

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 December 2009

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| APPLICATION REF. NO: | 09/00673/FUL |
| STATUTORY DECISION DATE: | 24 November 2009 |
| WARD/PARISH: | HAUGHTON WEST |
| LOCATION: | Garages at Land to the rear of 72-76 Hutton Avenue |
| DESCRIPTION: | Erection of bungalow to accommodate disabled persons and carers |
| APPLICANT: | North Star Housing |

APPLICATION AND SITE DESCRIPTION

The application site is situated on the eastern side of Hutton Avenue behind two storey dwellings on this side of the road and is bounded on its remaining sides by the back gardens of two storey residential properties in Bamburgh Place and Keilder Drive. The site is currently occupied by a block of eight lock up garages which are accessed from Hutton Avenue. Two metre high (approx) timber fencing extends around the perimeter of the site, effectively forming the boundary line with the adjoining dwellings. A line of sapling trees extend along most of the length of the eastern boundary fence with some scrub and individual shrubs along northern and southern boundary fences.

The application proposes the demolition of the existing garage block on the site and the erection of single storey bungalow for three disabled persons and carers. Living accommodation would consist of three bedrooms for residents and communal living accommodation, and associated ancillary facilities. Also included is a room for staff as a carer may required to stay within the home. The dwelling would be of an irregular H shape in form with maximum dimensions of approximately 16.5 m by 20m and a height of some 3.3m. The proposed dwelling would be of a contemporary design, incorporating a green (sedum roof) with the use of timber cladding for the finish to external walls. The proposal also includes for the provision of a new 2.1m high fence along the eastern boundary abutting properties in Hutton Avenue.

Vehicular access will be achieved via the existing access off Hutton Avenue which will be upgraded and provision is made within the site for four car parking spaces.

The application is accompanied by the following documents: -

- A Design and Access Statement

- A Contamination Desk Top Study Report
- Tree Survey; and
- Bat and Owl Assessment and Survey
- Ecological Survey

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

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

E2 – Development Limits

E11-Coservation of Trees, Woodlands and Hedgerows

E12- Trees and Development

E14-Landscaping of Development

E29 –Setting of New Development

H3- Locations for New Housing Development

H11- Design and Layout of New Housing Development

H13 –Backland Development

H19- Special Care Accommodation

T24- Parking and Servicing Requirements for New Development

RESULTS OF CONSULTATION AND PUBLICITY

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

- Visual intrusion
- Overlooking and loss of privacy
- Light intrusion caused by any lighting on the new bungalow
- Noise from activities associated with the use of the dwelling including traffic accessing the site.
- Detrimental impact on the environment and local wildlife as a consequence of tree removal and loss of nesting habitat for birds.
- Loss of the existing garages would result in on street parking pressure in Hutton Avenue.
- Increased traffic movements with resultant congestion and hazardous conditions.
- Lack of on site car parking provision would exacerbate on street parking problems.
- Negative impact on property values as a consequence of visual and environmental blight caused by the development.

Natural England has no objection to the proposed development. They have advised that on the information provide there is unlikely to be any adverse impact on bats. Two conditions are requested .The first is to ensure that no scrub or tree felling is undertaken during the bird-nesting season (1st March- 31st August inclusive). The second is for the provision of ecological enhancement on the site in accordance with the key recommendations set out in the ecological survey report accompanying the application. Informatives to any permission are also sought

advising that any planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with Circular 00/2005 Biodiversity and Geological Conservation- Statutory Obligations and their impact within the planning system. Secondly, that the developer may need to obtain a Natural England Licence prior to commencement of work.

Northern Gas Networks has no objections to the works but advise that there be apparatus in the area which could be at risk during construction work. If permission is forthcoming they would wish the applicant to approach them to discuss their requirements.

CE Electric has raised no objection to the development

The Council's Senior Arboricultural Officer has commented that the trees within the site are of poor quality but do provide a screen to the development and has suggested that if the development is approved a planting scheme should be required.

The Council's Public Protection Division has requested conditions for the following: -

- A restriction on the hours of work during construction on site to ensure that no work commences before 8am or continues after 6pm on weekdays, 8am to 2pm on Saturdays and no working on Sundays or bank holidays.
- Due to the sensitive end use of the site and demolition work involved the standard contamination condition would be necessary, excluding the requirement for a desk top study, which has already been submitted with the application.
- Details of any external lighting to be submitted together with a lighting impact assessment in order to safeguard the amenities of adjoining residents.
- No installation of any noise emitting fans, louvers, ducts or other external plant unless approved by the Local Planning Authority, in order to safeguard amenities of adjoining and nearby residents.

The Council's Highways Engineer has made the following comments: -

"Vehicular access - the proposed carriageway width is acceptable, however the site is not accessible by refuse vehicles or emergency service vehicles, because of the inadequacy of the turning area. In relation to the latter the requirement for a distance of below 45m between the highway and the dwelling entrance is just met, however the maximum bin carry distance of 30m (Part H Building Regulations (2000) cannot be achieved, as in this instance it would be likely that the storage point would be close to Hutton Avenue. Also, the turning area provided within the site will not be sufficient for manoeuvring of a minibus. The applicant needs to consider how the layout can be adjusted to address the need to turn a minibus and to address the bin carry requirements of Part H of the Building Regulations.

Parking - sufficient parking is provided for the proposed use, however the layout could be better. The concept drawing in the Design and Access drawing might provide a better layout.

Pedestrian access - a footway is provided along the access road however this drops off onto an unprotected area at a point where visibility is poor and where most manoeuvring of vehicles will be taking place. To ensure pedestrian safety the link should be continuous and the layout should be adjusted to accommodate this.

Works will be required within the public highway to construct new access and associated dropped crossings/tactile paving and I would request that a condition is included to secure this.

Though I would raise no highway objection in principle to the proposal the layout must be adjusted to accommodate the issues raised above.

In the event that an acceptable layout is provided I would request that the following informatives are included with an approval:

The applicant is advised that works are required within the public highway, to construct new vehicle crossing, 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.”

PLANNING ISSUES

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

- Planning Policy
- Visual Amenity
- Residential Amenity
- Trees
- Ecology
- Highway Implications

Planning Policy

The site is within the urban area for Darlington and therefore falls within the provisions of policies E2 and H3 of the Borough of Darlington Local Plan.

Policy H3 (Location of New Housing Development) is a general policy, which states that new housing development will only be approved within the urban area provided that the site is not specifically proposed or safeguarded for another use and the development accords with other housing policies. The proposal is on a site not reserved or safeguarded for any particular use and complies with H3.

Policy H13 (Backland development) states that permission will not normally be granted for residential development which unacceptably conflicts with the free and safe flow of traffic, would adversely affect the amenities of neighbouring dwellings and would detract from the character of the surrounding area. These issues are covered in the following sections below.

Residential Amenity

The spatial separation between the proposed bungalow and adjoining dwelling houses is such that there is unlikely to be any significant harm to neighbouring occupants by way of overlooking

and loss of privacy. In the main the proposal complies with the minimum privacy distance of 21m between facing windows in principal rooms, used by the Council. However this is marginally reduced between windows in the west facing elevation of the bungalow and the rear of No.74 Hutton Avenue where a separation distance of approximately 18.5m is provided between windows providing light to an informal meeting area in the bungalow and the principal windows in the rear elevation of No.74. Only one window directly faces onto the neighbouring dwelling. However there is unlikely to be any significant direct overlooking of the ground floor windows of that dwelling given the presence of the existing timber fence (which is to be supplemented by the provision of a new 2.1m fence along this boundary) and that the window in the bungalow would be set back approximately 6m from the boundary fence. Whilst a first floor bedroom window may be affected to some degree it is considered that that this is unlikely to be so significant as to justify a refusal of planning permission on the grounds of loss of privacy.

The building has been designed so as to keep the overall height to approximately 3.3 and as such it is not considered that there will be any issues regarding overbearing impact or overshadowing and loss of light to neighbouring gardens.

Visual Amenity

The surrounding area is characterised mainly by two storey dwelling houses of traditional brick and tile construction. Consequently it could be argued that the proposal to erect a contemporary style dwelling would be out of character with the built form here. However in view of the location of the site and the low height of the proposed dwelling it would not be easily visible from public vantage points in surrounding streets. In the circumstances Officers are of the opinion that there is unlikely to be any adverse impact on the character or appearance of the area.

Trees

A tree report which accompanies the application identifies the trees within the site as being of poor quality and of no public benefit in visual terms. The Council's Senior Arboricultural Officer concurs with this assessment in addition he has suggested that a planting scheme should be required. The Design and Access Statement states that as part of the design process one of the objectives is to retain parts of the existing vegetation and complement this with additional planting. A condition requiring the submission of a planting scheme would be appropriate.

Ecology

An ecological survey has been undertaken by consultants engaged by the applicant which concludes that the vegetation on the site is of no ecological value but states that the garages should be surveyed in more detail prior to demolition to ascertain whether they support bat roosts. The report also sets out a number of recommendations to improve the ecological value of the site, which include the planting of small native trees and shrubs, and the installation of bat and bird boxes.

Natural England has been consulted on the application and have raised no objection to the proposed development. They have advised that on the information provide there is unlikely to be any adverse impact on bats. However a number of conditions are requested. The first is to ensure that no scrub or tree felling is undertaken during the bird-nesting season (1st March- 31st August inclusive). The second is for the provision of ecological enhancement on the site in accordance with the key recommendations set out in the ecological survey report accompanying the application. Informatives to any permission are also sought advising that any planning permission does not absolve the applicant from complying with the relevant law, including

obtaining and complying with Circular o0/2005 Biodiversity and Geological Conservation-Statutory Obligations and their impact within the planning system. Secondly, that the developer may need to obtain a Natural England Licence prior to commencement of work.

Highway Implications

As mentioned earlier in this report the Council's Highways Engineer is satisfied the proposed development would not give rise to conditions that would prejudice highway safety subject to modifications to the internal site layout to address the issues he has raised, which can be conditioned.

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 development limits identified in the development plan. The design and layout accords with the relevant policies in the development plan. The development will not cause significant harm to the character and appearance of the surrounding area. The proposal has no significant impact in terms of 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 Limits (3 years)
2. B4 Details of Materials (Samples)
3. B5 Detailed Drawings (Accordance with the Plans)
4. C5 Restriction of PD Rights (Residential)
5. E2 Landscaping (Submission)
6. E5 Boundary Treatment (Submission)
7. J2 Contaminated Land

8. Construction work shall not take place outside the hours of 08:00 – 18:00 Monday to Friday, and 08:00 - 14:00 on Saturday, with no working on a Sunday or Bank Holiday.

REASON- In the interests of Residential Amenity.

9. No noise omitting fans, louvers, ducts or other external plant shall be installed until a scheme to reduce noise and vibration has been submitted to, and approved by, the Local Planning Authority. The development shall not be carried otherwise than in accordance with the approved details.

REASON- In the interests of Residential Amenity

10. Prior to the commencement of development details of the proposed lighting scheme together with a lighting impact assessment shall be submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of Residential Amenity

11. Notwithstanding anything indicated on the submitted drawings the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development

- i) Provision for a turning area within the site for a minibus;
- ii) On site parking provision
- iii) Pedestrian access into the site;
- iv) Details of the access road and associated dropped crossings/tactile paving; and
- v) Provision for a bin storage area to comply with bin carrying requirements of Part H of the Building Regulations.

REASON - To ensure that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

12. No scrub clearing or tree felling shall be undertaken during the bird nesting season (31st March – 31st August inclusive) of any given year unless a checking survey has been undertaken by a qualified ecologist immediately prior to commencement of works and no active nests are identified.

REASON – To conserve protected species and their habitat

13. The development shall not be carried out otherwise than in accordance with the ecological enhancement measures identified in the key recommendations on page 5 of the ecological report by Young Nature dated January 2009. The work shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority.

REASON – To conserve protected species and their habitat.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within development limits identified in the development plan. The design and layout accords with the relevant policies in the development plan. The development will not cause significant harm to the character and appearance of the surrounding area. The proposal has no significant impact in terms of 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. The proposal accords with the relevant policies in the development plan set out below:

Borough of Darlington Local Plan 1997

E2 – Development Limits

E11-Coservation of Trees, Woodlands and Hedgerows

E12- Trees and Development

E14-Landscaping of Development

E29 –Setting of New Development

H3- Locations for New Housing Development

H11- Design and Layout of New Housing Development

H13 –Backland Development

H19- Special Care Accommodation

T24- Parking and Servicing Requirements for New Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to construct new vehicle crossing, 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.”

The applicant is advised that this planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in part 4b of circular 06/2005 Biodiversity and Geological conservation – Statutory Obligations and their impact within the Planning System.

The applicant is advised that a separate Natural England licence may need to be obtained prior to commencement of works. The developer should be advised by their ecologist with respect to this issue.