

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 July 2016

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APPLICATION REF. NO:	15/00918/FUL
STATUTORY DECISION DATE:	19 November 2015
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land to The Rear of, The Buck Inn, Middleton Road, Sadberge, Darlington
DESCRIPTION:	Erection of 3 No dwellings
APPLICANT:	CG Robinson Ltd

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for erection of three dwellings. The dwellings would be located in a terrace block, to the rear of the Buck Inn Public House. There would be private gardens to the rear and parking (including for the Buck Inn) to the front of the terrace. Access would be taken from Middleton Road via a private lane.

The dwellings are each proposed as having 3 bedrooms. The terraced block would be some 16.3m by 8.8m and would be 5m in height to eaves level with a further 3m to the ridge.

The site is some 0.11 ha and is located to the rear of the Buck Inn Public House, located centrally within the Sadberge. To the east of the site there is overgrown pasture land. There are residential dwellings located to the north (the Old Piggery) and south (Rowan House) of the site. To the west is the Pubic House and dwellings fronting Middleton Road. The site of the proposed dwellings currently consist of hardstanding used as a car park and a grassed area at a lower level. There are also dilapidated greenhouses and outbuildings that would be demolished to allow for the proposed dwellings.

The site is located within Sadberge Conservation Area.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- H13 – Backland Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

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
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

The Council’s Design of New Development Supplementary Planning Document 2011 is relevant.

The National Planning Policy Framework (NPPF) 2012 is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted by way of letter and a site notice has been displayed.

Objections have been received from the occupiers of **four** properties. The points raised are summarised below:

- *The land is elevated and would have an impact regarding surface water run-off.*
- *The proposal will increase issues of noise and disturbance.*
- *There would be disruption during construction.*
- *There will be a loss of privacy.*
- *There will be overshadowing.*
- *There is no community benefit to the proposal.*
- *Sadberge does not have a frequent bus service and there are few local facilities.*
- *The boundary fence to the north is only 1.6m in height (not 1.8m as stated in the Planning Statement).*
- *There are concerns regarding access including for emergency vehicles as access would be under an arch / behind gates).*
- *The parking for the Buck Inn may be inadequate.*
- *Inadequate parking at the Buck Inn may be harmful to its operation.*
- *There are issues of smells from the Buck Inn.*
- *There are no facilities in the village.*
- *The site plan is incorrect.*

Note: the site plan provide with the application clearly identifies the location of the application site and the proposal. The plan appears to be based on an Ordnance Survey Plan. That the labelling of the plan in relation to 'The Old Piggery' can be misinterpreted is not a material planning consideration.

Sadberge Parish Council objected to the application raising the following issues:

- *The proposed development is outside the Sadberge limits to development, and development should not be permitted in this location.*
- *The restricted access to the site means that it is not suitable for either construction work or for on-going residential use.*
- *Access to the site is through a gated passage with limited headroom.*
- *The Parish Council believes that it is not appropriate to create a situation in which this passage would need to be shared by pedestrians and vehicles – including commercial vehicles delivering beer and other supplies to the Buck Inn – and by residents, visitors and pub users.*
- *The Parish Council also questions whether emergency vehicles such as ambulances and fire engines would be able to get access to the proposed dwellings.*
- *The application site is not in a sustainable location for new housing.*
- *Sadberge has no shop or school.*
- *Also, although the Design & Access Statement refers to a bus service “providing frequent trips into Darlington”, the bus only makes three trips per week into Darlington (departing at 09:49, 11:34 and 13:49 each Monday). Occupiers of the proposed houses would therefore be reliant on the use of private cars.*
- *The proposed development would compromise the future of the Buck Inn as a village pub.*
- *The Buck Inn plays an important role in maintaining Sadberge’s sense of community, which is a very important aspect of the village. The disruption during the building work and the on-going impact of the residential use (including issues with access and parking) would compromise the pub’s future viability.*
- *The proposed development would exacerbate the existing parking problems in the centre of the village.*
- *As was noted above, the occupiers of the proposed houses would be reliant on the use of private cars. Although the plan shows two parking spaces per house, these parking spaces are one behind the other. Experience elsewhere in Sadberge – e.g. St. Andrew’s Park – suggests that in these situations the residents find it inconvenient to keep shuffling vehicles in and out, so in practice they only park one vehicle in their private parking spaces. The other vehicle(s) belonging to each household would therefore end up competing for the very limited parking space in the centre of the village, which basically consists of two spaces in front of Mayfield House South and two (cramped) spaces in the lay-by beside the telephone box.*
- *The Parish Council also asks the Local Planning Authority to consider the following issues / questions:*
 - *Is there sufficient access to infrastructure (e.g. sewage and other services) to support the proposed development?*
 - *The labelling on the site plan is misleading. The Old Piggery is not to the east of the proposed development site, but to the north.*
 - *The Parish Council understands that the land to the east of the proposed development site is owned by the applicant. What are his intentions for this land?*

The **Campaign for Real Ale** objected to the application on the basis that parking for the Buck Inn Public House would be lost.

The **Highways Engineer** raised no objections.

The **Environmental Health Team** raised no objections.

The **County Archaeologist** asked for a Watching Brief condition.

The **Police Architectural Liaison Officer** advised that there are no issues with the application from a design out crime perspective.

Northern Gas Network raised no objections but advised that there may be apparatus in the area.

Northumbrian Water made no comments.

Northern Power Grid provided a plan of known apparatus in the area.

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Heritage Assets and Visual Amenity
- Residential Amenity
- Trees
- Ecology
- Highways Matters
- Flood Risk

Planning Policy

The site is located outside of the development limits as set out in the Local Plan. Policy E2 of the Local Plan states that most new development will be located inside the development limits defined by the Proposals Map. 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.

However as the Council cannot demonstrate a five year supply of suitable, available and deliverable housing land planning policies relating to the supply of housing land and those that prevent development adjacent to existing settlements in the adopted development plan (parts of Policies CS1 & CS10 of the Core Strategy and parts of saved Local Plan Policies E2 & H7) cannot be considered up to date.

In these circumstances, the National Planning Policy Framework is clear that planning applications for new housing must be considered according to the presumption in favour of sustainable development. Paragraph 14 of the National Planning Policy Framework states that for decision-taking this means where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework

taken as a whole (or if specific policies in the framework indicate development should be restricted). Policies in relation to the protection of the historic environment are not out of date and the NPPF also sets out that these issues are of significant importance.

The proposal needs to be considered in relation to environmental factors, specifically the impact on heritage assets and visual amenity and this is further considered below.

Heritage Assets and Visual Amenity

Policy CS2 of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

Policy CS14 of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected.

Policy H13 of the Local Plan states that permission will not be granted for residential backland development which unacceptably conflicts with the free flow of traffic, privacy and the quiet enjoyment of neighbouring dwellings and gardens or the scale and character of the surrounding development.

As required by the NPPF, a Heritage Statement was submitted with the application. The main heritage assets identified are Sadberge Conservation Area (for which there is no Character Appraisal) and Thorn Cottage (located to the south west of the application site) which is a Grade II Listed building.

In terms of the impact of the proposal on heritage assets the Heritage Statement states that the development proposals will pick up on the positive features of the surrounding residential buildings, including the traditional detailing of windows and doors. In relation to the impact on Thorn Cottage (located to the south west but not adjoining the site), the Heritage Statement states that it is considered that the development will not impact the character and detailing of the nearby listed building which is specified in the listing given the nature of the proposals and the distance from the listed building.

Overall it is not considered that the proposal will be harmful to visual amenity or to the significance of Sadberge Conservation Area.

Conditions are required in relation to archaeology.

Residential Amenity

The Council's Design of New Development Supplementary Planning Document 2011 states that there should be 21m separation distance from elevations with habitable rooms facing other elevations with habitable rooms. There should also be 12.5m from elevations with habitable rooms facing blank elevations.

At the closest point there would be some 3m from the proposed dwellings to The Old Piggery to the north. This would however represent a separation between two blank elevations. There would be some 8.5m diagonally from the front corner of the proposed terrace to the rear corner of

Rowan House. This neighbouring elevation features a kitchen and utility room window at ground floor level and a bedroom and bathroom window at first floor. The proposed dwellings would not be located directly in front of any windows and would not have any windows on the side elevation. Given this arrangement, the proposal would not result in significant detrimental impacts, in terms of light, outlook or overlooking, to this neighbouring property.

Although the application is for dwellings within the exiting Public House car park there is sufficient distance between the proposed dwellings and the existing Public House that noise from customers, staff and ventilation equipment associated with the business will not have a significant impact on future residents.

Trees

There are small trees and shrubs located along the perimeter of the site.

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees on and adjoining application sites.

A Tree Report was submitted with the application. This concludes that the development could be undertaken without removal or damage to any significant tree. The proposal would, however, result in a loss of trees to the site. If planning permission is granted, a condition for a landscaping scheme including tree planting to the perimeters would be required to help soften the appearance of the development.

Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

A Habitat Survey was submitted with the application. The proposal is acceptable in relation to impacts on ecology. A condition is required for the development to only take place in accordance with the recommendations of the Habitat Survey.

Highways Matters

Access to the site would be taken from the existing private lane to the north of the Buck Inn Public House. This is considered acceptable in relation to highway safety and the proposal would not generate significant amounts of increased traffic.

Driveways long enough to fit two cars each would be provided to the front of each dwelling.

The proposal has been amended to show increased parking spaces and it is now proposed that there would be 18 parking spaces provided between the rear of the Public House and the proposed dwellings. There are also further parking spaces to the front of the Public House. The parking provision is considered to be acceptable both in relation to the proposed dwellings and to service the existing Public House.

Flood Risk

Northumbrian Water has been consulted and has raised no objections to the proposed development. It should also be noted that the application site is not within an area identified by the Environment Agency as being at risk of flooding. In response to concerns of flooding it is proposed that should planning permission be granted a condition be imposed to require the prior submission and approval of a scheme to deal with surface water drainage incorporating run-off limitation. This should help to ensure that an additional dwelling would not have a negative impact upon the local drainage system.

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.

RECOMMENDATION

It is recommended that planning permission be granted subject to conditions.

1. A3 Implementation Limit (3 years)
2. B5 Detailed application (Accordance with Plans)
3. B4 Details of Materials (samples)
4. E2 Landscaping (Submission)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order [2015] (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

6. E5 Boundary Treatment Submission
7. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Extended Phase 1 Habitat Survey report (Delta Simons September 2015).

REASON – in the interests of ecology.

8. No development shall commence until a scheme for the provision and implementation of a surface water drainage scheme incorporating run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON – To reduce the risk of flooding.

- 8 In the event that suspected contaminated material is found at any time when carrying out the proposed development, it must be reported to the Local Planning Authority immediately. An investigation and risk assessment must then be undertaken, in accordance with best practice guidance, the details of which shall be submitted to be agreed in writing with the Local Planning Authority in advance of any further works on site taking place. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance of the re-commencement of any works on site. The development shall only take place in accordance with the approved details.

REASON – in order to satisfactorily address any contamination issues that might arise.

- 9 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i; Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
- ii; Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
- iii; Post-fieldwork methodologies for assessment and analyses.
- iv; Report content and arrangements for dissemination, and publication proposals.
- v; Archive preparation and deposition with recognised repositories.
- vi; A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
- vii; Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- viii; A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON – To comply with para 135 & 141 of the NPPF because the site is of archaeological interest.

- 10 Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

REASON – To comply with para. 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

INFORMATIVE:

- In the event that development proposals include the importation of fill material or topsoil on to the site you are advised to contact the Environmental Health team for further advice. In any event all imported materials should be sampled and analysed in accordance with YAHPAC (2014) guidelines to demonstrate that they are suitable for the proposed use and do not cause or contribute to the creation or proliferation of contaminated land.