

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 August 2010

Page

APPLICATION REF. NO:	10/00302/FUL
STATUTORY DECISION DATE:	3 August 2010
WARD/PARISH:	NORTH ROAD
LOCATION:	Car Park, 136 Lawson Street
DESCRIPTION:	Erection of 7 no. terraced dwelling houses (amended plans received 30.7.10)
APPLICANT:	MR DAVID WEBSTER

APPLICATION AND SITE DESCRIPTION

This is a detailed application for the erection of a terrace of 7, 3-bedroom dwellings on land forming part of Lawson Street Garage, a motor repair garage site, fronting Crosby Street. A window manufacturing business also operates from the site. The plans have been amended since they were first submitted, reducing the total number of dwellings from 8 to 7. The proposed dwellings would be two and a half storeys in height, with a rear yard and parking area accessed off Lawson Street. The front of the properties would be directly accessed off Crosby Street. Each dwelling would measure approximately 4.6 metres wide by 9 metres deep, with a maximum height to ridge level of approximately 9.5 metres. There will be a modest step in the ridge level of the dwellings to take into account a slight incline on Crosby Street, towards the western end of the application site.

The application site is an area of land, currently used for open storage in association with the garage site. It is bounded by a high brick wall on its northern elevation and forms a gap site in an otherwise built up frontage along this part of the Crosby Street. The site is bounded by residential properties to its western and northern sides, including a short terrace of 3 recently built houses, and by a building to its eastern side, which currently has temporary permission for the use of the ground floor as a motorcycle repair workshop. The motor repair garage and other commercial uses are located in the yard immediately to the rear of the application site. The wider area is predominantly residential in character, interspersed with occasional, smaller-scale commercial uses.

A land contamination report has been submitted with the application.

PLANNING HISTORY

77/00494/MISC – Change of use of abattoir building and land to form premises for repairs to motor vehicles and the formation of a car park on premises formerly used as an abattoir.
GRANTED 12 October 1977

77/00495/MISC – Change of use of former boot repair factory to premises for the repair of motor vehicles, motor vehicle bodies and paint spraying with a car park (retention of use carried out without planning permission). GRANTED 12 October 1977

77/00716/MISC – Condition (1) attached to ref 8/77/494/DM be varied by the substitution of the words ‘ten years’ for the words ‘five years’ and the substitution of the date 12 October 1987. GRANTED 4 January 1978.

78/00588/MISC – Partial demolition of existing buildings to permit the erection of an extension to existing motor repair garage and workshops. GRANTED 16 August 1978.

87/00455/MISC – Change of use and alterations of vehicular repair garage to premises for the sale of spare parts. GRANTED 6 November 1987

89/00955/MISC – Erection of residential development comprising twelve flats (as amended by plans received on 15 February 1990). GRANTED 7 March 1990.

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 1997 are relevant to consideration of the application:

E2 – Development Limits

E29 – The Setting of New Development

E47 – Contamination and Unstable Land and Development

E49 – Noise-Sensitive Development

H3 – Locations for New Housing Development

H11 – Design and Layout of New Housing Development

T24 – Parking and Servicing Requirements for New Development

The following policies within the Darlington Open Space Strategy 2007 – 2017 are also relevant:

Policy 6 Overall Standards of Provision

Policy 19 Open Space Provision associated with New Development

Policy 20 Securing appropriate Open Spaces and Their Maintenance

The following Supplementary Planning Document is also relevant:

Design of New Development (July 2009)

RESULTS OF CONSULTATION AND PUBLICITY

Three letters of objection have been received raising the following concerns:

- *The road these dwellings will be situated on is very narrow, with not enough room to park vehicles in front of the houses;*
- *Recently a fire engine tried to get along Crosby Street and had to reverse out because the road was too narrow. This was with cars parked only on one side;*
- *No parking facilities are shown and there is a working garage to the rear which means parking on the street;*

- *Crosby Street is already overloaded with vehicles parking and is used frequently to avoid the speed bumps on Thompson Street West. It is also a busy thoroughfare for pedestrians. To introduce additional cars parking on the street would be chaotic for the emergency services which may need to use it for the many elderly residents;*
- *Suggest that the number of houses be changed to four with garages at the side of each dwelling;*
- *There is a presumption that residents of the proposed houses could park behind the houses. The yard behind the proposed houses is full every day with parked vehicles.*
- *The submitted drawings show a building at the end of the proposed houses as being 'existing offices'. This is not an office, it has been converted to a flat and someone is living there. Assume that planning permission is required to convert the building from an office to living accommodation?*

Northern Gas Network

No objections to the proposals.

CE Electric

No objections to the application.

Northumbrian Water Ltd

No objections to the proposed development.

Rights of Way Officer

There are no public rights of way currently registered on the DM&S for Darlington, crossing or abutting this site. Therefore have no comments to make.

Environmental Health Officer

The site investigation submitted with the application is 20 years old and wholly inadequate. Request the imposition of standard condition J2 on the planning permission granted. I have considered the issue of noise from the garage operation at the rear of the proposed development, but since the opening is onto Lawson Street, we have not received any complaints of noise arising from these premises and there are works that the garage operators could be made to take if noise did become an issue.

Highway Engineer

The application is for 7 no, small, three bedroom terraced dwellings. For dwellings of this size I would expect parking provision of 1 resident space and 50% provision for visitor parking. In curtilage parking is to be provided in the rear yard of every dwelling and this is to be accessed via a dedicated rear access road. Visitor parking would be catered for on Crosby Street. Manual for Streets recommends that in most circumstances at least some demand for residential developments be met with well-designed on-street parking. Crosby Street is approximately 6 metres wide and is easily able to accommodate parking on one side of the street. It is acknowledged that there is existing on-street parking however the frontage of the development is approximately 30 metres long and this length of frontage is easily able to provide for the residual demand from the development. Subject to conditions being included requiring improvement works to be carried out to provide a 5 metre wide back lane, to the junction of the rear lane with Lawson Street and to ensure that any damage to the footway on Crosby Street, as a result of the demolition of the boundary wall, is made good, no highway objection is raised.

Urban Design Officer

The Design of New Development SPD requires that Code for Sustainable Homes Level 3 should be achieved for all residential developments, the development should achieve at least greenfield levels of surface water run-off, and at least one priority habitat should be created for developments of over 5 dwellings.

PLANNING ISSUES

The main planning issues to be considered in the determination of the application are:

- Planning Policy
- Highway Safety
- Impact on Visual and Residential Amenity
- Contaminated Land
- Section 106 Agreement
- Other Issues Raised by Objectors

Planning Policy

The application site falls within the development limits for the urban area of Darlington as defined by Policy E2 (Development Limits) and H3 (Locations for New Housing Development) of the Borough of Darlington Local Plan 1997 and the principle of residential development of the site therefore considered acceptable. The remainder of the report will consider the proposal in respect of the following detailed development management matters:

Highway Safety

Local Plan Policy T24 (Parking and Servicing Requirements for New Development) requires that new development should provide safe space for vehicle parking within the site. The application proposes that each dwelling would have a single off-street parking space within the private rear yard area, accessed via a back lane to be created off Lawson Street.

A number of objections have been received which raise concerns regarding the already busy and congested nature of Crosby Street, the lack of on-street parking in the area and the ability of the area to absorb the additional traffic associated with the proposed 7 dwellings, without further prejudicing highway and pedestrian safety.

The Highway Engineer has advised that he considers the proposed access and parking arrangements to the dwellings to be acceptable. Vehicular access to the rear of the properties will be provided off Lawson Street via a dedicated 5-metre wide lane. A single in-curtilage parking space will be provided within the yard area to the rear of each dwelling, which is commensurate with the parking standards for dwellings of this size. Although no off-street provision is shown for visitor parking, the Highway Engineer advises that in accordance with Manual for Streets, this can be met with on-street parking. For a development of this size a 50% provision is required, which in this instance would equate to approximately 4 spaces. Although the objectors' concerns regarding the ability of the surrounding streets to accommodate the additional parking demand is noted, the Highway Engineer considers that the street is of sufficient width and the frontage of the application site is sufficiently long (30 metres) to accommodate the residual demand from the development. The proposed development is not therefore considered to have an adverse impact on highway safety, subject to a number of conditions requiring improvement works to provide the rear access lane and the access onto Lawson Street and to reinstate the footway on Crosby Street following the demolition of the boundary wall and the construction of the dwellings.

Impact on Visual and Residential Amenity

Local Plan Policy H11 (Design and Layout of New Housing Development) states that proposals must relate well to the surrounding area, respect its predominant character and density, and avoid damage to the amenities of adjoining properties. In addition, the policy also requires that appropriate amenity standards be met in respect of both existing and proposed dwellings and their gardens and that adequate curtilage and amenity space be provided for the proposed dwelling. As the site forms part of a larger commercial site, with a garage and window manufacturers operating from the site, which will continue once the dwellings are built, Policy E49 (Noise-Sensitive Development) is also relevant and states that development in locations in which its occupiers would be materially affected by noise will normally be required to incorporate measures to mitigate its effects.

The surrounding area is mainly residential in character, with modest terraced dwellings being the predominant built form. As such the construction of a terrace of dwellings is considered acceptable in the context of the character and appearance of the surrounding area. The proposed terrace will incorporate a modest step up in the ridge level, taking into account a slight increase in levels along Crosby Street from east to west. There is also a drop in levels to the rear of the site and the rear yard areas would be set down from the dwellings, enclosed by a high brick wall, similar to the rear of the existing properties to the west of the site.

The proposed development has been assessed against the Council's Design of New Development Supplementary Planning Document (Design SPD) and the scheme has been amended in order to comply with certain requirements of the document. More specifically the number of dwellings has been reduced from 8 to 7 to enable the frontage width of the individual dwellings to be increased to better reflect the character of the surrounding area. The fenestration detailing has also been altered to accord with the requirements of the SPD. The Design SPD also requires that developments of more than 5 dwellings make a financial contribution towards the creation of at least one priority habitat. The applicant is agreeable in principle to this, however this matter will be discussed in more detail in the next section of the report.

It is not considered that the proposed dwellings will result in any reduction in amenity standards to any adjacent properties in terms of loss of light, loss of privacy or overbearing impact due to the location and orientation of the proposed dwellings. Similarly none of the surrounding dwellings will compromise the amenity standards of the proposed dwellings. Each of the dwellings will have a rear yard area (approximately 31.5 square metres), which will provide a single off-street parking space and amenity space for the dwellings. Although many of the surrounding properties have long, rear garden areas, the proposed rear yard is considered commensurate in size to the dwellings themselves and is considered to provide an acceptable amount of amenity space.

The proposed dwellings will be in close proximity to the garage, window manufacturers and yard directly to the rear and will also be located immediately to the west of a motor cycle repair workshop at 62 Crosby Street. Both these premises have the potential to impact upon the living conditions of the proposed dwellings in terms of noise, nuisance and disturbance. The rear of the proposed dwellings will directly overlook the motor repair garage and its yard area and at their closest point the rear of the properties will be just 11 metres away from the yard, separated by the back yard and rear access lane. However this is no different to existing properties either side of and surrounding the site.

The Council's Environmental Health Section have also advised that they have not received any noise complaints regarding the operation of the garage site to the rear and as such do not raise any objection with regard to this particular matter. They further advise that should complaints be received from the occupants of the new dwellings then this matter can be pursued under the appropriate Environmental Protection legislation. The development of part of the site will result in commercial operations at the site being scaled down, which should in turn improve the current situation for existing residents in the area, not least from a visual perspective, as the proposed dwellings will screen the yard behind.

The motorcycle repair business operating from 62 Crosby Street has a temporary three-year permission which will expire in December 2012 and which is also personal to the applicant, therefore enabling the use of this building to be reconsidered in due course. On balance it is considered that the occupants of the proposed dwellings will not be adversely affected by the operation of commercial uses surrounding the site.

Contaminated Land

The site forms part of an existing motor repair garage site and a contamination report has been submitted with the application. The Environmental Health Officer advises that this report is 20 years old and is wholly inadequate for the site. As such he has recommended that a condition be attached requiring the submission and approval of a contamination report prior to the commencement of development. The Environment Agency has also been consulted and their views are awaited. Their response will be reported verbally at the meeting.

Section 106 Agreement

The 'Darlington Open Space Strategy 2007 – 2017' states that new residential development of five or more dwellings will be required to make provision for accessible open space to meet the future needs of the residents of the development. The quantity and type of open space provision will be determined on a site-by-site basis, having regard to any identified shortfalls in provision in the area, taking into account the projected population arising from the proposed development. Wherever possible, this provision should be made on site. However, where no such shortfall exists, or where the area available would be unsuitable to accommodate the open space, the Council will seek a capital sum, equivalent to the cost of providing open space in the site, for the improvement in the quality of existing open spaces in the area and for the enhancement of locally important open spaces and strategic parks.

The Design of New Development SPD also requires that all developments with a net increase of 5 or more dwellings will be expected to create or contribute to the enhancement of a priority habitat on site or if this is not practicable, off site in the locality, with a financial contribution secured through a Section 106 Agreement. However in this instance as a financial contribution is being sought under the Open Space Strategy, which is earmarked for habitat improvements in North Cemetery and North Park, it is considered that this will address both matters and a separate contribution under the Design SPD is not required.

The applicant has agreed to the appropriate financial contribution in accordance with the above policy document and these would be secured by entering into a Section 106 Agreement.

Other Issues Raised by Objectors

Concern has been raised regarding the operation of the motorcycle repair business at 62 Crosby Street, adjoining the eastern side of the application site in particular that part of the property is being used as a flat without the benefit of planning permission. While this has no direct impact

upon consideration of the application, the Enforcement Officer has visited the premises on a number of occasions and has found no evidence of this.

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 as defined by the Borough of Darlington Local Plan 1997. The scale and design of the proposed dwellings have been amended to meet the requirements of the Design of New Development Supplementary Planning Document and as such are considered to be acceptable in terms of their impact on the character and appearance of the surrounding area. Appropriate standards of residential amenity can be achieved in respect of both the proposed and existing dwellings adjacent to the application site. Concerns regarding the impact of the proposed dwellings on parking in the area and upon highway and pedestrian safety have been considered, however the Highway Engineer advises that the proposed access and off-street parking provision is acceptable in this instance. The applicant is also agreeable to making financial contributions towards the provision of off-site open space and habitat creation. The proposal is therefore considered to comply with the following development plan policies:

Borough of Darlington Local Plan 1997:

E2 – Development Limits
E29 – The Setting of New Development
E47 – Contamination and Unstable Land and Development
E49 – Noise-Sensitive Development
H3 – Locations for New Housing Development
H11 – Design and Layout of New Housing Development
T24 – Parking and Servicing Requirements for New Development

Darlington Open Space Strategy 2007 – 2017:

Policy 6 - Overall Standards of Provision
Policy 19 - Open Space Provision associated with New Development
Policy 20 - Securing appropriate Open Spaces and Their Maintenance

Supplementary Planning Document:

Design of New Development (July 2009)

RECOMMENDATION

THAT THE ASSISTANT CHIEF EXECUTIVE (REGENERATION) BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. A financial contribution towards the upgrading and maintenance of an off-site area of open space in accordance with the Darlington Open Space Strategy 2007 – 2017.

AND THAT UPON THE SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation limit (Three Years)
2. B4 – Details of materials (Samples)
3. B5 – Development in accordance with the approved plans
4. B9 – Details of means of enclosure
5. B11 – Details of windows
6. J2 – Contamination.
7. Prior to the commencement of the development hereby permitted, a scheme for the improvement of land to the rear of the dwellings to provide a 5 metre wide back lane to access the rear of the properties shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the surfacing of the lane together with improvements to the existing access onto Lowson Street. Thereafter, the back lane shall be provided in accordance with the details as approved prior to the first occupation of the dwellings hereby permitted.
REASON – In the interests of highway safety.
8. The footway to the front of the application site on Crosby Street shall be reinstated to the satisfaction of the Local Planning Authority prior to the first occupation of the dwellings hereby permitted.
REASON - In the interests of highway safety

SUGGESTED REASONS FOR GRANTING OF PLANNING PERMISSION

The site lies within the development limit for the urban area as defined by the Borough of Darlington Local Plan 1997. The scale and design of the proposed dwellings have been amended to meet the requirements of the Design of New Development Supplementary Planning Document and as such are considered to be acceptable in terms of their impact on the character and appearance of the surrounding area. Appropriate standards of residential amenity can be achieved in respect of both the proposed and existing dwellings adjacent to the application site. Concerns regarding the impact of the proposed dwellings on parking in the area and upon highway and pedestrian safety have been considered, however the Highway Engineer advises that the proposed access and off-street parking provision is acceptable in this instance. The applicant is also agreeable to making financial contribution towards the provision of off-site open space and habitat creation. The proposal is therefore considered to comply with the following development plan policies:

Borough of Darlington Local Plan 1997:

E2 – Development Limits
E29 – The Setting of New Development
E47 – Contamination and Unstable Land and Development
E49 – Noise-Sensitive Development
H3 – Locations for New Housing Development
H11 – Design and Layout of New Housing Development
T24 – Parking and Servicing Requirements for New Development

Darlington Open Space Strategy 2007 – 2017:

Policy 6 - Overall Standards of Provision
Policy 19 - Open Space Provision associated with New Development
Policy 20 - Securing appropriate Open Spaces and Their Maintenance

Supplementary Planning Document:
Design of New Development (July 2009)

INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to improve the existing vehicle crossing on Lawson Street and carry out reinstatement works to the footway on Crosby Street 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 Section 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 Mrs P Goodwill 01325 388760) to discuss naming and numbering of the development.