

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2008

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APPLICATION REF. NO:	08/00066/FUL
STATUTORY DECISION DATE:	20 March 2008
WARD/PARISH:	LASCELLES
LOCATION:	Land At Rear Of, 39 Harris Street, Darlington
DESCRIPTION:	Proposed erection of 5 No. three bedroomed dwellings along with associated garage and car parking spaces (as amended by plans received 03 June 2008)
APPLICANT:	Mr J Lee

APPLICATION AND SITE DESCRIPTION

The application site comprises some 0.13 hectares of land on the southern side of Harris Street. The site is located to the rear of 39 Harris Street.

The site is bounded to the east by the rear garden of No. 41 Harris Street, to the west by No's 25 and 33 Harris Street and to the south by the rear private gardens of residential dwelling houses in Melsonby Crescent.

Planning permission was granted in February 2007 (Ref: 06/01163/FUL) for the erection of 5 No. link dwelling houses with detached garages and associated parking and access.

The current detailed application is for the erection of 5 three bedroom dwellings. The dwellings are proposed in a terraced block that is broadly comparable in overall size and location to that as identified in the scheme that has already been granted planning permission.

The overall design of the proposal is different from that which already has planning permission and features an attached single garage to the north of the block.

The main body of the terraced block is proposed as being 29m in length (not including the garage) and 8.3m in width. The Building is proposed with a pitched roof over. Eaves level would be 5m from ground level. Ridge level would be approximately 8.5m form ground level.

Access to the site would be taken from Harris Street with vehicular parking to the west of the site.

The plans have been amended from the original submission. The plans have been amended to provide adequate turning space for vehicles and to omit a double garage which was proposed towards the south of the site. The amendments have also improved the visual appearance of the proposed houses. This is in relation to the fenestration detailing and also by siting the front doors on the front elevation of the porches rather than on the side.

PLANNING HISTORY

91/00663/DM – Outline planning permission was granted in March 1992 for the demolition of engineering workshops and erection of 6 two-storey flats and the conversion of existing offices.

03/00567/OUT – Outline planning permission was granted in August 2003 for residential development.

06/00567/OUT – Outline planning permission was granted in August 2006 for residential development.

06/01163/FUL – Planning permission was granted in February 2007 for the erection of 5 No. link dwelling houses, 2 No. detached garages and associated access road with car parking provision (amended plans received 22 January 2007 and 06 February 2007).

07/01042/FUL – Application withdrawn in December 2007 for the erection of 8 No. two bedroom apartments.

PLANNING POLICY BACKGROUND

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

- H3 – Locations for New Housing Development
- H11 – The Design and Layout of New Housing Development
- E14 – Landscaping of Development
- E29 – The Setting of New Development
- E46 – Safety and Security
- E47 – Contamination/Unstable Land and Development
- R1 – Design for All
- R2 – Access for People with Disabilities
- T24 – Parking and Servicing Requirements for New Development
- T13 – New Development – Standards

RESULTS OF CONSULTATION AND PUBLICITY

Consultations were carried out with occupiers of neighbouring properties and letters of objection have been received. The points raised in these objections are summarised below.

The occupiers of 25 Harris Street commented that the proposal would develop up to their property and that as such they will be contesting the boundary. The occupiers of 25 Harris Street also commented that the proposed turning area would be directly behind their property and that no physical barrier is shown and that there is therefore a concern that damage may be caused to 25 Harris Street by cars. The other points raised were that there would be an increase in noise

and disturbance caused by the cars, children may kick a ball against the rear of 25 Harris Street and crime may increase as there would be unrestricted access to the rear.

The occupiers of 22 Melsonby Crescent objected to the application on the grounds that the development would harm existing levels of privacy and that it would obliterate their limited view.

An objection was received from the occupiers of 33 Harris Street who commented that the proposal will block views and that it would be easy to break into the back of their house as a result of the development.

The occupiers of 39 Harris Street objected to the proposal and commented that the proposals will effect the access to the rear of their property. The objector also considered that they will suffer a loss of privacy and stated that existing problem caused by groups of teenagers gathering outside their home will be worsened by the proposal.

Objections were received from the occupiers of 12, 14 and 16 Melsonby Crescent who commented on the proximity of the development to their properties, the number of potential residents, the location of parking facilities in relation to the objectors' houses and raised concerns over the type of resident that will live in the development.

Occupiers of neighbouring properties were re-consulted following the receipt of amended plans.

The occupiers of 25 Harris Street reiterated their objections commenting on the fact that there is still no proposed barrier detailed on the plans between their property and the development which could reduce noise and disturbance issues.

The occupiers of 22 Melsonby Crescent restated their objections and commented that the new houses would interrupt what little privacy they have and would have a negative impact on their view. The occupiers of 22 Melsonby Crescent also reiterated their comments that there would be noise and disturbance from 5 additional families and that the proposal would impact on the character of the surrounding area.

Consultations were also carried out within the Council and with Statutory Undertakers. The points raised are summarised below.

The Highways Officer commented that the amended scheme is acceptable.

The Environmental Health Officer recommended that a condition regarding land contamination be placed on the granting of any planning permission.

The Rights of Way Officer advised that there are no public rights of way recorded on the Definitive Map and Statement (DM&S) for Darlington, which would be affected by the development (the DM&S is not concerned with private rights).

Northern Gas Networks raised no objection to the proposal and advised that there may be apparatus in the area that may be at risk during construction works.

CE Electric UK provided a plan showing mains records giving the approximate location of known Northern Electric apparatus in the area.

Northumbrian Water made no objections to the proposal.

PLANNING ISSUES

The principle of the development has already been established through the granting of outline planning permission in August 2006 and for a detailed application (5 dwelling houses) in February 2007.

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

- Visual Amenity
- Residential Amenity
- Highways Matters

Visual Amenity

The site is situated to the rear of Harris Street and is bounded by residential properties. The design and appearance of the proposed houses is considered to be appropriate with the context of the site. The amended plans have improved the design quality of the scheme. The design of the proposal features natural surveillance to the front facing the access road and turning area. Due to the siting of the proposal, there would not be a significant impact on the street scene.

The proposed layout is considered to be acceptable. Although landscaping is shown on the plan, it is recommended that a planning condition be attached to any approval to require the submission and agreement of a landscaping scheme, including the treatment of private amenity space to the front and rear of the proposed building. A condition for the submission and approval of the boundary treatment on the site is also considered necessary.

Residential Amenity

The scheme is considered to provide for an acceptable living environment for existing residents and for the eventual occupiers of the proposed scheme. The size and siting of the proposal is such that acceptable separation distances between the new building and those existing would be achieved. The proposal would not result in any direct overlooking of neighbouring properties.

The windows on the rear elevation of 25 and 33 Harris Street (which bound the site to the west) are of a relatively small size and have obscure glazing.

The site may be contaminated as a result of its previous use. It is therefore recommended that the standard planning condition in respect of contaminated land be attached to any approval, as recommended by the Environmental Health Officer. As this condition is recommended, it is also recommended that the submission and agreement of final ground levels by way of a planning condition.

Highways Matters

The scheme has been amended to address highways concerns regarding the turning requirements for vehicles. The amended proposal is considered acceptable and would not be prejudicial to highways safety.

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 defined in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. 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. Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those details approved.

REASON - In order that the Local Planning Authority may properly assess and confirm the impact of the development on nearby properties as a result of the required remediation scheme, which may alter prevailing levels on the site.

9. D4 Refuse Storage
10. The access road and turning area hereby approved shall be structurally maintained at all times. The access road and turning area shall be maintained in good condition including regular street sweeping and gully emptying.

REASON – In the interests of amenity and highway safety.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Reason 4

H3 – Locations for New Housing Development
H11 – The Design and Layout of New Housing Development
E14 – Landscaping of Development
E29 – The Setting of New Development
E46 – Safety and Security
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INFORMATIVES

It should be noted that the planning permission hereby given does not remove the necessity to fulfil the requirements of the Party Wall etc. Act 1996.

The applicant is advised works will be required in the public highway to construct the new access and contact must be made with the Highways Manager (Contact Mr A Ward 01325 388743) to arrange for these 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 Highways Manager (Contact Ms P Goodwill 01325 388760) to discuss naming and numbering for the development.