

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 February 2014

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APPLICATION REF. NO:	13/00999/OUT
STATUTORY DECISION DATE:	18 February 2014
WARD/PARISH:	BRAFFERTON
LOCATION:	23 The Green, Brafferton
DESCRIPTION:	Outline application for erection of 1 no. dwelling (amended plan received 30 January 2014)
APPLICANT:	MRS ELAINE HEMMINGWAY

APPLICATION AND SITE DESCRIPTION

This is an outline planning application for the erection of a two storey dwelling on land forming the side garden of 23 The Green in Brafferton. An existing garage, shed and green house on the site would be demolished to make way for the proposed dwelling. Although this is an outline application with all matters reserved, indicative details of the proposed dwelling together with access and parking arrangements have been provided. The submitted plan shows a three bedroom dwelling with vehicular access over the village green making use of an existing vehicular access to the existing garage. Four parking spaces would be provided to serve both properties to the rear of the site. For clarity, this application seeks approval for the principle of development only, with all other matters of detail being reserved for a separate future submission.

The indicative plan shows that the proposed dwelling would measure approximately 7.3 metres wide by 7.8 metres deep, under a pitched roof 7.3 metres in height at ridge level. The dwelling would set back approximately 1.2 metres from the front of the application site to enable pedestrian access to the property to be provided without interference to the village green. No details have been provided regarding the materials to be used in the construction of the dwelling however this would be dealt with at the reserved matters stage.

The application site is located on the north side of the main village street forming the side garden of 23 The Green to the east. The site has a frontage to the main village street, set back behind a grassed area which is registered as village green, of approximately 10.8 metres, widening to 14.7 metres to the rear of the site to incorporate the proposed parking area. It has a maximum depth of approximately 21 metres. The site is bounded by a terrace of cottages to the west, with a working farm located to the rear of the site.

An outline application for the erection of 2 no. dwellings on the site (13/00649/OUT) was withdrawn in October 2013 following concerns regarding the lack of off-street parking to serve both the existing and proposed dwellings and proposed works to the village green to the front of the site to facilitate access to the proposed dwellings.

PLANNING HISTORY

13/00649/OUT – Outline application for erection of 2 no. dwellings. WITHDRAWN 24 October 2013

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS10 - New Housing Development

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits
- E12 – Trees and Development

Revised Design of New Development Supplementary Planning Document 2011 (Design SPD)

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – There is no highway objection to the proposal. However the following points are relevant to the application. The existing plot of land houses a 4 bed dwelling which makes accommodation for 3no off street parking spaces which is in accordance with the Tees Valley Design Guide. This application will increase the number of dwellings on the plot, by one, with the addition of a further 3 bedroom property. The standards in the Design Guide recommend that for a 3 bed property 2 no. in curtilage spaces are provided. This would result in a total of 5 no. in curtilage spaces required for this particular development. 4 no. in curtilage spaces are being provided which should relieve the potential impact of parking on the adjacent highway. Similar properties along The Green do not have in curtilage parking which results in the occupiers parking vehicles on the main carriageway, therefore minimal on street parking would be accepted in the case of this development as the proposals do mitigate the potential impact of the additional dwelling. The existing vehicle access across The Green will remain unaltered by the proposals with widening on the owners land to enable access to the parking at the rear and a footway link to the front. The current plan shows this widening between the properties at 2.4 metres however I would request that the widening is increased to 3.7 metres to allow vehicles and pedestrians to pass safely and also allow manoeuvring space for vehicles.

Estates Officer - The front footpath between the existing house and garage is situated on Council land and village green, the proposed alterations to this footpath would require the Council's permission as land owner and guardian of the Village Green.

Senior Arboricultural Officer – The land to the south of the development is in the Council's ownership. If the development is approved all of the area should be protected so that the root area of the trees is completely protected from damage by compaction, severance or from material spillage. This will only be possible with the installation of protective fencing in accordance with BS5837 2012. Whilst some concerns are expressed regarding light issues the

trees may pose to future occupiers of the dwelling Officers are not aware of any previous issues by residents in Brafferton which have trees in a similar situation.

Brafferton Parish Meeting – There is no indication on the re-submitted plan of the finish of the proposed house. The meeting expressed its opposition to grey render., grey render is out of character. Water pressure in the village is still not adequate, no matter what Northumbrian Water suggest. A quick check would confirm the actual situation. Another housing unit would have a detrimental effect. There was concern expressed that the 2 mature trees are not specifically protected. They are considered to be around 100 years old and should be protected.

Northern Powergrid – No objections.

Northumbrian Water – No comments to make.

Northern Gas Networks – No objections.

One letter of objection has been received which raises the following issues:

- *The visual impact this development will have at the neighbouring property is considerable. An existing area of garden with no built up area will be replaced with a house out of keeping with those that are presently in existence in the village both in terms of style and materials used in construction;*
- *The proposed access drive way is directly across the village green. This will cause damage and disturbance in a permanent manner to this historic green. In addition the erection of the house will add no doubt a further two cars to a village that has limited off street parking provision at present;*
- *The planned development will cross over the village green and during construction the roots of two well established chestnut trees will not doubt be damaged by compaction. In addition the new house, if built, will inevitably result in complaints from the new residents about limited light as these trees would certainly block out light from the properties;*
- *As these trees are planted on the green they should be preserved for the benefit of all residents and not felled for the sake of developers or convenience of house buyers, they form a key feature within the village and should be protected at all costs;*
- *Should the application be considered for approval would like the right to address the Planning Applications Committee about these important and emotive issues before it is dealt with under delegated powers.*

PLANNING ISSUES

This is an outline planning application which seeks to establish the principle of residential development for the erection of a single dwelling on the site. The application site lies within the development limits for the village of Brafferton, as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997. As such, the principle of residential development in this location would be in accordance with the requirements of Saved Local Plan Policy E2 (Development Limits) and Policies CS1 (Darlington's Sub-Regional Role and Locational Strategy) and CS10 (New Housing Development) of the Darlington Core Strategy Development Plan Document.

Although this is an outline application with all matters of appearance, means of access, landscaping, layout and scale reserved, consideration of the proposal on the basis of the indicative plan submitted with the application is based on the following matters.

Visual and Residential Amenity

Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design) requires that high quality, safe, sustainable and inclusive design will be promoted in all new developments making efficient use of land, existing buildings and resources and reflecting and/or enhancing Darlington's distinctive natural, built and historic characteristics. The policy also requires that new residential development should be built to Code for Sustainable Homes Level 3. The Design of New Development SPD also provides details design guidance for new development across the Borough on a zone-based approach.

The proposed dwelling would be built on an area of side garden between existing dwellings at 21 and 23 The Green respectively, which forms a gap site in an otherwise continuously built up frontage along this part of The Green. The plot, which has a frontage width of approximately 10.8 metres, is relatively flat although is slightly elevated above the village street. There is a detached dwelling at 23 The Green immediately to the east of the application site and a short terrace of modest two-storey dwellings to the west of the site. The submitted plan proposes a 3-bedroom dwelling which is considered to be of a size, scale and design in keeping with those dwellings immediately surrounding the application site on the north side of The Green.

Concern has been expressed regarding the potential for the dwelling to have a render finish, although no details of the external materials to be used have been submitted with this outline application. The existing dwelling to the east at 23 The Green is stone built and the terrace of properties to the west has a variety of stone and render finishes. The property immediately to the west, 21 The Green, has recently had the render removed to reveal stonework beneath. Further afield there are other stone built properties elsewhere in the village, with a number of larger, modern both stone and brick built properties on the opposite side of the village street.

Although details of the materials would be dealt with at the reserved matters stage, given that there is a variety of external finishes within the vicinity of the site it would be difficult to justify refusal of the application on the basis of a render finished property.

In terms of the scale and siting of the proposed dwelling on the plot, relative to those properties either side, it is not considered that the proposed dwelling would have any unacceptable impact upon the amenities of these properties in terms of loss of light, outlook or loss of privacy due to overlooking. Although the proposed dwelling would be set back approximately 1.2 metres from the verge to the front it will not extend beyond the rear of the existing dwellings either side. No windows are proposed in either side elevation of the proposed dwelling. Likewise the existing properties either side are not considered to impact upon the living conditions of future occupants of the proposed dwelling. Both the existing and proposed dwelling would have a reasonable amount of private rear garden area and off-street parking area to serve both dwellings.

There is a working farm to the rear of the application site which has the potential to impact upon the amenities of the proposed dwelling in terms of noise, nuisance and disturbance. However there are other existing dwellings either side of the application site in equally close proximity to the farm. The Council's Environmental Health Officer has confirmed that they have received no noise complaints in respect of the farm and as such it would be difficult to refuse planning

permission on the basis of the impact the operation of the farm would have on the amenities of the proposed dwelling.

Highway Safety

Vehicular access leading to 4 off-street parking spaces to the rear of the site would be via an existing vehicle crossing over the village green which itself would be unaffected by the proposed development. The proposed parking spaces would provide off-street parking to serve both the existing dwelling at 23 The Green and the proposed dwelling. The Highway Engineer has advised that although for both the existing and proposed dwelling a total of 5 off-street parking spaces would be required in this instance the shortfall of 1 space can be accommodated on the street to the front of the application site and on this basis he raises no highway objection. He has also advised that the access within the site be widened to 3.7 metres to allow vehicles and pedestrians to pass safely and also allow manoeuvring space for vehicles. This would not encroach upon the access over the village green. As means of access is a reserved matter this can be pursued at the reserved matters stage.

Impact upon Trees

There are two mature sycamore trees to the front of the application site within the village green. The trees are not protected by Tree Preservation Order although are located on Council owned land and as such the Council has control over the trees and they are not considered to be at direct risk as a result of the proposed development. There is however the potential for damage to occur to the trees should building materials be stored on land to the front of the application site. As such a condition is attached requiring these trees to be protected during the construction phase.

The trees will be approximately 10.5 – 11 metres away from the front of the proposed dwelling. At this distance it is considered unlikely that they will have an adverse impact upon the amenities of the proposed dwelling in terms of loss of light which may result in pressure for the trees to be felled or pruned. The Council's Arboricultural Officer has confirmed that he is unaware of such issues being raised by residents elsewhere in the village with trees in a similar position.

Village Green Issues

The area of grass verge to the front of the application site, to the north of the main village street, is registered as Village Green. In the case of Brafferton the Council are custodians of the Village Green and an easement must be sought from the Council for any alterations to or new crossings over the Village Green. The previous application proposed altering existing crossings and creating a new pedestrian crossing over the Village Green to access the pair of semi-detached houses and the existing dwelling. The application was withdrawn following concern that such easements were unlikely to be granted and therefore the properties could not be accessed over the Village Green.

In this instance it is proposed that the existing vehicular access to the garage will be used, in its current, unaltered, state to serve the existing and proposed dwellings. The proposed dwelling will be set back approximately 1.2 metres on its plot to enable pedestrian access to be gained from within the application site. These proposals do not raise any issues in respect of the Village Green. The plans have been amended since first submitted to omit a slight alteration to the footpath to the front of the existing dwelling to enable access to be gained to the side garden of this property. The amended plans now propose no changes to the Village Green.

Other issues

Concern has been expressed regarding water pressure within the village and the impact the proposed dwelling may have on this. Northumbrian Water has advised that it has no comments to make on the application. Notwithstanding this, it is not considered that the erection of a single dwelling on the site would have such an unacceptable impact upon water pressure within the village so as to warrant refusal of the application on this basis.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

This application is an outline application with all matters relating to appearance, means of access, landscaping, layout and scale reserved for future detailed submissions. The site is located within the development limits for the village of Brafferton and as such the principle of residential development accords with the requirements of Saved Local Plan Policy E2 (Development Limits) and Policies CS1 (Darlington's Sub-Regional Role and Locational Strategy) and CS10 (New Housing Development) of the Darlington Core Strategy Development Plan Document. The proposed development as shown on the indicative plan accompanying the application is considered to accord with Policy CS2 (Achieving High Quality, Sustainable Design) and the Revised Design of New Development Supplementary Planning Document 2011. Subject to the imposition of appropriate planning conditions, it is considered that the proposed dwelling would respect the amenity and general character of the area and would not raise any issues in relation to residential amenity or highway safety.

RECOMMENDATION

THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A1 (Submission of reserved matters)
2. A2 (Standard implementation period)
3. The application for Reserved Matters shall be accompanied by an Interim Certificate for Code for Sustainable Homes. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.

REASON – To ensure that the development accords with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 and the Revised Design of New Development Supplementary Planning Document 2011.

4. Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with the requirements of condition 3.

REASON – To ensure that the development has been carried out in complete accordance with condition 3 in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 and the Revised Design of New Development Supplementary Planning Document 2011.

5. The application for approval of Reserved Matters required by condition 1 above shall include details of any walls, fencing or other means of enclosure. The approved means of enclosure shall be erected prior to the first occupation of the dwelling hereby approved and shall thereafter be so maintained.

REASON – In the interests of visual and residential amenity

6. Prior to the commencement of the development details shall be submitted of a scheme to protect the two existing sycamore trees within the village green to the south of the application site. The submitted details shall comprise generally the specification laid down within BS 5837 2012 and shall include fencing of at least 2.3 metres high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact me made with the Assistant Director – Highways, Design and Projects (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development.