

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 April 2010

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APPLICATION REF. NO:	09/00878/FUL
STATUTORY DECISION DATE:	22 March 2010
WARD/PARISH:	HIGH CONISCLIFFE
LOCATION:	Duke of Wellington, 32 The Green, High Coniscliffe.
DESCRIPTION:	Erection of 2 dwelling houses, detached garages and access road.
APPLICANT:	Mercury Properties

APPLICATION AND SITE DESCRIPTION

The application site is situated towards the western end of High Coniscliffe village within the High Coniscliffe Conservation Area. It occupies a corner site at the junction of The Green and West Close, which currently serves as the car park to the Duke of Wellington Public House and includes the beer garden and play area to the pub.

Other than the public house the immediate locality is primarily residential in character. The established streetscape to the northern side of The Green comprises in the main of attached dwellings mainly two –two and a half storey in height with a variety of period properties.

The site is approximately 0.17ha in area and is predominantly flat with no discernable changes in ground levels.

The proposal would involve the erection of two attached dwellings, two storey in height (with rooms in the roof space) on the present public house car park fronting the road. Garaging/ parking for the dwellings is provided to the rear. The proposal also includes the closing off of the existing car park access from West Close and the provision of a new access road from the A67, off The Green. Eighteen new car parking spaces are to be provided for the public house, within the existing beer garden/play area, which would be served by the proposed new vehicular access road.

A Design and Access Statement accompanies the application, together with a Desk Top Study Contamination Report.

PLANNING HISTORY

There are several entries within the planning register concerning minor alterations to the public house and also the refusal of planning permission in May 1989 for the use of land as an extension to the car park (Ref 89/213).

PLANNING POLICY BACKGROUND

Development Plan

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

Policy 2 – Sustainable Development

Policy 8 – Protecting and Enhancing the Environment

Policy 11 – Rural Areas

Saved Policies of the Borough of Darlington Local Plan:

E2 – Development Limits

E14 – Landscaping of Development

E29 – The Setting of New Development

H3 – Locations for New Housing Development

H11 – Design and Layout of New Housing Development

T13 – New Development Standards

T24 – Parking and Serving Requirements for New Development

T31 – New Development and Public Transport

National Planning Policy

Parts of the following *Planning Policy Statements* are material considerations:

PPS3 – Housing

PPG15- Planning and the Historic Environment

RESULTS OF CONSULTATION AND PUBLICITY

One letter has been received from an adjoining resident objecting to the development on the following grounds: -

- The garages will be in front of my kitchen area and the views from all my rear facing windows will be affected. My second bedroom overlooks the gardens.
- The loss of the present car park for housing, currently used by some residents, will result in increased on street car parking which would be against the interests of highway safety.
- Car parking issues are increased during drop off and pick up times for the local school. Again this is eased by the use of the car park by the public. The loss of the car park would exacerbate parking problems on the roads.
- If permission is granted then the new access arrangements and replacement car parking for the pub should be put in place prior to the occupation of the dwellings.

High Coniscliffe Parish Council has recommended that the application be approved subject to the following conditions: -

- That the wall to the western house be set back to improve sight lines for vehicles exiting Ulnaby Lane; and
- That the circular windows in the gable walls of the dwellings be omitted and replaced with square or rectangular ones.

The Darlington Branch of **CAMRA** (Campaign for Real Ale) has objected to the development for the following reasons:-

- The proposal would make the pub less attractive to visitors and prospective future licensees and thus jeopardise its viability, increasing the risk of future closure.
- The present proposal would reduce the car parking from 21 to 18 spaces. The present spaces are well used, with full or near capacity at times. There is little or no alternative provision available as there are parking restrictions on the A67 and Ulnaby Lane.
- Loss of beer garden and Children's play area for new car park, which are increasingly important amenities and attractions for pubs today.
- It would remove the options for future licensees to enhance the pub's amenities by extending the pub to the side to provide additional public rooms, bed and breakfast accommodation etc.
- The residents of the reoccupied cottages on Ulnaby Lane would experience problems of noise and nuisance from motor vehicles exiting and entering the new car park. Any complaints could place added pressure on the operation of the pub.
- The proposal would be in conflict with both local and national planning policies which aim to protect village pubs,
- If the Council decide to approve the proposal it should be subject of a Section 106 Agreement to ensure that the pub building and its remaining site can only be used for the purposes of a public house.

Northumbrian Water has no objection to the proposal but has state that an existing water main is in close proximity to the site, and therefore has requested a condition requiring the applicant to redesign the scheme if it would encroach over the safeguarding area or to arrange for the main to be diverted.

The Council's Highways Engineer has no objections to the development subject to the inclusion of conditions to any approval in relation to the size of disabled parking bays, visibility splays, reinstatement of redundant access, provision of dropped crossing/tactile paving, improvements to footways on the site frontage and the provision of secure cycle parking provision.

The Council's Public Protection Division has requested the imposition of the standard condition in respect of contamination.

PLANNING ISSUES

The main issues raised by the submission of this application are as follows: -

- Planning Policy
- Impact on the Character and Appearance of the Area
- Residential Amenity

- Highway Matters

Planning Policy

The Government's objectives in respect of housing development is set out in Planning Policy Statement 3: Housing (PPS3). One of the main commitments of PPS3 is to promote more sustainable forms of development and make use of previously developed land. The focus for additional housing should be within the urban areas. The application site would fall within the definition of previously developed land found within PPS3.

PPS3 recommends that good design and layout of new development can help to achieve the Government's objectives of making the best use of previously developed land. Also new development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, not just the neighbouring buildings but the townscape and landscape of the wider locality.

Against this national policy background, it is important to consider the policies within the Borough of Darlington Local Plan, as a basis for considering this application.

The site lies within the development limits of High Coniscliffe and therefore falls within the provisions of Policies E2 (Development Limits) and H3 (Locations for New Development) of the Local Plan. It is not a site that is specifically identified as being subject to any particular policies or proposals. The principle of new housing development on this site is therefore considered acceptable.

Impact on the Character and Appearance of the Area

The main issues to be considered here are the character of the existing area, the impact of the development on the existing character and its design and visual appearance.

The proposed dwellings are in scale with local existing buildings. In design terms they incorporate elements of the traditional local vernacular. Some minor design changes have been to the scheme following discussions with officers. The scheme has been the subject of the One Stop Shop and is consistent with advice provided by officers in respect of that pre-application enquiry.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty on Local Planning Authorities to pay special attention to the impact of new development on the character and appearance of conservation areas. Current case law is that duty is discharged where it is considered the development will enhance or have a neutral impact.

The view of officers is that in this case the proposed development would have a neutral effect upon the character and appearance of the Conservation Area.

Residential Amenity

Policy H11 (Design and layout of New Housing Development) sets out a number of criteria against which new housing development must be assessed, which relate to the need to provide an attractive and safe environment, adequate privacy standards in rooms and gardens, the relationship of the proposed dwellings with existing dwellings, car parking standards and safe pedestrian access.

The spatial arrangement in respect of the proposed dwellings and garaging with nearby dwelling houses is considered acceptable and should not give rise to any significant overlooking problems

or resultant loss of privacy. In respect of the objector's property (adjacent to Ulnaby Lane and the car park) this has one small first floor window within the rear elevation which would overlook the roof of the proposed garage building which is unlikely to materially affect the living conditions of the residents of that property. In terms of nuisance and noise from pub customers associated with the new car park, it is considered that there is unlikely to be any significant change to the levels of amenity currently experienced by adjoining residents to justify a refusal of planning permission on these grounds.

Highway Implications

The Council's Highways Engineer has no objections to the development subject to the inclusion of conditions to any approval in relation to the size of disabled parking bays, visibility splays, reinstatement of redundant access, provision of dropped crossing/tactile paving, improvements to footways on the site frontage and the provision of secure cycle parking provision.

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 application site lies within the development limits identified in the development plan. The scale, design and appearance of the development is considered acceptable and will not harm the amenity and general character of the High Coniscliffe Conservation Area or the setting of the Grade II listed archway within the site. The development has no significant effects in terms of overbearing impact, loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) J2 Contamination
- 5) Notwithstanding any details submitted with the application, full and precise details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, the details as approved shall be implemented prior to any part of the development hereby permitted first being brought into use:

- i) The front boundary wall of the western most dwelling to be set back to ensure a visibility of 2.4m x 43m at the junction of the access road with the A67 and West Close with the A67.
- ii) Reinstatement of the redundant vehicular access onto West Close in normal footway construction, including the provision of new kerbs.
- iii) Provision of dropped crossing/tactile paving, and improvements to footways on the site frontage.
- iv) Disabled parking space with dimensions of 6m long x 3.6m wide to accommodate an access zone 1.2m wide to the side and rear of the bays.

REASON - In the interests of highway safety.

- 6) Notwithstanding anything shown on the submitted drawings the rear boundary wall to the car parking area of the dwellings shall not exceed 1m in height.

REASON – In the interests of highway safety.

- 7) Notwithstanding anything shown on the approved plans precise details of secure covered cycle parking provision shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details and the cycle parking provision shall be made available upon completion of the car park.

REASON - To ensure that adequate cycle parking provision is provided to promote access and accessibility.

- 8) No work on the dwelling houses shall commence until the new access road and replacement car parking for the public house have been constructed.

REASON – To ensure that adequate on site car parking provision is available for the public house.

- 9) Development shall not commence until a detailed scheme for the diversion of a public sewer and water main or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian. Thereafter the development shall take place in accordance with the approved details.

REASON – An existing 25 inch trunk water main crosses close to the proposed development site and is shown to be built over on the application. Northumbrian Water will not permit the erection of a building or structure over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no

development within Schedule 2, Part 1, Classes A to H and within Schedule 2, Part 2, Classes A to C of the Order shall take place without the prior written consent of the Local Planning Authority, to whom a planning application must be made.

REASON - To safeguard the character and appearance of the High Coniscliffe Conservation Area and the amenities of adjoining residents.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within the development limits identified in the development plan. The scale, design and appearance of the development is considered acceptable and will not harm the amenity and general character of the High Coniscliffe Conservation Area or the setting of the Grade II listed archway within the site. The development has no significant effects in terms of overbearing impact, loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

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Policy 2 – Sustainable Development

Policy 8 – Protecting and Enhancing the Environment

Policy 11 – Rural Areas

Saved Policies of the Borough of Darlington Local Plan:

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PPG15- Planning and the Historic Environment

INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- The applicant is advised that works are required within the public highway, to construct new vehicular crossing, reinstate redundant vehicle crossing and carry out improvement works to footways on the site frontage, 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.