

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00308
FULL APPLICATION DESCRIPTION:	5 no. new dwellings
NAME OF APPLICANT:	Mr A J Sinkinson
ADDRESS:	Land adjacent to 67 Front Street, Pity Me, Durham DH1 5DE
ELECTORAL DIVISION:	Framwellgate Moor
CASE OFFICER:	Sinead Turnbull

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site constitutes an area of land to the North of 67 Front Street, Pity Me. The land is within the limits of development for Durham City. The application site has an area of approximately 0.093 Hectares. It was a piece of land, which was left over from the Smithfield, Pity Me development site. The site slopes upwards significantly to the east, towards properties at Smithfield.
2. The site was originally heavily planted however it was cleared of vegetation by Yuills. Subsequently this site was replanted with trees which were not maintained by the previous owners of the site nor the present owners resulting in the saplings becoming swamped by vegetation growth which in most cases has caused the death of these trees.
3. To the north of the site is mature tree planting which is protected by a Tree Preservation Order. To the west of the site is the busy Rotary Way roundabout. To the east of the site is housing at Smithfield and to the south of the site is the terrace of Front Street.
4. Access to the site would be taken from Front Street, Pity Me. The application includes proposals to extend the highway from Front Street along the site frontage.

The proposal

5. Planning permission is sought for the erection of 5 no. dwelling houses.
6. Plots 1 and 2 would each have 4 no. bedrooms, an integral garage and one off street parking space to the front. Plots 3, 4, and 5 would each have 5 no. bedrooms and two off street parking spaces. The dwellings would be of a relatively simple traditional appearance and would work with the levels on the site. The properties would have three floors, but appear as a two-storey dwelling with accommodation in the roof space to the front elevations and as two storey dwellings to the rear.

7. The application is reported to committee at the request of the divisional Councillor for Framwellgate Moor.

PLANNING HISTORY

8. 4/11/00776 Erection of 1 no. dwelling house Approved 2/2/2012

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. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
12. The following elements of the NPPF are considered relevant to this proposal;
13. *NPPF Part 1 – Building a Strong Competitive Economy* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
14. *NPPF Part 4 Promoting Sustainable Transport* - Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
15. *NPPF Part 6 – Delivering a Wide Choice of High Quality Homes* To boost significantly the supply of housing, applications should be considered in the context of the presumption in favour of sustainable development.
16. *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.

17. *NPPF Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
18. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
19. *NPPF Part 11 – Conserving and Enhancing the Natural Environment.* The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

LOCAL PLAN POLICY:

17. *H2 New Housing in Durham City* supports the development of new housing within the settlement boundary of Durham City provided the development is in accordance with other local plan policies.
18. *Q1 General Principles – Designing for People* sets out the criteria which development should consider in relation to meeting the needs of users of the development.
19. *Q2 General Principles – Designing for Accessibility* sets out the criteria which development should consider in relation to meeting the access requirements of all users of the development. Development should also address safety and be adequate for the needs of the particular use of the proposal.
20. *Q8 Layout and Design* –sets out the requirements, which all new residential development should adhere to.
21. *H13 The Character of Residential Areas* seeks to protect the character, appearance and amenity of residential areas.
22. *Policy H14 - Improving & Creating More Attractive Residential Areas* seeks to improve the environment of existing residential areas and their housing stock.
23. *E14 Existing Trees and Hedgerows* – In considering proposals affecting trees and hedgerows the Council will require development proposals to replace trees and hedgerows of value which are lost.
24. *T1 Highways – General Policy* considers traffic generation of new development and resists development, which would be detrimental to highway safety and/or have a significant affect on the amenity of occupiers of neighbouring property.

25. *T10 Parking* – sets out the requirements for provision of off road parking in new residential development.

26. *U8A Disposal of Foul Water* – development proposals should include satisfactory arrangements for disposing foul and surface water discharges.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. *The Highways Authority* has stated that the developer incorporated the amendments requested at the pre-application stage therefore there is no objection to the proposal subject to a suitable informative relating to the construction of the proposed new road.

28. *Northumbrian Water* have requested a condition requiring details of foul and surface water drainage.

INTERNAL CONSULTEE RESPONSES:

Landscape are satisfied with the submitted tree information.

Ecology Officer offers no objections

Drainage Engineer offers no objections subject to a suitable condition requiring details of surface water drainage.

Design and Conservation raise no objections

PUBLIC RESPONSES:

The application has been advertised by way of a site notice and letters to individual residents. One objector has submitted five e-mails objecting to the proposed development, in addition two other objections have been received stating the following reasons of objection:

- The removal of replanted trees
- The proximity to my gable end
- The possible undermining of my foundations
- Possible flooding
- Further damage to retaining wall
- Removal of green space
- Construction disruption
- Town houses are not in keeping with the street
- Too many houses
- The access road is inadequate
- It appears that new properties do not have gardens
- It would not be pleasant to see 10 wheelie bins to the front of properties
- Concerns over construction traffic
- The summary of the proposal states that the properties will have vehicular and pedestrian access to the rear
- Not enough parking
- Subsidence
- Pressure on the public sewer

APPLICANTS STATEMENT:

The applicants' statement is a response from the applicant to issues raised within the application and by objectors.

A. Ground and Foundation levels adjacent to 67 Front Street (Mr DG Findley):

We have added onto the drawings further information in relation to the proposed ground levels (ref. west elevation, drawing number 15).

The levels indicate the following:

- The existing ground level at the front of number 67 Front Street is 87.240, and the proposed ground level next to the new dwellings is 86.700 (ie 540mm lower than the ground level next to number 67).
- The proposed foundations are likely to be in the region of 900mm deep and the distance between the proposed and existing properties is 2000mm. The new foundations will therefore be clear of the zone of influence on the existing house foundations (the zone of influence is the area of ground within a 42 degree line projected down from the edge of the existing foundation).
- The new road joins onto the end of the existing road, and the levels are shown on the proposed drawing. The new road is not above the existing road alongside number 67 Front Street.
- The drawings show the ground levels at the base of the new walls (not the road levels).
- Relating to the general levels of the proposed houses, the levels are both higher than and follow the line of the existing + proposed road. This is very much in keeping with the general street scene.

B. Design of Proposed Dwellings

We have amended our proposals to incorporate all of the comments from the Design, Heritage and Landscape Team, Durham County Council. We believe that the proposed design matches the traditional nature of the adjacent properties, and is in keeping with the surrounding areas.

C. Location

The proposed development is in a sustainable location, noting the following:

- Pedestrian and vehicular access to the proposed dwellings will be via the existing and proposed road directly alongside the front of the site.
- The proposed site is within easy walking distance of shops and local services within Pity Me.
- Public bus services are within easy walking distance, and provide regular access to Durham City.
- A national cycle route runs alongside the site.
- The proposed dwellings will provide level access into the ground floor area, to comply with Part M of the Building Regulations.

D. Highways and Parking

We have previously submitted details of the proposed development to the Highways Department, and they have responded positively to the proposals, noting the following points:

- The proposed layout is based precisely on the design drawing that we received from the Highways Department.
- The proposed layout shows that each dwelling will have two off-street car parking spaces within the boundary of the site.

E. Site Drainage

With regards to the comments from the Durham County Council drainage engineer, we wish to respond as follows:

- We have previously submitted details of the proposed development to Northumbrian Water (Drainage), and they also have responded positively to the proposals in relation to the discharge of the foul and surface water drainage into the existing combined sewer. The new private drainage around the houses will have separate foul and surface water systems up until they discharge into the combined drainage pumping chamber.
- We are not aware of any watercourse alongside the site.
- We have obtained a design for a drainage pumping chamber from a specialist manufacturer, and the proposals are based on this design.

F. Landscaping

With regards to the comments from the Landscape and Arboriculture Department, Durham County Council, we wish to respond as follows:

- We have attached a copy of the tree impact assessment report, prepared by Batson Ltd. This report fully supports the proposed development, and responds to the points raised by the Landscape Department in relation to the trees.
- All trees are not affected by the proposed development.
- The large ash tree closest to the proposed dwellings has one large limb which is considered to be very dangerous, and needs to be removed as a matter of urgency.
- Our comments in relation to the car parking arrangements (as referred to in the Landscape Departments report) are given in section D above.
- We believe that there is a substantial area of land around the proposed development to allow for a comprehensive landscape scheme to be undertaken.

PLANNING CONSIDERATIONS AND ASSESSMENT

29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, residential amenity, design, landscape and trees, ecology and highway safety.

Principle of the development

30. The application site is located within the settlement limits for Durham City as identified by the City of Durham Local Plan 2004 proposals map. The site represents undeveloped land, which is located within a primarily residential area. Durham City is identified as an area where development will be directed to under local plan policy

H2 'New Housing in Durham City' provided the development would not be in conflict with other local plan policies or any other designations. It is considered that the proposed development would be in accordance with policy H2 of the City of Durham Local Plan 2004. The proposals conformity with other relevant local plan policy is discussed in detail below.

31. National Planning Policy guidance contained within the National Planning Policy Framework applies a presumption in favour of securing sustainable development. Sustainable housing development is created by directing new housing to those areas best able to support it in terms of provision of services and facilities and good public transport links. The settlement in question is well served by facilities and services. The application site is located approximately 2 miles from the amenities of Durham City Centre. The area is also serviced by good public transport links.
32. It is considered that the proposed development represents sustainable development and is therefore considered to be acceptable in principle. The proposal would be in conformity with policy H2 of the City of Durham Local Plan and the NPPF.

Residential amenity

33. Policy Q8 'Layout and Design – Residential Development' sets out the minimum privacy distances between dwellings. Window to window elevations should have a distance of 21 metres, window to blank two-storey elevations should have a distance of 13 metres and window to blank single storey elevations should have a distance of 6 metres.
34. The proposed development has been assessed against the above criteria and as such has been found to meet the minimum privacy distances set out by Policy H8 of the City of Durham Local Plan 2004.
35. The proposed development would provide reasonably sized private gardens for each of the dwellings offering an adequate level of private amenity space to each of the properties.
36. Bin storage would be to the side of dwelling houses at plots 1, 2, 3 and 5. Plot 4 would have bin storage to the front within a timber enclosure.
37. The proposed development in terms of residential amenity is considered to be in accordance with policy Q8 of the City of Durham Local Plan 2004.

Design

38. The site does not fall within a Conservation Area and it has no heritage significance, nor is it within the setting of any heritage asset; however any development should be sympathetically designed to respect the general character of its surroundings and be appropriate in terms of layout, scale, design and materials.
39. The application site is a vacant plot of land located at the north end of the Front Street fronting the busy road and roundabout. The surrounding area comprises of attractive Victorian terraces within Pity Me, with the properties forming the Front Street, unfortunately heavily altered but some retain a degree of their original character, to the rear is a modern residential development. Planting is present on the site particularly to its northern and eastern boundaries.
40. The layout of the scheme comprises of a block of 3 dwellings and a block of two dwellings. The layout of the scheme reflects the character of the terrace at Front

Street, Pity Me. The development takes advantage of the aspect and topography of the site, working with the scale and proportions of the terraced housing next to which it is positioned. The dwellings have three floors, but appear as a two-storey dwelling with room in the roof space from the front and a two storey dwelling house to the rear, due to the change in levels on the site. Neighbour concerns have been raised that the proposed dwellings would not be in keeping with the character of the area. While the house types may be different to the existing adjacent Victorian terrace it is considered that the dwellings generally reflect the local vernacular in terms of scale, density and materials.

41. The scheme has been amended to improve the design and appearance of the proposed dwellings to be more in keeping with the character of the adjacent Victorian terrace. The front elevations have been simplified from their original design and have been amended to include a steeper pitched roof, vertical rooflights, the addition of chimneys, cills and heads to windows, cills over garage doors, garage doors recessed, simplified door canopies, traditional fenestration, Juliet balconies have been removed and dormers reduced. The site is located in a prominent location orientated towards the A167 roundabout. Due to the prominent location of the site it is considered appropriate to condition the submission of sample construction materials to control the standard of the completed development.
42. It is considered that the proposed design would be acceptable in terms of its impact on the visual appearance of the area in accordance with policy Q8 of the City of Durham Local Plan 2004

Landscape and Trees

43. A Tree Impact Assessment has been carried out which outlines the current health and condition of trees adjacent to the application site. These trees are protected by a Tree Preservation Order. The Council's landscape officer has confirmed that the submitted tree information confirms that the proposed development would not impact upon trees adjacent to the development site.
44. The submission of a suitable landscaping scheme shall be a condition of any planning permission. The landscaping scheme shall be informed by the recommendations of the Council's specialist tree and landscape officers.
45. It is considered that the proposed development would be in accordance with policy E14 of the City of Durham Local Plan 2004.

Ecology

46. Durham County Council's ecologist has confirmed that the proposed development would not create any significant adverse impacts to protected species.
47. The proposed development would be in accordance with the NPPF.

Highway Safety

48. As part of the development the highway from Front Street would be extended along the site frontage. The development includes 10 off street parking spaces, with plots 1 and 2 each having one garage and one off street parking space and plots 3, 4 and 5 each having two off street parking spaces.

49. Durham County Council's Highways Engineer has assessed the scheme and has raised no objection subject to a suitable informative relating to the construction of the new road.
50. Concerns have been raised by neighbours in relation to parking and construction traffic however the Council's Highways engineer has raised no objections to the proposal as the scheme would upgrade the highway to the site frontage to an acceptable useable standard.
51. The proposed development is considered to be acceptable in terms of access and parking in accordance with policies T1 and T10 of the City of Durham local Plan 2004.

Other Matters

52. Concerns have been raised in relation to drainage, flooding and the ability of the mains sewer system to cope with the new development. Northumbrian Water has been consulted and have recommended a condition requiring further details of surface and foul water drainage.
53. The issue of damage to neighbouring property has been raised. Damage to neighbouring property as a result of development is a civil matter. Property owners are protected through the Party Wall Act 1996.
54. The loss of green space has been raised as an issue. It is considered that the principle of the development of the site has already been established through the earlier application 4/11/00776 which members may recall was approved by committee on 2/2/2012.
55. In order to minimise construction disruption it is considered appropriate to condition site working hours.
56. A comment has been made that the dwellings would not have any gardens, this is not the case, the site plan and sectional drawings demonstrate that the development can provide adequate gardens for the proposed dwelling houses.
57. Subsidence has been referenced by an objector. It is considered that ground conditions are the responsibility of the developer.
58. An objection relates to the mention within the application documents of occupiers having vehicular and pedestrian access to the rear. As the road to the rear of the site is public highway it can be accessed by any member of the public.

CONCLUSION

59. The proposed development would be sited within the limits to development for Durham City. New development is directed to those areas best able to support it in terms of access to facilities, services and public transport links. The site is considered to be in a sustainable location. The proposal is therefore considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan and the NPPF.
60. The proposed development would not be detrimental to the amenity of neighbouring properties in accordance with policy Q8 of the City of Durham Local Plan 2004.

61. The proposed development would be of a good quality design and would contribute to the housing mix in the area and would bring about improved landscaping on the site, in accordance with policies H13, Q1, Q2 and E14 of the City of Durham Local Plan 2004.
62. The development would not cause any significant detrimental impacts to protected species in accordance with the Habitats Directive and the NPPF.
63. The proposal would be acceptable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

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

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

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

Plan Ref No.	Description	Date Received
	Site Location Plan	10/4/2013
14	Site plan	30/5/2013
10	Proposed ground floor plan plots 1 & 2	22/5/2013
20	Proposed ground floor plan	22/5/2013
12	Proposed second floor plan	22/5/2013
11	Proposed first floor plan	22/5/2013
16	Proposed north and south elevations	22/5/2013
17	Proposed east elevaton	22/5/2013
15	Proposed west elevation	22/5/2013
19	Proposed roof plan	22/5/2013
18	Proposed site section A-A	22/5/2013

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

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

of development in the case of phased development) and shall thereafter be maintained for a period of 5 yrs following planting.

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

4. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external walling, roofing and hardstanding materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

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

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

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

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

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

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

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

8. No development shall commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding in accordance with the NPPF.

9. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of;

Monday to Friday - 08:00 to 1800
Saturdays - 0800 to 1300

No construction works shall be carried out on bank holidays and Sundays.

Reason: In the interests of preserving the amenity of residents in accordance with policy Q8 of the City of Durham Local Plan 2004.

10. Notwithstanding any details submitted with the application prior to the commencement of the development details of bin stores shall be submitted to and approved in writing by the local planning authority. The bin stores shall be constructed and available for use prior to the occupation of the dwelling to which they relate.

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

REASONS FOR THE RECOMMENDATION

1. The proposed development is considered to be an acceptable development in principle and would meet the key aims of sustainable development in accordance with Policy H2 of the City of Durham Local Plan 2004 and the NPPF.
2. The development was considered to be acceptable in terms of its siting, design and layout and its resultant impacts on the amenity of neighbouring properties in accordance with policies Q1, Q2, Q8 and H13 of the City of Durham Local Plan 2004.
3. The proposed development would not cause any significant detrimental impacts to protected species in accordance with the NPPF.
4. The development was considered to be acceptable in terms of its impact on landscape and trees in accordance with policy E14 of the City of Durham Local Plan 2004.
5. The proposal would be suitable in terms of highway safety in accordance with policies T1 and T10 of the City of Durham Local Plan 2004.
6. Objections to the proposals were not considered sufficient to warrant refusal of planning permission.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Form, Plans and Supporting Documents
National Planning Policy Framework
City of Durham Local Plan 2004
Consultation Responses

