

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	4/13/00117/FPA
FULL APPLICATION DESCRIPTION:	Two apartment blocks consisting of 12 one bed units
NAME OF APPLICANT:	Mr Alex Rae
ADDRESS:	Land to the east of Lidl, Littleburn Lane, Langley Moor, Durham
ELECTORAL DIVISION:	Brandon and Byshottles
CASE OFFICER:	Laura Eden Planning Officer 03000 263980 laura.eden@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

The site lies within the settlement limits of Langley Moor in a built up area. There is a food store development to the west of the development site and residential properties to all other sides.

The site is roughly L shaped and is accessed off Littleburn Lane. The land is relatively flat, is overgrown and untidy in appearance. It benefits from an existing permission to redevelop the site with six semi-detached bungalows and six terraced properties (10/00004/RM). This application site occupies the northeastern corner of the overall brown field development site that is approximately 0.15 hectares in size.

Within the surrounding area there are community facilities such as schools, healthcare facilities, shops and public transport links.

The Proposal

This application proposes the construction of two apartment blocks consisting of 12 one bed units with associated infrastructure and landscaping. The apartments are proposed to be developed in lieu of the six previously approved terraced properties however the intention is still to construct the six bungalows.

An apartment block would be constructed to both the north and south of the access road. They would be two storeys in nature with an overall height of 9.0m and 5.2m to the eaves and measuring 15.5m wide by 13.1m deep. They would be constructed from a red multi facing brick, grey concrete roof tiles and white UPVC windows.

The land around the buildings would be largely hardstanding with small areas of landscaping. There would be associated parking spaces and bin storage areas.

A contribution of £12,000 would be provided for off-site recreational facilities.

This application is being referred to Committee as it relates to a major residential development.

PLANNING HISTORY

08/00968/FPA - Mixed use scheme including erection of supermarket with associated parking and landscaping, outline application including details of access for the erection of children's nursery with associated parking and landscaping and outline application including details of access for the erection of 17 no. two storey dwellings and 2 no. bungalows approved 02/06/2009

10/0004/RM - Reserved matters application pursuant to outline approval 08/00968 for the erection of 17 no. dwellings (11 no. two storey and 6 no. bungalows) including details of access, appearance, landscaping, layout and scale approved 07/04/2010

PLANNING POLICY

NATIONAL POLICY

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.

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;

NPPF Part 1 – Building a Strong and Competitive Economy. The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

NPPF Part 4 – Promoting Sustainable Transport. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.

NPPF Part 6 – Delivering a Wide Choice of High Quality Homes. Local Planning Authorities should use evidence bases to ensure that their Local Plan meets the needs for market and affordable housing in the area. Housing applications should be considered in the context of the presumption in favour of sustainable development. A wide choice of homes, widened opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be delivered. Where there is an identified need for affordable housing, policies should be met for meeting this need unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and such policies should also be sufficiently flexible to take account of changing market conditions over time.

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.

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.

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: (City of Durham Local Plan 2004)

Policy E14 - (Trees and Hedgerows) sets out the Council's requirements for considering proposals which would affect trees and hedgerows. Development proposals will be required 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. Full tree surveys are required to accompany applications when development may affect trees inside or outside the application site.

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.

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.

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.

Policy R2 - Provision of Open Space – New Residential Development states that in new residential development of 10 or more units, open space will be required to be provided within or adjacent to the development in accordance with the Council's standards. Where there is an identified deficiency and it is considered appropriate, the Council will seek to enter into a planning agreement with developers to facilitate the provision of new or improved equipped play areas and recreational/leisure facilities to serve the development in accordance with Policy Q8.

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.

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.

Policy U14 - Energy Conservation – General states that the energy efficient materials and construction techniques will be encouraged.

Policy U15 - Energy Conservation – Renewable Resources permits the generation of energy from renewable resources provided there is no adverse effect on the visual appearance of the landscape, nature conservation, amenity of residents or an archaeological or historic interest.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

Northumbrian Water – No comments to make at this stage

INTERNAL CONSULTEE RESPONSES:

Highways Authority – No highways objection raised on the basis that the proposed change from 6 individual plots to 12 one bed units will not cause a significant increase in traffic. Parking levels are considered to be satisfactory given the sustainable location of the development. A condition relating to the full engineering details of for the new access is suggested. The applicant would need to enter into the relevant highways agreements to carry out works within the existing public highway and to get the new road adopted.

Tree Officer – No objection to the scheme subject to an approved landscaping scheme incorporating replacement trees.

Landscape Officer – No objection in principle however a landscaping condition should be attached to the permission which should include replacement tree planting.

Estates Officer – Does not consider that the scheme would be financially unviable if the developer entered into a S106 Agreement for £12,000.

Environmental Health – No objection to the scheme on the basis that conditions are added relating to hours of construction, reducing noise and dust levels and details of floodlighting.

Sustainability Officer – No comments received at the time of preparing the report.

Drainage Engineer – Requires further details about how surface water is going to be dealt with.

Ecology – No objections to the proposal

PUBLIC RESPONSES:

The application has been advertised by means of a press notice, site notice and neighbour notification letters – One letter of objection has been received from a neighbouring property concerned about the increase in traffic associated with the development, the number of parking spaces and the potential end users of the apartments. Two letters of support have been received from employees from the Child and Adults Services Section of Durham County Council advising that this scheme will provide much need housing for people with sensory impairments.

APPLICANTS STATEMENT:

The Sensory Support Team (Adults) DCC have for sometime identified the need for good quality housing to meet the needs of service users with sensory loss who are either blind, Deaf or both, historically people with such needs have been placed out of County often many miles from family and friends.

The development provides an excellent option for housing for people with sight loss and hearing loss as it is surrounded by good amenities and very good accessibility to Durham City. Of note any development for this client group would fulfill DCC policy aims of supporting vulnerable people to remain as independent as possible for as long as possible.

PLANNING CONSIDERATIONS AND ASSESSMENT

Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.

In this instance, the relevant considerations are the principle of the development, in particular the accordance with the National Planning Policy Framework (NPPF) and the saved policies from the City of Durham Local Plan. Other material considerations are the scale, layout and design of the development, highways issues, trees and landscaping, play provision, additional matters as well as the concerns raised by a local resident.

Principle of development

The site currently benefits from a live planning permission for twelve dwelling units on the site therefore it is considered that the principle of development has already been established. The circumstances that led to the original planning permission relating to this scheme have not significantly changed. The NPPF has been published however this still adopts a presumption in favour of sustainable development which the proposal is considered to represent. As a result it is not considered that there has been a material change to the relevant planning policies and therefore no reason to refuse this application provided that all other material planning considerations are satisfied.

Scale, layout and design of development

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 City of Durham Local Plan Policies.

Policy H13 of the Local Plan states that 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 residents within them. Policies Q1, Q2 and Q8 list design features which will be encouraged within residential areas. In addition, saved Policy Q8 of this plan 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. These policies are reflected in part 7 of the NPPF which also requires good design and the protection of residential amenity.

The properties in the surrounding area are typically two-storey terraces. Although this application seeks to replace the two sets of three terrace properties with two apartment blocks their position on the site is largely the same. The overall footprint of the buildings has increased to accommodate the additional units which brings the build line of plots 7-12 closer to the highway to the north and plots 1-6 closer to the approved bungalows (albeit not built) to the west. Generally, the proposals have been well designed to create a well connected, accessible development which reflects the scale and character of the existing dwellings that surround the site.

The two blocks would be built from traditional brick and tile construction, with small communal landscaping areas and dedicated off-street parking. Details of the proposed materials have already been provided that reflect those used in the locality therefore it is not considered necessary to impose a condition in relation to this matter. Details of acceptable bin storage arrangements form part of the application and thus a condition is not required to control these details.

In terms of amenity and the privacy of existing and future residents, saved policy Q8 of the City of Durham Local Plan requires main elevations which face each other to have a separation distance of 21 metres whilst the distance between main elevations and gables should be at least 13 metres. In terms of the distances between the front elevation of the approved bungalows and the opposing gable of the apartments there would be a minimum of 13.5 metres therefore the recommended distances are exceeded. In terms of the distances between the front elevation of plots 1-6 and the opposing front elevations of 27-29 Onslow Terrace there is in the region of 20 metres. Although this is shorter than the recommended distances given it is only by one metre or so it is not considered that residential amenity would be affected to a level that would justify refusal of the planning application, taking into account the overall benefits of developing the site.

Overall, the development in terms of scale, design and layout is considered to be appropriate for this particular location. The scale and layout of the development is acceptable and the design is of a good standard, therefore the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.

Highways Issues

A new access road would be created off Littleburn Lane leading to a 'T' shaped hammerhead cul de sac arrangement in addition to thirteen parking spaces. The Council's Highways Officers have assessed the proposals and have raised no objections to the scheme. Parking levels are less than what would be expected for a development of this scale but given the sustainable location of the development highways officers do not consider that there would be sufficient grounds to refuse planning permission on this basis. They have however requested that the applicant enters into the relevant agreements under the Highways Act and that a condition is added to agree the full engineering details for the proposed access. On this basis the proposals are considered to be in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

Trees and landscaping

Saved Policy E14 sets out the Council's requirements for considering proposals which would affect trees and hedgerows. It states that development proposals will be required 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.

Both the tree and landscape officer have been consulted on the proposal and have not raised any objection to the scheme however recommend that a landscaping scheme

condition is imposed that should incorporate replacement trees to compensate for the two specimens that would be lost to accommodate the development.

Other considerations

Policy R2 of the Local Plan requires developments that propose 10 or more dwellings to incorporate open space within the development or if that is not possible to enter into a planning agreement to provide a financial sum in lieu of these facilities. Due to the layout of the site, its size and the intended end users it is not considered appropriate to incorporate play space provision within the scheme therefore the developer has agreed to enter into a Section 106 Agreement to the value of £12,000. It is therefore considered that the proposal would adhere to the requirements of the relevant policy and should be granted approval upon the signing of the legal document.

As part of Policy U8a developments are required to provide satisfactory arrangements for disposing of foul and surface water discharges. Discussions have been ongoing between the agent and the Council's drainage engineer however a suitable scheme is yet to be agreed. On that basis a condition relating to surface water drainage has been imposed.

One neighbouring property has objected to the scheme on the grounds of increased traffic and what he considers is an insufficient number of parking spaces. Highways issues have been addressed already earlier in the report and colleagues in that section raised no objection to the scheme. Concerns have also been raised that these apartments will be used by students. There are no restrictions on who can occupy the properties and there is not considered to be a requirement to do so. It is planning officers' understanding that this scheme is being developed in partnership with Durham County Council for people with sensory impairments.

CONCLUSION

Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposal is located in a sustainable place for new residential development being within the settlement limits for Langley Moor and close to existing shops and services.

The scale and layout of the development are acceptable and would complement the surrounding housing stock and would not adversely impact on residential amenity. Matters in relation to highways, landscaping, trees, sustainability and drainage can be satisfactorily controlled by means of planning conditions. The development would also secure a financial contribution in lieu of open space provision. Furthermore, it is not considered that the objection received from a local resident is sufficient to outweigh the other material considerations relevant to this development proposal.

On the basis of the above, officers recommended that the application be approved.

RECOMMENDATION

That the application be APPROVED subject to the following conditions and subject to the entering into of a Section 106 agreement to secure the provision of a payment of £12,000 in lieu of recreational facilities:

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: Drg. No. SI – 001-, Drg. No. EL – 203-, Drg. No. GA – 003, Drg. No. SE – 303- all received 08/02/2013, Phase 1 Desktop Study C300 dated July 2008, Noise Assessment dated April 2009, design and access statement, received 01/03/2013, Drg. No. SI – 002 B and Drg. No. SE – 310 A received 01/05/2013 and SI – 004 – received 20/05/2013.

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

3. Prior to the commencement of 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 efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to the first occupation of the dwellings.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of Policy U14/15 of the City of Durham Local Plan and Part 11 of the NPPF.

4. No development shall commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. No tree shall be felled or hedge removed until the landscape scheme, including any replacement tree and hedge planting, is approved as above. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The landscape scheme shall include accurate plan based details of the following: Trees, hedges and shrubs scheduled for retention. Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers. Details of planting procedures or specification. Finished topsoil levels and depths. Details of temporary topsoil and subsoil storage provision. Seeded or turf areas, habitat creation areas and details etc. Details of land and surface drainage. The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc. The local planning authority shall be notified in advance of the start on site date and the completion date of all external works. Trees, hedges and shrubs shall not be removed without agreement within five years.

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

5. All planting, seeding or turfing and habitat creation in the approved details of the landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. No tree shall be felled or hedge removed until the removal/felling is shown to comply with legislation protecting nesting birds and roosting bats. Any approved replacement tree or hedge planting shall be carried out within 12 months of felling and removals of existing trees and

hedges. Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the amenity of the area in accordance with saved policy Q8 of the City of Durham Local Plan.

6. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning authority. The drainage shall thereafter be completed in accordance with the approved details.

Reason: To ensure appropriate drainage is maintained in accordance with saved policy U8a of the City of Durham Local Plan.

7. In relation to the development hereby permitted, no machinery shall be operated, no development shall be carried out and no construction traffic shall enter or leave the site outside the hours of 0800 hours and 1800 hours Mondays to Friday, 0800 hours and 1300 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and to comply with saved policy H13 of the City of Durham Local Plan.

8. Notwithstanding the information shown on the submitted plans, no development shall be commenced until plans showing the full engineering details of the proposed access road have been submitted to and approved in writing by the Local planning authority, and none of the buildings hereby permitted shall be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with saved policies T1 and T10 of the City of Durham Local Plan.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies:

NPPF Part 1, NPPF Part 4, NPPF Part 6, NPPF Part 7, NPPF Part 10 and NPPF Part 11

City of Durham Local Plan Policy E14, Policy H13, Policy T1, Policy T10, Policy R2, Policy Q8, Policy U8a, Policy U14 and Policy U15.

2. In particular the development was considered acceptable having regard to consideration of issues of planning policy, the scale, layout and design of the development, highways issues, trees and landscaping and other relevant considerations.
3. The objection received has been fully assessed within this report and the concerns raised are not considered to warrant refusal of planning permission.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the local planning authority has worked with the applicant and nearby residents in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the 13 week target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documentation
City of Durham Local Plan 2004
Regional Spatial Strategy
National Planning Policy Framework
Internal consultee responses

INFORMATIVES

COAL
BATS AND BIRDS
HIGHWAYS





Planning Services

**Proposed TWO APARTMENT BLOCKS
CONSISTING OF 12 ONE BED UNITS at LAND
TO EAST OF LIDL, LITTLEBURN LANE,
LANGLEY MOOR, DURHAM**

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Comments

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