

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 June 2011

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APPLICATION REF. NO:	11/00150/FUL
STATUTORY DECISION DATE:	18 May 2011
WARD/PARISH:	HAUGHTON NORTH
LOCATION:	54 Barmpton Lane
DESCRIPTION:	Erection of 2 no. dwellings
APPLICANT:	MR JOHN RICHARDSON

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of two detached, four bedroom dwellings on land to the rear of 54 Barmpton Lane. The proposed dwellings would be dormer bungalow style dwellings, with two of the four bedrooms provided in the roof. Access to the dwellings would be via an existing 4 metre wide access to the side of 54 Barmpton Lane which presently serves the existing dwelling. Each of the proposed dwellings would have a single garage and additional parking and turning space to the front. Dwelling 1, to the northern end of the site is to measure approximately 12.2 metres wide by 12 metres deep, under a pitched roof approximately 6.1 metres in height. Dwelling 2, to the south, is to measure approximately 13.8 metres wide by 9.5 metres deep; under a pitched roof approximately 6 metres in height. Both dwellings are to be constructed of brick under pantile roofs.

The application site is an area of lawned garden land, approximately 0.14 hectare in area, located to the rear of 54 Barmpton Lane. There is a large garage-type building on the site that serves the application property and a number of fruit trees located centrally on the site. The site is bounded by residential properties on Barmpton Lane to the west, on Rivergarth to the north and east and by properties on Rivermead Avenue to the south. Records show that two elm trees, protected by Tree Preservation Order 1979 No. 6, are in close proximity to the southern boundary of the application site however neither of these trees are present on the site.

A Design and Access Statement and land contamination screening assessment have been submitted with the application.

PLANNING HISTORY

89/00560/MISC – Erection of a single storey extension at rear comprising kitchen/dining room and a sun lounge. GRANTED 1 September 1989.

PLANNING POLICY BACKGROUND

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

E2 – Development Limits
E12 – Trees and Development
E29 – The Setting of New Development
H3 – Locations for New Housing Development
H11 – Design and Layout of New Housing Development
H13 – Backland Development
T12 – New Development – Road Capacity
T13 – New Development – Standards

Design of New Development Supplementary Planning Document – July 2009

The following policies of the recently adopted Core Strategy have also been considered

CS1 (Locational Strategy)
CS2 (Sustainable Design)
CS10 (New Housing Development)

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer

The proposed access meets the width criteria as a private shared drive and an acceptable turning facility will be provided within the site. Also, an acceptable visibility splay is achievable at the access. Although sufficient parking is provided for the new dwellings no details are provided in relation to parking provision for 54 Barmpton Lane. It must therefore be made a condition of approval that compensatory parking (2 no. spaces) is provided within the curtilage of the development. Provided such a condition is included, raise no highway objection to the proposal.

Environmental Health Officer

Recommend that conditions are included to limit the construction hours of the development, requiring details of all external lighting and details of piled foundations if used, to protect the amenities of nearby residential properties. Also request that a contamination screening assessment be completed and returned.

Arboricultural Officer

There are several young to mature Apple (*Malus spp*) trees to the rear of 56a Barmpton Lane, within the curtilage of 54 Barmpton Lane and three early mature Cypress trees are located to the south/east of the Apple trees within the curtilage of 54 Barmpton Lane. There is also a Cypress hedge situated centrally within the site. There is also a semi/mature Whitebeam (*Sorbus aria*), which appears to be in reasonable form and condition, located within the rear garden of 7 Rivermead Avenue. The application has not provided an Arboricultural implications assessment (AIA) an Arboricultural method statements (AMS) nor a tree protection plan (TPP). None of the trees within the site however are worthy of protection, it would appear that within the BS5837 the trees would be category C tree. The proposed development would also appear to be outside the Root Protection Area (RPA) of the Whitebeam, within the rear garden of 7 Rivermead Avenue, this tree will require its RPA protected which will only be possible through the installation of protective fencing in accordance with BS5837 2005. It is recommended that this fencing is put into position prior to any further works on the site (demolition or development),

and that the extent of this protection is inspected by a Council Officer prior to work commencing. This fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supporting by a weldmesh wired to the uprights and horizontals to dissuade encroachment.

CE Electric UK

No objections.

Northumbrian Water

No objection to the proposed development

Northern Gas Networks

No objections

CPRE

Object to the proposal. We consider this to be a backland development which will have a negative impact on the area. Respectfully request the Council refuse the application.

Eight letters of objection have been received that raise the following issues:

- *Concerned about noise and pollution from construction contractors and traffic;*
- *Noise and pollution from future residential traffic;*
- *Overlooking of the properties and loss of privacy;*
- *Negative visual impact on an area which until a few months ago had a beautiful willow tree and currently still has an orchard;*
- *My property is built on the lowest point of the four houses in the cul-de-sac which directly overlooks the new proposed buildings. Concerned that there may be risk of flooding in the future;*
- *Detrimental impact on local wildlife and stress on neighbouring pets;*
- *Dirt and dust from the site will aggravate my asthma and cement etc will blow onto my property and conservatory;*
- *The houses currently neighbouring this land currently enjoy an open aspect. This development will cut out light for surrounding properties and take away a green space.*
- *Contrary to the design statement the properties will detract from the open nature of the area and will adversely affect the visual amenities as an orchard will have to be destroyed to make way for this development. A large mature willow tree has already been removed;*
- *No provision for parking at 54 Barmpton Lane. If street parking is the option, then believe traffic calming arrangements must be made on Barmpton Lane;*
- *The access road would only be single track. There is no room for cars to pass and there is the potential for cars to reverse into the main road. The access road may have in excess of 6 cars using it;*
- *Given that the housing market is currently deflated is there a need for further development, particularly on garden land that provides a green area between houses;*
- *The site would be landlocked;*
- *Emergency vehicles and the postal service would have great difficulty trying to access the site. There does not seem to be adequate turning to the properties by large vehicles;*
- *The entrance to the properties is on a bend in the lane and I am frightened that road traffic accidents would be caused;*
- *Noise and disturbance during the construction would be detrimental to my health;*
- *Concerned about the security of the site and whether it would attract crime;*

- *The police and our local Councillor support our concerns over speeding vehicles on Barmpton Lane and any increase in traffic will only exacerbate the problem;*
- *Within the last few months there have been 3 accidents only yards away from the proposed development;*
- *The increase in traffic will potentially give continuous disturbance and loss of privacy to myself and family as it would be passing within 2 metres of a family room and kitchen window;*
- *Pollution from the additional traffic both construction and residential, additional noise and light pollution, would be unacceptable in this quiet residential area;*
- *This rear garden development does not take into consideration the effect on the neighbours or the neighbouring properties;*
- *Site security would be required in order to make the low level of crime in this area. Any increase in development would increase the potential for an increase in crime;*
- *There would be a detrimental impact on the present wildlife that abounds in this area;*
- *The visual impact to the rear of my property would be downgraded to unacceptable levels;*
- *Would not have moved into what is a desirable area at present had the development been identified prior to my purchase;*
- *Any further development in this semi-rural residential area would have a detrimental effect on the character and peaceful surroundings;*
- *Strongly object to building on the orchard behind our home. The noise, dirt and vibration will affect not only wildlife that live in the orchard but will have a huge impact on our quality of life;*
- *Prevailing wind blows from the direction of the orchard so all the dirt and dust will land in our garden;*
- *Live in a quiet residential area where the houses are spaced reasonably well and these houses will encroach on a rare piece of green space found in such an area.*

PLANNING ISSUES

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

- Planning Policy
- Highway Safety
- Impact on Visual and Residential Amenity
- Tree Issues
- Land Contamination
- Other Issues Raised by Objectors

Planning Policy

The site lies within the development limits for the urban area of Darlington, as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997, and the principle of residential development is therefore in accordance with the Local Plan Policy H3 (Locations for New Housing Development). The site is however considered to be backland development due to its location to the rear of houses on Barmpton Lane. Policy H13 (Backland Development) states that permission will not be granted for residential development on such sites which would unacceptably conflict with the safe and free flow of traffic; the privacy and quiet enjoyment of neighbouring dwellings and gardens and of dwellings which adjoin any proposed access; or the scale and character of the surrounding development. These particular matters will be considered in greater detail elsewhere in the report.

Highway Safety

Local Plan Policies T12 (New Development – Road Capacity) and T13 (New Development – Standards) state that traffic generated by new development must be able to be accommodated within the capacities of surrounding roads in a safe and environmentally satisfactory way and that all new development should incorporate adequate provision for access and circulation by both vehicles and pedestrians. Policy H13 (Backland Development) also requires that development in such locations should not unacceptably conflict with the safe and free flow of traffic.

Access to the proposed dwellings will be via an existing 4 metre wide access to the west of 54 Barmpton Lane. The access will continue to serve the existing dwelling at 54 Barmpton Lane and two parking spaces are to be provided for each of the two dwellings. A number of objections have been received which raise concerns regarding the width of the access and its ability to safely serve both the existing and proposed dwellings; the lack of parking provision for the existing dwelling and the increase in traffic arising from the proposed dwelling and the impact this may have upon the safety of users of Barmpton Lane.

The Highway Engineer has advised that the proposed access meets the width criteria as a private shared drive and an acceptable turning facility will be provided within the site. An acceptable visibility splay is achievable at the access. Although sufficient parking is provided for the new dwellings, no details have been provided in relation to parking provision for 54 Barmpton Lane and he therefore recommends that a condition be attached requiring the provision of compensatory parking spaces (2 no.) within the curtilage of this property. On this basis, he raises no highway objection to the proposal. The proposed development is not therefore considered to have an adverse impact on highway safety, nor on the safe and free flow of traffic.

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. Policy H13 (Backland Development) also requires that such development should not unacceptably conflict with the privacy and quiet enjoyment of neighbouring dwellings and gardens and of dwellings which adjoin any proposed access; or the scale and character of the surrounding development.

The surrounding area is predominantly residential in character, with a mix of detached and semi-detached bungalows and houses fronting Barmpton Lane to the west and the denser development of predominantly detached houses and bungalows to the north, south and east on Rivergarth and Rivermead Avenue. As such the construction of two proposed bungalows in this location is considered acceptable in the context of the character and appearance of the surrounding area. The application site is predominantly flat and there is no discernible change in levels between the site and the surrounding area.

The proposed dwellings have been designed to reflect the predominant built form surrounding the application site in terms of their scale, form and use of materials. For the purposes of the Design SPD the site is located in Zone 4, where development between one and two and a half storeys is considered acceptable. There is a mix of both single and two storey dwellings within the immediate vicinity of the application site and while the detailing of the proposed dwellings is

not entirely in accordance with the guidance set out in the SPD, it is considered appropriate in its context.

The proposed dwellings have been designed so as to achieve the appropriate separation distances set out in the Design SPD, between existing and proposed dwellings, thereby maintaining appropriate privacy levels between these dwellings and their respective gardens. No details of the proposed boundary treatment has been provided, however this is a matter that would be dealt with by planning condition. A 1.8 metre high close boarded fence, or similar, would ensure that direct overlooking at ground floor level between the proposed dwellings and those surrounding the application site, was minimised. Both dwellings would be served by reasonably sized private gardens to the rear as well as parking and turning areas to the front of each property. This is considered to be an acceptable amount of amenity space to serve the two dwellings, commensurate in size with the dwellings themselves and the general character and appearance of the surrounding area. As such, it is not considered that the proposed dwellings will result in any unacceptable 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. Notwithstanding this, sections through the site to show the distances between the existing and proposed dwellings, and the relative site levels have been requested and will be available at the meeting.

The access to the proposed dwellings, which will also continue to serve 54 Barmpton Lane, runs in close proximity to the neighbouring dwelling to the south, 52 Barmpton Lane. Although this is an existing access, the main consideration is whether the activity levels arising from the intensification of this access to serve another two dwellings would have an unacceptable impact upon the amenity levels of this property in terms of noise, nuisance and disturbance and loss of privacy. At its closest point the access is approximately 1 metre away from the northern elevation of this property which contains windows serving a kitchen and family room. There is also a conservatory to the rear of this property. The access also runs alongside the northern side of the property's rear garden, which is enclosed on this side by a close boarded timber fence. Although Policy H13 seeks to protect the privacy and quiet enjoyment of neighbouring dwellings and gardens of any dwellings adjoining a proposed access, in this instance it is not considered that the likely increase in vehicular activity associated with the proposed development would be likely to result in an unacceptable reduction in the amenities of the neighbouring property to such a degree so as to warrant refusing planning permission on this basis, taking into account the fact that it is an existing access and in the context of an area that is already fairly densely developed.

A number of objectors have expressed concern regarding the impact of the proposed development in terms of noise and disturbance from construction traffic and activities. The Council's Environmental Health Section have advised that in view of the close proximity of the application site to surrounding dwellings, conditions should be attached restricting hours of work on site, requiring the submission of details of all external lighting and details of any piled foundation if necessary. It is also considered prudent to require the submission of a dust action plan.

Tree Issues

There are a number of trees within the application site that would be lost to the development. The Council's Arboricultural Officer has advised that he considers none of these trees to be worthy of protection applying the standards set out in BS5837 2005. There is a semi/mature Whitebeam (*Sorbus aria*), which appears to be in reasonable form and condition, located within

the rear garden of 7 Rivermead Avenue immediately to the south east of the application site. The development will not encroach upon the Root Protection Area (RPA) of this tree, however a condition is attached requiring this tree to be protected during the course of the development.

Land Contamination

Although there is no known contamination at the site, a contamination screening assessment has been carried out by the applicant as the site will be used for a 'sensitive' end use as defined in annex 2 of PPS23 'Planning and Pollution Control'. The comments of the Environmental Health Section on the outcome of this assessment are awaited and will be reported verbally at the meeting.

Other Issues Raised by Objectors

Two of the objectors have raised the fear of crime arising from the development of the site as a concern. Although fear of crime is capable of being a material consideration, in this instance, it is not considered that there is evidence to suggest that the development of this site would give rise to an increase in crime so as to warrant refusal of the application on this basis.

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 limit for the urban area as defined by the Borough of Darlington Local Plan 1997 and the principle of residential development within these limits is accepted by Saved Policy H3 (Locations for new Housing Development). Due to the location of the site to the rear of the existing property at 54 Barmpton Lane the proposal is considered to be backland development, however in this instance it is considered that the design, scale and layout of the proposed development is in keeping with the scale and character of the surrounding area and the proposed dwellings are not considered to lead to an unacceptable reduction in amenity standards to any of the adjacent properties in terms of loss of light, loss of privacy or overbearing impact due to the location and orientation of the proposed dwellings. While the existing access passes in close proximity to the neighbouring dwelling to the south at 52 Barmpton Lane, it is not considered that the increase in activity levels arising from the intensification of this access to serve a further two dwellings will result in an unacceptable reduction in the amenities of the neighbouring property. The Highway Engineer has raised no highway objection to the proposed development and on balance the proposal is therefore considered to comply with the criteria set out in Saved Policy H13 (Backland Development). The proposal is also considered to comply with the requirements of Saved Policies H11 (Design and Layout of New Housing Development), T12 (New Development – Road Capacity) and T13 (New Development – Standards) and on balance approval is recommended.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3
2. B4
3. B5

4. B9
5. B11
6. No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the semi/mature Whitebeam (*Sorbus aria*) tree adjacent to the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.
REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.
7. Prior the commencement of development hereby permitted a dust action plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – To protect the amenities of the neighbouring dwellings.
8. Prior to the commencement of development hereby permitted details of any proposed external illumination together with a lighting impact assessment shall be submitted to the Local Planning Authority for approved in writing. Thereafter the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – To protect the amenities of the neighbouring dwellings.
9. Prior to the commencement of development hereby approved, a scheme for the piling of foundations (if applicable) shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, such a scheme shall include the following:
 - a) An assessment of the likely vibration levels and details of any necessary mitigation measures;
 - b) Details for the monitoring of vibration levels and details of any necessary mitigation measures;
 - c) If necessary, a risk assessment for the protection of groundwater from any contamination which may be present on site.REASON - To minimise any adverse impact on surrounding properties due to vibration and to protect groundwater resources.
10. Construction works shall not take place outside the hours of 0800 and 1800 hours on weekdays, 0800 and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays.
REASON - To protect the amenities of the neighbouring dwellings.
11. Prior to the commencement of the development hereby permitted a scheme to provide for off-street parking for 2 no. vehicles within the site for the existing dwelling at 54 Barmpton Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – In order that adequate on-site parking is available.

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 and the principle of residential development within these limits is accepted by Saved Policy H3 (Locations for new Housing Development). Due to the location of the site to the rear of the existing property at 54 Barmpton Lane the proposal is considered to be backland development, however in this instance it is considered that the design, scale and layout of the proposed development is in keeping with the scale and character of the surrounding area and the proposed dwellings are not considered to lead to an unacceptable reduction in

amenity standards to any of the adjacent properties in terms of loss of light, loss of privacy or overbearing impact due to the location and orientation of the proposed dwellings. While the existing access passes in close proximity to the neighbouring dwelling to the south at 52 Barmpton Lane, it is not considered that the increase in activity levels arising from the intensification of this access to serve a further two dwellings will result in an unacceptable reduction in the amenities of the neighbouring property. The Highway Engineer has raised no highway objection to the proposed development and on balance the proposal is therefore considered to comply with the criteria set out in Saved Policy H13 (Backland Development). The proposal is also considered to comply with the requirements of Saved Policies H11 (Design and Layout of New Housing Development), T12 (New Development – Road Capacity) and T13 (New Development – Standards) and on balance approval is recommended.

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Assistant Director – Highways, Design and Projects (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development.