

DARLINGTON BOROUGH COUNCIL

SPECIAL PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 December 2014

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APPLICATION REF. NO:	14/00276/FUL
STATUTORY DECISION DATE:	24 December 2014
WARD/PARISH:	PIERREMONT
LOCATION:	182 Woodland Road
DESCRIPTION:	Proposed redevelopment of the site for residential purposes comprising two three storey apartment buildings to accommodate 46 dwellings (39 No. Class C2 units and 7 No. Class C3 units) with associated access, car parking and landscaping (revised description) (additional plans and information and amended plans received 27 August 2014 and 3 November 2014)
APPLICANT:	Partner Construction Limited

This application was deferred at the previous meeting of the Committee on 19 November to enable Members to visit the site. The report below has been updated to clarify considerations about the Planning Use Class of the development.

APPLICATION AND SITE DESCRIPTION

The application site measures approximately 0.38 hectares and is an area of overgrown waste land with access off Woodland Road (A68). Cockerton Band and Musical Institute lies immediately to the west of the application site and residential dwellings form the north and east boundaries. The Moorlands Surgery and its associated car park are also located to the north. A flatted development, known as Squires Court, lies to the south on the opposite side of Woodland Road. Cockerton District Centre is located to the west.

The site incorporates land last used as a garage and car wash facility and also land used as a hard standing area to the rear and belonging to the Cockerton Band and Musical Institute.

The site lies on the edge of the Cockerton Village Conservation Area and there are two properties adjacent to the entrance (Nos 178 and 180 Woodland Road) which are Grade II listed buildings. There are trees within the site which are covered by a Group Tree Preservation Order dated 1952.

The proposal involves the erection of forty six residential apartments within two three storey blocks (northern block and southern block) which are to be restricted to residents over the age of

55 (except in circumstances where they have a particular need for the type of accommodation, including available support). In terms of tenure, 32 of the units would benefit from HCA grant allocation under the Affordable Homes Guarantee Programme and will be managed by Thirteen as affordable rent properties. A further 7 units will be managed by Thirteen as a shared ownership affordable housing product whilst the remaining 7 units will be available for open market sale (albeit restricted to persons over the age of 55)

The southern block fronts onto Woodland Road and comprises three one bedroom apartments and nine two bedroom apartments. This building is specifically designed to be wheel chair accessible with the apartments being suitable for residents requiring a higher level of residential care.

The northern block comprises eleven one bedroom apartments and twenty three two bedroom apartments. This building would include a communal lounge and seating area.

The development will be owned and managed by Thirteen, who would continue to work with the Council to allocate the affordable rented properties to applicants whose need will be met by the capabilities offered with the scheme.

The site would be accessed via the existing entrance from Woodland Road and 31 parking spaces in total would be provided within the grounds. During the course of the considering the application the site area was extended to incorporate land within the cartilage of 180 Woodland Road the effect of which was to provide 6 additional parking spaces. The scheme also includes communal landscaped gardens.

The applicant carried out a Statement of Community Involvement exercise with local residents in February 2014 prior to the submission of the planning application. This took the form of a public exhibition at the Cockerton Band and Musical Institute following the circulation of 700 individual letter notifications.

PLANNING HISTORY

A planning application (reference number 03/00289/FUL) for the redevelopment of the site for the erection of thirty two flats was submitted in 2003. The applicant lodged an appeal against the Council's non determination of the application and a Public Inquiry was held. The appeal was ALLOWED, subject to conditions, on July 2004.

A Costs Application in relation to the above appeal was also allowed in July 2004.

A subsequent and identical planning application (reference number 03/01231/FUL) for the redevelopment of the site for thirty two flats was also submitted in 2003 and was REFUSED

PLANNING POLICY BACKGROUND

The relevant planning policies are considered to be:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 - Development Limits

E14 - Landscaping of Development
S10 – Safeguarding the District and Local Centres
T8 - Access to Main Roads

Darlington Core Strategy Development Plan Document 2011

Policy CS1 - Darlington's Sub Regional Role and Locational Strategy
Policy CS2 - Achieving High Quality, Sustainable Design
Policy CS3 - Promoting Renewable Energy
Policy CS4 - Developer Contributions
Policy CS9 - District and Local Centres and Local Shops and Services
Policy CS10 - New Housing Development
Policy CS11 - Meeting Housing Needs
Policy CS14 - Promoting Local Character and Distinctiveness
Policy CS15 – Protecting and Enhancing Biodiversity and Geodiversity
Policy CS16 – Protecting Environmental Resources, Human Health and Safety
Policy CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document – Design of New Development
Supplementary Planning Document – Planning Obligations
Tees Valley Design Guide & Specification – Residential and Industrial Estates Development

RESULTS OF CONSULTATION AND PUBLICITY

Thirteen letters of objection were received in relation to the initial submission and the concerns can be summarised as follows:

- *There are 46 apartments but only 25 parking spaces and there will be at least 1 car per apartment, so the surrounding streets will be packed, causing problems for the people presently residing in the area. Since these blocks are 2 or 3 floors high, this will cause loss of privacy for the local people.*
- *The flats are far too close to the properties on Newlands Road. Why should residents who have lived in Newlands Road for years have to put up with either looking into someone else's property or them looking into ours?*
- *What if just about every resident has a car, or visitors? There are not enough spaces for car parking let alone for visitors or medical etc. There will be over-spilling into already crowded surrounding areas.*
- *As the block consists of three storeys there will be a lack of privacy with existing residents in their own garden*
- *There will be a loss of privacy due to the proximity of the three storey development to the existing housing*
- *There will be an impact on parking in Newlands Road*
- *The design of the apartments will certainly not be in-keeping with the neighbouring, largely, semi-detached properties*
- *The development will have insufficient parking*
- *I currently have a view of mature trees which will be removed if the development goes ahead*
- *Access to Cockerton will be compromised from Newlands Road due to the entrance of the development*

- *Vehicular access will only be available from Woodland Road, at a point at which there is a confluence of several busy roads. Congestion from cars waiting to access the development will severely impact on an already very busy road*
- *The initial planning permission was turned down by the Planning Committee as being too high a density, not enough parking facilities and the height of the building will be overbearing when viewed from the local residents. The plans were then passed after the developers altered the plans so that the third storey was incorporated into the attic space with Velux roof type windows in the roof. This new proposal has three storeys, then the roof space making them a lot higher than the original plans there were passed by the Inspector in 2005. This new proposal is nearly 40% increase in dwellings that is certainly too great for this area and not enough parking has been allowed for.*
- *Noise from Cockerton Club over the weekend will certainly be a problem for residents living within such a short distance from the concert hall as well as the noise from the ventilation system which in the summer runs all night and does not switch off as suggested*
- *The buildings will tower over the listed buildings*
- *We have concerns over the close proximity to our property regarding the height, privacy and loss of sunlight*
- *Is there enough room for emergency vehicles or refuse collectors?*
- *At peak times Cockerton is heavily congested and another opening near to Deneside Road is going to add to the problem*
- *There does not seem to be any disabled access at all*
- *Increased noise pollution from vehicles moving on the site on a daily basis*
- *Increased light pollution from the street lighting directly onto my property*
- *We object on the grounds of loss of privacy, overshadowing and loss of light; detrimental impact on local residential amenities; height of proposed buildings; inadequate parking; ratio of parking spaces to dwellings on the proposed site; increase street parking in the immediate area; cramming of site; highway safety and access; noise and light pollution; mechanical devices to be used for controlling the environment conditions within the two buildings; refuse collection; inaccurate findings of the Noise Assessment; inadequate consultations and planning submission by the applicant/agent; impact upon the listed buildings;*
- *Access will be particularly difficult to turn right in and out of the site and within a few metres there is an uncontrolled pedestrian crossing. There are a number of major town routes converging on this short stretch of road*
- *The access roads are cramped especially for service and emergency vehicles*
- *Some existing properties will be only 6metres from a storey blocks, loss of light to surrounding properties. Lack of parking spaces. Although planning permission was granted on other application in 2003 for 34 Flats this is worse.*
- *Preservation orders on trees although the last time we still lost some trees!*
- *This development is of an inappropriate scale to its neighbouring properties on Newlands Road and Willow Road which are traditional semi-detached properties with small rear gardens. It is too tall at three stories and fills the site too densely overwhelming the neighbouring properties and does not harmonise with their proportions or design. It is too close to them, causing loss of privacy and outlook*

One letter of support has been received making the following comments:

- *We were very reassured that this current waste land is being considered for over 55s residential development as this area of land has proved to be a continuing concern to us. Whilst we have lived at our present address (No 180 Woodland Road), this site has been often used for fly tipping, an area where anti-social behaviour occurs and sadly a place where we found a body of a deceased gentleman.*
- *Our property is a direct neighbour to this land and to be honest one of a few that a development would have the most impact on so we feel our cooperation and approval of this regeneration should be voiced. That is not to say we do not have some concerns. Our property has a garage and a side access to our back garden and we wish that these access points would be respected and the existing access not infringed upon.*

Following the submission of the additional information in August 2014 a further fifteen letters of objection were received by those who had previously objected to the scheme. The comments made reaffirm previous objections to the proposal and also that the submissions have not been amended to overcome the original concerns. The concerns that were raised can be summarised as follows:

- *Insufficient parking spaces*
- *The flats will overwhelm and dominate this residential area*
- *Development not in keeping with the surrounding area*
- *Concerns over emergency vehicle access*
- *Loss of privacy*
- *Not in keeping with listed buildings*
- *Increase in noise and light pollution*
- *Inadequate and dangerous access arrangement*
- *Unacceptable overshadowing of neighbouring property*
- *Increase in traffic volume*
- *Only cosmetic changes have been made to the buildings*
- *The buildings are a lot higher than the existing dwellings*
- *Noise from Cockerton Club will impact upon future occupants*
- *Impact on local wildlife*
- *Intruders would have easier access to property via car park*
- *Impact on property value*

A letter of support was submitted by the Secretary of Cockerton Band and Institute stating:

- *We feel that the application can only be good for the Cockerton village, at the moment the first thing people see of Cockerton is a large overgrown derelict site. The planned building will attract the type of people that will use Cockerton Village and hopefully may give reason to prolong the use of the library. We also have the cricket ground, RA Club, three churches, The Travellers Rest Public House, Cockerton Band and Musical Institute and an excellent shopping area all in need of support. We hope the planning application goes ahead, it could be a missed opportunity for the Cockerton Village and we could end up with another shopping unit*

Consultee Responses

Northumbrian Water has raised no objections to the proposed development

Northern Powergrid has raised no objections to the proposed development
English Heritage has advised the Council to determine the application in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice

The **Environment Agency** has raised no objections to the proposed development

Northern Gas Networks has raised no objections to the proposed development

The **Durham County Archaeological Officer** has raised no objections to the development

The **Council's Highways Engineer** has raised no objections to the revised scheme

The **Council's Environmental Health Officer** has raised no objections to the revised proposal

The **Council's Senior Arboricultural Officer** has expressed concerns over the loss of the trees which are covered by a tree preservation order and also that one of the other trees to be felled is worthy of a tree preservation order. The landscaping scheme is acceptable in principle.

PLANNING ISSUES

The main issues to be considered here are whether the proposed development is acceptable in the following terms:

Planning Policy

Use Classification

Design Matters

Impact upon the Conservation Area and Listed Buildings

Residential Amenity

Noise

Highway Safety and Parking

Impact upon Trees

Ecology

Contaminated Land

Landscaping

Drainage

Planning Obligations

Planning Policy

The site lies within the development limit for the urban area and therefore the proposal would accord with the general principles of Saved Policy E2 of the Borough of Darlington Local Plan and Policy CS1 of the Darlington Core Strategy Development Plan Document 2011. The site is considered to be a sustainable location located close to the Cockerton District Centre and excellent public transport links into the town centre and beyond. The redevelopment of the site as a high density residential development is considered to be acceptable in general planning policy terms.

Use Classification

Seven of the proposed units would be for sale on the open market with occupation restricted to persons of 55 years of age or over. These units would clearly fall within the C3 planning use class.

The remaining 39 units would be restricted to persons 55 years of age or over and / or suffering from dementia and /or persons over 18 years of age with a disability. Persons younger than 55 years of age will not be eligible for any of these properties if they do not have some form of

disability and therefore need for the type of accommodation being provided. These units would be focussed towards a care offer where residents would be able to opt into a 24 hour community monitoring support service with a connection to a Lifeline “warden call” system and to telecare technology. This will allow residents to connect to services at differing levels of support depending on their needs and preferences from a basic “peace of mind” level up to full telecare functionality that allows Social Services or Health Care workers to be alerted. To provide encouragement to residents to take up the 24 hour warden call telecare system, Partner Construction have committed to funding the system for a full 12 months following the occupation of the these properties.

Three ground floor units in the south building would be fully accessible for wheelchair users and all apartments would be fitted with doorways to allow wheelchair access. All apartments will have flat floor showers, with floor screeds laid to falls with non slip vinyl covering laid over and the bathrooms would be wheelchair accessible.

A caretaker would visit the site once a week to take out refuse and deal with any communal area issues. Whilst there is a manager’s office within the development it will not be staffed full time but the manager would visit the site on a regular basis or if called by one of the residents for non-emergency matters. The regularity of medical/health visits would be dependent upon the needs of the individual occupants.

The occupants would pay a service charge within their rental agreements towards the cleaning and maintenance costs of the buildings and the site. Each resident will have access to care and housing related support services which will be able to adapt quickly should the occupants care needs change over time.

In terms of Planning Use Class, if all 39 units were occupied by people in need of care this would place this element of the development in the C2 Use Class. However to be in need of care is not a strict pre-requisite for occupation of the units. In theory the units could potentially be occupied by residents with varying care needs including no care needs. This would take the development out of the C2 Use Class meaning that it would better regarded as ‘sui generis’ or outside a use class.

In the view of officers, taking into account that the scheme is predominantly focussed on the care offer including the incorporation of communal areas within the development, the units are considered likely to be attractive to those in need of care rather than those seeking independent living arrangements. This is likely to have an impact on the parking demand within the site, considered later in this report. Irrespective of Use Class the principle of the proposed development is considered to be acceptable in this location.

Design Matters

The application site is identified by the Design SPD as being within Zone 3 (Inner Suburban) of the urban area. The SPD stipulates that three storey developments are permissible within this Zone category. The two blocks are three storeys in height with the northern block having a basement level below ground

The two blocks would be constructed from a mix of facing bricks and render within interlocking slate grey roof tiles.

The southern block would have UPVC sliding sash windows on the elevation fronting Woodland Road with UPVC casement windows formed in the secondary elevations. This block has been designed to be sympathetic with the adjacent listed buildings and the street frontage and the private amenity space to the front and side would be enclosed by 2m high railings.

The northern building is more modern in appearance and would have UPVC top hung windows throughout. The designs of the windows have been amended to provide a more traditional general appearance and to improve the vertical emphasis of the openings to help integrate this block with the southern block. The north building also includes features such as Dovecotes to break up the roof line and to reflect the design of the nearby Squires Court development. When considering the scale and massing of the two blocks, the applicant has confirmed that physically and structurally it would be difficult to introduce further steps and breaks in the main roof of the northern building but the proposal does include a number of architectural features such as raking verges, projecting outriggers with gable peaks and over sailing eaves lines at various intervals. The roof line does stagger at the northern end of the building

Due to size, configuration and site levels at the southern end of the site, it is possible to impose some breaks in the main roof line of the southern block. However, the changes in land levels between the public footway and the frontage of this block and the need to maintain wheelchair accessibility for apartments within mean it is not possible for the development to have an access directly off Woodland Road. However, the entrance to this block would be off the east elevation which does achieve a level of interaction with the public realm.

It is considered that in design terms the proposed development is acceptable and would generally accord with the relevant local development plan policies and the Design SPD.

Impact upon the Conservation Area and Listed Buildings

The design and scale of the southern building is sympathetic to the adjacent listed buildings and their setting and also to the adjacent conservation area. This building contains features such as sliding sash windows, variations in the roof line, chimneys and a choice of materials that are appropriate in this context.

The northern building does not share the same level of interaction with the listed buildings or the conservation area and it is a building of a more modern contemporary design. However, the scale and design is appropriate and it also includes features similar to the south building in terms of the choice of materials and window details albeit in UPVC.

The areas of landscaping also soften the overall impact of the development and add to the “green” nature of the site despite the loss of some of the existing trees.

The additional six parking spaces will not affect the setting of the listed buildings nor will they cause harm to the significance of the conservation area.

It is considered that the proposal accords with the requirements of the National Planning Policy Framework 2012 and the relevant local development plan policies.

Residential Amenity

The application site is bounded to the east by residential dwellings (Newlands Road) and to the north by dwellings (Willow Road) and the car park belonging to Moorlands Surgery. Nos 178

and 180 Woodland Road are located adjacent to the access and the southern building and Squires Court flatted development is located on the opposite side of the road (A68).

The proximity distance requirements between existing and proposed developments that need to be met to ensure that dwellings are adequately spaced to prevent adverse loss of privacy are contained within the Council's Supplementary Planning Document – Design for New Development. Having assessed the proposal against the SPD, officers can confirm that the development would generally accord with the adopted requirements.

A number of windows in the east elevation of the section of the northern block that is positioned seven metres from the rear garden fences of the properties on Newlands Road would be fitted with obscure glazing to prevent direct overlooking of these properties. This would be secured by an appropriate planning condition.

The proximity distance between the southern block and Squire Court would not accord with the SPD but in this instance, this is dictated by the desire to have the south facing frontage of the proposed building close to the footway to create a continuation of the street frontage.

Nos 178 and 180 Woodland Road are positioned almost 90 degrees to the southern block. Any views from the southern building towards these properties would be indirect and the spatial relationship is considered to be acceptable. The windows in the southern block would predominately overlook the garage of No 180 Woodland Road rather than the principle window openings of the two properties.

When considering the scale and massing of the two buildings in residential amenity terms Officers have taken into account the design of the buildings and the land levels upon which the new development and existing dwellings are built upon. It is considered on balance that the proposed blocks would not be dominant or over bearing when viewed from the neighbouring dwellings, although part of the east elevation of the northern building is considered to be at the margin of acceptability.

The car parking areas would be positioned along the boundaries with the neighbouring dwellings on Newlands Road. A 2m high fence would be erected along the east boundary which would create a barrier to screen headlights from vehicles using the bays. It is not envisaged that the usage of the bays would be at such a level to create adverse noise conditions for the neighbouring properties.

Conditions to secure the submission of a Construction Management Plan and to provide details of any piling methods and external lighting are considered appropriate in the interests of residential amenity.

A condition is also appropriate to ensure that any noise emissions from any mechanical devices (plant and machinery) associated with the new development are set below the necessary standards to protect the amenities of the existing neighbouring properties.

The amenities of the future occupiers of the development have also been assessed (Noise impacts are commented upon further in the Report). A 1.2m high fence would be erected along the full length of the western boundary in order to protect the occupiers of the development from headlights from vehicles driving around the internal road network at the adjacent Club.

Noise

A Noise Assessment has been carried out to assess the impact of road traffic noise and the main noise sources from the adjacent Cockerton Band & Musical Institute on the development.

Road Traffic Noise

The building can be constructed with glazing and ventilation having necessary enhanced acoustic performance. It is considered appropriate to impose a planning condition requesting the precise sound insulation details of the development to protect the occupiers against road traffic noise.

Cockerton Band & Musical Institute.

The current route for music noise egress from the concert hall is via open wall vents in the east and south elevations of the hall and the most effective mitigation for this weakness is to close them off by infilling them with brickwork. The applicant has reached an agreement with the Club to carry out these mitigation works as other roof vents and opening windows in the concert room are sufficient to maintain adequate ventilation. The principle sound transmission route following such works will be through roof mounted ventilation fan units.

The noise emissions from an existing floor mounted compressor unit located on the east elevation of the Club would need to be reduced and there are a number of options that can be used in order to achieve satisfactory noise levels. Again, the applicant has reached an agreement with the Club to consider the options.

There are wall mounted cooling fans in the east elevation of the Club which would need to be serviced and potentially have measures installed to reduce the noise emissions.

It is evident that in order to reduce the impacts of the operational requirements of the adjacent Club upon the proposed development, works need to be carried out to the Club, which the applicant has reached the necessary agreements for. However, in order to ensure that the works are carried out to the satisfaction of the Local Planning Authority, a suitable condition would be imposed.

Vehicles/ Car Park

Appropriate glazing and ventilation would be used to protect the occupiers from noise from club patrons and vehicles using the existing car park.

Bottle Emptying

Unfortunately it would be difficult to provide an effective barrier around the existing bottle bins or to locate them elsewhere without adversely impacting upon the operation of the Club. As a result, the applicant has reached an agreement with the Club that the bottles are emptied during hours that will have less impact upon the occupiers of the proposed development.

Communal Gardens

The communal gardens in the south west and north east corner of the site will be suitably quiet for the residents to use. It would not be appropriate to enclose the south west garden with close boarded fencing as this would adversely impact upon the visual appearance of the Woodland Road frontage.

Highway Safety and Parking

The development utilises an existing access into the site which will be upgraded to serve the private access road into the proposed development. Visibility from the proposed access is in line with the current guidance for a 30mph speed limit and an accident report has been carried out as

part of the submitted Transport Statement which shows that there is not a significant accident problem on the local highway network at this location. The Transport Statement reviews the potential traffic generation in connection with the development and reports that an additional 6no. car trips will be generated in the peak hours which can be accommodated on the local highway network without a detrimental impact.

Off-site highway works are proposed in connection with the development and include rationalising the access junction to safe adoptable standards and any tie in works i.e. footway widening, creation of car parking spaces and access for existing cottages and resurfacing in front of the existing cottages whereby there is no vast open space as there is in the existing situation. Other works include the provision of tactile paving to the existing crossing island to improve pedestrian facilities and white lining works on Woodland Road to create a ghost island right turn facility to assist right turning traffic into the development and channel through traffic along the main carriageway.

A Road Safety Audit has been carried out on the proposed access arrangements and highlighted the issue of the existing parking within the vicinity of the current access along the frontage of the adjacent properties. It was suggested that the parking arrangement be reviewed and measures be put in place to prevent parking on the footways i.e. bollards. This issue has also been raised during this consultation process and it has been requested that further details be supplied as a condition of this application. No further Road Safety issues were raised in connection to the new development proposals.

There is a frequent bus service along Woodlands Road which will adequately serve the new development.

There are parking restrictions in force along Woodlands Road which will protect the highway from potential parking outside the curtilage of the development and create a safe access point for all users.

There are 31 parking spaces proposed within the site. Taking into account that the focus of this development would predominantly be on the provision of care with the incentive of the first year being provided free of charge it is considered that the character of this development would be one of a residential institution and would generally be attractive to those in need of care and not to residents able to live more independently. Officers consider this would serve to control and reduce the demand for parking such that it would be appropriate to apply the normal parking standard associated with the C2 use class in considering whether there would be sufficient space. The proposed number of spaces would accord with the requirements of the Tees Valley Design Guide for C2 class development (applied to the 39 units) and C3 class (7 units). There would be an over-provision of three spaces which could be used by any professional health and care visitors when the need arises. It is not considered that there would be a demand for parking on the surrounding highway network.

Secure cycle parking should be provided and three of the proposed bays should be widened to be used as disabled bays and these measures would be secured by a condition.

Trees and Landscaping

There are trees within and adjacent to the application site which are covered by a Group Tree Preservation Order dated 1952. There are also trees within the site which are not covered by an Order. The remainder of the site is overgrown with a variety of scrub and shrubs.

Due to the revision to the layout of the development a revised Tree Report has been submitted with the application which states that seven trees would need to be removed in order to facilitate the development along with all the existing scrub and shrubs.

Of the seven trees to be removed to facilitate the development, two of them (a Sycamore tree and an Oak tree) are part of the 1952 Order. They have been highlighted to be removed as they would be sited in very close proximity to the southern building. The Council's Senior Arboricultural Officer has stated that these trees are in reasonable condition and he has raised concerns over their removal to facilitate the development.

A mature Oak tree located on the west boundary of the site also covered by the 1952 Order is reported to be diseased, in decline and poor condition and the Council's Senior Arboricultural Officer agrees that the tree should be removed in the interests of safety regardless of the planning application.

A fourth tree (Sycamore) to be removed is located close to the north boundary of the site and it is not currently covered by any Order and it is located outside of the conservation area which means no formal consent would currently be required from the Local Planning Authority to remove it. This tree would be in close proximity of the northern building. The tree is considered by the Council's Senior Arboricultural Officer as being in reasonable health and condition and he has raised concerns over its removal.

A Silver Birch to be removed on the Woodland frontage is not considered to be of the relevant age to be covered by the 1952 Order and has low amenity value. The tree would need to be removed to facilitate the construction of the southern building.

Two trees within the garden of No 180 Woodland Road would be removed to facilitate the additional parking area but these trees are not considered to be worthy of a preservation order.

Having viewed the site from outside the site boundaries, the preserved trees (Sycamore and Oak trees) to be removed are visible from Woodland Road. There are only restricted views of unprotected Sycamore tree in the north section of the site between some of the neighbouring dwellings on Newlands Road and Willow Road and from the car park of the Surgery.

This site would be difficult to develop without resulting in the loss of trees and, on balance, these are considered to be very exceptional circumstances whereby the loss of the three trees that the Council's Arboricultural Officer has raised concerns about, has to be accepted in order to achieve the redevelopment of this site that has been vacant and overgrown for many years. The amenity value of the unprotected Sycamore tree is not considered to be high enough to justify a preservation order being placed upon it. There are other existing mature trees on the Woodland Road frontage (those retained within the development site and others within the grounds of the Club) that provide and retain extensive tree coverage for the locality and it is considered that the loss of the preserved trees would not significantly harm the tree lined appearance of the area.

The Council's Senior Arboricultural Officer is also concerned over how the southern building can be constructed without breaching the root protection area of an adjacent protected Lime tree. However, methods can be used to avoid compaction damage to the underlying roots during the construction phase of the development and these would be secured by a planning condition.

A revised landscaping scheme for the site has been submitted which consists of the planting of ornamental native trees, ornamental shrub planting and native shrub planting. There would be some seats and benches located around the communal garden areas. The shrub and tree species are acceptable but the Council's Senior Arboricultural Officer would want the trees to be 14 - 16cm girth and containerised or air potted. A planning condition needs to be imposed to secure the submission of a new revised scheme.

Ecology

An Ecology Report confirms that the site is now largely vegetated and dominated by scrub and coarse grassland. There are no water bodies on the site and no ponds within 500mm. The scrub and grassland would be removed along with a number of trees in order to facilitate the development and the Report recommends the following habitat enhancement works:

- Provision of bird and bat boxes within the trees
- Incorporation of native species into the landscaping scheme
- Areas of dense vegetation along the boundaries provide wildlife cover; and
- Development of a Biodiversity Management Plan including the need to ensure that clearance/works are avoided at key times of the year.

A planning condition can be imposed to ensure the development is implemented in accordance with the mitigation requirements contained within the Report.

Contaminated Land

The site is a former petrol service station and car wash and Environmental Health has confirmed that the site has been the subject to a number of Geo-Environmental investigations dating back to 1999. This planning application has been supported by strategies for various risk management/remediation schemes to address residual soil contamination and vapour intrusion. A remediation statement and verification report would be submitted on completion of the scheme.

The Environment Agency has raised no objections to the scheme in terms of land contamination and groundwater sources subject to a planning condition to secure the submission of further reports and remediation strategies.

An appropriate condition can be imposed to deal with both contamination requirements.

Drainage

The foul drainage will be connected to the Public Combined Sewer and the surface water drainage will be connected to the existing surface water sewer to the south of the site with a restricted discharge of 5 litres per second with on line surface water attenuation.

Northumbrian Water has confirmed that the application submitted a pre- development enquiry with them. NWL stated that foul flows can discharge to the 535mm diameter combined sewer at manhole 4302 and surface water can discharge to the 300mm diameter surface water sewer at manhole 4304. The planning application reflects these agreed discharge points and therefore NWL are satisfied that the development meets their requirements for site discharge.

The Environment Agency has raised no objections to the scheme in terms of the discharge of foul sewage and surface water.

Planning Obligations

As the proposed development comprises 7 Class C3 units, the Council's adopted Supplementary Planning Document on Planning Obligations states that the Council should secure appropriate planning obligations. In this instance, a planning obligation of £3588 for green infrastructure improvements within the nearby Brinkburn Denes has been agreed and would be secured through a Section 106 Agreement.

The Council would also seek to ensure that the Section 106 Agreement confirms the following:

- The development is for 39 residential care units and 7 C3 units
- The occupants of the C3 units shall be persons 55 years of age or over and the occupants of the residential care units shall be persons 55 years of age or over and/or persons suffering from dementia and/or persons over 18 with a disability.
- The 24 hour warden telecare system to be installed within the residential care units will be funded by Partner Construction for a period of 12 twelve months and thereafter made available on request.

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 considered that the orientation of the buildings will allow for adequate natural surveillance over the site to help deter the occurrence of criminal and anti-social behaviour.

CONCLUSION

The development would predominantly comprise of residential units offering a care package with a small number of age restricted open market dwellings. The site lies within development limits identified in the local plan and would be appropriate in principle for the development proposed. The design and layout of the development accords with the relevant policies in the plan. The development respects the amenity and general character of the adjacent Cockerton Village Conservation Area and also the setting of the adjacent listed buildings in accordance with the National Planning Policy Framework 2012. The loss of the trees with the application site have been justified and accepted by the Local Planning Authority. The development has no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintains adequate levels of privacy and whilst marginal in certain locations would generally not have an overbearing impact on adjacent properties. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant national and local development plan policies.

RECOMMENDATION

THE DIRECTOR BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE PROVISION OF A PLANNING OBLIGATION TO:-

- i) IMPROVE THE GREEN INFRASTRUCTURE PROVISION AT THE BRINKBURN DENES.
- ii) RESTRICT THE OCCUPATION OF THE DWELLINGS AND CARE UNITS.
- iii) REQUIRE THE DEVELOPER TO FUND THE PROVISION OF THE TELECARE SYSTEM FOR A 12 MONTH PERIOD AND THEREAFTER ENSURE THAT IT IS AVAILABLE ON REQUEST.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THE AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

Planning Conditions relating to the C3 apartments

1. The apartments hereby approved shall not be occupied by persons other than persons aged 55 or over.

REASON: To ensure that the apartments are occupied in accordance with their C3 (dwelling house) classification

2. All of the apartments and bathrooms within the north and south buildings shall be implemented in complete accordance with the details contained within the email from Signet Planning dated 7 November 2014.

REASON: To ensure that the development is fully accessible for all persons of differing health and medical needs and requirements

Planning Conditions relating to the residential care units

1. The apartments hereby approved shall not be occupied by persons other than:

- a) Persons aged 55 or over and/or
- b) Persons suffering from dementia and/or
- c) Persons over 18 years of age with a disability

REASON: In the interests of the satisfactory control of parking demand.

2. All of the apartments and bathrooms within the north and south buildings shall be implemented in complete accordance with the details contained within the email from Signet Planning dated 7 November 2014.

REASON: To ensure that the development is fully accessible for persons with differing health and medical needs and requirements

General Planning Conditions

1. A3 – Implementation Limit (Three Years)
2. The lounge, office and sitting area within the North Building and shown on Drawing No 11058/P105 Revision A (entitled “Proposed General Arrangement – North Building” and dated 13 February 2014) shall be retained unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that the communal areas and office space are retained in the interests of protecting the care provision and to ensure adequate parking provision is provided within the site for the number of units within the development.
3. The windows shown on Drawing No: 11058/P105 Revision A (entitled “Proposed General Arrangement – North Building” and dated 13 February 2014) as being fitted with obscure glazing shall not be repaired or replaced other than with obscure glazing. The level of obscurity and the methods of opening shall be agreed with the Local Planning

Authority prior to the windows being fitted and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of residential amenity and to prevent overlooking of neighbouring properties

4. Prior to the occupation of the development, precise details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, height and design of the means of enclosure and the development shall not be carried out otherwise than in complete accordance with the approved details and the enclosures shall be erected prior to the occupation of the development

REASON: In the interests of the visual amenity of the development and the surrounding area and in the interests of the amenities of the future occupiers of the approved development

5. The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

- a. A Phase 1 Preliminary Risk Assessment, carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.
- b. A Phase 2 Site Investigation and Risk Assessment shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - i. A Phase 1 Preliminary Risk Assessment and has been completed and agreed in writing with the Local Planning Authority.
 - ii. The requirements of the Local Planning Authority for site investigations have been fully established; and
 - iii. The extent and methodology of the site investigation and risk assessment have been agreed in writing with the Local Planning Authority.

The Phase 2 Site Investigation and Risk Assessment Report shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

(c) A Phase 3 Remediation Statement for the remediation of land and/or groundwater contamination affecting the site determined through risk assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be

implemented and completed in accordance with the agreed Remediation Statement by competent person(s), no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Local Planning Authority.

(d) A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

(e) Any contamination not considered in the Phase 3 Remediation Statement but identified during the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. The environmental setting of the development is also considered sensitive with regard to the risk that any land contamination that may be present at the site may pose to controlled water receptors. This is because the site is overlying the Magnesian Limestone Group, which is considered to be a sensitive receptor that could be affected by any land contamination that may be present at the site. The Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

6. 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 and to prevent possible pollution of controlled waters.

7. Prior to occupation of the development, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:
 - a. A description of the proposed lighting units including height, type, angling and power output for all lighting
 - b. Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
 - c. The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.

- d. Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminare Intensity.
- e. The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded

The development shall not be implemented otherwise than in accordance with the agreed lighting impact assessment.

REASON: In the interests of residential amenity and the visual appearance of the locality

8. Prior to the commencement of the development, precise details of a scheme relating to the sound reduction from sources at Cockerton Band and Musical Institute Club shall be submitted to and approved in writing prior by the Local Planning Authority. The details shall include the bricking up of surplus air vents and methods for the reduction of noise from the existing compressor and wall mounted cooling fans. Once the scheme has been agreed with the Local Planning Authority and subsequently implemented, a sound test shall occur with a representative of the Local Planning Authority within a timescale to be agreed by the Local Planning Authority to show that the scheme is effective and that the noise levels, including noise from the roof mounted ventilation systems, are not above the agreed design criteria and calculated levels contained within the document entitled "Noise Assessment Report for Proposed Residential Development on Land off Woodland Road, Darlington" Report Reference Number 1861.25/2 produced by Blue Tree Acoustics dated 21 August 2014. (If the sound test is acceptable, the scheme shall be fully implemented in accordance with the approved details). If the noise test shows that further works are required to achieve acceptable noise levels details of further noise reduction works shall be submitted to the Local Planning Authority for approval and a further noise test carried out to show compliance with the agreed noise levels. The development shall not be occupied until compliance with agreed noise levels has been achieved.

REASON: To safeguard the amenities of the future occupiers of the approved development

9. Prior to the commencement of the development, precise details of the sound insulation for the proposed buildings shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include details of the windows and trickle vents and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To safeguard the amenities of the future occupiers of the approved development

10. The Rating Level, as defined by BS4142:1997 for new mechanical services associated with the development shall be at least 5dB below the daytime and night time background noise levels (as indicated in the document entitled "Noise Assessment Report for Proposed Residential Development on Land off Woodland Road, Darlington" Report Reference Number 1861.25/2 produced by Blue Tree Acoustics dated 21 August 2014.) at any surrounding residential property unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of residential amenity

11. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation measures contained within “A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington. Report No 3” produced by E3 Ecology Limited dated March 2014 unless otherwise agreed in writing by the Local Planning Authority
REASON - In the interests of the biodiversity of the development site
12. Prior to the commencement of the development, precise details of the off-site highway works including forming the proposed access junction and any tie in works i.e. footway widening, creation of car parking spaces and access for existing cottages and resurfacing in front of the existing cottages, the provision of tactile paving to the existing crossing island to improve pedestrian facilities and white lining works on Woodland Road to create a ghost island right turn facility shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of highway and pedestrian safety
13. Prior to the commencement of the development, a plan identifying three disabled parking bays within the car parking layout shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise in complete accordance with the approved details and the bays shall be implemented prior to the occupation of the development
REASON: To ensure that the required numbers of disabled bays are provided within the development
14. Prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: To ensure a satisfactory form of development and to promote the use of sustainable modes of transport
15. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for controlling noise and vibration; details for wheel washing, a dust action plan, the proposed hours of deliveries and construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of highway safety and residential amenity
16. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development and the development shall not be carried out otherwise than in complete accordance with the approved details. 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.
REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

17. The development shall not be carried out otherwise than in accordance with the recommendations set out in the Arboricultural Methods Statement (Revision B) by All About Trees issued October 2014 and the Arboricultural Impact Assessment (Revision B) by All About Trees issued October 2014.

REASON – To ensure the retention of the maximum number of trees on the site and their protection from damage, in the interests of visual amenity.

18. B5 – Detailed Drawings (Accordance with Plan)

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

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 - Development Limits

E14 - Landscaping of Development

S10 – Safeguarding the District and Local Centres

T8 - Access to Main Roads

Darlington Core Strategy Development Plan Document 2011

Policy CS1 - Darlington's Sub Regional Role and Locational Strategy

Policy CS2 - Achieving High Quality, Sustainable Design

Policy CS3 - Promoting Renewable Energy

Policy CS4 - Developer Contributions

Policy CS9 - District and Local Centres and Local Shops and Services

Policy CS10 - New Housing Development

Policy CS11 - Meeting Housing Needs

Policy CS14 - Promoting Local Character and Distinctiveness

Policy CS15 – Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16 – Protecting Environmental Resources, Human Health and Safety

Policy CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document – Design of New Development

Supplementary Planning Document – Planning Obligations

Tees Valley Design Guide & Specification – Residential and Industrial Estates Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278 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 Ms. P. Goodwill 01325 406651) to discuss naming and numbering of the development.

Amendments to the existing street lighting may be required to cover the proposed access arrangements and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr. P. Brownbridge 01325 406652) to discuss this matter.