

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17 October 2018

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APPLICATION REF. NO:	18/00576/RM1
STATUTORY DECISION DATE:	31 October 2018
WARD/PARISH:	HURWORTH
LOCATION:	Land To The Rear Of 21 Roundhill Road Hurworth
DESCRIPTION:	Approval of details of appearance, landscaping, layout and scale for erection of 3 No. detached dwellings attached to outline planning permission 16/00989/OUT dated 12 May 2017 (erection of 3 No. detached dwellings) (as amended by plans received 17 July 2018, 25 July 2018 and 24th August 2018)
APPLICANT:	Mr Stephen Bisicker

APPLICATION AND SITE DESCRIPTION

The application site measures approximately 0.55 hectares comprising an agricultural field and a section of a track off Roundhill Road. Public Footpath No 14 also runs alongside the track giving access to other properties approximately 500m and 769m to the west of the site. Garden House, along with its farm buildings lie to the north of the application site and dwellings on Roundhill Road form the east and south boundaries. Further agricultural land is located to the west. The wider surrounding area is predominately in residential use and planning permissions have recently been granted to build housing to the north east of the site on the opposite side of Roundhill Road.

Outline planning permission (ref no: 16/00989/OUT) was granted in May 2017 for the development of the site for up to three dwellings, with details of access submitted. This application seeks detailed approval specifically for Reserved Matters for details of appearance, layout, scale and landscaping relating to the whole development in accordance with condition 1) of the permission. This Reserved Matters submission also includes details of in-curtilage parking, secure cycle parking, the means of enclosure and ecological enhancements in accordance with the appropriate planning conditions attached to planning permission 16/00989/OUT.

A separate planning application would need to be submitted to the Local Planning Authority to discharge some of the planning conditions attached to the outline planning permission relating to tree protection measures, the surface materials for the Public Footpath, a scheme to ensure the Public Footpath is kept safe, open and unobstructed during the development phase, a scheme for

the disposal of foul and surface water, internal highways layout and specification, a Swept Path Analysis and a Construction Management Plan. The planning application to discharge the conditions if planning permission is granted for this application.

Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.

PLANNING HISTORY

The most relevant entry is:

16/00989/OUT In May 2017 outline planning permission was GRANTED for the erection of three detached dwellings (with all matters except access reserved)

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

National Planning Policy Framework 2018

Borough of Darlington Local Plan 1997

E12 – Trees and Development

E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS2 - Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document - Design for New Development

RESULTS OF CONSULTATION AND PUBLICITY

Three letters of objection were received based on the original submission. The comments can be summarised as follows:

- *As a nearby resident in Hurworth, I have seen photographs of the considerable flooding issues which are apparent in this area after heavy rainfall and which affect two properties on the boundary of the site. I fully support the comments and objections regarding the potential problems which are likely to arise if this development goes ahead*
- *There is substantial standing water where the three houses are proposed. The water is a result of heavy rainfall running off the fields to the north and is a regular occurrence following heavy rain.*
- *Treatment plants for sewage treatment is not appropriate for this site and surrounding area*
- *The size of the three dwellings is not in keeping with the immediate surroundings of bungalows*

- *The need for these three large houses is questionable. The new housing developments on Roundhill Road should more than satisfy the requirement in the village for the foreseeable future*
- *If the developer were to get permission to build the properties and protect them from rainwater runoff, how is it guaranteed that the change in natural circumstances would not cause a flooding problem for our property and our neighbours?*
- *Why wasn't flooding taken into account at the outline planning permission stage?*
- *Is the developer aware of the standing water problem on the site?*
- *If the houses are built, would they sell when perspective buyers do their due diligence and see photos of standing water on the site before they were built?*
- *The three houses do not help to satisfy any current need for housing within the village but may indeed simply add to an unnecessary supply of large family properties*
- *Our garden is not currently overlooked and the building of the houses will significantly reduce that amenity. The privacy of our garden will be totally removed. Moving the houses further north and erecting a higher (3m) fence of wall could reduce the loss of privacy*
- *The visual impact of these large, bulky houses, set close together right across our northern boundary will substantially change the context and atmosphere of our semi-rural property*
- *The houses will be significantly larger and more massive than any residential buildings in the immediate area. All buildings on this side of Roundhill Road are bungalows*
- *The proximity of the back gardens, especially Plots 2 and 3, to our garden will cause noise and disturbance*
- *We are concerned about water runoff and flooding issues and sewage disposal*
- *The houses are extremely close to a working farm with the noise and inconvenience that will cause. We hope the potential purchasers will have the implications of living so close to the working areas of the pointed out by surveys*
- *The houses are overly large for the plots with small back gardens. They are extremely close to each other sideways with no windows to the east and west elevations and the gardens will always have shading problems*
- *Bungalows would be more appropriate*

Following the submission of amended plans in July 2018 to remove the treatment plant package and to show a connection to the existing sewerage system, two letters of objection was received and the new issues can be summarised as follows:

- *We were relieved to see the proposed change to the mains drainage connection but the amended plans do not address our major concern of surface water drainage. We would expect Northumbrian Water and the Planning Authority to take our neighbours knowledge and experience (on flooding in the area) when assessing a proposed drainage plan for adoption*
- *Three 4 bedroom houses are not in keeping with the immediate surroundings of bungalows*

Following the submission of amended plans in August 2018, two letters of objection was received and can be summarised as follows;

- *We consider that the surface water drainage plan does not go far enough to deal with surface water running onto the site from the fields to the north of the site which then runs onto neighbour's gardens to the south of the site. Would it not be prudent to install a full length (west to east) ground drainage channel on the north edge of the site which would collect runoff water from the north before it flows onto the development site and in turn the neighbours gardens?*
- *We welcome the change in positioning of the properties further north on the site but still feel the proposed sizes of the houses are not in keeping within the immediate surroundings;*
- *The whole of own lawned garden will be overlooked. A person in our garden will be visible across the majority of the plot and privacy in our garden will be totally removed. Whilst the move of the properties further north is welcomed, please confirm that all three houses will be at least 22m from the south boundary of each plot and not just that of Plot 2;*
- *It remains necessary to erect a higher (3m) fence or preferably, a wall. To address the aspect of overlooking and loss of privacy*
- *We understand that it is not permissible for building development to increase flood risk on a neighbouring property under common law. We request confirmation that the developer recognises that irresponsible development of this land may cause an increased surface water flooding risk across 19B Roundhill Road*
- *We expect the developer will be required to demonstrate that adequate measures are being taken to ensure that the buildings do not increase surface water flooding and that all the water that has up until now been absorbed by and drained through the site is accommodated by a positive drainage system adequate for the maximum flow which can be expected in what we understand is the legal framework of a 1 in 100 years event with 40% addition from climate change*
- *Who will be liable in the event of any flood damage to our property as a result of the development?*
- *We would like advance warning on the removal of the existing sheds and they will be removed with full consideration for the implications of asbestos content, We request notice of all work to be done and that we have access to information on the procedures and methods used*

Consultee Responses

The **Council's Environmental Health Officer** has no comments to make on the Reserved Matters submission other than the planning conditions attached to the outline application remain relevant

The **Council's Highways Engineer** has no objections to the Reserved Matters submission and awaits the submission of the details to discharge the planning conditions on the outline application

The **Council's Senior Ecologist and Landscape Officer** has raised no objections

The **Council's Senior Arboricultural Officer** has raised no objections

Northumbrian Water has advised that as they have approved a connection to the public sewerage system, they have no further comments to make

The **Flood Risk Management Team** has confirmed that the proposal falls outside of the scope of matters they provide comments on

Northern Gas Networks has raised no objections

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Appearance
- Landscaping
- Layout
- Scale
- Residential Amenity
- Highway Safety
- Ecology
- Public Footpath
- Other matters

Planning Policy

This application relates to the approval of reserved matters following the grant of outline planning permission under application reference 16/00989/OUT. The principle of redeveloping the site for residential purposes has been accepted by the previous outline planning permission

Appearance

Appearance is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

The immediate area comprises a mix of detached bungalows and dormer bungalows and detached two storey dwellings. Garden House to the north of the access is a two storey building whilst the dwellings to the south are bungalows. The dwellings on the opposite side of Roundhill Road are predominately two storey properties and the new residential developments to the north east of the site contain two storey dwellings.

Condition 5 attached to the outline planning permission states:

The details to be submitted in pursuance of Condition 1 shall include details of any walls, fencing, gates or other means of enclosure. The approved means of enclosure shall be erected prior to the approved development being brought into use.

The boundary treatment for the site consists of a 1.1m high post and rail fence on the northern and western boundaries; a 1.8m high close boarded fence on the eastern boundary and a 2m high close boarded fence on the southern boundary of Plots 2 and 3. The south boundary of Plot 1 would be a 1.1m high post and rail fence. There would be 1.8m high close boarded fencing between the rear gardens.

The developer has chosen to enclose Plot 1 with the post and rail fence as it bounded by agricultural fields rather than domestic gardens and he considers that type of enclosure appropriate in visual terms due to the semi rural locale. However a future occupier could decide to replace the post and rail fence with close boarded fencing which would not raise any significant concerns should that occur.

The dwellings would be constructed from red multi bricks, interlocking smooth grey tiles, English larch shiplap timber cladding (Plots 2 and 3) with UPVC doors and windows.

The dwelling on Plot 1 would have large glazed floor to ceiling openings at ground and first floor level in the gabled projections in the rear elevation and also glazed areas (ground and first

floor elevation) centrally located in the front elevation. The dwellings in Plots 2 and 3 would have a two storey gabled projection in the front elevations and dormer windows within the rear roof slope (two) and front roof slope (one).

The dwellings on Plots 2 and 3 are identical in design and appearance terms and they have living accommodation in the roof space, similar to dormer bungalows in the local area. The dwelling on Plot 1 represents a two storey dwelling.

Whilst the design of the dwellings is quite contemporary and modern, it is considered that they are acceptable in this location creating its own street frontage separate to Roundhill Road. The means of enclosure will protect amenity (see below) but also reflects its semi rural location.

Officers consider the appearance of the development is acceptable, promoting a high quality design in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

Landscaping

Landscaping is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means of enclosure, the planting of trees, hedges, shrubs or grass, the laying out of gardens and the provision of other features.

The proposal involves the planting of a mix of trees, shrubs and bush plant primarily on the north, east and southern boundaries. The remainder of the Plots would be grassed, paved areas and driveways. The trees would be containerised and 16cm – 18cm girth in accordance with planning condition 4 attached to the outline planning permission which states:

The landscaping scheme to be submitted in pursuance of Condition 1 shall include the planting of heavy standard trees (16cm - 18cm girth and containerised) and the scheme shall be fully implemented concurrently with carrying out the development or within such extended period as may be agreed in writing by the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

The Council's Senior Arboricultural Officer has raised no objections to the proposal landscaping scheme and Officers consider the landscaping of development is acceptable, offering suitable mitigation and promoting a high quality design that responds appropriately to the character and of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy, saved policy E14 (Landscaping of Development) and paragraph 127 of the National Planning Policy Framework.

Protected fencing would be erected around any trees to be retained in accordance with the Arboricultural Impact Assessment that was submitted with the outline planning application and secured by condition 9 attached to the said permission.

Layout

Layout is defined as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside of the development.

The proposal involves the erection of three detached dwellings with access off the existing track that also provides access to the surrounding fields, Garden House and its farm buildings and other residential properties further west. The layout accords with the outline planning permission. Each dwelling would have its own individual access off the new road with parking spaces to the front of each property and a rear garden. The rear gardens would have a depth of approximately 22m. The dwellings would be north facing and they have been repositioned so that they sit further north within the site away from the south boundary and they would have paved areas immediately around them.

Officers consider the layout of the development is acceptable, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

Scale

Scale is defined as the height, width and length of each building proposed within the development in relation to its surroundings.

The dwellings on Plots 2 and 3 would measure approximately 6.9m high and the dwelling on Plot 1 would be slightly lower at approximately 6.6m high.

The immediate neighbouring dwellings are either bungalows or dormer bungalows but there are other examples of two storey dwellings on or leading off Roundhill Road, including Garden House at the entrance to the access road and within the new residential development currently under construction..

This development would have its own street frontage onto the access road and the dwellings would not be highly visible when viewed from Roundhill Road itself until an approach is made towards them via the access road.

The Council's adopted Supplementary Document on Design for New Development highlights that detached dwellings with a maximum height of 2.5 storeys would be generally acceptable in Hurworth (Outer Suburbs – Character Zone 4).

Officers consider the scale of the development is acceptable, and promotes a high quality design that responds appropriately to the character of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF (2018) which seeks to create places with a high standard of amenity for existing and future users (para 127)

The proximity distances that need to be met between existing and proposed dwellings are set out in the Supplementary Document on Design for New Development. The proximity distance between the east elevation of the dwelling on Plot 1 and the rear elevation of No 21 Roundhill Road is approximately 14.9m. This elevation of the new dwelling does not contain any habitable openings and it would meet the proximity distance requirements (12.5m) contained within the SPD with this neighbouring dwelling. The new dwellings would not be positioned across the whole of the rear elevation of No 21 Roundhill Road as they have been relocated further north

within the site and therefore the impact on the outlook from this property would not be adversely affected.

The new dwellings do not have direct views into Nos 19a and 19b Roundhill Road but the dwellings on Plots 2 and 3 run alongside the rear garden of No 19b and the dwelling on Plot 3 would have an indirect view across the gardens.

The dwellings have all been repositioned further north within the site so they are 22m from the south boundary which is shared with No 19b Roundhill Road. Whilst the rear elevations of the dwellings on Plots 2 and 3 include dormer extensions within the roof slope and the dwelling on Plot 1 has large glazed areas, it is considered that this separation distance is acceptable to prevent unacceptable levels of overlooking. The southern boundary would consist of a 1.8m high fence that would be augmented by planting and these features will also improve privacy. One of the objectors has requested that the boundary treatment should be a 3m wall or fence but Officers do not consider such measures as necessary for the above reason and having a wall or a fence in excess of 1.8m/2m would raise visual amenity concerns.

It is also considered that the new dwellings would not appear over bearing and dominant when viewed from the neighbouring gardens due to the distance between the development and that the ground levels are very similar.

Officers consider that the proposal would not result in conditions prejudicial to the amenities of the neighbouring dwellings.

Highway Safety

The access details for the development were approved as part of the outline planning permission and the submitted plans generally accord with the approved arrangements. Precise details of the internal highways, layout and specification, visibility splays, street lighting, site access junction tie-in details and swept path analysis would be submitted to the local planning authority as part of a Discharge of Condition application.

Condition 5 of the outline planning permission states:

The details to be submitted in pursuance of Condition 1 shall include in-curtilage parking and secure cycle parking and storage provision that fully accords with the standards set out in the Tees Valley Design Guide and Specification: Industrial and Estate Development.

The dwellings on Plots 2 and 3 would have secure storage within the integral garages and Plot 1 would include an external shed in the rear garden. These details would accord with the above condition.

Ecology

The outline planning application was supported by an Ecological Assessment which recommended that all shrub and tree clearance works are undertaken outside of the bird nesting season and that the site could be enhanced ecologically by an appropriate landscaping scheme. These mitigation measures have been secured by condition 7 on the outline planning permission.

Condition 8 attached to the outline planning permission states:

Notwithstanding the requirements of condition 7, the details to be submitted in pursuance of condition 1 (appearance) shall include the insertion of two swift boxes under the eaves and two bat bricks in the elevations of each dwelling.

The details of the swift boxes and the bat bricks have been submitted as part of this application in accordance with the planning condition and the Council's Senior Ecologist and Landscape Officer has advised that the details are acceptable.

Public Footpath

Precise details for the surface treatment of the Public Footpath (No 14 in the Parish of Hurworth) and a scheme to ensure the Footpath is kept safe, open and unobstructed would be submitted as part of a Discharge of Condition application.

Other Matters

Drainage

The Environment Agency's surface water flood maps shows this area having a low flood risk. Whilst some drainage details have been submitted with this application, the detailed design of a scheme for the disposal of surface water and foul water is to be submitted and agreed through the discharge of the appropriate planning condition.

However, Officers can confirm that the scheme originally proposed the use of a soakaways to dispose of surface water but the Agent was advised that that this should not be the primary method due to poor infiltration values of the soil in the Tees Valley area. The planning application has been amended to show that the development can be connected to the mains foul and surface water systems within Roundhill Road. The application has been supported by a letter from Northumbrian Water stating they have no objections to the connection being made to their system.

NWL assess the impact of a development on their assets and also assess the capacity within their network to accommodate and treat anticipated flows from the development. NWL have directly responded to the Council and confirmed that having assessed the application they have no further comments to make as a connection to the system has been approved.

These connections would greatly reduce the risk of flooding but the applicant still needs to provide a detailed drainage design that demonstrates all surface water generated by the proposed development will be contained within the site for all storm events up to and including the 1 in 100 event with 40% addition from climate change. The Agent has been made aware of this requirement and Officers would expect the drainage plan to incorporate such measures which would be considered upon submission of an application to discharge the planning condition.

The submitted drainage design should show that water from the development site does not flow to neighbouring properties and the development would then have to be implemented in complete accordance with any approved details.

Asbestos

If the existing single storey buildings on the site contain any asbestos, the developer would need to adhere to appropriate Health and Safety legislation relating to its handling and disposal. This would not be a planning matter.

Farm Animals

One of the objections raises the relationship of the site with the working farm to the north. This was a material planning consideration that was considered as part of the outline planning permission.

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 proposed details in respect of appearance, landscaping, layout and scale are considered to be acceptable and in accordance with the relevant policies as set out above. The proposal does not raise any adverse residential amenity issues and the development is acceptable in ecological terms. Should the planning application be approved, there will be a need for the applicant to submit a separate planning application to discharge conditions attached to the outline planning permission 16/00989/FUL which relate to tree protection measures, the surface materials for the Public Footpath, a scheme to ensure the Public Footpath is kept safe, open and unobstructed during the development phase, a scheme for the disposal of foul and surface water, internal highways layout and specification, a Swept Path Analysis and a Construction Management Plan.

RECOMMENDATION

THAT RESERVED MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BE APPROVED SUBJECT TO THE FOLLOWING CONDITION:

1. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a) Drawing Number PR101 Rev B Proposal Plans & Elevations
 - b) Drawing Number PR201 Rev A Proposal Plans & Elevations
 - c) Drawing Number PR301 Rev A Proposal Plans & Elevations
 - d) Drawing Number PR01 Rev B Proposed Site Plans, Street Elevations & Reserved Matters Details

REASON – To ensure the development is carried out in accordance with the planning permission

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**Borough of Darlington Local Plan 1997**

E12 – Trees and Development

E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS2 - Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network