

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1 JUNE 2016

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APPLICATION REF. NO:	16/00349/FUL
STATUTORY DECISION DATE:	26 May 2016
WARD/PARISH:	WHINFIELD
LOCATION:	Land at Rear of 54 Barmpton Lane
DESCRIPTION:	Erection of bungalow with integral double garage
APPLICANT:	JOHN RICHARDSON

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of a detached bungalow on land to the rear of 54 Barmpton Lane. The proposed dwelling is a three bedroom bungalow with integral garage and is to measure approximately 17.6 metres wide by a maximum of 14.6 metres deep including the integral garage, reducing to 11.2 metres deep. It is to have a hipped tiled roof, approximately 5.5 metres in height at ridge level. Access to the dwelling would be via an existing 4 metre wide vehicular access to the side of 54 Barmpton Lane which presently serves the existing dwelling.

This is a resubmission of a scheme which was allowed on appeal in February 2013 (APP/N1350/A/12/2180903) but which has since lapsed. The scheme remains unchanged from that which was allowed on appeal.

The application site is an area of lawned garden, extending to approximately 0.14 hectares, associated with and located to the rear of 54 Barmpton Lane. There is a large garage-type building on the site that serves the application property, but is outside of the application site, and a number of fruit trees located centrally on the site. The site is bounded by residential properties on Barmpton Lane to the west, on Rivergarth to the north and east and by properties on Rivermead Avenue to the south. Records show that two elm trees, protected by Tree Preservation Order (No. 6) 1979 are in close proximity to the southern boundary of the application site however neither of these trees is present on the site.

A Design and Access Statement and land contaminated screening assessment have been submitted with the application.

PLANNING HISTORY

11/00150/FUL – Erection of 2 no. dwellings (additional land contamination screening assessment received 26 April 2011 and 3 May 2011 and additional site sections received 2 June 2011) REFUSED 20.6.2011. Appeal DISMISSED 8.11.2011

12/00271/FUL – Erection of a single storey dwelling. REFUSED 20.6.2012. Appeal ALLOWED 18.2.2013

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits
- E12 – Trees and Development
- H13 – Backland Development

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
- CS16 – Protecting Environmental Resources, Human Health and Safety

Design of New Development Supplementary Planning Document

National Planning Policy Framework

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – Generally a limit of no more than 5 dwellings may be served by means of a private access road and this should be no longer than 25m long. Suitable arrangements will have to be agreed for the refuse collection as the access road is longer than the 25m maximum allowable walking distance from the public highway for pick up. The existing property is a 4 bedroomed dwelling and therefore should have in curtilage parking for 3 no. vehicles. The information states that the new house will have a 3 bedroomed property which would require 2 no. spaces therefore it should be conditioned that a minimum of 5 no. car parking spaces are made available for the two properties throughout the life of the development with sufficient manoeuvring space retained to allow vehicles to turn around within the site and exit onto Barmpton Lane in a forward gear for safety reasons. This should be demonstrated on the approved drawings. The additional generated traffic from the new dwelling should not have a material impact on highway safety and the access meets the requirements for emergency access. Would raise no highway objection to the proposal subject to submission of the above information or an appropriate condition attached to a permission.

Environmental Health Officer – The application site is entirely surrounded by established residential housing and if approved the development is likely to cause significant disturbance to these surrounding properties while construction takes place. This disturbance could include noise from construction and dust created by the building process. In order to minimise these impacts recommend that conditions be attached limiting the hours of construction and requiring the submission of a construction management plan.

Contaminated Land Officer – Based on the information provided the Environmental Health team has identified no contamination issues or constraints and recommends that no further geo-environmental investigations are warranted or necessary.

Senior Arboricultural Officer – Recommends that tree protection measures are in place for trees to be retained on site and for those adjacent to the site.

Northumbrian Water - No comments.

Northern Gas Networks – No objections.

A total of 5 letters of objection have been received which raise the following issues:

- *Concerned about the use of security lighting which would cause a nuisance;*
- *Concerned with the close proximity of the dwelling to my garden and the impacts this will have on my privacy. Having a new property whose occupants will be able to look into my bedroom, and be just over the fence, will impact on my quiet enjoyment of my home;*
- *Very concerned about the vibration and the impact on my property whilst the property is under construction. The heavy traffic which goes up and down Barmpton Lane already causes vibration to my property and therefore I am concerned that the heavy equipment used to dig out foundations and built the property will cause even more vibration and potential damage to my property;*
- *Concerned about noise and dust during construction which will have an increased negative impact whilst I am out in the garden and may also infiltrate my property, in addition to the negative health hazard of having to breathe in dust for hours at a time;*
- *There is limited space for emergency vehicles to access the property which would not only put the residents of the new property at risk but also myself and other houses bordering onto the proposed property;*
- *The outlook from my property will be compromised; I currently look out onto an orchard with trees shielding other houses. Understand that there will be nothing to stop the removal of the trees and if this is done my view will be compromised and wildlife will suffer;*
- *Understand that when planning permission was granted on appeal for a previous application certain conditions were attached. These conditions would need to be applied and extended should permission be granted, particularly to include hours of construction;*
- *Concerned that the proposed bungalow will cause a potential flood risk to my property due to its low lying position compared to surrounding properties. Understand that my property is already located on a floodplain and would like to be reassured that proper and adequate drainage for any run off water for the proposed new bungalow and the access road will be included as a requirement of the planning consent;*
- *The bungalow will be so close to my property. The garage will be right up against my fence and back bedroom which is my main bedroom;*
- *This is such a quiet area, but this will not be the case if the bungalow goes ahead;*
- *Would like to invite the Planning Committee to come and have a look from my bedroom window, garden and conservatory to feel what it would be like to live here and to feel the impact of how close the bungalow will be;*
- *Concerned that things can be added to houses without planning permission. The proposed bungalow will take up most of the site so any additions would be right up to our fences causing intrusion to our lives;*

- *The noise arising from the proposed dwelling, which will be amplified by the surrounding houses, will affect everyone's enjoyment of life in their gardens and conservatories;*
- *The proposal is contrary to Local Plan Policy H13 due to the effect of the development on our living conditions;*
- *The additional traffic in and out of the proposed development would increase the risk of further vehicle incidents and accidents in the immediate area. There have been several accidents in and around the area in recent times;*
- *Several complaints have been made with respect to the speed of traffic in this part of Barmpton Lane. Incidents would increase further with additional traffic into and out of the proposed development;*
- *Photographs used in this application are misleading given that they have been taken from a position to show an increased view rather than the restricted view which would be observed by vehicles entering and exiting the proposed shared access road;*
- *Increase in light pollution, especially when using the telescope during the hours of darkness. Complaints have already been made to the council in regard to the use of the existing lighting which affects the use of our conservatory in an evening;*
- *Increase in noise and air pollution from increased traffic flow and manoeuvring of vehicles close to our boundary, not just from the proposed new residents but by any visitors to the residence;*
- *The amount of manoeuvring to and from the proposed development by traffic due to the limited width of the access road, from the proposed new residents and their visitors;*
- *Further reduction in privacy as the access road leading to the proposed development passes within 2 metres of a living room and also our kitchen/diner;*
- *Proposed development is in direct contradiction to the Planning and Environmental policy relating to Sustainable Darlington;*
- *Some information completed on application form is ambiguous, relating to rights of way, caravan parking and the presence of hedgerows and trees;*
- *Reference made to appeal decision dated 8 November 2011 (APP/N1350/A/11/2155868) which dismissed an appeal against the refusal of planning permission for two dwellings on the site, and the particular reasons for dismissing this appeal;*
- *No details provided for the modification and requirement for additional parking spaces to serve 54 Barmpton Lane, which was a comment of the previously rejected planning application;*
- *It is noted that the property (54 Barmpton Lane) is now for sale, any prospective buyers will have any information of the possibility of commenting on this application at this stage and the details do not appear of any estate agents details. Prospective buyer would be misled into thinking they have exclusive access rights to this section of land.*

PLANNING ISSUES

This is a resubmission of an identical scheme which was allowed on appeal in February 2013 (APP/N1350/A/12/2180903). Although the permission has recently lapsed, and the application must be assessed in terms of its acceptability or otherwise of the following matters, the Inspector's decision is a material consideration to be given significant weight in determining the application given that there has been no change in planning policy since the appeal was allowed:

- Planning Policy
- Visual Amenity
- Residential Amenity

- Highway Safety
- Tree Issues
- Land Contamination
- Other Issues Raised by Objectors

Planning Policy

The site lies within the development limits for the urban area of Darlington, as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997. As a result, the proposal would accord with the general policy requirements of Saved Policy E2 (Development Limits) of the Local Plan and Policies CS1 (Darlington's Sub-Regional Role and Locational Strategy) and CS10 (New Housing Development) of the Darlington Core Strategy Development Plan Document.

Saved Local Plan Policy H13 (Backland Development) states that permission will not be granted for residential development on such sites which would unacceptably conflict with the safe and free flow of traffic; the privacy and quiet and enjoyment of neighbouring dwellings and gardens of dwellings which adjoin any proposed access; or the scale and character of the surrounding development. These particular matters will be considered in greater detail elsewhere in this report.

Impact on Visual Amenity

Policy CS2 (Achieving High Quality Sustainable Design) seeks to ensure that high quality, safe, sustainable and inclusive design will be promoted in all new developments. The Design of New Development Supplementary Planning Document 2011 provides design guidance for new development on a zone-based approach across the Borough.

The surrounding area is predominantly residential in character, with an eclectic mix of detached and semi-detached bungalows and houses fronting Barmpton Lane to the west and denser development of predominantly detached houses and bungalows to the north, south and east on Rivergarth and Rivermead Avenue. As before, the proposed bungalow has been designed to reflect the predominant built form surrounding the application site in terms of its design and use of materials. For the purposes of the Design SPD the site is located in Zone 4, where development between one and two and a half storeys is considered acceptable. While the detailing of the proposed bungalow is not entirely in accordance with the guidance set out in the SPD, it is considered appropriate in its context. Although the scale and footprint of the proposed dwelling is considerably larger than those surrounding the site, it will not be readily visible in the wider streetscene and is not considered to be harmful to the visual amenity of the surrounding area and therefore complies with Policy CS2 and the Design SPD in this regard.

Impact on Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community. Saved Local Plan Policy H13 (Backland Development) also seeks to protect the privacy and quiet enjoyment of neighbouring dwellings and gardens and of dwellings which adjoin any proposed access. The Design SPD also includes guidance on proximity distances between existing and proposed dwellings to protect the privacy of the occupiers of these properties.

The application site is predominantly flat, with no discernible change in levels across the site and surrounding area as a whole although there is a slight change in levels between the application site and the neighbouring property at 43 Rivergarth to the east. Although the rear garden of this property is level with the application site the property is set down by approximately 0.25 – 0.3 metres from the rear garden.

The proposed dwelling has been designed so as to achieve the appropriate separation distances set out in the Design SPD, between existing and proposed dwellings, therefore maintaining appropriate privacy levels between these dwellings and their respective gardens. No details of the proposed boundary treatment has been provided, however this is a matter that would be dealt with by planning condition. A 1.8/2 metre high close boarded fence, or similar, would ensure that direct overlooking at ground level between the proposed dwelling and those surrounding the application site would be minimised. This arrangement was considered to be acceptable by the Inspector in dismissing the previous appeal. Although concern was expressed in respect of the potential for overlooking of the private rear garden area of the proposed dwelling from the first floor windows in the rear of the neighbouring property at 43 Rivergarth, the Inspector considered that the oblique orientation of this property towards the proposed dwelling would result in significant areas of the garden that would not be overlooked. As a result, he considered *‘that the scheme would provide acceptable levels of privacy and amenity for its occupants without undue overlooking, or perception of overlooking, from surrounding dwellings’*.

Access to the proposed dwelling would be via an existing driveway between 52 and 54 Barmpton Lane. The previous scheme (12/00271/FUL) was refused, in part, because of its backland location and the resultant impact this would have on the living conditions of the neighbouring property at 52 Barmpton Lane due to the intensification of the use of the access in close proximity to this property. The Inspector in allowing the appeal however advised that *‘I consider the reduced level of activity compared to the previous scheme, whilst resulting in a change from the present situation, would not result in such a degree of disturbance for the occupiers of No. 52 that this would be materially harmful to the living conditions they could reasonably expect to enjoy’* and that there would be *‘sufficient distance and physical separation between the garaging and manoeuvring space and No. 41 Rivergarth to the east to ensure no undue disturbance for the occupiers there’* and concluded that there would be no conflict with Saved Local Plan Policy H13. On this basis the proposal is considered to comply with this policy.

Conditions are proposed requiring the submission of details of the proposed means of enclosure, external lighting, a construction management plan to include a dust action plan and finished site levels, together with conditions restricting hours of construction and removing permitted development rights for extensions, to protect the amenities of surrounding properties.

Highway Safety

A number of objections have been received which raise concerns regarding the width of the access and its ability to safely serve both the existing and proposed dwellings; the lack of parking provision for the existing dwelling and the increase in traffic arising from the proposed dwelling and the impact this may have on the safety of users of Barmpton Lane. Subject to a condition requiring the submission of details for the provision of compensatory parking spaces for the existing dwelling, 3 no., within the curtilage of the property, the Highway Engineer raises no highway objection to the proposal. The proposed development is not therefore considered to have an adverse impact on highway safety, nor on the safe and free flow of traffic.

Tree Issues

There are a number of trees within the application site that would be lost to the development. The Council's Arboricultural Officer has advised however that he considers none of these trees to be worthy of protection. If any are to be retained however they should be protected during the course of the development. There is a semi/mature Whitebeam (*Sorbus aria*) which appears to be in reasonable form and condition, located within the rear garden of 7 Rivermead Avenue immediately to the south east of the application site. The development will not encroach upon the Root Protection Area (RPA) of this tree however a condition is also attached requiring this tree to be protected during the course of the development.

Land Contamination

A land contamination screen assessment has been submitted with the application and the Contaminated Land Officer has advised that there is no known contamination on the site.

Other Issues Raised by Objectors

A number of objectors have raised concerns regarding matters of flooding and the impact the proposed development will have on wildlife on the site. The application site is not located within a flood zone. Surface water would be discharged into the main sewer and Northumbrian Water has indicated that they have no comments to make on the application. The application site is part of the larger garden area associated with 54 Barmpton Lane and there is no substantive evidence that the proposed development would have any unacceptable impact upon wildlife interests on the site.

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

The site lies within the development limits for the urban area of Darlington, as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997. As a result, the proposal would accord with the general policy requirements of Saved Policy E2 (Development Limits) of the Local Plan and Policies CS1 (Darlington's Sub-Regional Role and Locational Strategy) and CS10 (New Housing Development) of the Darlington Core Strategy Development Plan Document. Due to the location of the site to the rear of the existing property at 54 Barmpton Lane the proposal is considered to be backland development, however in this instance it is considered that the design, scale and layout of the proposed bungalow is in keeping with the scale and character of the surrounding area and would not lead to an unacceptable reduction in amenity standards to either existing dwellings or that proposed as established by the Inspector's appeal decision (APP/N1350/A/12/2180903). A number of conditions are attached to protect the amenities of surrounding properties and the Highway Engineer has raised no highway objection to the proposal. The proposal is also considered to comply with the requirements of Saved Policies E12 (Trees and Development) and H13 (Backland Development) of the Borough of Darlington Local Plan 1997, Policies CS2 (Achieving High Quality, Sustainable Design) and CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document and the Revised Design of New Development SPD.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. B9 (Details of means of enclosure)
4. No works shall commence on site until protective fencing, in accordance with BS5837 2012 has been erected around the semi/mature Whitebeam (*Sorbus aria*) tree adjacent to the application site and around any trees to be retained on the site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.

REASON – To ensure the retention of the trees and its protection from damage, in the interest of visual amenity.

5. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management ‘Guidance on the assessment of dust from demolition and construction’ February 2014;
 - (b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 ‘Code of Practice for noise and vibration control on construction and open sites’ 2009;
 - (c) Construction Traffic Routes, including parking areas for staff and visitors;
 - (d) Details of wheel washing;
 - (e) Road Maintenance;
 - (f) Warning signage.

Thereafter the development shall not be carried out otherwise than in complete accordance with the details as approved.

REASON – In the interest of residential amenity and highway safety.

6. Construction work, including deliveries and removal of waste from the site, shall not take place outside the hours of 08.00 – 18.00 Monday – Friday, 08.00 – 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interest of residential amenity.

7. Prior to first occupation of the dwelling hereby approved, details of any proposed external illumination together with a lighting impact assessment shall be submitted to the Local Planning Authority in writing. Thereafter the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To protect the amenities of neighbouring dwellings.

8. No development shall take place until a scheme for the piling of foundations (if applicable) has been submitted to and approved in writing by the Local Planning Authority. This should include:
- (a) an assessment of the likely vibration levels and details of any necessary mitigation measures;
 - (b) details for the monitoring of vibration levels and details of any mitigation measures; and
 - (c) if necessary, a risk assessment for the protection of groundwater from any contamination which may be present on site.
- Development shall be implemented in accordance with the approved scheme.

REASON – To minimise any adverse impact on surrounding properties due to vibration and to protect groundwater resources.

9. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwelling and garden hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interest of residential amenity.

10. C5 (Removal of permitted development rights for extensions)

11. No development shall take place until details of the provision for off-street parking for 3 no. vehicles for 54 Barmpton Lane have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter be so maintained.

REASON – In order that adequate off-street parking is available.

12. B5 (Development in accordance with the approved plans)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits
- E12 – Trees and Development
- H13 – Backland Development

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
- CS16 – Protecting Environmental Resources, Human Health and Safety

Revised Design of New Development Supplementary Planning Document

National Planning Policy Framework

INFORMATIVE

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director – Highways, Design and Projects (contact Mrs P McGuckin 01325 406651) to discuss naming and numbering of the development.