

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/01449/OUT
FULL APPLICATION DESCRIPTION:	Erection of dwelling with integral garage (outline) (description amended 25/02/14)
NAME OF APPLICANT:	Mr A Duncan
ADDRESS:	Land at 10 Redhills Lane DH1 4AJ
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 sits to the west of 10 Redhills Lane which is a detached residential dwelling to the west of Durham City Centre. The site itself currently forms part of the garden curtilage of 10 Redhills Lane and hosts a flat roofed detached garage which is associated with this property. 8 Redhills Lane, a semi-detached residential property sits to the west of the site, while 12 Redhills Lane, a residential bungalow sits to the east of 10 Redhills Lane. Site levels slope downwards from west to east, with property immediately to the west of the site sitting at a lower level than the application site. The application site has an existing vehicular access which serves the garage from Redhills Lane. Opposite the site sits an open area and secondary access to Durham Johnston School.

PROPOSAL

2. The application seeks outline planning approval to erect one residential dwelling with integral garage on the site. Although indicative plans providing details of the size and scale of a residential dwelling were submitted alongside the application these details have since been removed from consideration by the applicant's agent. Changes to planning regulations mean that further details are not required to be submitted alongside an application for outline planning approval, and further details relating to the reserved matters of access, appearance, landscaping, layout and scale would need to be submitted at a later stage if outline planning approval was granted on the site. The red line site plan has identified an area of approximately 260m² for the development of one residential dwelling.

3. Councillor Martin has requested that the application be determined by the planning committee due to concerns over garden grabbing, impact to 8 and 12 Redhills Lane and due to concerns over an existing hedge.

PLANNING HISTORY

4. There is currently an application pending consideration for extensions and alterations to the main dwelling on the site 10 Redhills Lane.

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'

The following elements are considered relevant to this proposal:

7. *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.

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.

9. *NPPF Part 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.* Planning plays a key role in helping shape places to secure Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change. Local Planning Authorities should have a positive strategy to promote energy from renewable and low carbon sources. Inappropriate development in areas at risk of flooding should be avoided.

LOCAL PLAN POLICY:

10. *Policy E14 - Protection of Existing Trees and Hedgerows* This Policy states that the Council will require development proposals to retain areas of woodland, important groups of trees, copses and individual trees and hedgerows wherever possible and to replace trees and hedgerows of value which are lost.

11. *Policy E16 - Protection and Promotion of Nature Conservation* is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.

12. *Policy H2 - New Housing within Durham City* – This Policy supports the development of previously developed sites and conversions within Durham City.

13. *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.

14. *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

15. *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.

16. *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.

17. *Policy U8A - Disposal of Foul and Surface Water* - requires that development proposals include satisfactory arrangements for disposing foul and surface water discharges.

18. *Policy U13 - Development on unstable land* This policy states that development on unstable land will only be permitted where there is no risk to users of the development or where appropriate remediation measures can be undertaken.

EMERGING POLICY:

19. The emerging County Durham Plan is now in Pre-Submission Draft form, having been the subject of a recent 8 week public consultation, and is due for submission in spring 2014, ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF.

Policy 15 is particularly relevant, relating to development on unallocated sites. It states

All development on sites that are not allocated in the County Durham Plan or in a Neighbourhood Plan, will be permitted provided the development:

- a. Is appropriate in scale, design and location to the character and function of the settlement;
- b. Does not result in the loss of a settlement's last community building or facility (of the type which is the subject of the proposal) unless it can be demonstrated that it is no longer viable or has not been purchased by the community following the procedures set out in the Community Right to Bid;
- c. Is compatible with and does not prejudice any intended use of adjacent sites and land uses; and would not involve development in the countryside that does not meet the criteria defined in Policy 35 (Development in the Countryside).

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> in relation to the City of Durham Local Plan and <http://durhamcc-consult.limehouse.co.uk/portal/planning/ps/> in relation to the County Durham Plan.

CONSULTATION AND PUBLICITY RESPONSES

CONSULTEE RESPONSES:

20. Highways Development Management: no objection.
21. Ecology: No objection.
22. Northumbrian Water: No objection.
23. Coal Authority: Object to application.
24. Environmental Health: No objection and advice given on appropriate construction practices.

PUBLIC RESPONSES:

25. Councillor Martin has requested that the application be determined by the planning committee. Concerns have been expressed that the application would constitute a garden-grab new property that will severely affect the light to the rear of No 8 Redhills Lane as well as the visual amenity of the residents of No 12 Redhills Lane. Concern is also raised over an established beech hedge to the rear of the existing property that is threatened by the development.
26. Six letters of public objection have been received in relation to the proposed development. One letter of concern has been received.
27. There are fears that the property could be used as student accommodation. There are concerns that the building would be out of character with the surrounding area and would reduce the value of property within the area.
28. Concern is expressed by a neighbouring occupier over impact on landing and shower room windows. Concern is expressed over potential loss of light to the rear garden of the neighbouring property. There is concern that development on the site could represent over development while there are also fears for a loss of privacy and amenity. There is concern in relation to parking demand within the street and fear that a new dwelling would introduce a significant amount of noise into the area.
29. Concern has been expressed in relation to plans previously submitted alongside the application, with views expressed that the dwelling shown was too large to be comfortably accommodated on the site. Suggestions have been made that any future development should be appropriate in scale, design and positioning on the site.

APPLICANTS STATEMENT:

30. The site currently forms part of the overgrown garden of 10 Redhills Lane. It currently has an unattractive detached garage with a flat felt roof.
31. Our proposal is to demolish the garage and construct a detached 2 and a half storey dwelling house with an integral garage with landscaped gardens to the front and rear. The house will be occupied by our son who works in Durham City. Living in the new house would enable him to walk to and from work.

32. The frontage of the house would be in line with all other properties in Redhills Lane. Its size and scale are in keeping with all surrounding properties.

33. Its external appearance would be similar to all other properties in the street and it would be constructed of materials to be agreed with the Planning Authority. Other properties in the street comprise detached houses, semi detached houses, detached bungalows and flats.

34. As Redhills Lane has a gentle gradient it would be our intention to lower the ground level slightly so that the ridge height follows the ridge height of adjoining properties.

35. At the request of the Planning Authority a bat survey was undertaken. No bats are present.

36. It is our intention to retain the mature hedging at the front side and rear of the plot.

37. After checking the Council's website as at midday on 26 February there are no objections to the proposed house from neighbours or other organisations. If this is not the case I would like an opportunity to comment further.

38. Pre application advice was obtained from Mr Burnham prior to this application and we were advised that the application would be looked upon favourably.

39. I trust that you will honour this pre application advice and that outline planning permission will be granted.

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://fred:8080/IDOXSoftware/IG_search?app_id=1002&menu=1&FormParameter1=CE1301578FPA&FormParameter2=100110741166&code=QVGKPHUGJX

PLANNING CONSIDERATIONS AND ASSESSMENT

40. 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 at the site, impact upon character and amenity and highways issues.

The Principle of the development of the site

41. Policy H2 of the City of Durham Local Plan 2004 supports the provision of new housing comprising of windfall development of previously developed land and conversions. The application is not in accordance with this Policy and has been advertised as a departure.

42. However, the key aspect to the principle of development in this location is Officers' consideration that the site is sustainable in accordance with National Planning Policy Framework guidance. It is well related to other residential property and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities within Durham City. Public transport links are easily available nearby. The development of an appropriately sized, scaled and positioned dwelling set appropriately within the sloping site would relate reasonably to the existing settlement, forming a natural continuation of development within the street between two well established residential

dwellings at 8 and 10 Redhills Lane. Greater weight is now being afforded to the NPPF than the City of Durham Local Plan Policy H2, whereby sustainability is a key consideration.

43. Policy Q8 of the City of Durham Local Plan seeks to ensure that the layout and design of any new development is appropriate. It requires that development is appropriate in scale, form, density and materials to the character of its surroundings. It requires that adequate privacy and amenity is provided to each dwelling.

44. Given that the application is for outline planning permission with all matters reserved, issues surrounding the layout and design of the development can at present not be given any detailed consideration.

45. Indicative plans were initially submitted with the application but these have since been withdrawn from consideration due to Officer concerns over the size and scale of the building that had been suggested.

46. Nevertheless, Officers need to be satisfied that a suitable dwelling could be accommodated on the site. The application site measures approximately 10m in width to the front of the site and approximately 15mtrs in width to the rear. The depth of the site would be between 23 and 25mtrs. The site has an area of approximately 262 m². This type of plot size would not be out of character with other plots in the area. Officers consider that it would be possible to locate a modest detached dwelling on the site for example, with a reasonable garden area, which would be acceptable in terms of layout and design to the character of the area. Any dwelling on the site may need to be set down slightly within the landscape to follow the slope of the land downwards from east to west.

Impact upon character and amenity

47. Policy H13 of the City of Durham Local Plan 2004 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. Given the area is predominantly residential in nature, Officers consider that the development of a dwelling would be acceptable in this respect.

48. Existing habitable room windows to the western elevation of 10 Redhills Lane would be removed (as part of an associated application CE/13/1450/FPA) with alternative windows to be provided to the front and rear elevations of the existing dwelling. Windows do overlook the site from the east facing side elevation of 8 Redhills Lane; however these appear to serve a landing and shower room and as such would not be considered as habitable rooms. Inevitably a dwelling in this location would result in a degree of loss of morning sunlight to this side of the neighbouring property and rear garden. A distance of approximately 3.6mtrs still does exist from the side elevation of this dwelling to the boundary of the site with 10 Redhills Lane, and any overshadowing resulting from the development of a dwelling on this site would not be sufficient to justify refusal of planning permission. A ground floor window in the west facing elevation of 10 Redhills Lane has been blocked up in a manner which would not represent development coming under planning control. A suitable window arrangement could be provided to this part of 10 Redhills Lane under permitted development rights orientating windows to the front and rear if required.

49. Facing distances to the rear of properties on Surtees Drive to the south well in excess of the required 21mtrs could be achieved. Officers do not consider that an appropriate dwelling to the site would have such a significant impact upon the character and amenity of the area to warrant refusal of the application. Officers acknowledge that a dwelling on this site, depending on its position, does have the potential to restrict some longer distance views from a side window at 12 Redhills Lane and the rear garden of this property. This would need to be assessed at the reserved matters stage if outline permission is granted.

Highways Issues

50. Highways Development Management has offered no objections from a highways aspect to the principle of a dwelling in this location. Highways Officers have noted that on street parking may be causing problems within the street and require that an acceptable level of off street parking would need to be provided commensurate with the size of the dwelling. This issue would be considered at the reserved matters stage when details of the design and layout are submitted.

Other issues

51. The Coal Authority has objected to the proposed development and has suggested that a coal mining risk assessment is needed to ensure that the site is, or can be made safe and stable for development. While ideally these assessments should be submitted upfront it is Council Policy not to invalidate an application if such a risk assessment is lacking. This information is however conditioned and the developer will be required to submit a coal mining risk assessment and carry out any necessary remedial measures as part of any planning approval.

52. A bat risk assessment has been submitted in relation to the buildings on site. The site has been identified as being low risk for bats and the Council's senior ecology Officer has offered no objections to the application.

53. Officers cannot give significant weight to whether or not students would occupy any property built on the site or to issues surrounding any potential devaluation of property in the area. The current application is for a single dwelling, whilst the latter issue is not a valid planning consideration on which a refusal of permission could be based. Officers acknowledge that activity could increase slightly in the area should a dwelling be built but the additional activity associated with one property would not be to an unacceptable level, and cannot therefore give significant weight to concerns over potential future noise or disturbance.

54. Environmental Health have offered guidance on appropriate working practices during construction of the property at the site and these would be included as an informative with any approval.

CONCLUSION

55. Officers consider that the principle of the development is acceptable as it would represent residential development in a sustainable location with good access to a range of services in line with the National Planning Policy Framework. Officers consider that the site is capable of playing host to a residential dwelling of appropriate layout and design while no significant adverse impacts upon the character or amenity of the area or the amenities within it have been identified. The development is considered appropriate in relation to highways safety.

56. Taking all relevant planning considerations into account, Officers consider the application to meet the requirements of the National Planning Policy Framework Parts 6, 7 and 10 and Policies E14, E16, H13, T1, T10, Q8, U8A and U13 of the City of Durham Local Plan 2004.

RECOMMENDATION

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

1. Approval of the details of access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters shall be made to the Local planning authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby approved shall be carried out in strict accordance with the following approved plans and documents.

Site Plan received 14th November 2014 & Bat Risk Assessment, Dendra Consulting Ltd received 17th January 2014.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved Policies E14, E16, H2, H13, T1, T10, Q8, U8A and U14 of the City of Durham Local Plan 2004.

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

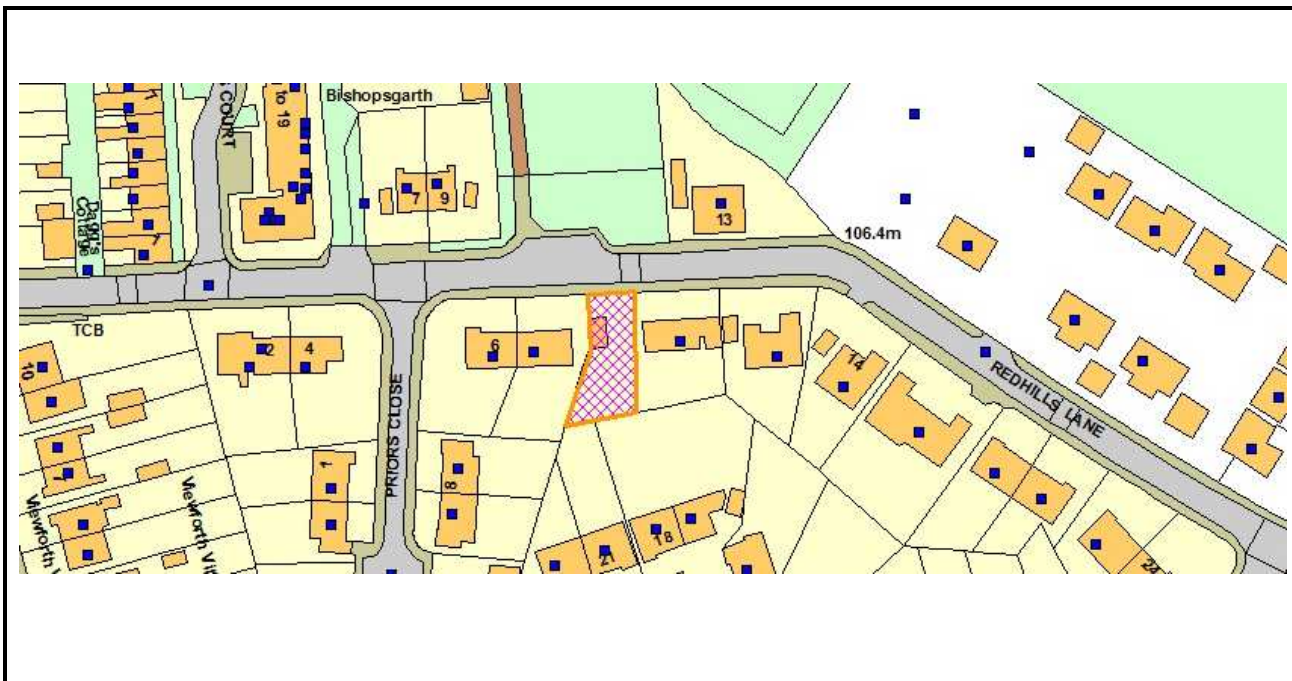
Reason: To prevent the increased risk of flooding from any source in accordance with the National Planning Policy Framework and Policy U8A of the City of Durham Local Plan 2004.

5. Prior to commencement of development the applicant should undertake a Coal Mining Risk Assessment. The results of this risk assessment shall be submitted to, and approved in writing by the Local Planning Authority before the commencement of development. Any remediation measure identified as being necessary resulting from this risk assessment shall be carried out prior the commencement of development.

Reason: To ensure that the risks to the future uses of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public in accordance with the NPPF and Policy U13 of the City of Durham Local Plan 2004.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
 National Planning Policy Framework
 City of Durham Local Plan 2004
 Response from Councillor Martin
 Consultation responses



Planning Services

Erection of dwelling with integral garage (outline) (description amended 25/02/14)

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