

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/12/00936/FPA
FULL APPLICATION DESCRIPTION:	Proposed extension of time limit for implementation of 09/00756 for three terraced dwellings.
NAME OF APPLICANT:	Mr Paul Copeland
ADDRESS:	Land Between 24 and 25 The Avenue Durham DH1 4ED
ELECTORAL DIVISION:	Nevilles Cross
CASE OFFICER:	Tim Burnham, Planning Officer, 03000 263963 tim.burnham@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

SITE

1. The application site is a 473m² parcel of land which sits between 24 and 25 The Avenue, within the Durham (City Centre) Conservation Area. The land is garden space associated with 24 The Avenue which sits immediately to the north east and which has remained undeveloped following the sporadic construction of the surrounding terraces that began in the 1800's. Site levels slope downwards from south east to north west, this being particularly pronounced at the front and rear of the site where the land drops sharply from The Avenue towards the rear of the site where the garden then drops steeply to the rear lane. Site clearance has recently taken place at the site, with tree works taking place in relation to the previous approval. Archaeological investigation has also recently been carried out.

2. In wider perspective, further terraced properties of varying scale and mass sit to the north, north east and south west, while larger properties sit in an elevated position to the south on the opposite side of the street. Trees would be maintained to the northwest corner.

PROPOSAL

3. The application seeks an extension of time limit for the implementation of a previously approved scheme at the site. This measure has been introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. The previous application was for the same development and was approved by Planning Committee in 2009. In relation to this type of application, guidance states that local planning authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly.

4. The application proposes the erection of 3 no. two storey terraced dwellings with basement and attic accommodation. The dwellings would appear modest in scale from the front elevation, but greater from the rear elevation, taking advantage of the drop in land levels to offer basement accommodation. Living space would also be provided in the attic with light being provided through dormer and velux style windows.

5. From the front south east facing elevation, the properties would measure 7m to eaves level and 10.4m in height to the ridgeline. Bay windows would be provided at street and basement level. Small velux style windows would be fitted to the front roof slopes.

6. From the North West facing rear elevation the properties would appear greater in mass. They would measure 10m to eaves level and 13.3m in height to the ridgeline. Rear off shots would be incorporated at basement, ground and first floor levels. These would measure 3.5m in width and 2.6m in projection. Basement level storage rooms would also be incorporated to all but the middle property which would measure 2m in projection and 2.5m in width. 1 velux style window would be incorporated to each main rear roof slope on the properties.

7. This scheme is being reported to the Planning Committee at the request of County Councillor Holland as he has suggested that the application is unwelcome amongst the community and that circumstances may have changed over time.

PLANNING HISTORY

8. Planning permission for the development of three dwellings with a maximum of 6 bedrooms each was granted in 2009. Applications have been approved in 2010 and 2012 to discharge conditions associated with the original permission. An application is currently pending consideration for the provision of three properties each with 9 bedrooms on the same site.

PLANNING POLICY

NATIONAL POLICY

9. 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.

10. 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'

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

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

13. *NPPF Part 12 – Conserving and enhancing the historic environment*. Part 12 sets out the governments aims in relation to the conservation and enhancement of the historic environment and gives guidance in relation to matters concerning heritage assets.

REGIONAL PLANNING POLICY

14. *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.

15. 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. 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:

16. **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.

17. **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.

18. **Policy 24 (Delivering Sustainable Communities)** refers to the need to concentrate the majority of the Region's new development within the defined urban areas, and the need to utilise previously developed land wherever possible.

19. **Policy 32 (Historic Environment)** stipulates that planning proposals should seek to conserve and enhance the historic environment.

20. **Policy 54 (Parking and Travel Plans)** seeks to apply guidance set out in national planning policy on residential parking standards, reflecting local circumstances.

LOCAL PLAN POLICY:

21. **Policy E6 (Durham City Centre Conservation Area)** states that the special character, appearance and setting of the Durham (City Centre) Conservation Area will be preserved or enhanced as required by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The policy specifically requires proposals to use high quality design and materials which are sympathetic to the traditional character of the conservation area.

22. **Policy E14 (Trees and Hedgerows)** requires development proposals to retain individual and important groups of trees where appropriate.

23. **Policy E22 (Conservation Areas)** seeks to preserve or enhance the character or appearance of conservation areas, by not permitting development which would detract from its setting, while ensuring that proposals are sensitive in terms of scale, design and materials reflective of existing architectural details.

24. **Policy E24 (Scheduled Ancient Monuments and Archaeological Remains)** requires that in areas of archaeological interest appropriate conditions are in place to ensure an appropriate programme of investigation takes place.

25. **Policy H2 (New Housing in Durham City)** requires that new housing is in keeping with the traditional character and setting of the City.

26. **Policy H9 (Multiple Occupation/Student Households)** seeks to ensure that buildings in multiple occupancy do not adversely affect the character of the area and do not require significant extensions or alterations having regard to Policy Q9.

27. **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.

28. **Policy H16 (Residential Institutions and Student Halls of Residence)** relates to the appropriateness or otherwise of such developments.

29. **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

30. **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.

31. **Policies Q1 and Q2 (General Principles Designing for People and Accessibility)** states that the layout and design of all new development should take into account the requirements of all users.

32. **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.

33. **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

CONSULTEE RESPONSES:

34. Councillor Holland has outlined concern in relation to the application due to potential change in circumstances as time has passed and also outlined the concern of the local community.

35. The Police Architectural Liaison Officer has objected to extension of the original application as he considers that circumstances may have changed within The Avenue and that the development of student accommodation in this location would adversely affect the amenity of existing residents.

INTERNAL CONSULTEE RESPONSES:

36. Planning Policy have objected to the application on the basis that they consider the proposal will have a significant impact on the local area given that it would significantly increase the concentration of houses in multiple occupation in the street. Policy Officers consider that the application raises concerns in relation to Policies H9, H13 and H16 of the City of Durham Local Plan.

37. These Policies relate to the sub division of houses or flats to HMOs and also to residential institutions and student halls of residence and Officers have given these consideration. However, Officers do not consider that these objections can be given substantial weight as the Policies were in place in 2009 and there has been no significant change in Policy in this respect. This will be considered in more detail later in this report.

38. Policy Officers consider the principle of the development of the site could be acceptable in line with the National Planning Policy Framework despite representing a departure from City of Durham Local Plan Policy H2.

PUBLIC RESPONSES:

39. The City of Durham Trust has offered an objection to the application on the basis that the site no longer constitutes previously developed land. The trust considers that the addition of 18 student rooms within the street would be counter productive to the attempt to maintain a balanced community. Letters of objection in relation to the development have been received which outline various concerns. Objectors are concerned about the addition of 18 student bedrooms to the street and are concerned about the state of maintenance of the dwellings. Objectors state that the number of students living within The Avenue has increased since the approval of the previous application with associated problems such as late night noise, increased demand for car parking and problems with refuse collection. Objectors state that the application is no longer compliant with the City of Durham Local Plan. Objectors consider that it would be unlikely that the dwellings could ever be used as residential dwellings if they were let to students. They also state that the application would have a significant adverse effect upon the character of the Avenue and its amenities. Concern has been expressed that the land has been neglected in recent years and used to dump unwanted goods.

APPLICANTS STATEMENT:

40. The proposed development has been approved since 2009. Since this time much off site work has been undertaken on archaeology, site investigation, structural design work and discharging planning conditions attached to the consent. This demonstrates the applicant's commitment to the site. In addition the current financial climate has made funding for large scale construction projects difficult to obtain.

41. The extension of time seeks to allow an additional 3 years for the developer to undertake the scheme on site to continue the works already commenced in site preparation and project design. This will allow the construction of the foundation structure to continue in the New Year as planned. It is recommended that the application be approved and that a further three years be granted to commence construction on site.

42. The owners personally manage all of their student properties and do not hand the properties over to a third party (i.e. lettings agents) to manage, therefore personally keeping control of any issues and managing the properties to a very high standard in keeping with the values of the Durham University accommodation departments code of practice.

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

43. 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 whether or not there has been any significant change in development plan policies or other material considerations that would enable Officers to come to a different recommendation since the original approval was granted.

44. Officers have assessed any Policy changes in relation to the principle of development of the site, the impact of the proposed scheme on the character and appearance of the Durham City Centre Conservation Area, the layout and design of the proposed development, potential impacts upon the residential area and Highways Issues.

45. The principle change in planning policy since the application was originally considered is the introduction of the National Planning Policy Framework, which offers planning guidance at a national level. The City of Durham Local Plan which the original application was assessed against is still of significant material relevance. The North East of England Regional Spatial Strategy is still also of relevance although in July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect. This intent was successfully legally challenged and both matters are considered to be material considerations in determining planning applications.

46. Changes have also occurred within the Town and Country Planning Use Class order. These changes in 2010 saw the introduction of a new C4 use class which relates to houses in multiple occupation. A dwelling in the C4 use class would comprise of a small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

47. Officers do not dispute that there may have been an increase in properties let to students on The Avenue during the intervening period.

The Principle of the development of the site

48. The site proposed for development is garden land which is associated with the adjacent 24 The Avenue, to the north east. The site appears never to have been developed and sits as a gap in the long terrace of properties which works its way up The Avenue. The site has recently been cleared in association with pre commencement works in relation to the previous approval at the site.

49. At the time of the granting of the original application in 2009, garden sites within dwelling curtilage were defined as Previously Developed Land. In June 2010, a ministerial statement announced changes to the now defunct Planning Policy Statement 3. These changes removed garden land from the definition of previously developed land. These changes were carried over into the National Planning Policy Framework which is the key national planning policy document in relation to this application, therefore the site is not considered to represent previously developed land as in Policy terms it comprises of a private residential garden in line with the National Planning Policy Framework.

50. Policy H2 of the City of Durham Local Plan seeks to direct new residential development to previously developed land and conversions, therefore this application now represents a departure from Policy H2 of the City of Durham Local Plan.

51. The National Planning Policy Framework encourages building on brownfield sites and discourages building on gardens by encouraging the effective use of land through reusing land that has been previously developed. However, the matter does need to be given careful consideration and at paragraph 55, the National Planning Policy Framework states Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Officers consider that the change in definition of garden land was designed to mitigate against potential harm.

52. The garden site at The Avenue does not appear to represent a garden in its traditional sense. It has direct frontage to The Avenue and represents a relatively stark break in the terrace which offers little visual contribution to the character of The Avenue. The site has more of the appearance of an undeveloped plot of land rather than a residential garden.

53. The NPPF puts forward strongly a 'presumption in favour of sustainable development'. Officers consider that the development site would be sustainable due to its proximity to Durham City Centre. Officers also consider the site to be sustainable as through being a gap site, it does not make a significant visual contribution to the character of the Avenue, the character of which, particularly to the north east side of the street, is drawn from sweeping terraced dwellings. On balance, Officers consider this a sustainable site for development by reason of its character and by reason of its City Centre location. Officers do not consider that the principle of the development of this site would represent inappropriate development which would harm the local area.

The character and appearance of the Conservation Area

54. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Policy E22 states that proposals should enhance or preserve the character of the Conservation Area. Policy E6 relates directly to the Durham (City Centre) Conservation Area and requires that developments exhibit simple and robust shapes, incorporate traditional roofs, reflect an appropriate quality of design and use appropriate external materials. Policy E14 requires that important trees should be retained on site. These have been key considerations during consideration of this application.

55. The National Planning Policy Framework at Part 12 is now of relevance. This requires that the impact of any development is considered against the significance of the Heritage Asset, which in this instance is Durham City Centre Conservation Area. Officers do not consider that the thrust behind Conservation Area Policy has changed significantly since 2009.

56. The site represents a break in the built form of The Avenue which has always been in existence. However, the infilling of the site with a development that reflects the style, scale and pattern of development within the surrounding area is considered acceptable.

57. The style and detailing of the proposed development reflects that of the surrounding terraced properties. The nature of The Avenue is of stepped properties due to the changing ground level, although the street flattens out briefly in front of the application site. The ridgeline would be set down against no. 24 The Avenue and would match that at no. 25.

58. To the front and rear roof slopes, proposed dormer windows reflect the style and appearance of those within the surrounding street scene and as such would be considered appropriate. Similarly, a velux style window to the front and rear of each property would be an appropriate addition, which would punctuate the roof slopes and would be conditioned to be conservation in style.

59. The rear elevation of the dwellings exhibits simple and robust shapes. The elevation would be broken up by the presence of a three storey extension to each property with a bin store at ground floor level to all but the middle property. This serves further to break up the large elevation while the punctuation of the elevation with the rear elements and the retention of a strong vertical emphasis within the fenestration pattern are considered appropriate. The stepped nature of the projecting extensions reflects a traditional form of development to the rear of terraced properties.

60. The materials which are proposed would serve further to make the development appropriate to its Conservation Area setting. The proposed use of natural stone heads and cills, natural slate and timber framed windows is considered appropriate. Projecting eaves courses with dog tooth detailing and chimneys of typical Victorian proportions serve further to suggest a high quality design.

61. The trees on the site undoubtedly contribute to the character of the immediate locality and Conservation Area. Various trees have been removed at the site in line with the original consent. An Ash tree sits to the rear of 25 The Avenue, while a Swedish Whitebeam and Ash tree sit within the development site. These trees are to be retained with sympathetic crown reductions. An arboricultural implications assessment with tree protection measures has been submitted at the site and is deemed appropriate, landscape officers offering no objection to the application. Maintaining and protecting these trees to the rear of the site would contribute towards preserving the character of the Conservation Area.

62. A retaining wall would be incorporated, but would be outside of the root protection area of the maintained trees. In the root protection area the boundary treatment between the properties would be close boarded timber fence. The rear wall would be brick, built on top of that existing. All boundary treatment would measure 1.8m in height. A simple landscaping scheme is proposed to the rear with random flagged, block paved, gravel and grass surfaces.

63. Officers still consider that the development would rationalise the site and improve the appearance of the immediate area. The site itself is not prominent in longer views from surrounding viewpoints. The properties would also not seriously restrict views to the north and west and would not have a significant impact upon the outlook of properties on the opposite side of the road which sit on an elevated position above.

64. Officers consider that the application would preserve the character of the Conservation Area, while reflecting an appropriate standard of design and materials in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act, Part 12 of the National Planning Policy Framework, Policy 32 of the Regional Spatial Strategy and Policies E6 and E22 of the City of Durham Local Plan.

The layout and design of the proposed development

65. The layout and design of the development is proposed to remain unchanged from the previous approval.

66. Policy Q8 requires that new residential development should be appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate amenity space and privacy should be afforded to each dwelling and outlines appropriate separation distances between properties.

67. There are habitable room windows and an entrance door to the southwest facing elevation of 24 The Avenue which overlooks the application site. This property is within the control of the applicant and it is proposed to block up the windows which serve two bedrooms and a bathroom and internal alterations would see the bedrooms served by down lighting from the front of the property in a similar manner in which the lounge on the north east side of this property is served with light. The entrance door would remain and would be accessed from a passageway beneath the proposed north east dwelling. These works, the principles of which have been agreed through an earlier discharge of conditions application, would be required by way of a Grampian Condition as set out under circular 11/95 relating to a requirement for off site works.

68. It is acknowledged that there would be a reduction in amenity space to the occupants of the flats at number 24. However the amenity space currently available exceeds what would generally be expected for a property of this type. No. 24 would continue to benefit from amenity space to its rear similar to most other properties in the terrace.

69. Policy Q8 requires separation distances of 21m between habitable room windows. This distance would be easily achieved to properties opposite on The Avenue and would also comfortably be achieved in relation to properties on Hawthorn Terrace, to the rear. There is residential accommodation above the rear garage associated with 24 Hawthorn Terrace which would sit closely to the proposed north east dwelling. However, this accommodation is conditioned to be non-habitable and taking into account these factors, it is considered that the physical attributes of the property would not infringe the residential amenity of neighbouring occupiers in accordance with Policies H13 and Q8 of the Local Plan.

70. On balance, officers consider that the application is appropriate in terms of Policy Q8. The proposed development would allow adequate separation distances between properties which would ensure privacy and prevent overlooking, while the dwellings would be suitable in scale, form, density and materials to their surrounds.

The impact upon the residential area

71. Policy H13 states that planning permission will not be granted for new development or changes of use which would have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

72. Officers understand that there are around 22 properties in The Avenue which are licensable HMO's under the Housing Act 2004 and that there are approximately a further 11 properties in The Avenue which are occupied by students but do not need to be licensed.

There are a number of sub divided properties in the immediate area. 24 The Avenue was granted planning approval in 2007 for the formation of four flats providing a total of 22 bedrooms. 26 The Avenue was granted approval for use as a 9 bedroom HMO in 2009.

73. The Council is currently considering a longer term strategy in relation to houses in multiple occupation within Durham City and the matter is still under review. At present there is no clear and direct planning policy to define the amount of shared houses, small houses in multiple occupation or larger, sui generis houses in multiple occupation that would be acceptable in any particular area.

74. It is important to note that while points of objection have been received in relation to these properties being student lets, this type of tenure is by no means a certainty, although Officers acknowledge that this use is likely. As was the case in relation to the original application, the possibility of utilising the rooms identified on the submitted plans as 'reception rooms' as bedrooms is recognised. This would mean that 6 bedrooms could be provided at the property. Officers consider that the dwellings would as such fall within the C4 use class if utilised by between three and six unrelated individuals, as their only or main residence.

75. Concerns over the habitation of the properties by students are noted. It is acknowledged that students may have different lifestyles to many other residents on the street. Officers are aware that by reason of a possible increase in student beds the concern of residents over an increase in alcohol related anti-social behaviour is prevalent. There is a variety of type and range of housing within The Avenue and Officers consider that the proposed dwellings would not result in a development that would be to the detriment of the range and variety of local housing stock. There are no set thresholds in relation to the acceptability of one type of housing or another, and it is for Officers to make a considered judgement, taking into account all relevant material considerations on the matter.

76. In consideration of the original application in 2009, the degree of reversibility of the scheme to family use, if put to use as student accommodation, was seen as a key consideration. Once again, this is seen as a very important factor in relation to this application and the floor plans remain as such that the properties are designed as family dwellings. In the event that the properties would be used as small houses in multiple occupation, planning permission would likely be required to provide more than 6 bedrooms per dwelling as this use would likely fall within the separate sui generis use class.

77. Officers considered at the time of the original application that the development would not have a significant adverse effect on the character or appearance of the residential area or the amenities of residents within it. Officers have not noted any significant change in Policy or other material considerations that would justify a different view point to be reached.

78. In light of the above considerations and in accordance with Policy H13, officers do not consider that the properties would create a situation where the character or appearance of the area or the amenities of residents within them would be significantly compromised.

79. Officers do not feel that a development at the level of accommodation proposed would contravene the National Planning Policy Framework which aims to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The scheme proposed would not necessarily prevent the properties from being used as student accommodation, but given their design and layout, conversion back to family dwellings would be relatively straightforward.

Highways Issues

80. Policy T1 requires that new development should not be detrimental to highway safety or generate traffic which would have a significant affect on the amenity of occupiers of neighbouring property. Policy T10 states that Vehicle parking off the public highway should be limited in amount so as to promote sustainable transport choices and reduce the land take of development.

81. Since the original planning approval at the site, changes have been made in regard to the issuing of parking permits. The dwellings would now not be eligible for any parking permits; therefore vehicular parking would be limited to that provided within the curtilage of the dwellings at a level of two spaces for the three dwellings. Officers consider it unlikely that any significant additional vehicular movements or parking would be associated with the dwellings as the street has permit parking only or time limited meter parking.

CONCLUSION

82. In summary, Officers do not consider that Policy or any other material considerations have altered to such an extent that a different recommendation should be reached. In Policy terms, the application now represents a departure from Policy H2 as the site is no longer classed as previously developed land, although this is considered acceptable due to the sustainable location of the site. Officers have not noted any other significant material changes in relation to the site since the last approval.

83. Officers consider the application acceptable in terms of the principle of the development of the site by virtue of its sustainable in settlement-based location. Officers consider the departure from Policy H2 of the City of Durham Local Plan to be acceptable taking into account all other relevant material considerations. Officers do not consider that this application would represent the inappropriate development of non-previously developed land.

84. Officers remain of the opinion that the application is appropriate in terms of impact upon Durham City Centre Conservation Area as the development is designed in such a manner that it would preserve the character and appearance of the Conservation Area.

85. Officers remain of the opinion that the development is acceptable in terms of the scale, layout and design of the proposed dwellings. This is because the three dwellings could be comfortably accommodated onto the site and because the proposed dwellings are considered to relate well in terms of scale, layout and design to the surrounding buildings and area in general. The properties are designed as family dwellings, albeit they could also be utilised as student accommodation.

86. The development would be acceptable in terms of its impact upon the residential area as Officers consider that the level or density of accommodation proposed would not have a significant adverse impact upon the character of the area to the detriment of community cohesion. In the absence of an evidence based policy relating to proportions of properties to let in any given area, it is not considered that the introduction of a further three properties of the scale proposed, if utilised as student accommodation would demonstrably harm the balance of the local community.

87. Officers consider the application to meet the requirements of the National Planning Policy Framework, Regional Planning Policy and Policies E6, E14, E22, E24, H2, H9, H13, T1, T10, Q1, Q2, Q8, & 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 Policies E6 and E22 of the City of Durham Local Plan.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the practical completion of the development (or occupation of buildings or commencement of use) and any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning authority gives written consent to any variation.

Reason: In the interests of the visual amenity of the area and to comply with Policies E6, E14, E22, H13 and Q8 of the City of Durham Local Plan 2004.

4. Development shall not commence until works have been completed at 24 The Avenue comprising of internal alterations and external alterations to the south east and south west facing elevations in accordance with the approved details under the approved application 10/00258/DRC.

Reason: In the interests of the amenity of nearby residents in accordance with Policies H13 and Q8 of the City of Durham Local Plan 2004.

5. The agreed tree protection scheme (Arboricultural implications assessment and tree constraints plan by All about trees received 07th October 2009) should be implemented prior to the commencement of the development. Further;

a) No construction work shall take place unless all of the protected trees and hedges within the site have been protected by the agreed fencing, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722: Part 4) or chain link fencing (in accordance with BS1722: Part 1) unless otherwise agreed by written consent of the Local planning authority.

b) No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place within the protective fenced areas, and no work is to be done as to affect any tree, without the prior written agreement of the Local planning authority.

c) Ground levels within the fenced areas shall not be altered and any trenches which are approved to be excavated within the root zone or branch spread shall be done so by hand digging or tunnelling only, no root over 50mm being cut and as many smaller roots as possible retained. If trenches are to remain open for more than 24 hours all exposed roots must be protected with earth cover. Trenches

shall be completely backfilled in consolidated layers within seven days or temporarily backfilled in lengths under the trees.

d) Notwithstanding the tree surgery works agreed by this permission in accordance with the arboricultural report, no removal of limbs or other tree surgery works shall be done to any of the protected trees within the site unless the prior written approval of the Local planning authority has been sought.

e) No underground services trenches or service runs shall be laid out without the prior written approval of the Local planning authority with the agreed works being undertaken in accordance with the National Joint Utilities Group ('Guidelines for planning, installation and maintenance of utility services in proximity to trees'), and the relevant British Standard.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no development falling within Classes A, B, C, E or F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local planning authority on an application submitted to it.

Reason: In the interests of the appearance of the area and to comply with Policies E6 and E22 of the City of Durham Local Plan.

7. No development works shall be undertaken outside the hours of 8am to 7pm Monday to Friday and 8.30am to 2pm on a Saturday with no works to take place on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

8. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for C3 (dwelling houses) or C4 (houses in multiple occupation with no more than 6 residents) use only and for no other purpose.

Reason: In the interests of residential amenity having regards to Policy H13 of the City of Durham Local Plan 2004.

9. The development hereby approved shall be carried out in strict accordance with the following approved plans. Proposed plans 14/43/2008 Basement Plan, 11/43/2008 Ground Floor Plan 04/43/2008-b Rear Elevation received 09th October 2012, 13/43/2008 a Attic and First Floor Plans, 03/43/2008 c Proposed Site Plan, 15/43/2008 a Proposed Streetscape Elevation received 17th November 2009, Arboricultural Implication Assessment of Trees at 24 The Avenue, Durham City received 07th October 2009, Additional plans and documentation received 12th June 2012.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies E14, E22, E24, H2, H9, H13, T1, T10, Q1, Q2, Q8 and U8A of the City of Durham Local Plan 2004.

REASONS FOR THE RECOMMENDATION

1. Officers consider the proposed development acceptable with regards to the principle of the development of the site, the impact upon the character and appearance of the Conservation Area, the layout and design of the development, the impact upon the residential area and highways Issues in accordance with Policies E6, E14, E22, H13, T1, T10 and Q8 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. 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

Response from Councillor Holland

Responses from City of Durham Trust

Response from Objectors

Response from Police Architectural Liaison Officer

Response from Planning Policy





Planning Services

Proposed extension of time limit for implementation of 09/000756 for three terraced dwellings.

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Date 11th December 2012