

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 July 2014

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APPLICATION REF. NO:	14/00277/FUL
STATUTORY DECISION DATE:	6 June 2014
WARD/PARISH:	SADBERGE AND WHESSOE
LOCATION:	Land to the Rear of No's 64 - 86 Beaumont Hill Beaumont Hill DARLINGTON
DESCRIPTION:	Erection of detached dwelling to the rear of No's 64 - 86 Beaumont Hill with access off Hartlea Avenue (revised description)
APPLICANT:	Mr Cecil Young

APPLICATION AND SITE DESCRIPTION

The application site measures 1.01 hectares to the rear of No's 64 – 86 Beaumont Hill with vehicular access via a gated entrance and driveway off Hartlea Avenue. The site currently contains a detached garage and a stable block within a mix of well-maintained grassed areas and a paddock. There is pedestrian access to the site via the rear garden of No 70 Beaumont Hill (the applicant's property).

The site is bounded to the east, south and west by residential properties and by open fields to the north.

The proposal involves the erection of a contemporary four bedroom detached dwelling, incorporating the existing garage, along with the creation of a wildlife pond and other wildlife improvements within the site. Vehicular access to the dwelling would continue to be provided via the existing entrance off Hartlea Avenue.

PLANNING HISTORY

95/00634/MISC In January 1996 planning permission was REFUSED for the erection of a detached dwelling house (in outline)

PLANNING POLICY BACKGROUND

The relevant planning policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E14 Landscaping of Development
- H7 Areas of Housing Development Restraint
- E4 New Buildings in the Countryside

Darlington Core Strategy Development Plan Document 2011

- Policy CS1 Darlington's Sub Regional Role and Locational Strategy
- Policy CS2 Achieving High Quality, Sustainable Design
- Policy CS10 New Housing Development
- Policy CS14 Promoting Local Character and Distinctiveness
- Policy CS15 Protecting and Enhancing Biodiversity and Geodiversity
- Policy CS16 Protecting Environmental Resources, Human Health and Safety

Other Documents

Council's Supplementary Planning Document – Design for New Development

RESULTS OF CONSULTATION AND PUBLICITY

The Local Planning Authority carried out two consultation exercises. One letter of objection was received following the first consultation exercise stating

- *I would just like to say how deceptive and, I feel underhand this planning application is in the way it has been processed. The letter that has been sent out to all residents states the location as 70 Beaumont Hill whereas the new address is actually going to be Hartlea Avenue and accessed from Hartlea Avenue. A lot of residents, because of the address on the letter, didn't even feel it affected them whereas in actual fact this proposed property will not only be in their eye line, but it will also be adjoining their property boundary. I would like to object to this planning proposal and I would also request that letters are reissued to all residents with the correct address on that will be built on*

A second consultation exercise was carried out following revisions being made to the address and description given to the application. No further objections have been submitted following this second exercise.

Consultee Responses

Northern Powergrid has raised no objections to the proposed development

Northern Gas Networks has raised no objections to the proposed development

Northumbrian Water has raised no objections to the proposed development

The **Environment Agency** has raised no objections to the proposed development

The **Council's Environmental Health Officer (Pollution)** has raised no objections to the proposed development

The **Council's Highways Engineer** has raised no objections to the application

Whessoe Parish Council has objected to the application on the following grounds:

- *The letter to residents did not state that access to and egress from the dwelling would be on Hartlea Avenue and the letter did not describe this*
- *There was no details given of the height, size and position of the wind turbine and there was a concern that the wind turbine will create noise*
- *Hartlea Avenue is a very narrow road. There were concerns about the suitability of Hartlea Avenue as an access for plant, cranes and materials. Working time on the site will have to be enforced in order to minimise disruption to residents*
- *In the evening access to and egress from the dwelling using Hartlea Avenue will be difficult because residents living in Hartlea Avenue using the road to park their vehicles making it very narrow*
- *If planning permission is given, the site could be used for more houses on the same site*

Campaign to Protect Rural England has objected to the application on the following grounds:

- *The development is outside development limits*
- *We do not consider the proposed development is of sufficiently high standard of design to warrant consideration as an exception under the National Planning Policy Framework 2012*
- *We are concerned it could set a precedent*

PLANNING ISSUES

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

- Planning Policy
- Impact upon the Visual Appearance and Character of the Area
- Residential Amenity
- Highway Matters
- Contaminated Land
- Land Drainage
- Impact on Trees
- Setting a Precedent

Planning Policy

Saved Policy E2 of the Borough of Darlington Local Plan 1997 states that most new development will be located inside the development limits defined by the Proposals Map of the Local Plan. The reasoned justification to the policy explains that the limits to development are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled.

Policy CS1 of the Darlington Core Strategy Development Plan Document 2011 states that outside the development limits, development will be limited to that required to meet an identified rural need.

Significantly in 2012 the Government published the National Planning Policy Framework (NPPF) which establishes a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point of decision making.

Proposals which accord with an up to date local plan should be approved and developments that conflict with the plan should be refused unless other material considerations indicate otherwise.

Section 38 (6) of the Town and Country Planning Compulsory Purchase Act 2004 also states that if regard is to be had to the development for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site lies outside the development limits for the urban area and current adopted policy would discourage new residential development in such locations. The development limit for this part of the urban area runs in close proximity to the east, south and west boundaries of the application site.

The Council is being asked to consider the application against the wider planning principles as set out in the NPPF.[National Planning Framework]

The NPPF states that local planning authorities should avoid new dwellings in the countryside unless a proposal meets one of a list of special circumstances such as the dwelling being of exceptional quality or innovative design.

The site is enclosed on three boundaries by existing residential dwellings with an existing established access and therefore it would not be an isolated building in the open countryside. The northern section of the site, which contributes to the visual transition from urban to rural area, remains largely unaltered by the development and would be improved by additional planting and landscaping. The site already contains two existing structures and an extensive driveway and the existing detached garage building would be incorporated within the design of the dwelling.

It is the applicant's aim to construct a dwelling with meets Code for Sustainable Homes Rating 6 by using measures such as:

- High thermal insulation standards
- Photovoltaic Solar Panels
- Ground source hydronic radiant floor heat pumps
- Kingspan insulated roof panels
- Energy recovery system with battery storage for pack up power
- High performance glazing systems with argon filled cavity and warm edge space bars to reduce cold bridgement
- Rainwater harvesting system and underground tanks
- Water treatment independent sewage system to reuse "grey" water
- High efficient wood burning stoves to supplement the ground source system

A micro wind turbine is mentioned as being sited within the grounds of the proposed dwelling, but this does not form part of the application. No details of the turbine have been provided.

Within the site, there would be additional hedgerow planting, and tree planting including a fruit orchard in the form of a copse. A small drainage ditch borders the western boundary and flows northwards and it is intended to create a natural wildlife pond to the north of the proposed dwelling linked with the drainage ditch. The remaining areas of the site will be mainly improved grassland.

Under the provisions of the Council's Supplementary Planning Document – Design for New Development, it is recommended that any grant of planning permission for this form of development should be subject to a planning condition requesting the submission of a final Code for Sustainable Homes Certificate to show that the development has been constructed in accordance with the proposed Rating level.

Officers consider that the environmental credentials and overall contemporary design of the proposed development are high offering a unique and innovative solution to developing this particular site for residential purposes. The site is surrounded by existing dwellings and would not result in an isolated building in the open countryside and therefore officers consider that the proposal would comply with the wider principles set out in the NPPF to justify a departure from adopted policy in the accordance with the NPPF and Town and Country Planning Compulsory Purchase Act 2004.

Impact upon the Visual Appearance and Character of the Area

As the site lies outside of the development limits, it does not fall within any designated characterisation Zone within the Council's Design SPD and therefore the design of the dwelling and its impact upon the surrounding area has to be assessed in general design terms.

The dwellings in the immediate surrounding area are a mix of house types and designs. There are semi-detached, detached and terraced two storey and single storey properties along the approach road (Hartlea Avenue) to the site whilst Nos 64 - 86 Beaumont Hill (to the west) comprises detached bungalows and dormer bungalows. The dwellings are of mixed designs and constructed from a variety of materials. There is very little uniformity to the visual appearance and character of this part of the urban area. The majority of the properties that share a boundary with the application site have long rear gardens/paddock areas.

The proposed two storey dwelling is T shaped incorporating the existing garage by raising its pitched roof and then connecting it to the main body of the dwelling with a first floor link extension, with an open access below. The dwelling would be constructed from a mix of metal or timber cladding on the first floor and stone cladding on the ground floor. The roof would be insulated metal panels incorporating the solar panels and there would be areas of floor to ceiling glazed panels in the north and south facing elevations.

It is evident that the dwelling would be of a very contemporary design and markedly different from the designs of existing dwellings in the area, but there is no common or strong architectural style and design to the area and the proposal reflects modern, sustainable standards that, subject to the use of appropriate materials, would not adversely impact upon the locality. The dwelling would also be well screened when viewed from outside of the site by the existing dwellings and the existing tree coverage. The additional planting of hedges and trees and habitat creation is welcomed.

As the dwelling would be located outside the development limit, it is considered appropriate to impose a condition that removes the "permitted development" rights for the site in the interests of the visual appearance of the locality.

It is considered that the design of the proposed dwelling would not have an adverse impact upon the character and appearance of the area and it would comply with the relevant national and local development plan policies.

Residential Amenity

The application site is enclosed by mature hedging and trees and fencing where it shares a boundary with the residential dwellings located to the east, south and west. The ground level within the site slopes down from the south end to a dip where the existing garage is positioned and then gently rises again as the access road bends and meets the entrance gates. The dwelling would be located at the lowest part of the site however, it remains appropriate to impose a planning condition requesting the submission of sectional drawings through various points of the site to show the relationship of the dwelling with the neighbouring properties.

The proposed dwelling has the majority of its window openings and glazed areas in the north and south facing elevations. There would be three high level slit windows at first floor level in the west elevation of the dwelling leading to two ensuite bathrooms and a dressing room. There would be a balcony on the south facing elevation.

The proposed dwelling would be set in from the existing boundaries of the site and the neighbouring dwellings all have long rear gardens resulting in the proposed dwelling being positioned approximately:

- 35m from the dwellings on Hartlea Avenue to the east
- 80m from the dwellings on Hartlea Avenue to the south and
- 90m from the dwellings on Beaumont Hill to the west

The proposed property would clearly comply with the proximity distances between existing and proposed dwellings outlined in the Council's Design SPD. Furthermore, the existing trees and hedges on the periphery of the site, which would be retained, would provide a significant screen between the neighbouring properties. The proposed dwelling would not be an overbearing structure when viewed from the neighbouring properties and their outdoor areas and it would not adversely affect the amenities of the occupiers in terms of loss of privacy and overlooking.

Highway Matters

The existing detached garage within the site would be retained and the existing vehicular access off Hartlea Avenue would continue to be used. The proposed development is unlikely to generate a significant increase in traffic and the proposed parking provision within the site is acceptable. The location of the proposed dwelling would meet the criteria for emergency access and recyclable waste and wheelie bins would be stored at the existing gated entrance.

The site has been visited by the Council's Highways Engineer on an evening to assess the parking arrangements in the surrounding streets and there are no issues with parking or obstructions to the access.

There are no highway objections to the proposed development.

Contaminated Land

Environmental Health has assessed the application and there does not appear to be any relevant contaminated land issues and no further action is required concerning the matter.

Land Drainage

The dwelling would not be connected to the Northumbrian Water drainage systems as it would be connected to an independent water treatment system which discharges clean water into the

proposed wildlife pond and drainage ditch. All other rainwater will be harvested and directed into two underground tanks where water can be pumped and filtered for use in the dwelling.

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has assessed the application against this context and they have raised no objections to the scheme.

The Environment Agency has raised no objections to the scheme and they have given general advice on the need for surface water disposal and environmental permitting regulations.

Impact upon Trees

The proposed development does not involve the removal of any trees within or on the periphery of the site. The existing trees and hedgerows would be augmented by new planting and the existing paddocks would be improved.

It is considered appropriate to impose suitable conditions relating to the submission of Tree Surveys, tree protection measures and a landscaping scheme.

Setting a Precedent

Court and appeal decisions have established that it is legitimate for Planning Authorities to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission. However, it is not enough for Local Planning Authorities to have a general anxiety that their decisions may be used in the future to justify other proposals. There has to be evidence that there is a real likelihood that similar applications would be submitted and no such evidence has been provided. The site remains outside the limits for development, and it is clear that the Local Planning Authority would consider any other proposals on their individual merits and Officers are not convinced that a grant of planning permission for this development would set an unwanted precedent for future applications for further residential development within this site and in the wider countryside.

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

The proposal is contrary to development plan policy, but it has also been assessed in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004 in terms of how much weight should be given to other material planning considerations.

It is considered that the position of the site in relation to the existing built environment along with the high quality design and environmental and sustainable objectives of the scheme provides the Council with justification to consider a departure from adopted policy in accordance with national planning guidance. The proposed development, subject to appropriate planning conditions, will not adversely affect the amenity and general character of the area, the amenities of the neighbouring properties or the highway network. It is considered that the scheme is of an

innovative nature and therefore can be considered as an exception to Local Plan Policy, in accordance with the NPPF.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (Three Years)
2. B4 Details of Materials (Samples)
3. The dwelling hereby approved shall achieve Level 6 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 6 has been achieved.
REASON: To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
4. C5 – Restriction of PD Rights (Residential)
5. E2 – Landscaping (Submission)
6. Prior to commencement of the development hereby approved, sectional details, at points to be agreed with the Local Planning Authority, showing existing and proposed ground levels for the proposed building shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON - In order to ensure a satisfactory form of development
7. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall 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 wellbeing of the trees on the site and in the interests of the visual amenities of the area.

8. Notwithstanding the details of condition 6, an Arboricultural Implications Assessment and an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Statement shall include precise details about how the dwelling will be constructed to ensure that the root systems of the trees, shown to be retained on the approved plans, will not be adversely affected.

REASON - To safeguard the life of the trees in the interests of visual amenity.

9. B5 – Detailed Drawings (Accordance with Plan)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E14 Landscaping of Development
- H7 Areas of Housing Development Restraint
- E4 New Buildings in the Countryside

Darlington Core Strategy Development Plan Document 2011

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Other Documents

Council's Supplementary Planning Document – Design for New Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms P Goodwill 01325 406651) to discuss naming and numbering of the development