

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 24 September 2014**

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<b>APPLICATION REF. NO:</b>	14/00276/FUL
<b>STATUTORY DECISION DATE:</b>	3 October 2014
<b>WARD/PARISH:</b>	PIERREMONT
<b>LOCATION:</b>	182 Woodland Road
<b>DESCRIPTION:</b>	Residential development comprising 2 No apartment blocks to accommodate 46 dwellings, with associated access and landscaping (additional plans and information and amended plans received 27 August 2014)
<b>APPLICANT:</b>	Partner Construction Limited

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**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). The occupancy of the apartments will be restricted to persons over the age of 55 and whilst residents will have a level of independence, all apartments will be connected to a 24 hour warden direct call support line.

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 would include a mixture of residential tenures as follows:

- 32 affordable rent
- 7 shared ownership
- 7 for sale

The development will be owned and managed by Vela Homes, 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 twenty five parking spaces would be provided within the grounds. 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 and at the time of completing this Report a further one objection has been received raising the following comments. The consultation exercise with local residents request that letters are submitted by 18 September 2014 and any further objections that are received will be mentioned verbally at the Planning Committee

- *With 46 apartments, there is likely to be at least one car each, so will there be enough parking places and stillroom for delivery vehicles, refuse removal wagons and if necessary emergency vehicles?*
- *Has the privacy of surrounding properties been taken into consideration?*
- *Will the large tree on the property still be there or will it accidentally be knocked down?*

### **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 scheme

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

### **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**

During the consideration of the application additional information has been submitted to demonstrate to officers that the proposed development would be occupied and operated within Class C2 (Residential Institutions) of the Use Classes Order, rather than Class C3 (Dwelling Houses). The characteristics of the development are: -

- The occupation of the units will be restricted to persons 55 years of age or older;
- All apartments will be connected to a 24 hour warden direct support line;
- The warden would be employed by the applicant as part of their Operations Team based in Middlesbrough. However, Darlington's 24 hour Lifeline service will also be able to provide assistance based upon the needs of the individual;
- The regularity of medical/health visits to the development would be dependent upon the needs of the individual occupier
- The occupiers would pay a service charge within their rental agreements towards cleaning and maintenance costs of the site etc.
- The south building has been specifically designed to be wheelchair accessible with the apartments being suitable for residents requiring a higher level of residential care;
- Residents within the northern block have access to a communal foyer and lounge on the ground floor and a small sitting area on the second floor
- The units are sold on a leasehold basis;
- Any re-sales would be controlled by the applicant in order to comply with the occupancy restrictions

There is sufficient planning case law to indicate that, whilst the development does offer independent living, the above characteristics would place the development within use class C2 of the Use Classes.

A planning condition would need to be imposed to restrict the occupation of the residents to 55 years of age or older and to ensure that the building remains within C2 use class.

### **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 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 general 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 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 etc.

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.

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 that need to be met between existing and proposed developments are contained within the Council's Supplementary Planning Document – Design for New Development and having assessed the proposal against the SPD, officers can confirm that the development would generally accord with the adopted requirements taking into account the use of obscure glazing in the east elevation of the northern block.

The differences in land levels between the proposed development and the existing dwellings are minimal and where there are any differences, the existing dwellings are at a higher level than the proposed blocks.

A number of windows in the east elevation 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.

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.

The scale and massing of the two buildings is considered to be acceptable in residential amenity terms.

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 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 in relation to forming the proposed junction access 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.

In curtilage parking is being provided and the Tees Valley Design Guidance states that for a C2 use class (Care Home) that 1 car parking space be provided for every 3 members of staff on duty at any one time, 1 space per 8 residents (visitor provision) and 1 space for a professional visitor. Assuming an average of 2 residents per unit (46 units) this would equate to 12 car parking spaces for visitors. It is assumed that 9 members of staff will be on duty at any one time and 10 professional visitors equating to 13 operational spaces. In total the maximum recommended car parking provision would total 25no spaces. An allowance of 10% disabled car parking spaces should be allocated in addition to the above base provision however this has been included in the total provision resulting in 23no. car parking spaces plus 2no. widened disabled bays being provided as part of the development. Given the end use of the development (over 55's only) this should be a suitable level of parking provision.

Secure cycle parking in the order of 1 space per 4 members of staff should be provided and further details should be submitted for approval and this would be covered 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.

A Tree Report submitted with the application states that five trees would need to be removed in order to facilitate the development and all the existing scrub and shrubs would be removed.

Of the five trees to be removed, 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 and also covered by the 1952 Order is reported to be diseased and in decline and in 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 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.

The final tree to be removed (Silver Birch on the Woodland frontage) is not considered 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.

Having viewed the site from outside the site boundaries, the two preserved trees to be removed are visible from Woodland Road. There are only restricted views of unprotected Sycamore tree 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 tree is not considered to be high enough to be worthy of a preservation order and 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 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.

A 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 landscaping scheme is considered to be acceptable provided that any new trees that are planted are of a 16cm girth and containerised or air potted. Whilst a scheme has been submitted, it would need to be revised to take account of the suggested revisions and therefore a planning condition needs to be imposed to secure the submission of a new revised scheme.

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.

**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 of 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 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 is a Class C2 (Residential Institutions) development, the Council's adopted Supplementary Planning Document on Planning Obligations states that such a development would be exempt from any planning obligations.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to

exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The proposed C2 (Residential Institutions) development lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policies in the development 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. 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**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 – Implementation Limit (Three Years)
2. The development hereby approved shall be occupied by persons over the age of 55 and for no other purpose, including any use within Class C2 (Residential Institutions) of the Use Classes Order without an application first being made to the Local Planning Authority.  
REASON: The Local Planning Authority considers that it is essential to retain control over the use of the buildings, including other permitted uses within Class C2 of the Town and Country Planning (Use Classes) Order 1987 in the interests of ensuring sufficient car parking provision is made within the site.
3. The windows shown on Drawing No: 11058/P105 Revision A 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.  
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 Luminaire 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 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

14. 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

15. 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.

16. The development shall not be carried out otherwise than in accordance with the recommendations set out in the Arboricultural Methods Statement (Revision A) by All About Trees dated February 2014 and the Arboricultural Impact Assessment (Revision A) by All About Trees dated February 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.

17. 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.