

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 May 2010

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APPLICATION REF. NO:	10/00048/FUL
STATUTORY DECISION DATE:	26 March 2010
WARD/PARISH:	COLLEGE
LOCATION:	56 Milbank Road
DESCRIPTION:	Erection of three detached dwellinghouses with double garages
APPLICANT:	Cedar Building Co Ltd

APPLICATION AND SITE DESCRIPTION

The application site is a T shaped area which bounds Nos 56, 62 and 64 Milbank Road and the proposal involves the erection of three detached dwellings with vehicular access via an existing entrance off Pierremont Gardens. The three existing properties are all within the ownership of the applicant.

The application site is subdivided into three Plots. Plot 1 is located between Nos 56 and 62 Milbank Road, Plot 2 is located to the rear of Nos 62 and 64 Milbank Road and Plot 3 is located to the rear of No 56 Milbank Road. The dwellings are a mix of four and five bedroomed properties, each with separate garages. The position and design of the dwelling on Plot 1 has been amended following discussions with officers in connection the spatial relationship between the dwelling and three preserved trees within the application site.

The application site contains trees that are covered by a tree preservation order dated 1983 (which superseded an earlier Order dated 1965). The surrounding area is in a residential use consisting of predominately semi detached and detached dwellings.

A planning application (See Planning History) for the demolition of No.3 dwellings (Nos 56, 62 and 64 Milbank Road) and the erection of new residential development comprising No. 10 apartments and No. 7 dwellings with associated garaging and car parking was allowed on appeal in November 2007. This is an alternative proposal to this previously approved scheme.

PLANNING HISTORY

07/00312/FUL In June 2007 planning permission was REFUSED for the demolition of No.3 dwellings and the erection of new residential development comprising No. 10 apartments and

No. 7 dwellings with associated garaging and car parking. An appeal against this decision was ALLOWED in November 2007

PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan are relevant:

- E2 Development Limits
- H3 Locations for New Housing Development
- H13 Backland Development
- E12 Trees and Development
- E13 Tree Preservation Orders
- E14 Landscaping of Development
- E27 Flooding and Development
- E29 Setting of New Development
- H11 Design and Layout of New Housing Development
- T8 Access to Main Roads
- T13 New Development Standards
- T24 Parking and Servicing Requirements for New Development

The Supplementary Planning Document on Design for New Development is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Two letters of objection have been received and the concerns can be summarised as follows:

- *Pierremont Gardens cul de sac is a narrow residential road. We are an elderly couple and we don't want the quiet beautiful area to be invaded by building lorries etc plus extra traffic, excessive noise, dirt and disturbance*
- *We are also concerned about the young children playing outside. I believe this is a very dangerous proposal and if a different entrance could be found we would be much happier. It is an accident waiting to happen*
- *We would be amazed if our fragile drainage system would cope with such upheaval as often our road (Pierremont Gardens) is flooded in the wet weather,*

Consultee Responses

The **Environment Agency** consider that the application has low environmental risk

Northern Gas Networks has no objections to the proposed development

CE Electric UK has no objections to the proposed development

Northumbrian Water has no objections to the proposed development subject to a planning condition being imposed relating to surface water drainage

The **Council's Environmental Health Officer** has requested the imposition of a planning condition relating to contaminated land, methods of piling and hours of construction.

The **Council's Highways Engineer** has no objections to the proposed development subject to the imposition of planning conditions relating to works being carried out at the junction of the site and Pierremont Gardens and improvements to the pedestrian links to and within the site.

The **Council's Senior Arboricultural Officer** raised concerns over the relationship between the dwelling on Plot 1 and three trees covered by the 1983 Tree Preservation Order

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Visual Appearance and Character of the Area
- Residential Amenity
- Highway Matters
- Impact upon Trees

Planning Policy

Policy H3 (Location of New Housing Development) of the Borough of Darlington Local Plan is a general policy, which states that new housing development will normally be permitted within the development limits of the urban area provided the site is not specifically proposed or safeguarded for another use and that the development accords with other plans policies. The site lies within the development limits for the urban area as defined by Policy E2 (Development Limits) of the Local Plan and it is not safeguarded for other uses.

Policy H13 (Backland Development) states that backland development comprises of development to the rear of existing houses. Such development is permitted provided that there are no adverse impacts upon the free and safe flow of traffic, the privacy and quiet enjoyment of neighbouring dwellings and gardens or the scale and character of the surrounding development.

Visual Appearance

The existing street frontage onto Milbank Road consists of a brick wall behind which, sit the three existing dwellings (Nos 56, 62 and 64). No 56 Milbank Road is screened from the street by a row of mature trees and a hedge and there is only a pedestrian access off Milbank Road. There is an existing vehicular access at the head of the Pierremont Gardens cul de sac leading to the rear of No 56 Milbank Road. This consists of a high brick wall on either side of a set of solid gates and a low wall further screened by fencing and trees and hedges. Nos 62 and 64 Milbank Road are more visible within the street scene and there are vehicular accesses to each property directly off Milbank Road.

The rear gardens of Nos 62 and 64 Milbank Road currently run up to the boundary line with No 37 Pierremont Gardens.

The application site is subdivided into three Plots. Plot 1 is located on the existing side garden of No 56 Milbank Road adjacent to the neighbouring dwelling No 62 Milbank Road. The position and design of this dwelling has been amended to minimise its impact upon three preserved trees located on the Milbank Road frontage. The dwelling has been repositioned further north into the Plot in order to ensure that it is outside of the Root Protection Areas of the aforementioned trees and the internal layout has been amended to allow more natural daylight to enter through the

southern elevation. This property is a five bedroomed dwelling and its design incorporates features found in No 56 Milbank Road such as artstone heads and cills and masonry eaves corbling. The height of the dwelling reflects the height of No 56 Milbank Road although it is slightly higher than Nos 62 and 64 Milbank Road.

Plot 2 is predominately located to the rear of Nos 62 and 64 Milbank Road (also within the ownership of the applicant) and their gardens will be reduced in length as a result of the development. As well as the garden areas, a large single storey garage currently occupies this Plot. The proposed dwelling is a four bedroomed property with a single extension projecting to the front consisting of a study and a garage. This property would have a hipped roof to reflect the character of dwellings on Pierremont Gardens.

Plot 3 is to the rear of No 56 Milbank Road. The dwelling would be a four bedroomed property with a 1.5 storey high side extension comprising a garage with a games room above. This property would also have a hipped roof to reflect the character of dwellings on Pierremont Gardens. This part of the site is currently occupied by a large detached garage.

Each property would be accessed via a shared private drive leading from the existing vehicular access off Pierremont Gardens.

The scale and revised design of the individual dwellings is acceptable and the overall development is considered high quality and in keeping with the surrounding area. Appropriate planning conditions would be attached to any grant of planning permission to secure suitable materials. The Council's Urban Design Officer considers that the design and layout of the development would comply with the Supplementary Planning Document on Design for New Development

All of the existing dwellings on Milbank Road would be retained as part of this development, which was one of the areas of concern previously raised by both local residents and Members of the Planning Committee about the previous proposal.

Residential Amenity

The relationships between the existing and proposed dwellings are considered to be generally acceptable and in accordance with the requirements of the Supplementary Planning Document for Design of New Development.

The western elevation of No 56 Milbank Road faces onto Plot 1 and the proposed dwellings has been designed in a manner so that the impact on the amenities of occupier of No 56 Milbank Road are minimised. There are no principal openings in the opposing side elevation of the new dwelling and it is a mix of one storey; 1.5 storeys and two storeys to ensure that it is not an imposing building when viewed from No 56 Milbank Road.

As a result of the dwelling moving further north within the Plot due to the presence of the preserved trees, the new dwelling will be more visible from the rear of No 62 Milbank Road. However, it is a mix of one storey, 1.5 storey and two storeys, which will minimise the impact. The rear elevation of No 62 Milbank Road is north facing and it does not receive a large amount of daylight from the east at present due to the height of the existing conifer hedge on the boundary, which separates the two plots. Arguably, replacing the conifer hedge with the dwelling will result in more light entering the rear of No 62 Milbank Road.

The separation distance between the new dwelling and Nos 62 and 64 Milbank Road is considered acceptable. The southern elevation of the dwelling in Plot 2 does not contain any principal window openings and it is a combination of two and one storeys high. No 37 Pierremont Gardens to the north of Plot 2 contains four windows and the new dwelling has been designed so that the outlook from these windows would be over the single storey front projection. The main two storey section of the dwelling would be sited alongside a garage belonging to No 37 Pierremont Gardens and there would be no window openings with direct views across the neighbouring garden.

Three dwellings bound Plot 3. No 35 Pierremont Gardens lies to the north of the site and the rear elevation of this property faces onto the application site. There is currently a high hedge on the boundary but this would be removed as a result of the development making the new dwelling more visible. However, the separation distance between the two properties is considered acceptable and the new dwelling has been designed so that the nearest section to the neighbouring dwelling is 1.5 storeys in height built with a hipped roof, which will minimise its impact. There are no window openings in the north elevation of the new dwelling. The rear elevation of the new dwelling faces east, over the garden of No 54 Milbank Road. Whilst there are first floor bedrooms windows in the rear elevation, they would look over the roof of a large detached garage rather than have a direct view into the garden itself. There would be no windows in the elevation of the new dwelling facing the rear of No 56 Milbank Road, and the separation distance is considered acceptable.

The proposed development has been designed to take into account the relationships between existing and proposed dwellings. The development would not raise any residential amenity issues and adequate standards of privacy would be maintained. However it is also considered appropriate to impose a planning condition restricting permitted development rights for the dwellings in order to safeguard residential amenity.

One of the objector's has raised concerns over the potential disruption that would be caused during the construction of the development, if approved. The Council Environmental Health Officer has requested the imposition of a planning condition restricting the hours of construction and also to secure an agreement over any piling methods, if they are required.

Highway Matters

The existing access off Pierremont Gardens would be used as the vehicular access to all three properties, which all have their own garage. A new pedestrian access off Milbank Road to Plot 1 would be created but similar access to the other two dwellings would be from Pierremont Gardens.

The Council's Highways Engineer considered that the additional traffic generated by the three dwellings is unlikely to have a significant impact upon the highway network. The shared access arrangements and the individual driveways comply with Design Standards and the off street car parking provision is acceptable.

However, improvement works at the junction of shared drive and Pierremont Gardens would be required and the footpath links into the development should be improved. The Highways Engineer has no objections to the proposed development subject to the imposition of planning conditions to secure the above matters.

Impact on Trees

There are three trees within the grounds of No 56 Milbank Road, one tree to the front of No 62 Milbank Road and two trees to the front of 35 Pierremont Gardens, which are covered by the Borough of Darlington Tree Preservation (No 5) Order 1983. There are other trees and hedges within the site, which are not covered by an Order.

In order to facilitate the development, it would be necessary to remove some of the existing trees and hedges, but not any of the preserved trees. The Council's Senior Arboricultural Officer expressed concerns over the spatial relationship between the proposed dwelling on Plot 1 and three trees to the south, which are covered by the Order.

Following discussions with officers, the dwelling on Plot 1 has been repositioned so that it is located outside of the Root Protection Areas of the three trees and there is no longer a need to prune the trees in order to construct the dwelling. The internal layout of the property has been revised to maximise the amount of natural daylight entering the southern elevation and to minimise the potential need to prune the trees in the future. To provide maximum light to the main rooms at ground floor level, full length windows have been provided leading to an open plan layout with a large section of the dining room and lounge area being single storey with large roof lights giving north light deep into the ground floor.

To mitigate the loss of the trees and hedges, new planting would take place throughout the site and this would be secured by appropriate planning conditions. There would also be a need to impose a planning condition to ensure the protective fencing is erected around the retained trees during the construction period.

It is considered that the revised layout of the development will not have a detrimental impact upon the protected trees within and on the edge of the application site.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have 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. It is not considered that the contents of this report have any such effect.

CONCLUSION

This proposal is significantly different from the development allowed on appeal in 2007, in terms of scale, layout and design. The application site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to trees, car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

Borough of Darlington Local Plan

- E2 Development Limits
- H3 Locations for New Housing Development
- H13 Backland Development
- E12 Trees and Development

E13	Tree Preservation Orders
E14	Landscaping of Development
E27	Flooding and Development
E29	Setting of New Development
H11	Design and Layout of New Housing Development
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Supplementary Planning Document

Design for New Development.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B4 - Details of Materials (Samples)
3. Notwithstanding the details shown on the approved plans, precise details of highway improvement works at the junction of the shared access drive and Pierremont Gardens shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than accordance with the approved details.
REASON: In the interests of highway safety
4. Notwithstanding the details shown on the approved plans, precise details of a dedicated pedestrian link between the existing footway on Pierremont gardens and the shared access drive shall be submitted to and approved by the Local Planning Authority prior to the commencement. The development and the development shall not be carried out otherwise than accordance with the approved details.
REASON: In the interests of pedestrian safety
5. J2 – Contaminated Land
6. Prior to the commencement of the development a detailed scheme for the disposal of surface water from the development shall be submitted to and approved by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved Plan.
REASON: To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 “Development and Flood Risk” and complies with the hierarchy of preference contained within Revised Part H of the Building Regulations 2000
7. C5 – Restriction of PD Rights (Residential)
8. No construction work, including demolition works shall occur outside the hours of 0800 – 1800 on weekdays and 0800 – 1400 on Saturdays with no working on Sundays or Bank Holidays unless otherwise agreed with the Local Planning Authority
REASON: In the interests of residential amenity

9. Should piling be required, a Piling Risk Assessment, which includes details of the piling method to be employed, justification for its choice, means of monitoring vibration and groundwater risk and the impact upon trees shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of residential amenity

10. Notwithstanding the details submitted with the application an Arboricultural Implications Assessment, an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the specification laid down within BS 5837 and shall also include fencing of at least 2.3m 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.

11. E2 – Landscaping (Submission)

12. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to improve existing crossing and construct pedestrian entrance , and contact must be made with the Assistant Director: Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms.P.Goodwill 01325 388760) to discuss naming and numbering of the development.