

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13th March 2013

Page

APPLICATION REF. NO:	12/00672/FUL
STATUTORY DECISION DATE:	19 December 2013
WARD/PARISH:	NEASHAM
LOCATION:	Land to the rear of 31 Teesway, New Lane, Neasham.
DESCRIPTION:	Erection of 4 dwellings and associated access.
APPLICANT:	Mandale Construction Ltd

APPLICATION AND SITE DESCRIPTION

The application site is situated to the rear of 31 Teesway which previously formed much of the rear garden to the property. The land is flat with no discernable differences in ground levels. It is essentially grassed with a small number of mainly fruit trees on the site and hedgerows extending along its western and northern boundaries.

The surrounding development is residential character. A terrace of two storey dwellings lie to the north of the site, to the east is a modern two storey detached house, to the south is the detached dwelling, no.31 Teesway, and to the west are a number of two storey detached dwellings and detached bungalows. Two market garden businesses are also accessed along the road giving access to the development.

The application proposes the erection of four detached dwellings fronting onto the western boundary of the site. They would be two storeys in height incorporating dormer windows and rooflights to provide rooms in the roof spaces. Two of the dwellings are provided with a double detached garage and the others with a single semi-detached garage.

Vehicular access for each dwelling would be taken directly of New Lane.

The following documents are submitted with the application: -

- Design and Access Statement
- Flood Risk Assessment: and
- A Contamination Screening Assessment

PLANNING HISTORY

None

PLANNING POLICY BACKGROUND

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

Policy 4 –The Sequential Approach to Development

Policy 6 – Locational Strategy

Darlington Core Strategy Development Plan Document policies: -

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

CS16 – Protecting Environmental Resources, Human Health and Safety

CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

Borough of Darlington Local Plan 1997 policies:-

E2 - Development Limits

E12 – Trees and Development

E14 – Landscaping of Development

T8 - Access to Main Roads

National Planning Policy Framework (2012)

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RESULTS OF CONSULTATION AND PUBLICITY

Twelve letters have been received from local residents objecting to the proposed development as originally submitted on the following grounds: -

- Does the village need any more houses? At any one time there are at least 5 or 6 houses for sale in the village taking at least 2 to 3 years on average to sell with some not ever selling.
- There does not appear to be any environmental assessment of the development.
- Our rights of “Ancient Lights” on our property need to be taken into account.
- Modern housing development here would have a detrimental character of the village.
- The height of the buildings would have an overpowering effect on the surrounding houses.
- Some of the proposed dwellings overlook existing homes thereby resulting in a loss of privacy.
- The development would detract from the pleasant open aspect afforded to those living in surrounding housing.
- The existing sewage and surface water infrastructure is inadequate and has not the capacity to cater for these dwellings.

- New Lane cannot take additional traffic. It already serves a number of dwellings and two market businesses and has a regular flow of private, agricultural and commercial traffic.
- New Lane is single track and as a consequence there are issues when a vehicle is entering or exiting the lane, either the vehicle has to reverse onto the main road or the oncoming vehicle has to reverse up the lane. Allowing the access of four houses off New Lane will only exacerbate these problems.
- There is the potential for owners of the new dwellings to park their cars on the proposed footpath on New Lane which is not only a risk to other vehicles but also a risk to pedestrians. The only option is the widening of New Lane to two lanes with a pedestrian footpath.
- New Lane is a designated footpath and bridleway and walkers and horse riders would be at risk from traffic and on street parking associated with the development.
- The removal of the hedgerow along the western boundary of the site would destroy some of the heritage of the village. Removal of the hedgerow could be avoided if an alternative and more appropriate access were to be utilised. The removal of the garage at the west end of no. 31 Teesway would be the obvious position for a new access.
- The hedgerow shown to be removed is obviously a very ancient hedge and may well be protected under the 18th Century Enclosures Act.
- There are numerous nesting birds present, so that the removal of the hedge during the nesting season would be an offence under the Wildlife and Countryside Act 1981.
- Any permission should be conditional to ensure

Two letters have been received to the amended scheme which reiterates the objections raised above.

Neasham Parish Council has recommended that the application be approved but has raised concerns as to whether the sewage pumping station can cope with four additional dwellings.

Northumbrian Water has no comment to make other than that the proposed development would not significantly increase the flow to Neasham pumping station

Northern Gas Networks has no objection to the proposed development.

The Council's Environmental Health Section has requested the imposition of the standard contamination condition to any approval.

The Council's Highways Engineer has no highway objection to the proposed development but has requested conditions requiring extensions of the proposed footway on New Lane, at the northern end of the site and at the southern end of New Lane at its junction with Teesway. In addition a condition requiring a Road Safety Audit is also requested.

The Ramblers have no objection to the development

PLANNING ISSUES

The main issues to be considered are: -

- Planning Policy
- Character and Appearance

- Residential Amenity
- Flooding
- Highway Implications

Planning Policy

The site is situated within the developments of Neasham as identified by Policy E2 of the Borough of Darlington Local Plan and therefore the overall principle of the development is acceptable.

Character and Appearance

The site is located to the northern side of the village street behind the main frontage. Views of the development would therefore be limited to fairly oblique ones from the main street through the village.

The elevations of the proposed dwellings would be constructed from facing bricks with clay pantile roofs. The architectural features would be highlighted in Art stone. The scheme has been amended to present a consistent frontage facing West, with lengthy driveways with garages located within rear gardens. The elevations have been sensitively designed and are incorporated well within this village setting.

In general design terms it is considered that the proposed development will not have an adverse impact upon the street scene. The development has been designed to take advantage of the generally flat site and the ultimate height and the scale of the development facing the street is considered acceptable. The proposal would generally accord with the Council's adopted Supplementary Planning Document – Design of New Development

The new houses have been designed to minimise their impact on the character and appearance of the area. Their scale and impact when viewed from the main village street to the South has been sensitively minimised and the design relates well to the dwellings in the near locality. The proposal has been sensitively designed for its location, particularly in terms of scale, massing and materials.

Consequently it is considered that the character and appearance of the proposed development is acceptable within the context of the area.

Residential Amenity

The front elevations of the development would be two storeys high when viewed from their frontage. The design does however incorporate dormer windows within the front roof plane of the proposed houses which give light to bedrooms. The Council's Supplementary Planning Document – Design for New Development includes the proximity distances that a new development is required to meet between existing and proposed dwellings. The buildings fully comply and in some cases to the southern part of the site exceed the guidelines. Consequently it is considered that the residential amenity of nearby residents is adequately protected.

Flooding

The Environment Agency originally had concerns over the scheme. The applicants however have submitted an updated Flood Risk Assessment [FRA] directly to the Environment Agency which they have re considered. The Agency are now satisfied with the details of the assessment and now no longer wish to raise objections to the development on potential flooding grounds, subject to the imposition of an appropriate condition relating to the control of surface water run off, identification of safe routes in and out of the site and finished floor levels are set no lower than 23.96 above Ordnance Datum [AOD]. An appropriate condition recommended by the Environment Agency is attached to the recommendation.

Highway Implications

The Councils Highway Officer wishes to raise no objection to the scheme provided the following highway requirements are met by the imposition of appropriate conditions which secure the following.

- The existing road width of New Lane is maintained and the proposed footway as shown on drawing no. 1218/100 is constructed at a minimum of 2m wide.
- The proposed footway on New Lane to the rear of the site should be extended around the radius sufficiently enough to provide a 1.8m wide drop crossing with tactile paving and associated crossing point to the north side of New Lane whilst avoiding existing private access points. It should be noted that there is an existing telegraph pole on the corner of New Lane which may require relocating in order to provide a minimum of 450mm setback from the carriageway to avoid potential vehicle strikes.
- The proposed footway on New Lane to the front of the site should be extended around the radius across the front of the existing garage to be taken down up to the limit of the existing verge. A 1.8m wide drop crossing with tactile paving should be provided at this location on Teesway to facilitate access to the proposed footway.
- The layout proposal includes for works to be carried out within the existing public highway and there are proposals for works to be submitted for adoption (New Lane and Teesway comprising of a proposed footway with associated dropped kerbs and tactile paving and the creation of 4no. vehicle crossovers into the development site) and these will be subject to a combined Section 38/278 Agreement under the Highways Act 1980. Prior to the commencement of the development, precise details of works within the public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
- A Road Safety Audit shall be carried out for all works within the public highway and the details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development

In addition the Council's Highway Officer has requested that the following informative be attached to any approval:

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a combined Section 38/278 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 388 755) to discuss this matter.

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 within the development plan. The design and layout of the development is acceptable and would not have an adverse impact upon the character and appearance of the street scene within the village of Neasham. The proposal has no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintains adequate levels of privacy. The application does not raise any issues in respect of highway safety or crime prevention and complies with the relevant policies in the development plan set out below:

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

Policy 4 –The Sequential Approach to Development

Policy 6 – Locational Strategy

Darlington Core Strategy Development Plan Document policies: -

CS1 - Darlington's Sub Regional Role and Locational Strategy

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Other documents:

Supplementary Planning Document – Design of New Development

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS;

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. Notwithstanding the details shown on the approved plans, precise details of the windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development and the appearance and character of the village

4. J2 – Contamination
5. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment [FRA] Civils updated report of October 2013 and the following mitigation measures detailed in the FRA;
 - Limiting the surface water run off generated by the site to a maximum peak rate of 5l/s so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site
 - Identification and provision of safe route[s] into and out of the site to an appropriate safe haven.
 - Finished floor levels are set no lower than 23.96m above Ordnance Datum [AOD]

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing by the LPA.

REASON 1; To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

REASON2; To ensure safe access and egress from the site.

REASON 3; To reduce the risk of flooding to the proposed development and future occupants.

6. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details on the hours of construction, a Dust Action Plan, designating and signing for construction vehicle and plant routes, methods for keeping public roads clear of

debris. The development shall not be carried out otherwise than in complete accordance with the proposed Plan

REASON: In the interests of the residential amenity and highway safety

7. Should piling be required a piling risk assessment, which includes details of the piling method to be employed, including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognized guidance shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with the approved details.

REASON: To safeguard the amenities of the area.

8. Notwithstanding the details shown on the approved drawings, precise details of improvements to the highway, including footways and the provision of dropped crossings 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 complete accordance with the approved details

REASON: In the interests of pedestrian safety

9. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within the development limits identified within the development plan. The design and layout of the development is acceptable and would not have an adverse impact upon the character and appearance of the street scene within the village of Neasham. The proposal has no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintains adequate levels of privacy. The application does not raise any issues in respect of highway safety or crime prevention and complies with the relevant policies in the development plan set out below:

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Other documents:

Supplementary Planning Document – Design of New Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

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