

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE:

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APPLICATION REF. NO:	08/00824/FUL
STATUTORY DECISION DATE:	6 January 2008
WARD/PARISH:	COCKERTON EAST
LOCATION:	Hopetown Studios, Brinkburn Road, Darlington (as amended by plans received 28 November 2008)
DESCRIPTION:	Housing development of 14 No residential units
APPLICANT:	Arkle Securities Limited

APPLICATION AND SITE DESCRIPTION

Hopetown Studios are two office buildings located in the north west corner of the Hopetown House site on Brinkburn Road. Planning permission has recently been granted, subject to a Section 106 Agreement for the demolition of Hopetown House (to the south and east of the site) and the erection of a residential development consisting of dwelling houses and apartments. Oakfield Lodge, which is a modern housing development, form the north and west boundaries of the application site. The office buildings are now vacant and have been the subject of vandalism. They are currently boarded up, along with the larger Hopetown House site.

The application site and the Hopetown House site are both within the ownership of the applicant. One of the Studios was occupied until recently but was vacated due to continued acts of vandalism and the owners intention to retain the Studios is now no longer viable.

The proposal involves the demolition of two existing office buildings and the erection of 14 residential units with associated car parking spaces and landscaped areas. The scheme involves the creation of two rows of terraced properties, with four units fronting Darrowby Drive and the remaining 10 units in a staggered terrace. Provision for 20 no car parking spaces would be provided and the existing vehicular access of Darrowby Drive would be utilised.

The applicants carried out a Statement of Community Involvement exercise prior to the submission of the application and they received one response from a resident and one response from the Ward Councillor. The local resident queried the height of the buildings and the distance from boundaries and the Ward Councillor questioned the timetable for demolition.

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999

As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether or not an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the Local Planning Authority has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

None relevant.

PLANNING POLICY BACKGROUND

The following sources of policy need to be taken into consideration when determining this application.

National Policy

- PPS 3 Housing

North East of England Plan Regional Spatial Strategy to 2021 (July 2008)

- Policy 2 Sustainable Development
- Policy 4 The Sequential Approach to Development
- Policy 7 Connectivity and Accessibility
- Policy 8 Protecting and enhancing the Environment
- Policy 24 Delivering Sustainable Communities
- Policy 30 Improving Inclusivity and Affordability
- Policy 39 Sustainable Construction
- Policy 54 Parking and Travel Plans

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E14 Landscaping of Development
- E15 Open Land In New Development
- E29 The Setting of New Development
- E46 Safety and Security
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
- H11 Design and Layout of New Housing Development
- H14 Accessible Housing
- R1 Designing For All
- T13 New Development – Standards
- T24 Parking and Servicing Requirements for New Developments

The following policies within the Darlington Open Space Strategy 2007 – 2017 are relevant:

- Policy 6 Overall standards of provision
- Policy 19 Open space provision associated with new development

- Policy 20 Securing appropriate open spaces and their maintenance

The following Supplementary Guidance Notes are also relevant

- Affordable Housing
- Commuted Sums from New Housing Developments for Existing Equipped Play Areas

RESULTS OF CONSULTATION AND PUBLICITY

No letters of objection have been received

Northern Gas Networks

Northern Gas Networks raise no objections to the proposal.

C E Electric UK

C E Electric UK raise no objections to the proposal.

Northumbrian Water

Northumbrian Water raise no objections to the proposal.

Durham Constabulary Architectural Liaison Officer

The ALO has given some general advice about designing out crime but in his overview, he states:

The layout of the houses does not present any problems from a design out crime point of view, however, I do have concerns about the proposed layout of the car parking. In many areas 80% of vehicle crime takes place outside the owner's home overnight. The layout as proposed may generate vehicle crime, bays numbered 1,2,3, and 18,19,20 are particularly vulnerable lacking surveillance and being adjacent to easy escape routes.

I have not had the benefit of seeing the approved applications adjacent to this site but from the plan it appears there is vehicular access opposite plot 11 and pedestrian access adjacent to parking bays 15 and 20. This makes the site very permeable, from a crime reduction point of view. I would recommend that access be restricted for vehicles and pedestrians to a cul de sac.

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Affordable Housing
- Visual Appearance and Character of the Area
- Residential Amenity
- Highway Matters
- Land Contamination

- Section 106 Agreement

Planning Policy

Planning Policy Statement 3: Housing sets out the Government's objectives in respect of housing development. The statement is a material consideration when determining planning applications.

The definition as to what constitutes previously developed land is:

“Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.”

However, the definition goes further to state:

“There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.”

It is clear that the development site is classed as previously developed land. The site is surrounded by existing relatively new residential areas on Darrowby Drive and Wederly Close. To the south and east of the site, the existing offices at Hopetown House are to be redeveloped for dwellings subject to the granting of a Section 106 Agreement. The existing site as it appears today has the character of an isolated employment area within an existing residential area, therefore the site, if changed to residential use would be suitable for housing development.

The statement discusses the use of previously developed land. Paragraph 36 states:

“The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.”

The development site is classified as previously developed land. The site is a vacant modern office unit, being currently unoccupied. Bearing in mind the surrounding residential character and that the site is previously developed land, vacant, and is suffering from ongoing vandalism it should be a priority site for delivery of new housing.

In deciding upon planning applications for new housing the statement sets out what the Planning Authority should have regard to. Paragraph 69 states:

“In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.”*

The design and layout of the development will be discussed further in this report. With regard to the suitability of the site it is suitable for housing. As previously stated relatively new residential areas on Darrowby Drive surround the site. There is an existing office development adjoining the development site, to the south-east. The existing site has the character of an isolated employment

area within an existing residential area, therefore the site, if changed to residential use would be suitable for housing development.

The land is currently being used for offices with mixed success. Historically the wider area of Hopetown has gradually changed from heavy industry, to derelict land and into predominantly residential use and mixed employment use. This has proved an effective and efficient use of the urban land in an already sustainable location. The use of the vacant office curtilage would be a further effective and efficient use of land in a sustainable location. The proposals are in general accordance with the principles set out in PPS3.

The Regional Spatial Strategy (RSS) sets out a long-term strategy for the spatial development of the North East Region of England.

RSS Policy 39 on Sustainable Construction states that planning proposals should:

“All relevant developments, particularly major retail, commercial and residential developments, to have embedded within them a minimum of 10% of their energy supply from renewable sources, but seek to achieve more where appropriate”.

The Council regards this proposal as a major development as it is in excess of 10 dwellings and is larger than 0.5ha. On site generation of renewable energy should be explored further and where possible, integrated into the design of the dwellings to reflect the policies in the RSS. The design and access statement, submitted with the application, states that the development is orientated to make the most of solar gain, so that the majority of buildings will enjoy ample sunlight with the vast majority of the main aspects facing south. This indicates that at least one type of on site renewable energy is potentially viable on the site.

Development policies in the proposed Core Strategy Preferred Options and subsequent adopted Core Strategy will reflect the 10% on site renewable energy requirement and the support lent to on site generation as advocated in PPS1, PPS1 Supplement, PPS22 and the RSS.

In order to be in accordance with the National and specifically Regional policies regarding on site renewable energy provision, the applicant will need to investigate the possibility and viability of on site provision and where possible provide 10% of the sites energy supply through these means. A suitable planning condition can be attached to a grant of planning permission to ensure the 10% on site renewable energy requirement.

The Borough of Darlington Local Plan sets out the local planning policies by which planning applications are determined. The application site falls within the defined development limits for the urban area as identified by Policies E2 (Development Limits) and H3 (Locations for New Housing Development). The proposals are also in accordance with the policy EP14 (Existing Employment Development). It is assumed that the Borough currently has an adequate supply of existing allocated employment land, primarily focussed on existing allocated areas at Yarm Road and Faverdale, providing similar existing accommodation. Although the proposals would mean the removal of existing office accommodation the impact of the proposals on the Borough wide supply of land and buildings would be minimal. The development is considered to be acceptable in principle, subject to detailed matters of development control, which are considered in the remaining sections of this report.

Up to date, detailed guidance on the provision and maintenance of open space as part of new development is found in the Council's adopted Open Space Strategy. New residential development of 5 or more dwellings will be required to make provision for accessible open space for sport and recreation (based on the standards set out in policy 6 of the OSS) to meet existing and future needs (policy 19). In general, open space provision is sought on site but in this case it is recognised that the site would be unsuitable to accommodate the amount of open space identified.

As such a capital sum will be required equivalent to the cost of providing open space to meet the needs of future residents either for the improvement of the quality of open spaces in the locality or to secure the provision of new areas of open space to help meet the standards identified in policy 6.

The development must also provide for children's and young people's play provision of £200 per bed space in line with the Council's SPG and policy R6 either to provide or enhance play provision in the locality.

Affordable Housing

The Borough of Darlington Local Plan defines affordable housing as housing designed for those whose incomes generally deny them the opportunity to purchase houses on the open market as a result of the local relationship between income and market price.

Under the provisions of the Affordable Housing Supplementary Planning Document, the site falls within North West Sub Area and the Cockerton East Ward and the demand for affordable housing is considered to be moderate. The affordable housing target for this development would be 15% of the total number of units.

Under the provisions of the approval for the redevelopment of the Hopetown House site, the applicant proposed to make a financial contribution towards affordable housing off-site rather than incorporating housing within the scheme. This was agreed by the Council's Housing Renewal Manager and it was to be secured by a Section 106 Agreement. The proposed Section 106 Agreement would now cover both development sites and the applicant is proposing to either increase that off site financial contribution accordingly or the 14 units being proposed here, would become the on site contribution. The provision of 14 units would not meet the 15% criteria (there would be 110 units altogether and 16 units should be provided) but the applicant has provided Officers with a case to demonstrate the viability difficulties in providing 16 units, if that is the agreed method of securing affordable housing. Members will be updated in this issue at the Planning Committee.

Visual Appearance and Character of the Area

The introduction of these 14 additional dwellings to the streetscape would be in keeping with the character and visual appearance of the surrounding area. The proposed redevelopment of the application site and the adjacent site would remove a large commercial use from a predominately residential area.

The proposal involves the erection of 14 three-storey dwellings, with the third floor being within the roof space. The dwellings incorporate a traditional style of vernacular Victorian and

Georgian proportions and window styles. Materials would be a mix of facing brick and render. The elevations have been broken up with varying roof heights and bay windows, canopies and dormer windows. The dwellings would have rear gardens and the fronts would be enclosed with 900mm walls and metal gates. The new dwellings have been designed to match the styles of buildings contained within the approved development for the Hopetown House site.

As a result of advice from the Council's Traffic Manager, the layout of the site has been amended with the repositioning of the parking bays and the turning head.

In response to the comments from the Durham Constabulary Architectural Liaison Officer, the applicant has commented as follows:

"The PALO makes the point that 80% of vehicle crime takes place outside of the owner's house overnight. I do understand the comment and the need for surveillance, but I think that most schemes will display some deficiency. However I would make the point the bays 1,2,3,4, are overlooked by Plot 4 and also the proposed houses on the other side of the road, which were approved as part of the previous consent. In order to meet Traffic Manager's requests, I have remodelled the end car parking which brings 4no spaces into the close view of Plots 10 to 14. With regard to the permeability of the site, I would say that it was our intention to have good pedestrian links throughout the site. I believe this to be double edged sword in that people can move freely around the development and not feel boxed in. In addition, the scheme encourages the increase in footfall, which increases the potential for surveillance. I would not wish to see the degradation of the footways through the site and believe the restriction of the scheme to a cul de sac would miss the opportunity of people using their feet instead of their cars"

It is considered that the development will improve the visual appearance of the street scene and remove buildings, which are not in keeping with the character of this area, which is predominately residential. The layout is considered acceptable and the development would accord with Policy H11 (Design and Layout of New Housing Development) of the Local Plan.

Residential Amenity

The existing dwellings on Darrowby Drive, opposite the application site are two storey modern dwellings. The dwellings adjacent to the application site, on Darrowby Drive, are bungalows. There are also bungalows to the north, on Wederley Close.

The four dwellings facing onto Darrowby Drive have an overall height of 9.77m under a ridge roof. They would be next to a pair of semi detached bungalows and face the two storey dwellings opposite. There are no window openings in the side elevation of the end dwelling and therefore there would be no overlooking issues with the bungalows. The overall mass of the buildings is not that significant to be considered as being overbearing when viewed from these bungalows. The separation distance between the proposed dwelling and those opposite is acceptable and is in keeping with the layout of the approved development on Hopetown House.

The bungalows to the north, on Wederley Close, look onto the existing Studios, which are predominately two storeys high and approximately 15m from the rear of the properties. The ground level of the bungalows is between 0.75m and 1m higher than the ground level of the proposed dwellings. The dwellings contain window openings in the rear elevations and dormer extensions in the rear roof slope, although a number of those would be fitted with obscure glazing (bathroom windows). The separation distances between the dwellings and the bungalows

are staggered with the closest being 21m and the furthest being 26m. The overall height of the dwellings is 10.17 but this would be reduced to 9.17 due to the differences in land levels and this is the equivalent of a two-storey dwelling. As a result, the minimum separation distances are considered to be acceptable.

Highway Matters

The existing vehicular access, off Darrowby Drive, would be used and the highway would link into the network of the adjacent recently approved residential development. There would be a total of twenty car parking spaces.

The design of the car parking spaces to the front of the dwellings and also within the turning head area has been amended following concerns raised by the Council's Traffic Manager. The layout plan has included some areas of landscaping and trees, which is a common feature of the adjacent development. The applicant has requested the soft landscaping areas in order to "green" the street. The Council's Traffic Manager has concerns over the future maintenance of the landscaped areas.

There is a visual benefit to planting of the trees and the adjacent development also includes such landscaped areas. Officers consider that the landscaping should remain and appropriate species can be secured by the imposition of a planning condition.

Land Contamination

A Phase 1 Desk Study land quality assessment was included with the application and the Council's Environmental Health Officer has requested the imposition of a planning condition relating to further investigations being carried out. It is also considered appropriate to attach conditions relating to the submission of a Dust Action Plan and a Noise Impact Assessment (which was also a condition attached to the recent approval for the redevelopment of Hopetown House)

Section 106 Agreements

The redevelopment of the adjacent site (ref no: 08/00279/FUL) for residential purposes was granted planning permission, subject to a Section 106 Agreement. This Agreement has yet to be signed and therefore there is an opportunity to include this site within the same Agreement as both sites are within the ownership of the applicant. The Agreement, for the whole site would secure the following:

- Affordable housing
- The upgrading and maintenance of an off site area of open space in accordance with the Open Space Strategy
- The upgrading and maintenance of an off site equipped play area in accordance with supplementary planning guidance
- The planting of replacement trees
- Highway Improvements

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The Architectural Liaison Officer has commented on the proposed development and the comments have been considered by the applicant and by Council Officers. 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 application site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision or highway safety. The comments of the Architectural Liaison Officer have been taken into account and it is considered that the revised layout will help crime prevention. The proposal accords with the relevant national, regional and local planning policies set out below:

National Policy

- PPS 3 Housing

North East of England Plan Regional Spatial Strategy to 2021 (July 2008)

- Policy 2 Sustainable Development
- Policy 4 The Sequential Approach to Development
- Policy 7 Connectivity and Accessibility
- Policy 8 Protecting and enhancing the Environment
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- E2 Development Limits
- E14 Landscaping of Development
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- E46 Safety and Security
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
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- T13 New Development – Standards
- T24 Parking and Servicing Requirements for New Developments

Darlington Open Space Strategy 2007 – 2017:

- Policy 6 Overall standards of provision
- Policy 19 Open space provision associated with new development
- Policy 20 Securing appropriate open spaces and their maintenance

RECOMMENDATION

THAT THE ASSISTANT CHIEF EXECUTIVE (REGENERATION) BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. Affordable housing in perpetuity in accordance with supplementary planning guidance.
2. A financial contribution towards the upgrading and maintenance of an off site area of open space in accordance with the Open Space Strategy.
3. A financial contribution towards the upgrading and maintenance of an off site equipped play area in accordance with supplementary planning guidance.
4. A financial contribution towards the planting of trees in the area of open space on Darrowby Drive to compensate for the loss of trees on the Brinkburn Road frontage;
5. A financial contribution towards off site highway improvements

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

1. A3
2. B4
3. B9
4. C5
5. J2
6. Prior to the commencement of the development, a noise impact assessment shall be undertaken in order to assess whether any noise protection measures are necessary for the proposed dwellings and apartments. Details of any noise protection measures required as a result of the assessment shall be submitted to and approved 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 the residential amenities of the future occupiers of the development.

7. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day-to-day operation will provide energy for the development for as long as the development remains in existence.

REASON: To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.

8. Prior to the commencement of the development, a Dust Action Plan shall be submitted to and approved 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 residential amenity.

9. Notwithstanding the details submitted with the application, a Travel Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON; To encourage the future occupiers of the development to use different modes of transport.

10. Notwithstanding the details shown on the approved plans, precise details of secure cycle parking areas shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure that suitable cycle parking areas are provided for cyclist.

11. E2

12. Notwithstanding the details shown on the approved plans, precise details of measures to ensure a 20mph speed limit shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway safety.

13. B5

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision or highway safety. The comments of the Architectural Liaison Officer have been taken into account and it is considered that the revised layout will help crime prevention. The proposal accords with the relevant national, regional and local planning policies set out below:

National Policy

- PPS 3 Housing

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- *The applicant is advised that highway works will be the subject of a Sec.38/278 Agreement (Highways Act 1980) and contact must be made with the Assistant Director (contact Mr.S.Brannan 01325 388755) to discuss this matter.*
- *The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.*