

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/15/01717/FPA |
| FULL APPLICATION DESCRIPTION: | Detached two-storey dwelling in side garden of 4 Mayorswell Close |
| NAME OF APPLICANT: | Mr M Lawson |
| ADDRESS: | 4 Mayorswell Close, Durham, DH1 1JU |
| ELECTORAL DIVISION: | Elvet and Gilesgate |
| CASE OFFICER: | Laura Eden laura.eden@durham.gov.uk 03000 263980 |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is located within an established residential area located within the north eastern part of the Durham City Conservation Area. Surrounding the application site are a number of residential properties including the host property no. 4 Mayorswell Close, a two storey semi-detached property which lies directly to the west of the proposed development site.

The Proposal

2. The application seeks full planning permission for the erection of a three bedrooled dwelling measuring a maximum of 7.6m in width by 8.5 in length. The pitched roof of the dwelling would measure 8m to ridge height and 5.25m to eaves height. It is proposed that the property would be built from red facing brickwork, a tiled roof, with white timber painted sash windows to the front elevation and white UPVC to all other elevations and decorative detailing such as heads and cills.
3. The existing garage associated with no.4 would be demolished to accommodate the development. Vehicular access to the proposed dwelling would be gained from the existing highway and the development would be served by two car parking spaces provided in a car port style arrangement. The existing property would still be served by a single off street parking space.
4. The application is brought before members at the request of Councillor Freeman on grounds of overdevelopment of a small garden and highway concerns.

PLANNING HISTORY

5. DM/14/03696/FPA - Detached 2.5 storey dwelling within garden of 4 Mayorswell
Close withdrawn 12/02/2015

PLANNING POLICY

NATIONAL POLICY

National Planning Policy Framework

6. 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
7. 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'
8. 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.
9. The following elements of the NPPF are considered relevant to this proposal.
10. 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
11. 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
12. 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
13. 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
14. 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.

15. 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, minimising impacts on biodiversity and providing net gains where possible; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
16. Part 12 - Conserving and enhancing the historic environment. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

LOCAL PLAN POLICY

City of Durham Local Plan

17. Policy E6 (Durham City Conservation Area) Sets out the Council's aim to preserve the especial character, appearance and setting of the Durham City Conservation Area by ensuring a high quality design.
18. Policy E22 (Conservation Areas) Sets out that the Authority seeks to preserve and enhance the character and appearance of the conservation area by ensuring that development proposals should be sensitive in terms of siting, scale, design and materials, where appropriate reflecting existing Architectural features.
19. 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
20. 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.
21. Policy Q1 (Design) Sets out that the layout and design of all new development should take into account the requirements of users including personal safety and crime prevention and the access needs of everybody including people with needs of disabilities.
22. 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.
23. Policy U8a – (Disposal of Foul and Surface Water) – requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.

24. Policy T1 (General Transport Policy) Requires all developments to protect highway safety and/or have significant affect on the amenity of occupiers of neighbouring properties
25. 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

26. 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 of this part of County Durham the statutory development plan currently comprises the ‘saved’ elements of the City of Durham Local Plan. 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.
27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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:

33. Northumbrian Water Limited – No comment to make at this stage

INTERNAL CONSULTEE RESPONSES:

34. Contaminated Land - No adverse comments
35. Highways – No objection
36. Design and Conservation – No objection
37. Landscape – No comments received
38. Trees – The trees on site do not warrant individual tree preservation orders. No objection raised to the scheme.

PUBLIC RESPONSES:

39. The application has been publicised by way of a press and site notice in addition to individual notification letters to neighbouring residents. Three letters of objection have been received raising concerns relating to:
 - Overdevelopment of the site
 - Highways concerns
 - Impact on street scene
 - Likely use as a HMO
 - Loss of greenspace and impact on wildlife

APPLICANTS STATEMENT:

40. I welcome the opportunity to make this statement to the Committee. The applications is a result of a number of months consultation with the planning department and all of the immediate surrounding properties, who we, the applicants, have seen

personally to discuss the planning application. We hope that the committee will appreciate that this demonstrates our desire to be open, honest and approachable to all those in the local area and take neighbours' thoughts into consideration with the result that our proposal has been carefully considered. Apart from a few neighbours, such as those who have officially objected, other members of the surrounding area were largely in support of the application and interested in the proposal.

41. Since we moved into 4 Mayorswell Close, we have returned a house that was an HMO into a smart, modern family home, going through a complete program of internal and external renovation. The presence of a permanent resident family, rather than transient tenants, has been remarked upon and appreciated by neighbours. As passionate residents of Durham City, we are proud to have returned a house back to a family dwelling near to the centre of the city. Further to this, the proposed application enhances the local area. Given the closely populated area surrounding the site, the addition of a single residential property fits in well with the surround dwellings.
42. We note that objections and concerns have been made in respect to the application. We are confident that after working closely with the planning department, these issues have been carefully considered and addressed, which is evidenced by the consultee comments. However, I wish to address one point in particular. Dr. Gray quite rightly points out that access at the bottom of Mayorswell Close could be enhanced. The proposed development has been designed to actively improve the access to the bottom of Mayorswell Close. By relocating the short drive way in short drive way, which leads to cars overhanging the drive and blocking the road, to the front to a full length drive at the front of 4 Mayorswell Close, will help improve traffic flow around at the bottom of the cul-de-sac. In summary, the application has been carefully considered, with a proposal that enhances the local area, improves access and fits in well with the surround area.
43. In regards to the use of the building, I would like to reiterate our position as discussed previously on the phone earlier today, we simply do not know what our intention is for the building. Our options depend on the success of the application, our job positions, and how we finance the build, etc etc. At this moment in time, the important thing for us, is to get any form of planning approval. If this means getting C3 (family residence) approval with restrictions on C4 (HMO), then we are pragmatic and would prefer to go with whatever option is likely to get us approval of any form. However to reiterate, we preferred stance is simply 'unknown' if possible.

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

44. 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.
45. The main considerations in regard to this application are the principle of the development, effect on the character and appearance of the conservation area, residential amenity and highway safety.

Principle of Development

46. The application site is located within the settlement limits for Durham City, as defined by the Durham City Local Plan Proposals Map. Saved Policy H2 of the Local Plan sets out that small scale residential developments will be acceptable within these settlement limits provided the site is classed as previously developed land. Being garden curtilage, the site would fall within the definition of greenfield land.
47. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. In this respect it is considered that the general approach of Policy H2 in terms of directing development to settlements best able to support it is consistent with the NPPF and the promotion of sustainable patterns of development. While the NPPF does promote the use of previously developed land there has been a shift to an assessment of the overall sustainability of a site, and the development of greenfield sites, including garden curtilages, is not precluded.
48. In assessing the sustainability of the site, it is considered that it performs particularly well, being located within walking distance of the services, amenities and employment sites of the Durham City Centre while being in close proximity to public transport networks. Future residents would therefore have ready access to these facilities without the need to utilise the private motor car.
49. In addition to sustainability objectives, the NPPF sets out that development should provide a range of housing types and sizes responding to the needs of all members of the community, including ensuring that there is a mix and range of housing available for different members of the community. Objections around this issue have been raised, concerned that the new dwelling would likely be occupied by students. Objectors consider that this would have a cumulative adverse impact given the amount of other student accommodation which is considered to negatively impact on the amenities of residents and reduces the availability of family housing. Notwithstanding the applicant's statement given the proximity of other student accommodation, it is considered possible that the proposed dwelling could be used to provide student accommodation, either immediately or in the future. This is because planning permission is not required for change of use from a C3 dwelling house to a small scale HMO (Uses class C4) or vice-versa, similar to the existing housing stock in the area. Although the Council has plans to introduce an Article 4 direction the effect of this would take some time to implement and therefore would not have a bearing on this particular application however would have implications for it in the future.
50. Saved Policy H9 of the Local Plan seeks to address this issue aiming to restrict concentrations of student households to preserve the range and variety of local housing stock and to ensure that a particular type of housing is not reduced to an unacceptable extent. Policy H13 also seeks to protect the character of residential areas.
51. The fourth criterion of policy H9 relates to the level of concentration of sub-divided dwellings to the detriment of the range and variety of the local housing stock. Not all sub-divided properties are occupied by students but the data on student occupation is more readily available. The Council has detailed information on student concentrations available which comprises information by postcode area on properties that are exempt from Council Tax as they are occupied by students. Analysis of the information shows that the postcode where the site falls has 25% student exempt properties however the surrounding areas are significantly higher. In

the context of other parts of the city these percentages are generally considered to be high and the surrounding area is one of high concentrations of student accommodation.

52. The Council has proposed an Interim Policy on HMOs, Student Accommodation and Purpose Built Student Accommodation. This was approved for public consultation by Cabinet on 15 July 2015. Interim policies have less weight than the adopted Local Plan policies which are consistent with the current national policy framework, because they haven't been subject to examination by an inspector. The Interim Policy says that applications for new build HMOs and changes of use will not be permitted if more than 10% of the total numbers of properties within 100 metres of the application site are already in use as licensed HMOs or student accommodation exempt from council tax charges. The proposal does not accord with either the Interim Policy or Policy H9 in respect to the levels of concentration prescribed within them.
53. The wider matter of student accommodation is also referenced within the emerging County Durham Plan, through policy 32 which sought to limit concentrations of student populations. This was subject to a proposed main examination hearing change at the Examination in Public. However, the Policy and proposed change were explicitly found to be unsound by the Inspector's Interim Report. On this basis, Policy 32 cannot be given any weight. Although the inspector suggested different wording this also holds very limited weight as it is not an emerging or adopted policy.
54. Overall it is considered that the proposed development is located in a sustainable location. Although, part of the dwelling would represent development on a Greenfield Site therefore is not wholly in accordance with saved policy H2, in principle the location of the proposed residential development is acceptable, following appraisal against relevant national policies. This is because only limited weight can be attached to saved policy H2 given that it is not consistent with the more up to date policy contained within NPPF which adopts a presumption in favour of sustainable development.
55. There is the possibility that this dwelling could be used either immediately or in the future as a house in multiple occupation, if its use is not restricted. If so in an emerging policy context the proposal would be unacceptable given existing student numbers in the area. Whilst it is recognised that these policies carry very limited weight given their stage of adoption officers are aware that addressing the impact and need for student accommodation is an important topic in the City. The thresholds identified do however allude to numbers of student concentrations which are considered to be acceptable. The evidence base that has been built up in support of these policies demonstrates that student concentrations in postcode areas where the application site falls are high. This information demonstrates that the fourth criterion of policy H9 of the local plan is not met as the level and concentration of sub-divided dwellings in the area is having a detrimental impact on the range and variety of the local housing stock. Therefore the creation of additional HMO's in the area would be unacceptable.
56. Furthermore, paragraph 50 of the NPPF considers the need to create sustainable, inclusive and mixed communities. As considered above the percentage of students in the area is considered to be high in relation to Policy H9 therefore the proposal would be also be against paragraph 50 of the NPPF. Whilst the principle of residential use is considered acceptable, the use of the property as a HMO would not be for the aforementioned reasons. It is however considered that this matter could be addressed by way of a planning condition preventing the change of use of the

dwelling to C4 (HMO) without first submitting a planning application to the Local Planning Authority.

Impact upon the Conservation Area and street scene

57. The National Planning Policy Framework in part 12 requires that the impact of the development is considered against the significance of the Heritage Asset which in this case is Durham City Conservation Area. Part 7 of the NPPF deals with good design generally advising that it is a key aspect of sustainable development, indivisible from good planning that can lead to making places better for people.
58. At a local level Policy E6 and E22 of the City of Durham Local Plan are also considered to be relevant. These policies state that the special character, appearance and setting of conservation areas will be preserved or enhanced. This will be achieved by only approving development that would be sensitive in terms of its siting, scale, design and materials.
59. The aforementioned policies and guidance requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and this would be entirely in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
60. Saved Policies H13 and Q8 of the local plan are also considered to be relevant and relate to the character of residential areas and the layout and design of residential development.
61. The application site relates to a plot of garden land to the side of no.4 Mayorswell Close, Gilesgate which is located in the eastern part of the designated conservation area. Mayorswell Close is a small cul-de-sac approximately 150 metres north of the main historic frontage along Claypath leading into lower Gilesgate. The site lies within a densely developed residential area. The properties within the area date from the 1970's and comprise of a variety of forms, styles and massing with no common theme to replicate. The private garden area, located towards the end of the cul-de-sac, is not considered to have any significant function or visual importance with regard to the character of the area. In view of this and the standard design quality of the properties the site is considered to be of no historic or architectural interest making a neutral contribution to the significance of the surrounding designated conservation area.
62. The overall design of the development is considered to be much improved following the withdrawal of the initial application. The scale and height of the build has been reduced, the ridge and eaves heights are similar to no. 4 Mayorswell Close and the footprint has been modified effectively. Although gabled frontages are not common within this part of the conservation area other design detailing is largely traditional and given the wide variety of the surrounding properties it is not considered that the proposed dwelling would be incongruous. It would be stepped back from the predominant build line of the street concealing it from certain vantage points. The design improvements suggested by the conservation officer have been incorporated into the scheme including the increase of the front gable roof pitch, changes to the window size and timber mullioned sashes, solid timber six panel front door and the inclusion of a 'dummy' chimney.
63. In summary the proposed development is considered acceptable in view of its modest scale and traditional design approach and would only impact in the immediate context of the well contained modern estate in accordance with policies E6, E22, H13 and Q8 of the City of Durham Local Plan. On this basis it is not

considered that it would have any significant adverse effect upon the special historical or architectural interest of this part of the Durham City Centre Conservation Area. It is considered that the proposal meets the test of preserving enhancing the character and appearance of the Conservation Area.

Residential Amenity

64. Policies H10 and Q8 of the Local Plan require schemes associated with residential developments to give consideration to the privacy and amenity of neighbouring residents. Section 7 of the NPPF seeks to ensure that development provides a good standard of amenity for all existing and future occupants of land and buildings. Policy 18 of the emerging plan deals with local amenity however only very limited weight can currently be attached to this policy.
65. Objections have been received from neighbouring residents expressing concerns regarding the development which they consider would amount to overdevelopment of the site. Although their concerns are appreciated and duly noted officers do not consider that on balance a significant loss of amenity would arise.
66. The proposed dwelling is set back from the adjacent property of no.4 Mayorswell Close and although it projects past their rear build line, the two storey rear projection has been set in from the shared boundary to help limit its impact. With regard to 12c Mayorswell Field that lies to the east, it is acknowledged that the proposed dwelling would be positioned within close proximity to this neighbour. They would however have slightly different orientations and the windows in 12c are centrally located therefore it is not considered that the development would be significantly overbearing.
67. Given the historic layout of the streets in this area privacy distances are difficult to achieve. The majority of the properties surrounding the development only benefit from distancing standards of around 15m. With respect to properties 5b Mayorswell Close and 16 Mayorswell Field separation distances between them and the proposed dwelling would be in the region of 18/19m, just short of the 21 metres recommended by policy Q8 of the local plan. No objections have been received from either property.
68. It is considered that the future occupants of the proposed dwelling would have sufficient standards of amenity in terms of separation distances with neighbouring properties and that the dwelling would benefit from an area of private rear amenity space.

Highways

69. Following detailed discussions between the Agent, Case Officer and Highways Officer, the Agent acting on behalf of the Applicant has since submitted revised drawings to attempt to ensure this application may be looked upon favourably.
70. Parking in this part of the city is considered to be satisfactorily controlled as this street falls within the Durham City Controlled Parking Zone (CPZ). Given the location of the development within the city centre there are no requirements placed on new dwellings to provide any in curtilage parking however these properties would not be eligible to apply for parking permits. The fact that the new dwelling proposes two off-street car parking spaces is welcomed. Although the car parking spaces appear narrow the highways officer is satisfied that a car can manoeuvre into the space as depicted by the applicant's proposal plan.
71. The existing property of no.4 Mayorswell Close, which existed prior to the introduction of the CPZ, is eligible to apply for up to two parking permits. When

applying for parking permits any existing in-curtilage parking is taken into account. A single garage, or a drive less than 4.8m, does not count as in curtilage parking for the purposes of the CPZ therefore currently the property is eligible to apply for up to two permits. As part of the current proposal the applicant is proposing to provide one off street car parking space which therefore represents an improvement on the current situation. Although colleagues in the highways section acknowledge it will likely involve an onerous manoeuvre to access they have however raised no objection to the scheme. With regards to the new vehicular access crossings the applicant is advised to contact the relevant highways officers. This would be added as an informative to the decision.

72. A raised planting bed was originally proposed to the front of the property however this has since been removed from the scheme following objections from local residents and highways officers that it was located within the public highway. Furthermore, concerns have been raised by neighbouring properties about cars parking in the turning head and restricting access and manoeuvring ability to the lower portion of the street. Cars should not be parked within this area, it has been established that satisfactory vehicular access can be gained to both the existing and proposed dwelling should the area be kept free from obstruction therefore it would be a matter for parking enforcement/police to control any unauthorised situation. Whilst both planning and highways officers note the current issues it would not be a reason to withhold planning permission.

Other Issues

73. The site is not at risk of flooding and surface water drainage will be subject to the requirements of Building Regulations.
74. The Contaminated Land Officer has assessed the available information and historical maps and has confirmed there is no requirement for a land contamination condition.
75. There is an existing tree located in the north west corner of the site that is proposed to be retained as part of the scheme. The tree officer has assessed the proposal and confirms that individual tree preservation orders would not be warranted and on this basis offers no objection to the scheme with regard to impact of the development on this tree. An informative is proposed in relation to bats and birds given a hedgerow is proposed to be removed.
76. An informative is proposed to advise the Applicant of their responsibility in respect of noise, dust and construction hours, as a condition would not be considered appropriate.
77. Concerns have been raised by neighbours in respect to the proximity of the development to adjacent properties. With this in mind, an 'informative' would be attached to any decision advising 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'. Other concerns raised by residents and the local County Councillor have been addressed within this report.

CONCLUSION

78. 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 a significant adverse impact to residential and visual amenity or to highway safety. It is considered that all other matters can be dealt with by means of Conditions. As a result, it is considered that the proposal is in

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, site location plan, drg. no. 2332-5 Rev A block plans, design and access statement, heritage statement and contaminated land screening assessment received 02/06/2015, drg. no. 2332-2 Rev C – Proposed layouts and drg. no. 2332-4 Rev C – proposed elevations and sections received 02/07/2015.
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 E6, E22, H2 and Q8 of the City of Durham Local Plan. Required to be precommencement as construction matters must be agreed prior to development commencing.
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 dwelling.
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. Required to be precommencement as construction matters must be agreed prior to development commencing.
5. The hardstandings and car parking areas shown on the approved plans shall be provided before the dwelling hereby approved is first occupied, and shall thereafter be used and maintained in such a manner as to ensure their availability at all times for the standing and garaging of private motor vehicles.
Reason: In the interests of highway safety and to comply with Policy T1 of the City of Durham Local Plan..
6. 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 as a Class C3 (Dwellinghouse) only and for no other purpose.
Reason: In the interests of the amenity of the area in accordance with Policy H9 and paragraph 50 of the NPPF.

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
- Heritage Statement
- Contaminated Land Screening Assessment
- National Planning Policy Framework
- City of Durham Local Plan 2004
- Emerging County Durham Plan
- Consultation Responses



Planning Services

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**Detached two-storey dwelling in side garden of 4 Mayorswell Close
4 Mayorswell Close, Durham, DH1 1JU**

Comments

Date. 8 September 2015

Scale 1:1250