

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00420/FPA
FULL APPLICATION DESCRIPTION:	Two detached residential dwellings (Revised and re submitted) (Amended plans showing revised parking and access arrangements received 14th May 2012)
NAME OF APPLICANT:	Mr J R Slater
ADDRESS:	Land Corner Of Waltons Terrace & The Bungalows New Brancepeth Durham DH7 7ER
ELECTORAL DIVISION:	Deerness Valley
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE:

1. The application site lies within the established settlement of New Brancepeth to the west of Durham City and consists of an area of gravelled land which is currently being used as an informal parking area. Traditional terraced properties lie to the north of the site on Walton's Terrace and Rock Terrace. The properties on Walton's Terrace would sit closest to the site across the rear access road for this terrace. The terraced properties are modest in size and scale, most having one first floor habitable window with some incorporating a bathroom window to this elevation. The properties generally have a further window and door at ground floor level, with properties generally incorporating a yard area. Some of these dwellings retain what appear to be original coal stores facing inwards towards the dwelling to the rear of the yards. Semi-detached properties bound the site to its south east, set back across rear gardens on Braunespath Estate. A scattering of timber garages sits immediately west of the site across the access road. In a wider context, New Brancepeth Primary School sits at the end of the access road that passes to the front of the site. Site levels slope gently upwards from north to south.

PROPOSAL:

2. The application seeks permission to erect two detached residential dwellings. The dwellings would provide between 3 to 5 bedrooms each, with habitable accommodation at ground floor level including garage, three bedrooms at first floor level and two further rooms within the roof space which could be utilised as bedrooms or studies. Each dwelling would be orientated facing west. The dwellings would measure 8.4m in overall height, 4.7m to eaves level, 7.6m in width and 8.7m in maximum depth. The properties would be designed with dominant gable elements and traditionally pitched roofs. Regular window arrangements for windows are shown, with windows serving the lounge and bedrooms to the front and serving kitchen, dining areas and bedrooms to the rear. A dormer window and velux style roof light is proposed to each property to the rear roof slope. Two velux style windows are shown to the roof of the gabled pitched roof towards the front of the dwellings. The south facing gable end of the southernmost property would be blank. The North facing gable elevation of the northernmost dwelling adjacent to Walton's Terrace would have a door and utility room window at ground floor level and a bathroom window at first floor level.

These windows would be conditioned to be obscure glazed. Two off street parking spaces and one garage space are proposed per dwelling.

3. This scheme is being reported to committee at the request of Councillor John Wilkinson. Brandon and Byshttles Parish Council have also requested that the application be determined by the Planning Committee.

PLANNING HISTORY

4. An outline application was made in 2008 for the erection of two semi detached dwellings of up to 8 metres in height with all matters reserved at the site. This application was approved by the Council at Planning Committee. A further full application was made in 2009 for two two storey detached dwellings. This application was approved by the Council under Delegated Powers.

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.

6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'

7. The following elements are considered relevant to this proposal;

8. *NPPF Part 7 – Requiring Good Design*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

REGIONAL PLANNING POLICY

9. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

10. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies by making Orders under S109 of the Localism Act, although such Orders are yet to be made.

Both the RSS and the stated intention to abolish are material planning considerations and it is a matter for each Planning Authority to decide how much weight can be attached to this stated intention, having regard to the evidence base which informs the RSS. Policies of particular relevance to this application are as follows:

11. **Policy 4 (The Sequential Approach to Development)** states that development priority should be given to previously developed land in order to identify the most appropriate development sites. Top priority is given to previously developed sites within urban areas, particularly those in close proximity to transport nodes.

12. **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.

LOCAL PLAN POLICY:

13. **Policy H3 (New Housing Development within the Villages)** states that new housing development comprising windfall development of previously developed land will be permitted within the villages of the former Durham City District provided it is appropriate in scale, design and location and number of units to the character of the settlement and does not result in the development of areas which possess important functional, visual or environmental attributes which contribute to the settlements character.

14. **Policy H13 (Residential Areas – Impact upon Character and Amenity)** states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

15. **Policy T1 (Traffic – General)** states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and / or have a significant effect on the amenity of occupiers of neighbouring property

16. **Policy T10 (Parking – General Provision)** states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

17. **Policy Q8 (Layout and Design – Residential Development)** sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimised.

18. **Policy U8A (Disposal of Foul and Surface Water)** requires that development proposals 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:

19. Councillor John Wilkinson has expressed concerns over the application in relation to an overbearing nature, overlooking and dangerous access through Walton's Terrace and has requested the application for this development be determined at Planning Committee. Brandon and Byshottles Parish Council have objected to the application as they consider that the development will overlook the nearby dwellings resulting in a loss of privacy for residents. The parish council have concerns over the suitability of access to the proposed development and have concerns about traffic congestion which it is feared would result from the loss of the informal parking area. Nortumbrian Water has no comments to make on the application.

INTERNAL CONSULTEE RESPONSES:

20. Highways development management initially had concerns surrounding the layout of the driveways proposed to the properties and the associated arrangements for dropped kerbs and kerb reinstatement. These issues have been resolved, therefore highways development management has no objections to the proposals subject to the inclusion of an informative regarding drop kerb construction standards.

PUBLIC RESPONSES:

21. Three letters of objection have been received in relation to the development. Two local residents have put forward concern due to the loss of parking which would ensue from the development of the site. It is suggested this would result in increased congestion and potential for road traffic accidents around the site, along with increased traffic levels in the locality. Residents have raised the point that the development site is close to the school and have raised concern that it would become unsafe for children when going to and leaving the school. Residents have also raised privacy concerns.

22. The City of Durham Trust considers the site to be poorly located, both in terms of access and in relation to neighbouring properties.

APPLICANTS STATEMENT:

23. The applicant considers that the proposed design, location and orientation of the dwellings within the site have been arranged to provide adequate privacy for all existing dwellings adjacent to the site and the proposed houses. The applicant states that the design choice of external surfaces will reflect similar materials used within the area.

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

24. 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 of the site, the layout and design of the proposed dwellings, and loss of informal parking at the site.

Principle of development of the site

25. The principle of residential development at the site has been previously established through an expired outline planning permission for two semi detached dwellings. This principle was further reinforced through the approval of a scheme for two detached residential dwellings in 2009, although this permission, which was granted for a period of three years to commence development, has also expired. The site was judged to be previously developed land and was identified as a potential development site in the New Brancepeth village site appraisal of September 2006. The site is not covered by any special designation relating to its historic or ecological qualities.

26. Policy H3 of the City of Durham Local Plan 2004 states that development of Brownfield sites within New Brancepeth is acceptable provided that the proposals are appropriate in terms of scale, design, location and number of units and appropriate to the character of the settlement while not resulting in the development of areas which possess important functional, visual or environmental attributes. While Officers acknowledge that the site does seem to be serving a functional use as an informal parking area, the validity of this use has to be questioned, as the site is privately owned. Officers can only assume that the site is being used for parking at present due to the goodwill of the owner. The site is bland and provides an area of open space between the traditional terraced properties on Walton's Terrace and the later Braunespath Estate, which are situated at a higher level. Officers do not consider that the site possesses any important visual or environmental attributes. The recently introduced National Planning Policy Framework promotes development in sustainable settlement based locations. Officers consider this site sustainable by virtue of its in-settlement location on previously developed land with good access to a variety of services.

The layout and design of the proposed dwellings

27. Policy Q8 of the Local Plan concerns the layout of new residential development. The dwellings would possess adequate amenity space and would incorporate front and rear gardens. The properties would be appropriate in scale, form, density and materials to the character of their surroundings which incorporate a variety of ages and types of dwelling. Although admittedly large, the dwellings would be able to be accommodated on the site by reason of bridging the gap between the lower terraced properties and the higher Braunespath Estate.

28. In terms of the objections put forward on the grounds of residential privacy, separation distances to properties on Braunespath Estate would measure approximately 22m between facing habitable room windows. This is an acceptable distance with regard to Policy Q8 of the Local Plan. The obscure angle of the relationship would also serve to protect residential amenity. The north facing side elevation of the northernmost dwelling would have a separation distance in excess of 13m to the main rear wall of properties on Walton's Terrace. This elevation would only incorporate small non-habitable room windows, which would be conditioned to be obscure glazed, therefore this separation distance is considered acceptable and is in excess of the 13m guideline separation distance recommended in Policy Q8 of the Local Plan. The relationship of the front and rear windows to Rock Terrace and Walton's Terrace respectively are considered to be oblique and Offices consider that harmful or noticeable overlooking between properties would not ensue. Consequently the proposals are considered not to have a significant adverse impact upon the amenities of residents in the immediate area, although Officers accept that a slight reduction in outlook and light to the rear of properties on Walton's Terrace would ensue, but this would not be sufficient to justify refusing planning permission.

Loss of informal parking at the site & highways issues

29. Officers have visited the site at various times of day and it seems apparent from these visits that the area does receive a good level of use as an informal car park. Officers understand the points of objection put forward in this regard. Officers acknowledge that these cars may have to be parked elsewhere in the area. However, as has been previously outlined, the area does appear to be used on a good will basis, with no guarantee that the informal parking facilities would be available in perpetuity. The Highways Development management section of the Council has carefully considered the application and have not raised concerns regarding highways safety implications for the development in terms of the potential loss of parking at the site or issues of access. Given that Officers have not witnessed more than 8 or so cars on the site at any one time, this level of parking would appear to be able to be accommodated if necessary in surrounding streets. Officers consider that the dwellings themselves would not result in an increased demand for on street parking, as three off street spaces would be incorporated per dwelling, with the appropriate drop and full kerb arrangement around the site.

Other Matters

30. In accordance with Policy U8A a satisfactory scheme for the disposal of foul and surface water should be submitted to the Planning Authority to be approved and implemented before the development is brought into use.

CONCLUSION

31. In summary, Officers consider the application acceptable in terms of the principle of the development of the site. This is because there have been recent approved applications for residential development at the site of a similar type and scale and due to the sustainable location of the proposed development in line with national, regional and local planning Policy.

32. Officers consider the development acceptable in terms of the layout and design of the proposed dwellings. This is because Officers do not consider the dwellings to create any significant reduction in residential amenity or privacy through their positioning and orientation, and because Officers feel the type and scale of the dwellings can be accommodated adequately in this location.

33. Officers consider that the loss of informal parking at the site would not be harmful to highway safety and that access is appropriate.

34. Officers consider the application to meet the requirements of national and regional planning policy, and Policies H3, H13, T1, T10, Q8 and U8A 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. Notwithstanding any details of materials submitted with the application no development shall commence until details of the make, colour and texture of all walling and roofing materials have been submitted to and approved in writing by the Local planning authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

3. Notwithstanding the details shown on the approved plans precise details of all new fenestration, glazing, heads and cills shall be submitted to and approved in writing by the Local planning authority, prior to the commencement of the development. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the appearance of the area and to comply with Policy Q8 of the City of Durham Local Plan 2004.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the glass to be used in the ground floor windows, ground floor door and first floor window on the northern elevation of the northernmost dwelling shall be frosted/opaque and shall remain as such for the lifetime of the development.

Reason: In the interests of the privacy of the neighbouring occupier and to comply with Policy Q8 of the City of Durham Local Plan 2004.

5. The development hereby approved shall be carried out in strict accordance with the following approved plans (Proposed Plans 1, 2, 3, 4, 6, received 05th April & 14th May 2012)

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies H3, H13, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. It is considered that the proposed two detached residential dwellings would be of appropriate scale, design and location while preserving highway safety in accordance with Policies H3, H13, T1, T10, Q8 and U8A of the City of Durham Local Plan 2004

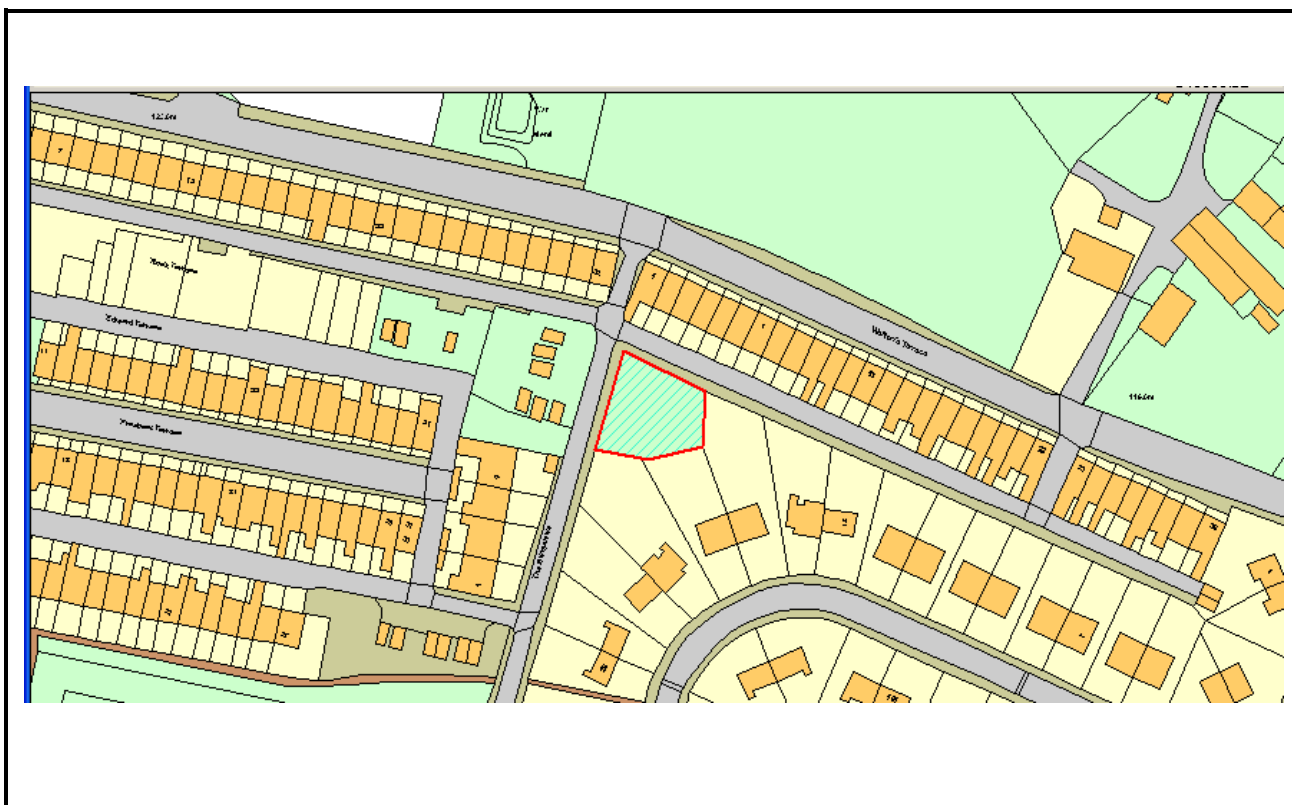
This decision has been taken having regard to the policies and proposals of the North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008 and the City of Durham Local Plan 2004 which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule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


2. In particular the development was considered acceptable as it would be appropriate in terms of issues surrounding the principle of development at the site, layout and design and highways safety.

3. Grounds of objection relating to the proposals were carefully considered but were not considered to be sufficient to lead to reasons on which to refuse the application in view of the accordance of the proposals with relevant development plan policies combined with appropriate planning conditions.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
 City of Durham Local Plan 2004
 Responses from Objectors
 Responses from Councillor and Parish Council
 Response from Highways Development Management
 Response from Northumbrian Water



 <p>Planning Services</p>	<p>Two detached residential dwellings (Revised and re submitted) (Amended plans showing revised parking and access arrangements received 14th May 2012)</p>
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