

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 November 2015**

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<b>APPLICATION REF. NO:</b>	<b>15/00909/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>11 December 2015</b>
<b>WARD/PARISH:</b>	<b>PARK EAST</b>
<b>LOCATION:</b>	<b>Land to the West of Hammond Drive Hammond Drive DARLINGTON</b>
<b>DESCRIPTION:</b>	<b>Erection of 18 No dwellings comprising three blocks of apartments, including car parking and landscaping.</b>
<b>APPLICANT:</b>	<b>Director of Resources, Darlington Borough Council.</b>

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**APPLICATION AND SITE DESCRIPTION**

As this application has been submitted by the Council it has been the subject of an advanced consultation exercise with Ward Members. The purpose of this is to ensure that Ward Members are fully informed with regard to potential Council schemes in a timely way within their Ward. Advanced consultation with local residents has also taken place in the form of a public meeting, which has informed how the scheme has evolved.

Planning permission is sought for the erection of three blocks of flats that would each contain six apartments. All the apartments would have two bedrooms. Access to a car park located between two of the blocks would be taken from Hammond Drive.

Each block would be some 17m by 10.5m and would be some 11.5m in height to ridge level. The design of the buildings would feature facing brickwork and tiled pitched roofs.

The site is located to the south west of Hammond Drive and consists of grassed open land leading down to the River Skerne. Ground level decreases slightly from east to west. There are residential properties on Hammond Drive opposite the site and a residential care home to the north. There are trees located close to the care home and along the banks of the River Skerne that are close to the site of the proposed flats.

**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
- E3 Protection of Open Land
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS10 New Housing Development
- CS11 Meeting Housing Needs
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS17 Delivering a Multifunctional Green Infrastructure
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

The National Planning Policy Framework 2012 is relevant.

The following documents are also relevant:

- Design for New Development Supplementary Planning Document 2011
- Darlington Open Space Strategy 2007 – 2017
- Darlington Green Infrastructure Strategy 2013 – 2026

## **RESULTS OF CONSULTATION AND PUBLICITY**

Occupiers of neighbouring properties have been consulted by way of letter and a site notice has been displayed.

Objections to the application have been received representing occupiers of eight neighbouring properties. The points raised are summarised below:

- *There would be a loss of important green space.*
- *The proposal would increase traffic and be harmful to highway safety.*
- *The proposal would be harmful to the open look of the area.*
- *The proposal would be out of keeping with area.*
- *The flats would be higher than existing houses.*
- *There would be overshadowing of neighbouring properties.*
- *There would be an impact on light to existing dwellings in the area.*
- *There would be overlooking issues.*
- *The proposal is contrary to Darlington's Green Infrastructure Strategy.*

- *The site is close to an area that floods.*
- *There are problems with surface water drainage.*
- *There would be a negative impact on ecology.*
- *There would be an increase in litter.*
- *Local schools may not be able to accommodate all the children.*
- *The area between the flats and the river could be used for anti-social behaviour.*
- *Flats could be built elsewhere.*
- *There are no facilities in the area for older children.*
- *Objections have already been raised to the development of the site in relation to the Council's Making and Growing Places Development Plan Document consultation.*

Comments were made about the proposal being changed but the proposal subject to this planning application has not been amended since the application was received.

The **Campaign to Protect Rural England** objected to the application raising the following points:

- *The proposal involves the deletion of "open land"*
- *The proposal narrows dramatically the riverside of the River Skerne at this point and is a major incursion, intrusion, into Darlington's Green Infrastructure*
- *The buildings are out of scale with the adjacent housing.*

**Environmental Health Officer** raised no objections subject to a condition for contamination.

**Highways Engineer** raised no objections.

**Northern Gas Network** raised no objections.

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

**Northumbrian Water** asked for a condition for details of foul and surface water drainage to be submitted and agreed.

The **Lead Local Flood Authority** raised no objections subject to a condition.

**Environment Agency** raised no objections.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Open Land Considerations
- Visual Amenity
- Ecology
- Residential Amenity
- Highways Matters
- Flood Risk

Planning Policy

The application site is located within the identified development limits set out in the Borough of Darlington Local Plan 1997. The site is close to local shops, schools and other community facilities. Policy E2 (Development Limits) of the Local Plan indicates that most new development should take place within the development limits as this will help to maintain well defined settlement boundaries and focus development in the most sustainable locations. The proposal is therefore acceptable in principle subject to other considerations.

The site has been identified as a potential housing allocation in the Making and Growing Places Development Plan Document. It is not considered that any significant weight should be given to the inclusion of the site in the Making and Growing Places Development Plan Document and that the acceptability of the proposal should be considered based on existing policy.

This application would deliver 18 affordable units for which there is an identified need in this part of the urban area as identified in Policy CS11 (Meeting Housing Needs) of the Core Strategy. As a result of the affordable housing provision, no planning obligations are sought towards community infrastructure.

### Open Land Considerations

The site is currently part of open space surrounding the River Skerne.

Policy E3 (Protection of Open Land) of the Borough of Darlington Local Plan states that in considering proposals to develop any area of open land within the development limit, the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interests of the open land system as a whole.

Darlington's Green Infrastructure Strategy 2013 sets out objectives and priority actions for landscape, biodiversity, movement, outdoor sport and recreation, production, climate change and management and maintenance.

The application will result in the loss of some open space. Although the loss of open space is not generally supported by policy CS17 (Delivering a Multifunctional Green Infrastructure), a landscape package has been proposed to mitigate the loss of open space and enhance the ecological value of the remaining space. The loss of a relatively small section of the open land is not considered to be harmful to the appearance of the system of open land as a whole to the extent that planning permission should be refused. The loss of the open land also needs to be balanced against other considerations such as providing affordable housing in an otherwise sustainable area.

### Visual Amenity

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected.

Although the neighbouring properties are houses rather than flats, the proposed design would be relatively traditional and would feature facing brickwork and tiled pitched roofs. The linear nature of the development is also such that the flats should integrate into the area.

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees on and adjoining application sites. There are existing trees to the north of the site. No trees would need to be felled to allow the development to take place.

### Ecology

The application site is situated within the main River Skerne strategic green corridor, identified in the Darlington Green Infrastructure Strategy as a corridor of major importance. The wider open land has value for habitat and wildlife. The loss of the area of the open land where the development is proposed would not in itself be harmful to ecology. A condition is, however, required for details of measures to enhance the ecological value of the remaining space to be provided and agreed in consultation with the Council's Ecology Officer.

### Residential Amenity

There would be some 25m from the front elevation of the proposed apartments to the houses to the east on Hammond Drive. Given this arrangement, the proposal would not result in any significant detrimental impacts, in terms of light, outlook or overlooking issues to the neighbouring residential properties.

### Highways Matters

The access to the site would be directly off Hammond Drive View with vehicles to the site potentially routing along Hammond Drive and Ribble Drive, both of which are traffic calmed to reduce vehicle speeds. As the development consists of only 18 proposed dwellings, the additional traffic generated on the local highway network would not be severe and therefore would not constitute a refusal based on limited highway capacity of the existing roads given that various routes to site are freely available for use.

There has been one reported accident on Hammond Drive with its junction with Ribble Drive within the last 5 years. This involved a cyclist riding off the pavement and being struck by a vehicle. It could be reasonably stated therefore that there is not an existing accident problem along this stretch of highway.

Car parking across the proposed site is above the parking levels set out in the Tees Valley Design Guidance for the type and size of dwellings proposed, however this would be beneficial to the application as it should mean that no further vehicles would be parked on the highway as a result of this development causing potential parking issues. Cycle parking is proposed to be in secure outbuildings for each dwelling which is acceptable.

Currently Hammond Drive has development on one side only therefore as a result of the proposal, a new footway along the frontage of the development will be constructed that will provide pedestrian access to the surrounding infrastructure.

## Flood Risk

The proposed development is in a Flood Zone 1 as identified by the Environment Agency. The Environment Agency's surface water flood maps indicate that the site is not at risk from surface water flooding. A condition regarding surface water discharges rates (for details to be submitted and agreed) would be necessary.

## **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 and forms part of the Cocker Beck open land. Policy E3 (Protection of Open Land) of the Local Plan states that the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interests of the open land system as a whole. Overall the proposal is not considered harmful to visual amenity and a landscape package has been proposed to mitigate the loss of open space and enhance the ecological value of the remaining space. No significant issues are raised in relation to residential amenity and the proposal raises no significant highways concerns.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B5 Detailed application (Accordance with Plans)
3. B4 Details of Materials (samples)
4. J2 (Contamination)
5. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – To safeguard the amenities of the area.

6. No development shall commence until details of measures to enhance the ecological value of the remaining space have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.

REASON – in order to enhance the ecology value of the area.

7. Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% climate change surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus 30% climate change should also be provided.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.

8. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to an approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON – To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

9. No development shall commence until detailed drawings of the proposed highway works associated with the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved plans.

REASON – In the interests of highway safety.

## **INFORMATIVES**

- The Developer is required to submit detailed drawings of the proposed highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.

- The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

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

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
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