan 2004.
44. The impact of the property on residential amenity to neighbouring properties is somewhat reduced by the change in levels to the rear of the site, as the land rises sharply towards Smithfield. Due to the change in levels between the site and properties to the rear of the site approximately 6.077 metres of the dwelling will be visible from properties to the rear of the site.
45. It is anticipated that when the on site landscaping becomes established the impacts of the development to neighbouring residential properties shall be further reduced.
46. The proposed development would provide approximately 110m² of private amenity space, by means of an enclosed side garden and a patio area to the rear. This is considered to be an adequate amount of private amenity space for a dwelling of this size in accordance with policy Q8 of the City of Durham Local Plan 2004.

Design

47. The proposed development constitutes a contemporary styled dwelling house. The development would incorporate construction materials including Durham brick and slate to reflect the local vernacular. The site is not in a conservation area, nor is it in an area of significant architectural merit but is very prominent orientated towards the A167 roundabout.
48. The development takes advantage of the aspect and topography of the site, working with the scale and proportions of the terraced housing next to which it is positioned. The building has three floors, but appears as a two-storey dwelling from the west and a single storey with roof accommodation to the east, due to the change in level of the site.
49. The design has two elements, which make up the mass of the building. Initially the roofline of the adjacent terrace is continued, before presenting a gable front to Front Street representing a conclusion to the built form on Front Street.
50. Double height glazing is used to give vertical emphasis to the entrance area and encourage maximum daylight into the circulation space. Slate roofs and brick to match that of Front Street are the proposed construction materials chosen to adhere to the local vernacular.
51. The development would appear very prominent from the A167 roundabout and from the approach to this roundabout. The prominence of the development would be accentuated by the fact that the proposed dwelling house is of a design which would be somewhat unique to the area. The proposal is however of a scale which would be compatible with the site and the area and has been designed to incorporate local building materials. It is considered that the proposed design would not be significantly detrimental to the visual appearance of the area in accordance with policy Q8 of the City of Durham Local Plan 2004.
52. The proposed design albeit modern is considered to be acceptable in this location in accordance with policies Q1, Q2 and H13 of the City of Durham Local Plan 2004.

Landscape and Trees

53. The existing tree planting on the site has been found to be failing due to lack of maintenance, this recent planting is covered by bindweed and other associated plants including bramble. It is considered that the present landscape scheme is not contributing to the amenity value of the landscape. The development of the site offers an opportunity to bring forward a more suitable landscaping scheme replacing the existing trees with larger suitable native species such as 18-20 cm girth trees. These trees would provide the area with an immediate impact rather than what is present, currently hidden amongst the undergrowth.
54. The submission of a suitable landscaping scheme shall be a condition of any planning permission. The landscaping scheme shall be informed by the recommendations of the Council's specialist tree and landscape officers.
55. It is considered that the proposed development would be in accordance with policy E14 of the City of Durham Local Plan 2004.

Ecology

56. The presence of protected species such as bats and Great Crested newts is a material consideration, in accordance with Circular 06/05 to PPS9 Biodiversity and Geological Conservation. The requirements of the Habitats Directive were brought into effect by the Conservation (Natural Habitats etc) Regulations 1994. These regulations established a regime for dealing with derogations which involved the setting up of a licensing regime administered by Natural England. Under the requirements of the Regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species unless it is carried out with the benefit of a licence from Natural England.
57. The species protection provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an European Protected Species (EPS). For development activities this licence is normally obtained after planning permission has been granted. The three tests are that:
 - the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - there must be no satisfactory alternative; and
 - favourable conservation status of the species must be maintained.
58. Notwithstanding the licensing regime, the Local planning authority (LPA) must discharge its duty under Regulation 3(4) and also address its mind these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.
59. Concerns have been raised by a local resident in relation to the impact of the development on protected species, in particular bats and Great Crested Newts. Durham County Council's ecologist has considered the proposal and has stated that the proposed development would not create any significant adverse impacts to protected species.

60. The proposed development would be in accordance with PPS9.

Highway Safety

61. Durham County Council's Highways Engineer has assessed the scheme and has raised no objection subject to a planning condition stating that the garage doors shall be at least 5 metres from the highway boundary of the proposed vehicular access thereto. The garage doors shall be of a type which on opening and closing do not project forward of the building line to ensure that vehicles can park up to the building and therefore not extend onto the footway on Front Street. In addition the proposed vehicular crossing of the highway will be constructed in accordance with S.184(3) of the highways Act 1980. The highways condition and informative shall somewhat address the highways issues raised by the objector, by avoiding the creation of additional off street parking at the top of Front Street.

62. The proposed development is considered to be acceptable in terms of access and parking in accordance with policies T1 and T10 of the City of Durham local Plan 2004.

CONCLUSION

63. The proposed development would be sited within the limits to development for Durham City. New development is directed to those areas best able to support it in terms of access to facilities and services and public transport links. The site is considered to be in a sustainable location, where new development is directed. The proposal is therefore considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan 2004, PPS1, PPS3 and PPS22.

64. The proposed development would not be detrimental to the amenity of neighbouring properties in accordance with policy Q8 of the City of Durham Local Plan 2004.

65. The proposed new dwelling house would be of a modern design not entirely typical of housing found in Pity Me, however it is considered that the development would be of a good quality design and would contribute to the housing mix in the area and would bring about improved landscaping on the site. In accordance with policies H13, Q1, Q2 and E14 of the City of Durham Local Plan 2004.

66. The development would not cause any significant detrimental impacts to protected species in accordance with the Habitats Directive and PPS9.

67. The proposal would be acceptable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Plan Ref No.	Description	Date Received
150:02	Site Location Plan	4/10/2011
150:01	Site plan	4/10/2011
100:06	Proposed south and east elevations	25/11/2011
100:04	Proposed north elevaton	25/11/2011
100:05	Proposed west elevation and street	25/11/2011

Reason: To define the consent and ensure that a satisfactory form of development is obtained. In accordance with policy Q8 of the City of Durham Local Plan.

3. Notwithstanding any details submitted with the application the hereby approved development shall be carried out in accordance with a scheme of landscaping to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of any development on site, and which scheme may provide for the planting of trees and / or shrubs (including species, sizes, numbers and densities), the provision of screen fences or walls, the movement of earth, the formation of banks or slopes, the seeding of land with grass, or other works for improving the appearance of the development. The works agreed to shall be carried out within the first planting season following completion of development of the site (or of that phase of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

Reason: In the interests of the visual amenity of the area and to comply with policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing and hardstanding 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: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q8 of the City of Durham Local Plan.

5. Notwithstanding any details submitted with the application prior to the commencement of the development a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local planning authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficiency measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1, 3 and 22.

6. Notwithstanding any details submitted with the application prior to the commencement of the development details of means of enclosure shall be submitted to and approved in writing by the Local planning authority. The enclosures shall be constructed in accordance with the approved details prior to the occupation of the dwelling to which they relate.

Reason: To ensure that the external appearance of the development will not be detrimental to the visual amenities of the area. In accordance with policy Q8 of the City of Durham Local Plan.

7. Notwithstanding the provisions of Article 3 and Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) order 1995 et seq none of the categories of development described therein shall be carried out on the site without an application for planning permission having been first made to and approved in writing by the local planning authority.

Reason: To achieve a satisfactory standard of development. In accordance with policy Q8 of the City of Durham Local Plan 2004.

8. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present. The survey shall be submitted to and approved in writing by the local planning authority prior to the removal of vegetation during the bird breeding season

Reason: To conserve protected species and their habitat in accordance with PPS9.

9. The garage doors shall be at least 5 metres from the highway boundary of the proposed vehicular access thereto. The garage doors shall be of a type which on opening and closing do not project forward of the building line to ensure that vehicles can park up to the building and therefore not extend onto the footway on Front Street.

Reason: In the interests of highway safety and to comply with policy T1 of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

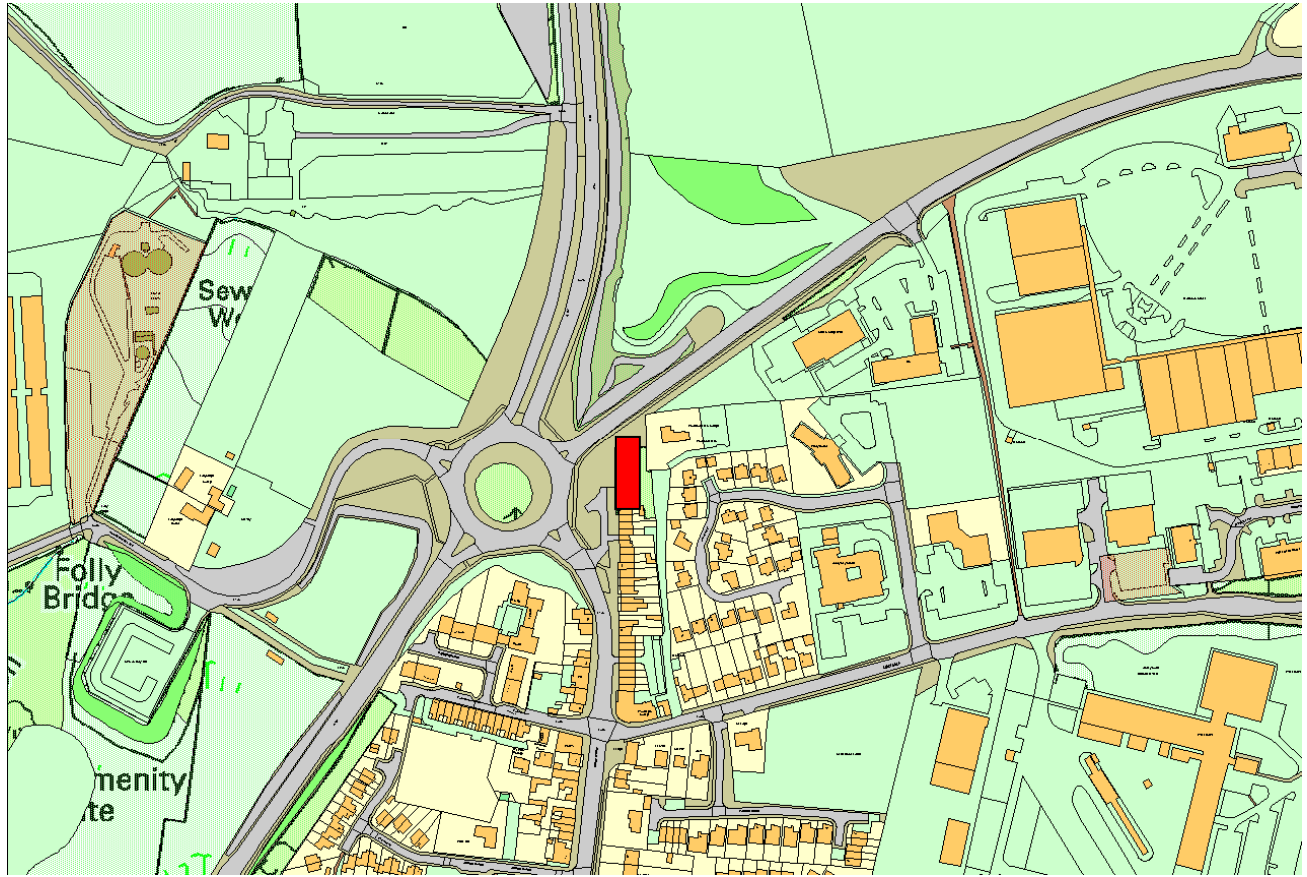
1. The proposed development is considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan 2004, PPS1, PPS3 and PPS22.

This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

2. The development was considered to be acceptable in terms of its siting, design and layout and its resultant impacts on the amenity of neighbouring properties in accordance with policies Q1, Q2, Q8 and H13 of the City of Durham Local Plan 2004.
3. The proposed development would not cause any significant detrimental impacts to protected species in accordance with PPS9.
4. The development was considered to be acceptable in terms of its impact on landscape and trees in accordance with policy E14 of the City of Durham Local Plan 2004.
5. The proposal would be suitable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Application files
consultation responses
The City of Durham Local Plan 2004
Regional Spatial Strategy (RSS)
PPS1
PPS3
PPS9
PPS22.



Planning Services

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Land North of 67 Front Street Pity Me Durham

Comments

Erection of 1 no. dwelling house

Date 13th December 2011

Scale 1:2500