

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/14/03100/FPA
FULL APPLICATION DESCRIPTION:	Three-Storey Building comprising Two Flats with Off-Street Parking
NAME OF APPLICANT:	Gilesgate Properties Ltd
ADDRESS:	40A, Front Street, Framwellgate Moor, County Durham, DH1 5EE
ELECTORAL DIVISION:	Framwellgate and Newton Hall
CASE OFFICER:	Allan Fenwick allan.fenwick@durham.gov.uk 03000 261 957

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to a strip of land between 40 and 41, Front Street measuring approximately 5m wide by almost 40m deep which appears largely neglected with a detached garage centrally sited within the plot. The site to which this application relates is located to the north of the designated local shopping centre of Framwellgate Moor within Durham City.

The Proposal

2. Full Planning Permission is sought for a three-storey building comprising of a one bedroom ground floor flat and a two bed roomed flat at first and second floor level set between 40 and 41, Front Street. The proposal would replace the existing garage on the same part of the site.
3. The building will be set back from the building line of the immediate street scene by approximately 6m to accommodate two parking spaces and will measure an approximate depth of 18m at ground floor and 10m at first and second floor levels with an overall height of no more than 9m to its ridge height.
4. The site to which this application relates has previously benefitted from permission (4/05/00141/FPA and 4/06/00125/FPA) to construct two residential units which have since lapsed.
5. The application is brought before members at the request of Councillor Mark Wilkes on grounds of lack of parking provision and impact upon street scene.

PLANNING HISTORY

6. 4/04/01232/FPA: Erection of detached Dwelling House: Refused 24/11/2004

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

7. 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
8. 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’
9. 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
10. The following elements of the NPPF are considered relevant to this proposal
11. 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
12. 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
13. 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
14. 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

LOCAL PLAN POLICY

City of Durham Local Plan

15. Policy H2 – New Housing within Durham City states that new residential development comprising windfall development of previously developed land will be permitted within the settlement boundary of Durham City provided that the proposals accord with saved Policies E3, E5, E6, Q8, R2, T10 and U8A
16. 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

17. Policy Q8 – Layout and Design - Residential Development sets out the Council's standards for the layout of new residential development. Amongst other things, new dwellings must be appropriate in scale, form, density and materials to the character of their surroundings. The impact on the occupants of existing nearby properties should be minimized
18. 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

RELEVANT EMERGING POLICY

The County Durham Plan

19. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the City of Durham Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
20. Paragraph 216 of the NPPF says that 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. The County Durham Plan was submitted for Examination in Public in April 2014 and stage 1 of that Examination has been concluded. However, the Inspector's Interim Report which followed, dated 18 February 2015, has raised issues in relation to the soundness of various elements of the plan. In the light of this, policies that may be relevant to an individual scheme and which are neither the subject of significant objection nor adverse comment in the Interim Report can carry limited weight. Those policies that have been subject to significant objection can carry only very limited weight. Equally, where policy has been amended, as set out in the Interim Report, then such amended policy can carry only very limited weight. Those policies that have been the subject of adverse comment in the interim report can carry no weight in the development management process.
21. In light of the above it is considered appropriate to draw attention to the relevant components of the emerging Plan in this report to which a degree of weight can be attached. However, the weight that can be attributed to these emerging policies is of such a limited level that it should not be the overriding decisive factor in the decision making process.
22. Policy 1 (Sustainable Development) – States that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

23. Policy 15 (Development on Unallocated Sites) – States that all development on sites that are not allocated in the County Durham Plan will be permitted provided the development is appropriate in scale, design and location; does not result in the loss of a settlement last community building or facility; is compatible with and does not prejudice any intended use of adjacent sites; and would not involve development in the countryside that does not meet the criteria defined in Policy 35.
24. Policy 18 (Local Amenity) – Seeks to protect the amenity of people living and/or working in the vicinity of a proposed development in terms of noise, vibration, odour, dust, fumes and other emissions, light pollution, overlooking, visual intrusion, visual dominance, loss of light or loss of privacy.
25. Policy 48 (Delivering Sustainable Transport) – All development shall deliver sustainable travel by delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; and ensuring that any vehicular traffic generated by new development can be safely accommodated.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. Parish Council: Following very careful consideration, Framwellgate Moor Parish Council would like to fully support the comments already made by residents in the vicinity of the application site where residents have objected to the proposal for the reasons they have quoted

INTERNAL CONSULTEE RESPONSES:

27. Contaminated Land: No adverse comments
28. Drainage and Coastal Protection: No objection given the application site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations
29. Ecology: No objection given the application supports a limited range of habitat types with the potential for nesting birds. Overall, the granting of Planning Permission would not constitute a breach of the relevant conservation and habitats regulations. The Applicant will be made aware of their duties and responsibilities by way of an Informative
30. Highways Development Management: The proposal is considered acceptable on this occasion given that a previous application for two flats at the same site with the same parking arrangements has previously been approved, though not implemented
31. Noise Action Team: No objection to the scheme, in principle, subject to an Informative advising the Applicant of their responsibility in respect of noise, dust and construction hours

PUBLIC RESPONSES:

32. The application was advertised by means of a site notice and by letter to 11 neighbouring properties within the area. 5 letters of objection have been received raising concerns relating to:
- Residential and visual amenity
 - Impact upon street scene
 - Parking provision

APPLICANTS STATEMENT:

33. The Agent acting on behalf of the Applicant was invited to submit a statement in support of this application. At the time of report preparation, nothing has been received

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

34. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
35. The main considerations in regard to this application are the principle of the development, impact upon the street scene, residential and visual amenity and highways.

Principle of Development

36. There is a presumption in favour of sustainable development and the government is committed to ensuring the planning system does everything it can to support sustainable economic growth at the heart of the National Planning Policy Framework (NPPF). It is essential that social, economic and environmental issues are supported in equal measure. The NPPF's twelve core planning principles state that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. These aims are also reflected in the current saved Policies of the City of Durham Local Plan.
37. In the first instance, Paragraph 56 of the NPPF suggests great importance shall be attached to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should positively contribute to making places better for people. In turn, Paragraph 60 further suggests planning policies and decisions should not attempt to impose architectural styles or particular tastes or stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. In addition, Paragraph 61 also acknowledges whilst visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and

decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

38. Similarly, saved Policy H2 of the current City of Durham Local Plan suggests new housing development comprising of windfall development of previously developed land and conversions will be supported subject to the protection of both the character and setting of Durham City whilst also according with relevant design and traffic saved policies. In turn, saved Policy H13 suggests planning permission will not be granted for new development that would have a significant adverse effect on the character or appearance of residential areas, or the amenities of adjacent residents. In addition, saved Policy Q8 also 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 ensuring the impact upon the occupants of existing nearby properties should be minimised. In terms of amenity and the privacy of existing and future residents, main elevations which face each other are required to have a minimum separation distance of 21m.
39. The application site is located within the settlement boundary in between a terrace of residential properties, situated to the west of Front Street and to the north of the designated local shopping centre of Framwellgate Moor within Durham City.
40. Therefore, it is considered the principle of development accords with the aims and objectives of the National Planning Policy Framework and the relevant saved policies of the current City of Durham Local Plan which promote sustainable economic growth in town and city centres. Indeed, the proposal is considered well related to other residential properties and is within close proximity to existing services and facilities such as shops, sports, school and medical facilities in the immediate vicinity of Framwellgate Moor with excellent public transport links along Front Street to wider areas of Durham City. The development would take place on the site of the existing detached garage and part of the associated hardstanding, and so would be considered to be previously developed land.
41. It is also relevant to note that the principle of development has previously been established following the submission and approval of two similar planning applications to construct two residential units but which have since lapsed (4/05/00141/FPA and 4/06/00125/FPA).

Impact upon Street Scene

42. The development of the site for housing is considered to relate appropriately to the existing settlement, forming a continuation of development within the settlement boundary between two existing and well-established residential dwellings between 40 and 41, Front Street.
43. The existing residential dwellings within the immediate vicinity of the application site are terraced with properties to the south on the edge of the Framwellgate Moor Centre and to the north of Pity Me. The immediate residential properties are all Victorian complemented with bay windows and traditional architectural features.
44. Whilst the site to which this application relates sits between two such houses, the footprint of the building will not adjoin either or set out to join the terrace. Indeed, the site is separated from either property by their respective driveways and amenity space and so afforded a degree of isolation which opens the potential for a very deliberate yet subtle alternative design which will not appear within the street scene to be completely integrated with the established terraces elsewhere along Front Street.

45. Indeed, the building will be detached with residential accommodation spread over three floors and so may appear higher than the existing properties either side. However, this will be somewhat mitigated given the narrow building would be set back almost 6m from the classified highway and benefit from a degree of space from the large Victorian dwellings on either side ranging from 2.5m from the south facing boundary and 3m from the north facing boundary. In any event, the ridge height of the building will be no higher than that of the immediate adjacent properties. It is considered the proposal represents a building that in terms of massing relates well to its neighbours. The adherence to the building line is not considered critical given the separation distance and the contrast in style of the proposal compared to the immediate neighbouring properties. Ultimately, it is considered a modern pastiche of the adjacent properties with lower modern ceiling heights together with the narrow constraints of the application site set against the generous proportions of the existing and established Victorian terrace, would otherwise result in the proportions of the street scene having a different appearance. Officers consider the proposals represent a potentially characterful addition to the street scene. Admittedly, the proposal will need to bear some reference to the surroundings. It is considered this can be appropriately achieved through condition of materials and means of enclosure enabling the building to integrate well within the terrace whilst having a character of its own and not being unduly obtrusive.

Residential and Visual Amenity

46. In terms of amenity of adjacent neighbouring properties, the adjacent neighbouring property 40, Front Street is located to the south of the application site and is separated by their driveway which affords an adequate degree of light and separation. The orientation will ensure the proposal will have no impact in respect of sunlight. Similarly to the north, the adjacent neighbouring property 41, Front Street will be unaffected by overlooking given the gable elevation of the building will be a solid wall. Whilst it is acknowledged the building will overlap the rear garden curtilage of the adjacent neighbouring property, it is considered its impact is somewhat mitigated by the separation distance and the building will occupy a similar position to that of the existing garage. Furthermore, the overlap beyond the extent of the existing building is only single-storey in height, such that its impact is considered acceptable. The proposal will comfortably meet the required minimum distancing standards given there would be a separation distance of more than 30m between the rear elevations of 7 and 8, Alexandra Close situated to the west of the application site and the building at both first and second floor levels. It is anticipated the proposal will allow for the re-development of an untidy site thus significantly improving the general environment of the area and that of local residents.

Highways

47. Following detailed discussions and protracted negotiations between the Agent, Case Officer and Highways Officer, it is considered the Agent acting on behalf of the Applicant has since submitted revised drawings to ensure this application may be looked upon more favourably.
48. Whilst an area of parking enclosed by a boundary fence will leave little room for circulation when two cars are parked, the Highways Officer has considered the proposal acceptable on this occasion given that a previous planning application for two residential units within the application site with the exact same parking arrangements has previously been approved. The parking facilities, although representing a somewhat constrained arrangement, are designed to the dimensions of two standard parking spaces, thereby satisfying the parking requirements for two flats.

Other Issues

49. The Area Assistant Drainage Engineer has confirmed the application site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
50. The Contaminated Land Officer has considered the submitted phase 1 desk top study report and confirmed there is no requirement for a land contamination condition
51. The Principal Ecologist has considered the submitted bat risk assessment and offered no objection to the application given the application site supports a limited range of habitat types with the potential for nesting birds. Overall, the granting of Planning Permission would not constitute a breach of the relevant conservation and habitats regulations.
52. The Senior Environmental Health Officer has offered no objections to the scheme, in principle, subject to an Informative attached to any decision issued by the Local Planning Authority. The Informative will advise the Applicant of their responsibility in respect of noise, dust and construction hours.
53. Concerns have been raised by neighbours in respect of encroachment upon and within adjoining garden curtilages as a result of scaffolding and other building work that may indirectly cause damage to adjacent properties. With this in mind, an 'informative' will be attached to any decision issued by the Local Planning Authority. The informative will inform the Applicant of their duty to give notice to the resident of their intentions before commencing work as legislated under 'The Party Wall etc Act 1996'. Ultimately, this is a 'civil issue' to which the Local Planning Authority has no jurisdiction and is a matter for the Applicant and residents of the adjacent neighbouring property to pursue and resolve amicably between one another. Other concerns raised by residents, the Parish Council and County Councillor have been addressed within this report.

CONCLUSION

54. In conclusion, the location of the proposed development is considered sustainable as it is well related to the existing settlement. It is considered that the site has the potential to be developed without causing an adverse impact to residential and visual amenity in addition to highway safety. It is considered that all other matters can be dealt with by means of Conditions and Informatives. As a result, it is considered that the proposal is in accordance with the intentions of National Planning Policy Framework and saved Policies of the current Local Plan.

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 documents. Application Form, Design and Access Statement, Drawing Numbers 3814/L-01 and 3814/SK-101D received 14/10/2014, Bat Risk

Assessment and Phase 1 Desk Top Study Report received 15/01/2015 plus Drawing Number 3814/SK-100E received 23/04/2015.

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

3. Notwithstanding any details of materials submitted with the application no development shall commence until samples of the external 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 saved Policies H2 and Q8 of the City of Durham Local Plan.

4. 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 dwellings.

Reason: In the interests of the visual amenity of the area and to comply with saved Policies Q8 and T10 of the City of Durham Local Plan.

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 Forms and Drawings
- Design and Access Statement
- Bat Risk Assessment and Phase 1 Desk Top Study Report
- National Planning Policy Framework
- City of Durham Local Plan 2004
- Emerging County Durham Plan
- Consultation Responses



Planning Services

**Two-Storey Dwelling comprising Two Flats with Off-Street Parking
40A, Front Street, Framwellgate Moor, County Durham, DH1 5EE**

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Comments

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