

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 June 2015

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APPLICATION REF. NO:	15/00107/OUT
STATUTORY DECISION DATE:	7 May 2015
WARD/PARISH:	BANK TOP
LOCATION:	128 Eastbourne Road DARLINGTON DL1 4ES
DESCRIPTION:	Erection of dwelling with attached garage (Outline)
APPLICANT:	Mrs B Ridley

APPLICATION AND SITE DESCRIPTION

Outline planning permission is sought for the erection of a dwelling with attached garage. All detailed matters including access, appearance, landscaping, layout and scale would be reserved.

An illustrative plan has been provided showing an indicative access point and the outline of a detached dwelling.

The application site is located on the south side of Eastbourne Road and forms part of the existing garden to no. 128 Eastbourne Road, the donor property. The long rear garden of 4 Milton Street borders the southern boundary of the site (there is no building directly to the rear). The remaining side garden area of the donor property to the west would adjoin the application site. The site is currently bounded by a high brick wall on its northern side.

PLANNING HISTORY

There is no relevant planning history.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The National Planning Policy Framework 2012 is relevant.

The Council’s Design for New Development Supplementary Planning Document 2011 is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal and a site notice was displayed.

Objections have been received from the occupiers of **151, 155 and 157 Eastbourne Road** and from the occupiers of **2 Milton Street**. The points raised are summarised as follows:

- *The proposal will result in overlooking to neighbouring properties.*
- *The proposal will result in a loss of light to neighbouring properties.*
- *The proposal would be harmful to the character of the area.*
- *The existing wall would be largely lost which would be harmful to the appearance of the area.*
- *The proposal would result in the loss of mature vegetation and a fruit tree. The tree should be subject to a preservation order.*
- *The loss of a garden would be harmful to ecology.*
- *There are bats in the area that may forage or roost in the site.*
- *Traffic and parking are already a problem in the area.*
- *Existing infrastructure may not cope and the proposal would increase surface water runoff issues.*
- *There would be noise and disturbance during the construction period.*

The **Highways Engineer** raised no objections subject to conditions for off-street parking and in relation to any off site works to the highway.

The **Environmental Health** Officer raised no objections.

Northern Power Grid provided a plan of apparatus in the area.

Northumbrian Water made no comments

Northern Gas Network raised no objections.

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Visual Amenity
- Residential Amenity
- Ecology
- Trees
- Highways Matters
- Sustainability
- Other Matters

Planning Policy

The site is located within the development limits as identified in the Borough of Darlington Local Plan (Policy E2 – Development Limits). The proposal is acceptable in principle subject to other considerations.

As a side garden, the land is not regarded as brownfield and so would not contribute to the objectives of favouring development on previously used land. This is, however, not a reason for refusal.

Visual Amenity

The proposal is only in outline but the development of the site for a dwelling of an appropriate scale that would be in keeping with the design of the area would not be harmful to visual amenity. It would be possible to retain a majority of the existing boundary wall with only a small portion lost to allow for the driveway.

Residential Amenity

Eastbourne Road is relatively narrow and achieving a separation distance of 21m (front to front) would be difficult unless the proposed dwelling is sited entirely on the rearmost part of the site. A spacing standard consistent with the existing properties in the area would, however, be possible and the design of the proposed dwelling would have to be very carefully considered to avoid direct overlooking of neighbouring habitable room windows and the rear garden of the adjacent property. To ensure that an acceptable standard of design is achieved with these factors in mind it is highly likely that the existing front boundary wall would need to be retained except to allow for vehicular access and also that obscure glazing would need to be used in respect of upper floor windows.

Ecology

The site currently forms part of a garden and as such contributes positively in terms of planting and ecology. However it should be noted that, as it stands, planning permission would not be required to remove all vegetation on the site or to replace it with hardstanding. The development

of the site for a single dwelling would feature garden areas and, as such, the proposal is considered to be acceptable in relation to its potential impacts on ecology.

Trees

The area currently consists of garden and there are several trees on the site however none of these are covered by tree preservation orders and only make a limited contribution to the street scene as they are relatively small and set back behind the boundary wall. The trees are not therefore considered to be worthy of a tree preservation order. It is likely that the development of the site would result in the loss of the trees on the site. Given that the trees are not protected, this is not considered to be sufficient reason for refusal.

Highways Matters

Eastbourne Road measures 5.2m wide at this location with a 1.2m wide footway, therefore double parking along this stretch would constitute an obstruction. The existing properties facing the development site have off street parking for at least one vehicle which limits the number of cars parked on the narrow road, therefore in order to mitigate the impact of an additional dwelling, adequate in curtilage parking must be provided to cater for the size of dwelling proposed.

Sustainability

Policy CS2 of the Darlington Core Strategy Development Plan Document 2011 requires new development to meet Code for Sustainable Homes Level 3. As this is essentially achieved under the Building Regulations, a condition regarding this is not considered necessary.

Other Matters

In response to the points raised in the objections, Northumbrian Water have raised no objections to the proposal and no significant issues of drainage or surface water run-off are considered likely to arise. There may be some issues of noise and disturbance but this would be during the construction phase as would be expected and the Council has powers under Environmental Health Legislation should this become specifically problematic.

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 site is located within the development limits. The proposal is only in outline but the development of the site for a dwelling of an appropriate scale that would be in keeping with the design of the area is considered to be achievable. A spacing standard commensurate with the existing properties in the area could be achieved but the design of any proposed dwelling would still have to avoid direct overlooking of neighbouring properties. None of the trees on the site are covered by tree preservation orders.

RECOMMENDATION

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

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development:-
 - (a) appearance
 - (b) access
 - (c) landscaping
 - (d) layout
 - (e) scale

Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2. A2 Outline (Implementation Limit)
3. B4 Details of Materials (samples)
4. In the event that suspected contaminated material is found at any time when carrying out the proposed development, it must be reported to the Council's Contaminated Land Officer immediately and to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance. Thereafter the development shall only be carried out in accordance with the approved details.

Reason – In order to deal with any suspected contaminated material that may be found.

5. Prior to the commencement of the development, precise details of in curtilage car parking suitable for the dwelling size proposed shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number and location of spaces and the development shall not be carried out otherwise than in complete accordance with the approved details.

Reason – In the interests of highway safety.

6. Prior to the commencement of the development, if required, precise details showing the removal of the existing vehicular access on to Eastbourne Road and the reinstatement of footways and creation of new vehicle crossing 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 the interests of highway safety.

7. Unless otherwise agreed with the Local Planning Authority, except to allow for vehicular access, the existing brick boundary wall to the property, adjacent to Eastbourne Road shall be retained.

Reason – In order to help safeguard against overlooking

8. No development shall commence until detail of levels including a sectional drawing have been submitted to, and approved by, the Local Planning Authority. Thereafter, the development shall not be carried out otherwise than in accordance with the approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no enlargement, improvement or other alteration of the premises, including any additional structures/buildings within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

Reason – In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

The following policies have been taken into consideration in arriving at this decision.

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
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- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

INFORMATIVES:

- 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, Design and Projects (contact Mrs Lisa Woods 01325 406702) arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.
- In the event that development proposals include the importation of fill material or topsoil on to the site you are advised to contact the Environmental Health team for further advice. In any event all imported materials should be sampled and analysed in accordance with YAHPAC (2015) guidelines to demonstrate that they are suitable for the proposed use and do not cause or contribute to the creation or proliferation of contaminated land.