

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2013/0165/DM
FULL APPLICATION DESCRIPTION:	Erection of detached dwelling
NAME OF APPLICANT:	Mr Graham Hall
ADDRESS:	Land rear of 40 Front Street, Staindrop, Darlington, County Durham, DL2 3NH
ELECTORAL DIVISION:	Barnard Castle East
CASE OFFICER:	Adam Williamson Planning Officer 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site lies towards the eastern end of the Staindrop conservation area, at the south end of Swan Wynd. The plot comprises one half of the car park of the former Black Swan public house, which lies adjacent to the north, with a stone wall forming the boundary. To the east lies the remainder of the car park. To the west lies a pair of modern semi detached dwellings, fronting on to the rear access lane. To the south east of the site is The Church of England Primary School. The buildings surrounding the site are a mix of historic, late 20th Century and modern buildings of various characters and sizes.

The Proposal

2. Planning permission is sought for the construction of a 3 bedroom, two storey, detached dwelling, with an open parking area to the front elevation and a small amenity area to the rear. The proposed dwelling would measure 8.3 metres by 9 metres in footprint, 5.4 metres to the eaves, and 8 metres to the ridge.
3. The dwelling would be constructed from coursed rubble sandstone with dressed quoins, head and sills, and a red clay pantile roof.
4. The application has been called to Committee by Staindrop Parish Council, who have raised concerns over increases in traffic and the use of upvc windows and doors within the conservation area.

PLANNING HISTORY

5. An application for the change of use of the Black Swan public house to form 5 residential units (ref: 6/2013/0008/DM) was approved on the 26.03.2013.

PLANNING POLICY

NATIONAL POLICY:

6. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

The NPPF can be accessed at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>.

LOCAL PLAN POLICY:

7. The following saved policies of the Teesdale District Local Plan are considered to be consistent with the NPPF and therefore relevant in the determination of this application:

Policy GD1 (General Development Criteria):

All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

Policy BENV4 (Development Within or Adjacent to Conservation Areas):

Requires new development to respect the quality and character of conservation areas. Proposals which would adversely affect the setting of a conservation area or the views into or out of the area will not be permitted.

Policy BENV11 (Archaeological Interest Sites):

Before the determination of an application for development that may affect a known or potential site of archaeological interest, prospective developers will be required to undertake a field evaluation and provide the results to the planning Authority. Development which would unacceptably harm the setting or physical remains of archaeological sites of national importance, whether scheduled or not, will not be approved.

Policy H4 (Infill Development on sites of less than 0.4 Hectare) presumes in favour of redevelopment of small previously developed sites within the development limits of Teesdale's settlements.

Policy H12 (Design) requires high standards of design in new housing.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

8. *Staindrop Parish Council* has objected to the proposal. Concerns have been raised about cumulative increases in traffic levels as a result of developments at the Black Swan and Broumley Court. It is felt that the cumulative effect of vehicles under the new arrangements cannot be compared to the traffic associated with the former pub because the public house traffic occurred during licensing hours and not school hours. Reservations have also been expressed on the use of upvc doors and windows where timber would be more appropriate in the conservation area.
9. *The Highways Authority* is satisfied that 6 dwellings (i.e. the dwelling currently proposed and the 5 no. flats approved at the Black Swan) would not lead to a greater amount of vehicular traffic than that potentially possible from use as a public house/restaurant or the other alternative planning uses this building and land could be put to without the need for planning consent. The proposed parking provision at the property is not likely to lead to highway problems, being commensurate with the level of accommodation within the property. No highway objection is made.

INTERNAL CONSULTEE RESPONSES:

10. *Public Rights of Way* raises no objection to the proposal.
11. *Design and Conservation* has commented that following receipt of the revised heritage statement it is considered that the proposed loss of the open space in relation to the character and appearance of the area has been justified. The general design principles of the proposed dwelling are also considered to have been justified; however, some of the more detailed elements have not and require further careful control by way of conditions.
12. *Archaeology* has commented that the potential for buried archaeological remains is high on the basis of the site's location. A watching brief/monitoring should be conditioned.

PUBLIC RESPONSES:

13. A site notice was posted at the site, letters were sent to neighbours and the application was advertised in the local press. 3 letters of objection have been received.
14. The main points of objection relate to overlooking of adjacent gardens, obstruction of access, increased traffic, breaking the building line of 1&2 Swan Wynd, loss of light to neighbouring properties, and the potential for noise disturbance during construction. Issues relating to drainage and property values have also been raised.

APPLICANTS STATEMENT:

15. The proposal seeks to use part of the car park as a site for a single detached dwelling matching in style the adjoining and recently constructed houses on the back lane. The style is modern however the stonework is proposed for the elevations to assimilate the building into the conservation area setting. The site surroundings do not have a strong heritage character and relate to the rest of the conservation area in a limited manner.
16. It is considered that the proposal will have no negative impact on the important character of the conservation area and none on any listed buildings or other heritage assets.

PLANNING CONSIDERATIONS AND ASSESSMENT

17. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the conservation area, impact on residential amenity, highway safety, archaeology and other issues.

Principle of development.

18. The NPPF makes it clear that there should be a presumption in favour of sustainable development, but does not alter the statutory requirement that applications for planning permission must be determined in accordance with the development plan unless material conditions indicate otherwise. Local Plan policies should still be given weight where they accord with the aims of the NPPF.
19. The application site lies within the development limits of Staindrop as defined on the Proposals Map of the Teesdale District Local Plan and is previously developed land. The proposal therefore accords with Teesdale Local Plan Policy H4 which presumes in favour of redevelopment of small previously developed sites within the development limits of Teesdale's settlements.
20. Teesdale Local Plan Policy H4 is compliant with the sustainability aims of the NPPF in respect of directing new residential development to sustainable locations and reusing land that has been previously developed. Staindrop is a tier 3 settlement in the Council's Settlement Study, meaning it has a good range of local services and is therefore a suitable location for the scale of development proposed.
21. The principle of development of 1 dwelling on the site is therefore considered to be acceptable.

Design and impact upon the Conservation Area

22. The application site falls within the Staindrop Conservation Area and therefore having regard to Section 72 of the Planning (Listed Buildings and Conservation

Areas) Act 1990, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

23. The heritage assessment accompanying the application concludes that the site is of little significance in the wider context of the conservation area and this is not disputed. Although it is visible along a busy route to the school, the site is an open backland plot at odds with the traditional form of the village and its visual amenity is severely compromised by its featureless tarmac surfacing. Although the site offers some sense of openness at the end of Swan Wynd, historic maps show the site was not always open and was in fact nearly completely enclosed by buildings. The proposed development is therefore not at odds with the historic pattern of development, but most of the car park and current openness will still be retained.
24. In terms of the design of the proposed dwelling, the site is seen in the context of surrounding modern buildings at Broumley Court, Hartley Close, the Primary School, 4 Swan Wynd and the adjacent dwellings 1 & 2 Swan Wynd. The design of the proposed dwelling would closely reflect the style and form of the adjacent dwellings 1 & 2 Swan Wynd and the wall and roof materials would respect the traditional building materials found throughout the Staindrop Conservation Area. The drawings do however refer to use of upvc doors and windows, which has been noted in the Parish Council objection and Design comments. The use of timber would be more in keeping with the historic character of the conservation area and even the modern housing adjacent and opposite have used timber. It is therefore suggested the use of timber should be secured by a condition. The use of an up and over garage door design could also be improved and stone boundary walls would be more appropriate to the area than close boarded timber fencing. These details can be agreed by conditions.
25. The proposed dwelling would be built approximately 1.6m forward of the front of 1&2 Swan Wynd and concerns were expressed in the objections that this could appear at odds with the adjacent development. This is however a back lane with no strong character or building line. 1&2 Swan Wynd themselves were not built in line with the adjacent works building to the west. Even the development behind on this section of Front Street has a staggered building line. A staggered building line is considered to be more typical of the informal character of a back lane. Accordingly, there is no need or justification for the proposed dwelling to be built in line with 1&2 Swan Wynd.
26. It is therefore considered that the scale, massing, siting and design of the proposed dwelling would be appropriate and relate well to this part of the conservation area. Having considered the requirements of section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that subject to conditions to control the materials and design of the windows, doors and enclosures, the character and appearance of the conservation area would be preserved. The proposal accords with policies GD1, BENV4 and H12 of the Teesdale District Local Plan, as well as the requirements of the NPPF.

Residential Amenity

27. The neighbouring dwelling, 1 Swan Wynd, lies immediately to the west of the application site, and has a bay window to the front elevation. It is noted that the proposed dwelling would be set approximately 1.6m forward of the existing

building line, however, there would be nearly 2.5m separation between the buildings. The minor projection coupled with the separation between the buildings would limit any overbearing or overshadowing impact on the front of those adjacent dwellings. The rear garden of no.1 lies to the NW of the application site and sunlight will already be restricted by the existing house itself, as well as the 2 storey building belonging to no. 38. By locating the proposed dwelling forward of the building line the gap between the rear of no.1 and the 2 storey outbuilding of no.38 will be retained. Any overshadowing impact from the proposed dwelling through the small gap would be very shortlived on a morning only and therefore not sufficient to justify refusal on that basis.

28. The occupants of no.38, immediately to the rear (north) have raised concerns about loss of privacy, however there is a large obscuring 2 storey outbuilding with a blank facing elevation lying between the rear of the proposed dwelling and rear of no.38, and no.38's habitable windows are east facing. The proposal would not result in any unacceptable loss of privacy to the occupiers of that dwelling. They have also raised concerns about potential obstruction of their access as a result of building up to their right of access over the car park, however, right of access is a private matter and the proposed dwelling would not encroach onto that right of access.
29. It would however be reasonable to control the hours of construction, as requested by neighbours, given the proximity of adjacent dwellings and potential for noise impact at unsociable hours if left uncontrolled. This can be done by a condition.
30. Subject to a restriction on construction times, the proposal accords with policy GD1 of the Teesdale District Local Plan.

Highway Safety

31. Access to the site would be taken off the back lane leading from Swan Wynd and 2no. off street parking spaces would be provided within the site.
32. Concerns have been raised by both Staindrop Parish Council and neighbouring residents in respect of the potential increase in traffic using Swan Wynd, particularly given that the adjacent public house was recently given consent for conversion to 5 no. flats and the recent redevelopment at Broumley Court. This is in addition to the traffic associated with the school.
33. However, the Highways Authority has no objection to the proposal. There is already a large amount of traffic from the school, and the public house or any other similar use it could have changed to without needing permission, could have generated a significant number of vehicle movements day and night. Notwithstanding the consent for 5 dwellings in the public house, the traffic associated with just 1 additional dwelling, given the existing context, would not lead to a severe residual highway impact.
34. The proposal accords with policy GD1 of the Teesdale District Local Plan, as well as the guidance in the NPPF, which suggests proposals should only be refused on highways grounds where the impact would be severe.

Archaeology

35. Staindrop was a busy Medieval village and the Council's Archaeology section considers the potential for buried archaeological remains can be deemed high. However, this is tempered by the development of the plot as an Inn from the 18th century to the modern day use as a parking area. These developments will have lowered the archaeological potential for intact/undisturbed features and deposits potentially dating to the Early Medieval (Saxon) and Medieval use of the site.
36. It would therefore be unreasonable to require the applicant to carry out a predetermination evaluation as could be asked for via para 128 of the NPPF and saved Teesdale Local Plan policy BENV11. However, it would be entirely reasonable to recommend that a watching brief/monitoring of the breaking out the tarmac and the excavation of foundations and services or any other ground reduction associated with the development is put on as a condition. This would satisfy the aims of the NPPF Teesdale Local Plan policy BENV11.

Other Issues

37. Concerns over the loss of value to surrounding dwellings have been raised, but this is not a material planning matter.
38. The suitability of the site drainage methods will be a matter considered under the Building Regulations.

CONCLUSION AND REASONS FOR THE RECOMMENDATION

39. The redevelopment of a brownfield site within the development limits of Staindrop accords with the main thrust of the National Planning Policy Framework in terms of securing sustainable patterns of development. The principle of redeveloping the site for residential purposes is therefore acceptable and would be in accordance with policy H4 of the Teesdale District Local Plan.
40. From a more detailed perspective, the layout, scale and design of the development is such that it would preserve the character and appearance of the Staindrop conservation area and would not lead to any unacceptable impacts on the amenity of neighbouring properties. Adequate levels of parking would be provided within the site, and the development would not have a severe adverse impact on highway safety. The development would therefore be in accordance with policies GD1, BENV4, and H12 of the Teesdale District Plan, as well as the guidance within the NPPF.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions and reasons.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:-

Plan Reference Number	Date received
Site Location Plan	05.06.2013
Proposed elevations 13/27/3	05.06.2013
Proposed site plan 13/27/1	05.06.2013
Proposed floor plans 13/27/2	05.06.2013

To define the permission and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the details of materials submitted with the application the external walls shall be formed using random, coursed natural stone with pointing to match and the roofs of natural red pantile. Prior to the commencement of the building works a sample panel of the proposed stone and pointing to be used in the construction of the main walls of the building shall be erected on site for inspection. The approved sample panel shall be retained for reference on site throughout construction and the development shall be constructed in accordance with the approved details.

In the interests of the appearance of the area and to comply with policies GD1, BENV3 and BENV4 of the Teesdale Local Plan.

4. Notwithstanding the information shown on the submitted application, the following design requirements shall be incorporated into the approved scheme and retained thereafter:
 - a) All windows and external doors shall be timber with a painted finish.
 - b) All windows shall be sliding sash and recessed no less than 100mm from the face of the building.
 - c) All rainwater goods shall be black.
 - d) All new heads and cills shall be natural stone.

In the interests of protecting the character and the appearance of the conservation area in accordance with policies, GD1, BENV4 and H12 of the Teesdale Local Plan.

5. Notwithstanding the details submitted with the application, prior to the commencement of development full details including plans at a scale of 1:20 and cross sections, of the proposed windows and doors (including the garage door) shall be submitted to and approved in writing by the local planning authority. The windows and doors shall be installed and retained in accordance with the approved details.

In the interests of protecting the character and the appearance of the conservation area in accordance with policies, GD1, BENV4 and H12 of the Teesdale Local Plan.

6. Notwithstanding the details submitted with the application no development shall commence until details of all means of enclosure have been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall be erected prior to first occupation of the dwelling and thereafter retained.

In the interests of protecting the character and the appearance of the conservation area in accordance with policies, GD1, BENV4 and H12 of the Teesdale Local Plan.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a mitigation strategy document that has been submitted to, and approved in writing, by the local planning authority. The strategy shall include details of the following:
 - i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
 - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
 - iii., Postfieldwork methodologies for assessment and analyses.
 - iv., Report content and arrangements for dissemination, and publication proposals.
 - v., Archive preparation and deposition with recognised repositories.
 - vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
 - vii., Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
 - viii., A list of all staff involved in the implementation of the strategy, including subcontractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact.

8. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

9. No building works (including demolition, construction, deliveries and temporary site generators) shall be carried out on site outside the hours of 08:00 to 18:00

Monday to Saturdays, and no works shall be carried out on site on Sundays or Bank Holidays.

In the interests of preserving the amenity of residents in accordance with policy GD1 of the Teesdale District Local Plan.

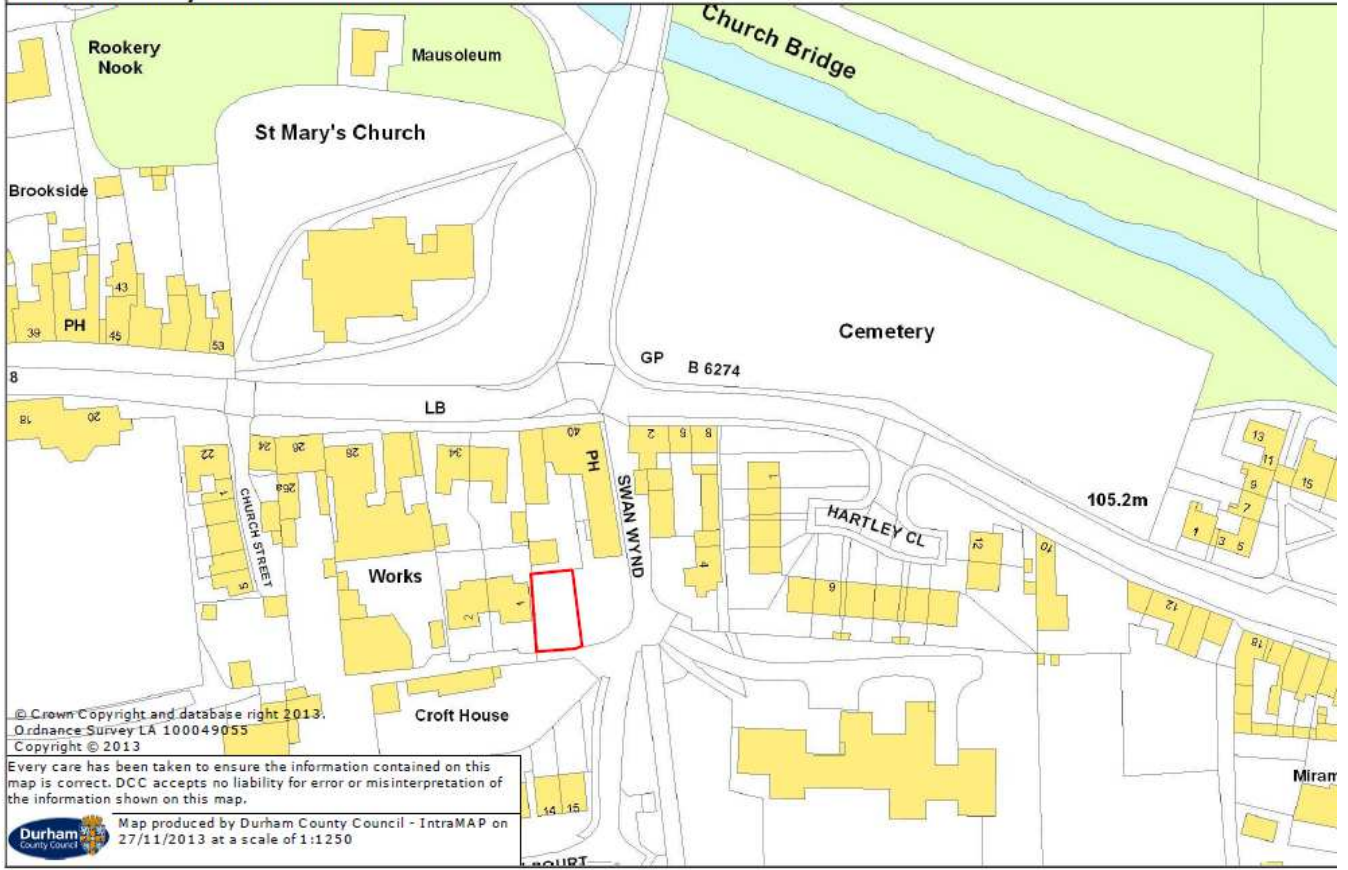
STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Teesdale District Local Plan 2002
- National Planning Policy Framework.
- Internal and External consultation responses
- Public Consultation Responses

Durham County Council - IntraMAP



Land rear of 40 Front Street, Staindrop,
 Darlington, County Durham, DL2 3NH



Planning Services

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.
 Durham County Council Licence No. 100022202 2005

Comments

Erection of detached dwelling

Date 27.11.2013

Scale 1:1250