

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd Sept 2015

Page

APPLICATION REF. NO: 15/00571/FUL

STATUTORY DECISION DATE: 6th August 2015

WARD/PARISH: HURWORTH

LOCATION: Skipbridge, Hurworth Moor

DESCRIPTION: Erection of a detached bungalow for holiday accommodation.

APPLICANT: Mr R Burnside.

APPLICATION AND SITE DESCRIPTION

This application was deferred from the last Committee held on 5th August 2015 to enable the applicant to clarify land ownership issues and supply further definitive evidence from the Land Registry to support their claims of ownership of the site and access road.

Members will recall considering a similar application to this in May 2014 [see planning history]. At that time, Members refused planning permission and the subsequent appeal was dismissed solely on visual impact grounds. Other issues that were raised by Members when the original application was refused relating to noise and the comings and goings to and from the site were set aside by the Inspector.

This application is similar to the previous submission but it is now proposed to be of brick and pantile construction rather than chalet style as before. It is before Members as the officer recommendation again is to Grant planning permission which is contrary to the wishes of the objectors and the Parish Council. The application site is situated at Skipbridge, approximately midway between Darlington and Neasham.

The site comprises a small rectangular hard standing area on the edge of the former Skipbridge brickworks site. It is bounded to the west by a leisure park which is intended to comprise of some 80 static caravans for holiday accommodation which is still under construction on the former brickworks site. To the north of the site lie three residential conversions known as The Potteries (the former canteen building to the Skipbridge brickworks). Agricultural buildings are situated to the east and south.

The proposal seeks the construction of a brick and pantile style bungalow on the hard standing area. The building would be used for holiday accommodation only.

PLANNING HISTORY

08/685 – In October 2008 planning permission was refused for the erection of a detached dormer bungalow.

09/306 – Planning permission was refused in July 2009 for the erection of a dormer bungalow and detached garage. A subsequent appeal was dismissed in November 2009.

12/00413 – Planning permission was refused (by Committee after Officer Recommendation to approve) for 1 holiday chalet bungalow in February 2013.

14/00106 – Permission refused for a holiday chalet bungalow – dismissed on appeal March 2015.

PLANNING POLICY BACKGROUND

Darlington Core Strategy Development Plan Document Policies: -

CS1: Darlington's Sub Regional Role and Locational Strategy

CS2: Achieving High Quality, Sustainable Design

CS6: Vibrant Cultural and Tourism Offer

CS14: Promoting Local Character and Distinctiveness

Borough of Darlington Local Plan Saved Policies: -

E2: Development Limits

E4: New Buildings in the Countryside

E17: Landscape Improvement

RESULTS OF CONSULTATION AND PUBLICITY

Two letters have been received objecting to the proposal on the following grounds: -

- The applicant states that there is mains sewage available which is incorrect.
- It is claimed that there are no trees on the site when there are a number around the perimeter of the site.
- The applicant says that there is a weekly refuse collection and we would contend that this should only be available to people who pay council tax.
- Access and services to the adjacent Potteries dwellings should not be hindered or restricted by the proposed development.

Hurworth Parish Council has **objected** to the application for the following reasons: -

- We have received a number of objections from residents close to and adjacent to the proposed dwelling. We agree with their objections.
- This has been refused before and should be again.
- There is no gas supply to the area so heating may be difficult.

Campaign to Protect Rural England has **objected** to the development on the following grounds:-

- It will have a negative impact on the amenities of nearby residences.
- Appeal Inspector didn't necessarily support a brick structure as now proposed.

Environmental Health – requests conditions relating to underground gas contamination.

Northern Power Grid has no objection to the proposal.

Northumbrian Water has no comment to make on the application.

The Highways Engineer has no highway objection to the proposal but requests two on site car parking spaces be provided.

PLANNING ISSUES

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

- Planning Policy
- Visual Amenity
- Residential Amenity
- Highway Implications : and
- Other Matters

Planning Policy

The site is located within an area designated for landscape improvement (Local Plan policy E17), the former Skipbridge Brickworks. Whilst this would not normally justify the granting of a residential use in the countryside, in a location hard to reach by public transport, the principle of building holiday accommodation in this particular area of landscape improvement is established by the adjacent holiday park.

The application site is located in the open countryside beyond the development limits identified on the Local Plan Proposals Map (saved Local Plan Policy E2). Policy CS1 of the Core Strategy states that development outside the limits to development will be limited to that required to meet identified rural needs. Policy E2 of the Local Plan indicates that development outside the development limits should be beneficial to the rural economy or to the needs of rural communities.

The National Planning Policy Framework (NPPF) indicates that local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas.

Policy CS6 of the Core Strategy states that to support the sustainable growth of tourism in Darlington, a range of visitor accommodation, including provision to meet the needs of disabled people, will be encouraged in appropriate locations, easily accessible by a choice of means of sustainable transport.

Visual Amenity

The site is not in a prominent location with regard to the local countryside. It is well screened by existing buildings and natural vegetation and is relatively secluded from view from the public

highway at Neasham Road, approximately 220m to the south west. Consequently there is unlikely to be any harmful effects on the visual amenities of the surrounding area.

A material consideration which Members should give weight to is the decision of the Appeal Inspector in relation to the previous application, where he stated that "*the proposed chalet bungalow would nevertheless appear as an incongruous form of development within the context in which it is located*". This was a reference to the form and design of the building subject to the appeal being visually out of keeping with the Potteries adjacent which are constructed of brick and tile. The current proposal overcomes that objection in that it is proposed to be constructed from bricks and pantiles to match the Potteries.

Residential Amenity

The spatial separation between the proposed building and the nearest dwellings to the north (The Potteries) is such that there is unlikely to be any material harm to the amenities currently enjoyed by the occupiers of those properties. Furthermore the Appeal Inspector referred to above agreed with this opinion and did not consider the proposal was unacceptable on amenity grounds.

Highway Implications

No highway objections have been raised to the proposed development.

Other Matters.

There has been some concerns expressed relating to sewage disposal, however the applicant has confirmed that the owner of the chalet park adjacent has given permission for him to tap into that foul drainage system, which is acceptable in planning terms.

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 findings of the Inspector relating to the previous appeal are considered to carry significant weight as far as it relates to the setting aside of the Council's previous concerns regarding the comings and goings associated with the holiday building. This revised application also incorporates the use of brick and tile, which is considered to be more in keeping with the materials used on the adjacent Potteries conversions.

The proposal is considered acceptable, subject to the imposition of suitable conditions to prevent permanent residential occupation of the dwelling. The proposal would not result in any adverse impact on the visual amenity of the locality nor is the development likely to result in any material harm to the amenities of neighbouring residents. It would not give rise to any issues in relation to highway safety or crime prevention.

RECOMMENDATION

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

- 1) A3-Implementation Limit
- 2) B5 – Detailed Application
- 3) Before the development hereby approved commences the applicant must either:-
 - a) Investigate the site for landfill/ground gas and carry out a gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details shall be submitted to, and approved by, the Local Planning Authority; or,
 - b) Install gas protection measures as a precautionary measure without first investigating the site. The details of the gas protection measures shall be submitted to, and approved by, the Local Planning Authority. The applicant shall draw up suitable gas protection measures in consultation with a qualified contaminated land consultant, and
 - c) The details of gas protection measures to be installed within all buildings shall be submitted and approved in writing by the Local Planning Authority prior to installation. The means of validating the installation of gas protection measures shall be agreed with the Local Planning Authority and a Validation Report submitted to the Local Planning Authority prior to the first occupation of the development.

For a), b) and c) all required measures shall be installed before the development is first occupied.

REASON – In the interests of public safety

- 4) The building shall be occupied for holiday purposes only.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

- 5) The building shall not be occupied as a person's sole or main place of residence.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

- 6) The owners/operators of the building shall maintain an up-to-date register of the names of all owners/occupiers of the chalet, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON – To ensure that the holiday accommodation is not used for unauthorised permanent residential accommodation in order not to prejudice Local Plan Policies of development in the open countryside.

7) Before development takes place, details of two on site car parking space provision shall be submitted to and approved in writing by the Local Planning Authority.

REASON – To ensure access to neighbouring properties is not obstructed.

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