

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00213/FPA
FULL APPLICATION DESCRIPTION:	Erection of new two storey detached dwelling adjacent to Crossways, Whitesmocks.
NAME OF APPLICANT:	Calamander Developments Ltd
ADDRESS:	Land Adjacent To Crossways, Whitesmocks, Durham, DH1 4LL
ELECTORAL DIVISION:	Nevilles Cross Steven Pilkington Planning Officer
CASE OFFICER:	03000 263 264 steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located on the residential street of Whitesmocks, to the North East of Durham City Centre. The site itself forms part of the residential curtilage of Whitesmocks and The Stables, surrounding the site other residential properties are located, with the highway Whitesmocks located to the north of the site. The boundaries to neighbouring properties are defined by fencing, hedgerow and semi mature trees. A level difference is evident between the application site and the properties to the south which are approximately 3m lower.

The Proposal

2. Planning Permission is sought for the erection of a two storey detached dwelling which would be located in the residential curtilage of Crossways and the Stables. The building would be set back 30m from the highway Whitesmocks and would have a maximum length of 18.5m, a maximum width of 12.7m, equating to a footprint of approximately 150m². The dwelling would be two storey at a maximum height of 9m to the ridge and 5.7m to the eaves, dormer windows are proposed in the rear elevation. To the front of the property a 1 ½ storey projection is proposed incorporating a double garage; this element will measure 6.6m in length by 6.4m in width with a maximum height of 7.2m. A single storey rear extension is also proposed, projecting out from the main rear elevation by 4.3m. A new access is proposed, adjacent the existing access serving Crossways
3. This application is reported to Planning Committee as requested by Cllr Holland in relation to concerns regarding the impact of the development on the amenities of neighbouring residents and the character of the surrounding area.

PLANNING HISTORY

4. Planning permission was granted in 2010 for extensions and alterations to facilitate the refurbishment of Crossways, this work is currently underway.

PLANNING POLICY

NATIONAL POLICY

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

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'

REGIONAL PLANNING POLICY

6. 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.

However, The Secretary of State for Communities and Local Government's letter dated 27th May 2010 announced the Government's intention to abolish Regional Strategies and return decision making powers on housing and planning to local councils. This intended future abolition must also be given material weight in planning decision making.

7. *Policy 1 – North East Renaissance* – Seeks to encourage sustainable and inclusive economic growth and deliver sustainable communities
8. *Policy 2 – Sustainable Development* – Promotes sustainable development through, environmental, social and economic objectives.
9. *Policy 3 – Climate Change* – Seeks to mitigate and assist in adoption to the impacts of climate change.
10. *Policy 4 – Sequential Approach* – Sets out the sequential approach to development, focusing development within existing settlement limits on previously developed land as a preference.
11. *Policy 6 – Locational Strategy* – Aims to focus new development within existing service centres and towns
12. *Policy 7 – Connectivity and Accessibility* –Aims to reduce the need to travel particularly by the private motorcar.

13. *Policy 8 – Protecting and Enhancing the Environment* – Sets out to ensure that all developments promote a high quality design that it is sympathetic to its surroundings
14. *Policy 24 – Delivering sustainable communities* – Aims to promote sustainable development with particular reference to social, environmental issues
15. *Policy 33 - Biodiversity and Geodiversity* – Sets out that planning proposals should ensure the regions ecological and geological resources are protected.
16. *Policy 35 - Flooding* - Seeks to reduce surface water running and encourage sustainable drainage systems

LOCAL PLAN POLICY:

17. *Saved Policy E14 – Trees and Hedgerows* – sets out that development proposals should retain important trees and hedgerows wherever possible.
18. *Saved Policy E16 – Nature Conservation* – Seeks to ensure that mitigation measures to minimise unacceptable adverse effects on identified nature conservation interests that cannot be avoided.
19. *Saved Policy H2 – New Housing development within Durham City* - Sets out that development on previously developed land will be considered acceptable within the Development limits of Durham City on previously Developed land.
20. *Saved Policy H10 – Backland Development* – sets out that backland development will only be permitted where a safe satisfactory means of access can be provided, the amenity of new and existing dwellings are not adversely affected and it is in keeping with the character, density and scale of surrounding developments.
21. *Saved Policy H13 – The Character of Residential Areas* – Sets out that planning permissions will not be granted for new developments which have an adverse affect on the character or appearance of residential areas.
22. *Saved Policy T1 – General Transport Policy* – Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties.
23. *Saved Policy T10 – Parking Provision* – Sets out that off street car parking should not exceed 1.5 spaces per dwelling to promote sustainable transport choices.
24. *Saved Policy Q1 – General Design Principles* – Requires development proposals to take into account personal safety, crime prevention and access needs for people with disabilities
25. *Saved Policy Q2 - General Design Principles* – Should embody the principles of sustainability and prevent conflict between, pedestrians, cyclists and motorists
26. *Saved Policy Q5 – Landscaping* – Requires that development proposals provide a high standard of landscaping on site.

27. *Saved Policy Q8 – Residential Layout* – Sets out design criteria that every residential property should comply with, including the requirement for suitable amenity areas and privacy for each dwelling, provide safe access onto the site, while be being appropriate in scale and character of the surrounding area.
28. *Saved Policy U8a – Disposal of foul and surface water* – Development should include satisfactory arrangements for the disposal of foul and surface water.

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:

29. *The Highways Authority* – Offers no objections in relation to highways safety.

INTERNAL CONSULTEE RESPONSES:

30. *Design and Conservation* – Overall the general design and materials of the proposed dwelling are considered acceptable while not impacting upon any heritage asset, or the site's architectural or historical significance.
31. *Ecology* – Considers the methodology and conclusions of the bat risk assessment sound but recommends conditions in relation to the mitigation measures.
32. *Arboricultural Officer* – Advises that the loss of the trees will not affect the amenity value of the site subject to protective measures being implemented to trees that are proposed to be retained.
33. *Environmental Health* – Recommend the limitation of working hours on site, while restricting the burning of combustible material and the suppression of noise and dust that may be generated.
34. *Landscape Officer* – Has concerns regarding the impact of the development on a number of trees on the site and a Beech hedge and in relation to amount of non porous hard standings.
35. *Northumbrian Water* – Offers No objections

PUBLIC RESPONSES:

36. Neighbouring residents have been notified by individual notification letters and site notice, 6 letters of objection have been received in relation to the application.
37. The objections received to date have been summarised to the issues below and are addressed in turn within the main body of the report:-
 - Visual Amenity.
 - Loss of privacy.
 - Loss of low density housing.
 - Potential to set a precedent.
 - Noise disturbance.
 - Increase in surface water run off.

- Increase in traffic.
- Impact on bats.
- Overdevelopment.
- Removal of trees.
- The site is designated Green Belt.
- Development of a Greenfield Site.
- Highway Safety.
- Conservation Area.
- Potential to deviate from any approved scheme.

APPLICANTS STATEMENT:

38. The proposed development is located within a sustainable location, with close access to Durham City Centre. The scheme has been carefully designed to replicate appropriate detailing of Crossways while being sympathetic to the surrounding area. Consideration has also been given to the impact on neighbouring properties, to which the development significantly exceeds the minimum separation distances set out in the local plan. As much existing vegetation will be retained on site as possible, and where lost it will be replaced or reinforced as appropriate.

http://publicaccess.durhamcity.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=M03WAEBN5B000

PLANNING CONSIDERATIONS AND ASSESSMENT

39. 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 following represent the principal material planning considerations raised.

Principle of development

40. The application site is located within the defined settlement limits of Durham City, as set out on the Local Plan Proposals Map. Saved Policy H2 of the Local Plan sets out that small scale residential development will be acceptable within these settlement limits providing the site is classed as previously developed land.
41. The site falls outside the definition of previously developed land as the dwelling would be located within the curtilage of the residential properties of Crossways and Whitesmocks. However since the adoption of the Durham City Local Plan there has been a shift on the focus of development on previously developed land to an assessment of the overall sustainability of a site. This is embodied in the National Planning Policy Framework (NPPF) which focuses on a presumption in favour of sustainable development. Furthermore, RSS policy 4 (sequential approach) is of limited weight as it is to be abolished and is not consistent with NPPF. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services, amenities and employment sites of the Durham City Centre while being in close proximity to public transport networks.
42. Overall it is considered that although part of the dwelling would represent development on a Greenfield Site, in conflict with saved policy H2, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national policies. This is because only limited weight can be attached to saved policy H2 given that it is not consistent with the more up to date policy contained within NPPF. Issues regarding the detailed impact of the development are set out below.

Impact on the visual amenity of the surrounding area

43. The application site comprises of garden space located on the south side of Whitesmocks, situated between the residential dwellings of Crossways and The Stables. This area falls outside of the defined limits of the Durham City Centre Conservation Area, however it is attractive, characterised by large detached and more modest semi detached dwellings. Buildings are generally set in spacious garden plots facing the road side with trees and walls important to the character of the area.
44. Although not strictly backland development, due to its separate access, it is considered that policy H10 is of particular relevance to this application outlining that new housing development should be in keeping with the character, density and scale of the surrounding area and adjacent developments. This is replicated within section 6 of the NPPF, setting out that Local Planning Authorities should resist inappropriate development which would cause harm to an area. Objections have also been raised in relation to the impact of the proposed dwelling.
45. In considering the impact of the development against the above policy context and the characteristics of the site, it is considered that the proposed dwelling would have an acceptable impact. This is because the dwelling would be set back from the highway of Whitesmocks by some 30m, although other properties within the street are largely set on the road frontage this set back will help retain a green space made up of vegetation between Crossways and The Stables. Although a new access is proposed, additional planting will maintain this mature frontage and the low density character of the area.
46. The scale and design of the property is also considered commensurate with others in the area, particularly of the host property of Crossways, where a number of key design features and fenestration details will be replicated. The introduction of differing roof heights, forward projecting extensions and the use of dormer windows also helps to reduce the mass of the building, while linking it visually to the host property. Although not located within a Conservation Area, the Design and Conservation Officer offers no objections to the design of the property and considers its design to be in keeping with the character of the area. A number of minor design modifications are suggested, such as window detailing and the introduction of pitched roofs to dormer windows instead of hipped roofs. However it is considered that these issues could be satisfactorily dealt with by condition.
47. Overall it is considered that the erection of the proposed dwelling would have an acceptable impact on the visual amenity and character of the area due to its appropriate design and retaining the perception of openness and greenness of the site.

Landscape and Trees

48. Concerns have been raised by objectors on the impact of the development on existing vegetation on site, particularly as there are a number of semi mature trees. Although none of the trees on site are protected, or would be likely to meet the tests necessary to afford protection through a Tree Preservation Order, their presence as a whole adds to the character of the area. Accordingly the applicants have undertaken an Arboricultural Implications Assessment identifying which trees would need to be removed to facilitate the development along with measures to protect trees to be retained on site. After seeking the views of the Council's Arboricultural Officer and Landscape Officer and appraising the Assessment it is considered that the removal of the trees on site is mainly limited to the immature poor specimens, which could be easily compensated for and is therefore acceptable.

49. The Council's Landscape Officer has raised concerns regarding the impact of an existing Cyprus Tree and the impact on a hedgerow to the rear of the site. However the scheme has been amended to take into account the rear hedge row, and mitigation measures proposed to protect the tree. Overall it is considered that the scheme would retain a suitable amount of the existing vegetation on site, subject to appropriate mitigation measures while adequately compensating for any lost, subject to appropriate conditions.

Impact on privacy and amenity of neighbouring landusers

50. Objections have been raised regarding the potential to adversely impact on the amenity of neighbouring residents, principally in relation to the scale of the building. Saved policies, H10, H13 and Q8 of the Local Plan require schemes associated with residential developments to give consideration to the privacy and amenity of neighbouring residents. In this instance the principal properties affected would be those of Henley House and no.26 and 24 Springwell Road along with the host properties.
51. In considering this issue after visiting the site and viewing the property from immediately neighbouring properties, while the concerns of local residents are appreciated and duly noted it is considered that on balance a significant adverse impact will not arise. Although it is acknowledged a level change to the rear of the site exaggerates any potential impact of the development a minimum separation distance of 28.5m is achievable between the proposed dwelling and the properties to the rear on Springwell Road. The distance exceeds the minimum separation distance of 21m set out within the Local Plan, while the orientation of the dwelling means that the rear elevation faces slightly away from the properties at Springwell Road. A large hedge and existing tree coverage is proposed to be reinforced also to help screen views. While the property would partially be visible in this garden it is considered that these properties would not experience a significant loss of amenity, to a level sufficient to warrant refusal of the planning application
52. A separation distance of approximately 22m will be evident to the dwelling of Henley House, which again is considered to prevent an unacceptable loss of privacy arising. Although during winter months when views may be achievable into the rear garden of this property, it is considered that an unacceptable loss of amenity would not arise, particularly given the size of the plot. No objections have been raised from this property.
53. Although within the applicant's ownership it is also considered that the properties of Crossways and The Stables would retain sufficient levels of privacy and amenity, due to the orientation of the dwelling, separation distances and the location of windows.
54. Overall, while the property would be visible from neighbouring residential dwellings it is considered that the separation distances and on site characteristics would ensure that an unacceptable loss of privacy and amenity would not arise for neighbouring residents. However it is recommended to restrict permitted development rights of the property to control future extensions and also to limit working hours on site to minimise disturbance.

Highway Safety

55. It is proposed that the dwelling will be served from a new access way created on Whitesmocks, adjacent the existing access serving the residential property of Crossways. In considering the suitability of this access the Council's Highways Officer raises no objections to the scheme and considers that the property would provide sufficient in curtilage car parking and manoeuvring within the site to protect highway safety.
56. Objections have been raised from neighbouring residents, principally regarding the increase in traffic generated from the site and the potential for on street car parking. However it is considered that the erection of one dwelling would not significantly increase traffic on the road, to a level that would affect the amenity of neighbouring residents. The Council has also separate powers to enforce parking restrictions within the area.

Ecology

57. Paragraph 11 of the NPPF and policy E16 of the Local Plan requires Local Planning Authorities to take into account, protect and mitigate the effects of development on Biodiversity Interests. In this instance the applicant has produced a bat survey assessing the likely presence of bats within the trees on the development site and an outbuilding which is to be demolished. The survey concludes that there was low risk of bats being present or using the area for foraging, but suggests a mitigation strategy. The Ecology Officer considers the findings of this survey sound and offers no objections subject to the proposed mitigation measures being imposed. Overall the granting of Planning Permission would not constitute a breach of the Conservation Habitats, & Species Regulations 2010

Other Issues

58. Policy 35 of the RSS requires consideration be given to issues regarding flooding particularly from surface water run off. Objections have also been received in relation to the potential for altering the local water table. No details have been submitted in relation to the proposed means of drainage from the site however the proposal will increase the amount of hardstanding and potentially runoff. In order to address this issue it is recommended to place a condition on approval requiring a scheme to deal with waste water and surface run off utilising soakaways where appropriate. The site lies outside of Flood Zones 2 and 3, Northumbrian water have also raised no comments on the scheme.
59. Concerns have been raised regarding the setting of a precedent, however each application must be determined on its own merits, notwithstanding this other developments of additional properties within plots have been approved within the area. Further concerns have also been raised in relation to the potential for the developer not to build in accordance with the approved plans. However the Authority has separate powers to enforce against this, while the applicant has undertaken a detailed site survey setting out separation distances and site levels for reference.

CONCLUSION

60. The proposed development has been considered against the above policies and is considered to be in a sustainable location, to have an acceptable impact on the street scene of Whitesmocks while protecting the character, appearance and setting of the surrounding area subject to the conditions set out below. The scheme is also considered to protect the privacy and amenity of neighbouring residents to an acceptable level and highway safety while remaining an appropriate location for residential development.

61. In relation to the objections received, while the concerns of local residents are appreciated and duly noted, it is considered in this instance that they are not sufficient to warrant refusal of the application
62. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval

RECOMMENDATION

That the application 11/00881/FPA 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- Imposition to be required 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:-

Site Location Plan, Ref 608-02, Received 18th May 2012

Proposed Site Plan, Ref 608-03, Received 18th May 2012

Proposed Floor Plans, Ref 608-07, Received 18th May 2012

Site Section, Ref 608-05, Received 18th May 2012

Proposed Elevations, Ref 608-08, Received 18th May 2012

Site Section, Ref 608-07, Received 18th May 2012

Site Section and Block Plan, Ref 608-05, Received 18th May 2012

Site Set Out Plan, Ref 608-09, Received 18th May 2012

Reason:- In order to define the consent and to accord with saved policies, E14, E16, H2, H10, H13, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 24, 33 and 35 of the Regional Spatial Strategy for North East England

3. Notwithstanding any description of the materials in the application, no development shall be commenced until samples or precise details of the materials to be used in the construction of any external surface or hard standing of the development hereby approved including external walls and roofs of the building have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall also include full details of the colour of the render and its finish.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity surrounding area in accordance with the provisions policies H10 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England.

4. Notwithstanding the submitted plans full details (including cross-sections) and materials and colour of all windows, doors and roof lights and dormer windows at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The submitted details shall demonstrate that windows and doors have a recess of at least 75mm from the outer face of the wall. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity surrounding area in accordance with the provisions polices H10 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England.

5. 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, the scheme shall provide and detail for:-
- The planting of trees and / or shrubs (including species, sizes, numbers and densities) to reinforce the southern and northern boundary of the site,
 - The provision of screen fences or walls,
 - Any 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.
 - Full details of any hard standing proposed making provision for permeable surfacing
 - The retention and protection of existing vegetation on site.

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 years following planting.

Reason: In order to ensure the satisfactory appearance of the development upon completion, in the interests of visual amenity surrounding area in accordance with the provisions polices H10 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England

6. Notwithstanding the provisions of Class A,B,C, and D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) details of any enlargement, improvement or other alteration to the dwelling hereby approved shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of any future development on the site in the interests of the character, appearance and visual amenity of the surrounding area and the amenity of neighbouring land users, in accordance with saved polices H10, H13 and Q8 of the Durham City Local Plan and policy 8 of the Regional Spatial Strategy for the North East of England.

7. No operations associated with the construction phase of the development hereby approved shall be carried out outside the hours of;

Monday to Friday - 08:00 to 1800 (excluding bank holidays)

Saturdays - 0800 to 1300

Reason: In the interests of residential amenity and the avoidance of any potential disturbance or disruption to adjoining residents which may have arisen though working outside these hours, in order to protect the amenities of local residents and to accord with the aims of Policy Q8 of the Durham City Local Plan

8. Notwithstanding the submitted information and prior to works commencing a detailed scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme thereafter.

Reason: In the interest of the adequate disposal of surface water in accordance with Policy 35 of the North East Regional Spatial Strategy

9. No development shall commence until an Arboricultural Implications Assessment has been submitted to and approved in writing with the Local Planning Authority. Such an assessment shall include, full details of tree protection measures in accordance with BS 5837 (Trees in relation to construction), construction details of the proposed foundations, details of storage areas, location of service runs and details of the construction of areas of hard standing. The development shall be carried out in accordance with the approved details.

Reason: To protect mature trees in the proximity of the application site in the interests of the visual amenity of the surrounding area in accordance with policies H10 and Q8 of the Durham City Local Plan and Policy 8 of the North East of England Regional Spatial Strategy.

12. No development shall commence unless in accordance with the mitigation detailed within the Bat Risk Assessment report compiled by Dendra Consulting received 28 February 2012 including but not restricted to adherence to spatial restrictions; adherence to precautionary working methods as stated in the reports.

Reason: To ensure the preservation and enhancement of species protected by law in accordance with policy E16 of the Durham City Local Plan and policy 33 of the Regional Spatial Strategy for the North East of England

REASONS FOR THE RECOMMENDATION

63. The proposed development has been assessed against policies E14, E16, H2, H10, H13, T1, T10, Q1, Q2, Q5, Q8, U8a of the Durham City Local Plan and policies 1, 2, 3, 4, 6, 7, 8, 24, 33 and 35 of the Regional Spatial Strategy for North East England and is considered acceptable particularly in relation to the principal material considerations relation the impact of the development on the character and appearance of the surrounding area, amenity and privacy of adjacent landusers and highway safety.
64. In relation to the objections received from neighbouring residents, in this instance these were not considered sufficient to justify refusal of the application given the residential nature of the development and its location and screening afforded from the street scene.
65. There are no material considerations which indicate a decision should be otherwise and therefore the application is recommended for approval.

