

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 January 2014

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APPLICATION REF. NO:	14/01113/FUL
STATUTORY DECISION DATE:	30 December 2014
WARD/PARISH:	COCKERTON WEST
LOCATION:	Land At Rear of 3-4 Hill Garth, Darlington
DESCRIPTION:	Erection of a two storey housing development comprising 4 No dwellings (Resubmitted application)
APPLICANT:	c/o England & Lyle

APPLICATION AND SITE DESCRIPTION

The application site is a vacant overgrown plot measuring approximately 0.46 hectares and last used as a garage. There is an existing single storey tin nissen building within the site. The site lies to the south east of a grass verge and footway and the Cocker Beck. Prior Street lies beyond the Beck. The site is located within the Cockerton Conservation Area.

The grass verge that runs along the frontage of the application site is part of the wider Cockerton Village Green.

In June 2014 Members of the Planning Applications Committee refused planning permission to develop the site for the erection of a two and 1.5 storey housing development comprising 5 No dwellings. The application was refused for the following reasons:

- 1. The development would not provide adequate car parking within the site for either residents or visitors and others who may visit the site. The parking of vehicles on the highway would interrupt the free flow of traffic and prejudice the safety of road users. The development would be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.*
- 2. The development would not provide safe and convenient pedestrian access from the highway (Prior Street) and thereby it would be contrary to Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011.*
- 3. The development would have an unacceptable impact when viewed from the rooms and gardens of the properties on Hillgarth due the proposals proximity, resulting in an*

adverse impact on the residential amenities of the occupiers of those dwellings. The development would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

An appeal against this decision was dismissed by the Planning Inspectorate in October 2014 along with an application for costs.

Outcome of the Appeal

In his appeal decision and in response to the above refusal reasons, the Planning Inspector considered that the on street additional parking activity generated by the proposal was unlikely to lead to significant loss of highway safety. He also considered that the proposal would not cause unacceptable inconvenience or loss of safety for pedestrians. He was of the opinion that the proposal did not conflict with the objectives of Policy CS2 of the Core Strategy and he did not support the first two refusal reasons.

However, with regard to the impact of the proposal upon the properties on Hill Garth, the Inspector commented that the proposal would form a dominant and overbearing feature in the central field of view from the rear of No 3 and whilst the effect on No 2 would be smaller, (mainly because the new building would take up a lesser proportion of the view and also because that property does not face directly towards the site) the effect nevertheless reinforced the Inspectors view that the proposal would have an unacceptably overbearing impact on the neighbouring residential properties.

With regarding to concerns relating to the overlooking of No 4 from the new dwelling the Planning Inspector considered that views from the new dwelling towards this neighbouring dwelling would be at an oblique angle and he did not consider that it would result in a loss of privacy sufficient to warrant a refusal of planning permission

The Revised Submission

The revised proposal is for the erection of a two storey building comprising four one bed units. The building would front onto the footway with private communal outdoor space to the rear. Each unit would have a large kitchen/living area, a bathroom and one bedroom. Access into unit 1 on the ground floor would be from the side and access to the unit 2 also on the ground floor would be from the rear. The two units on the first floor would be accessed from two separate doors to the front of the property.

The proposal does not include any off street parking and any vehicles associated with the development would park on the public highway (Prior Street). Pedestrian access would be via two ramps paths leading from the footway which runs parallel with the site and the Cocker Beck.

The 1.5 storey cottage that formed part the previous submission has been omitted and cycle stores and bin stores for the new development would be located in the area previously occupied by the cottage.

PLANNING HISTORY

04/01249/FUL In May 2005 planning permission was REFUSED for the erection of a residential development comprising three dwellings. An appeal against the decision was DISMISSED in August 2006

13/01006/FUL In June 2014 planning permission was REFUSED for the erection of a two and 1.5 storey housing development comprising 5 No dwellings. An appeal against the decision was DISMISSED along with an application for costs against the Council in October 2014.

PLANNING POLICY BACKGROUND

The relevant national and local development policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E12 Trees and Development
- E14 Landscaping and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS4 Developer Contributions
- CS10 New Housing Development
- CS14 Promoting Local Character and Distinctiveness
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other relevant Documents

- Supplementary Planning Document - Design for New Development
- Supplementary Planning Document - Planning Obligations

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been submitted which raise the following comments:

- *Inadequate parking in an already congested area, leading to hazardous road crossing conditions in an area that serves two primary schools. Inadequate drainage in an area that has a history of localised flooding. How will builders access the area without impacting greatly on the quality of local residents. Inadequate area to store refuse for collection without impacting detrimentally on the local environment*
- *Even with the removal of the 1.5 storey cottage, in our view, the development still has a huge overbearing impact on our outlook, and as we use our conservatory on a daily basis, this development will also have an impact on our family life, our view being replaced by this huge brick gable and rear elevation. Raising the finished floor level by nearly one metre means the development is only marginally lower than our property despite a 1.8 metre difference in ground levels.*
- *Previous applications have failed due to the proposed overdevelopment of the site and it was suggested that the maximum number of dwellings suitable may be one. The recent appeal also indicated the high degree of overlooking and the close proximity to neighbouring properties in Hill Garth. This new proposal for four dwellings, even if they are one bedroom apartments, is still overdevelopment of the site.*
- *Just because they are only one bedroom does not mean there will only be one person living there. The dwellings could easily be occupied by two people, each with a car. That could equate to eight cars.*

- *Four dwellings means four sets of waste & recycling bins.*
- *As these are small dwellings, are they intended to be sold or might they be let as social housing? There are flats in the opposite corner of Cockerton Green built some years ago which are not yet fully occupied*
- *If as mentioned above each household has two cars where are the new residents going to park? There are few households that survive on cycles nowadays. Recently there was a consultation with the council thinking about introducing parking charges and residents only permits around Cockerton Green. This area is a very busy locality with two primary schools and the health and safety of children has to be considered. Parents park around this area at the start and end of the school day to drop off and collect children and all local drivers know to be exceedingly cautious at certain times. There is no footpath adjacent to the parking area at the Newton Lane end of Prior Street so parking on the street is a major safety issue for car passengers. This would be an even greater problem if the properties were to be occupied by any disabled persons.*
- *The proposed properties (despite the applicant's notes about their site being lower than Hill Garth and the recent reduction in number plus removing the 'original' end property) will totally block the rear view of numbers 2 & 3 Hill Garth (they will still face imposing gable ends) and we at number 4 will have people looking directly into our back windows and garden. The houses in Hill Garth have been designed so that none of the houses can look into the back gardens of any of the others, nor are they overlooked and we value the privacy this gives. Should this be lost it would have a negative impact on the value of the houses in Hill Garth.*
- *There is no vehicle access to the development site (and therefore no onsite parking - see point above). Currently the footpath is wide at the Newton Lane end tapering off towards Prior Street and it is used heavily at either end of the school day. This is a public right of way and part of Cockerton Green. There is a bollard at the Newton Lane end - indeed there were two but one seems to have been sawn off at ground level in recent times. Was this done by the council? The issue of access comes more into focus when thinking about emergency vehicles (fire especially) and amenities (bin lorries - waste and recycling). There will be wheelie bins everywhere on collection days which could easily cause problems for the pedestrians.*
- *How do the contractors propose to cope with access to the site. Surely they need large vehicles to deliver and remove materials? This again would cause problems for pedestrians - how could they make the site safe and what would happen at school leaving times?*
- *There is an old supporting wall at the back of the properties numbering 2, 3, 4, 5 & 6 Hill Garth. This we understand to be one of the traditional old walls of the village and all the properties have a duty to maintain it from their side. What is the applicant proposing to do to ensure this wall is maintained properly, especially during the build? The tree survey gives details of where roots are and not interfering with them but there is nothing about how digging foundations, drains, etc. may impact on the wall. If the wall were damaged it could result in the collapse of the wall and all the gardens of numbers 2,3, & 4 Hill Garth and impact on the foundations of the houses.*
- *The applicant feels they have addressed the localised flooding problems by raising the level of the proposed properties however the only means of flood water draining away seems to be 'soak away'. This will take time and could leave the footpath and grass verge a mess for some time, especially as the existing wild area will be paved/concreted for the buildings and their surrounds.*

- *The revised plans show a smaller building, but the height remains the same. This height will have a detrimental visual impact on the rear of the properties in Hill Garth, and also as seen from the footpath, Prior Street and Sugar Hill.*
- *The application form states that the proposal will increase the flood risk in the surrounding area. I am concerned that this area floods regularly and the ground is always saturated. Any increase in surface or other water from the development will not be absorbed and will increase the amount standing. Why is this acceptable?*
- *Northumbrian Water is also concerned to prevent the increased risk of flooding and has raised a query regarding the management of foul and surface water. It has stated that the Development must not commence until a detailed scheme for the disposal of foul and surface water has been submitted and approval given.*
- *Despite the objections to previous plans, this application is again for multiple dwellings, so it is obvious that the applicant is determined to try to get permission to squash as many as possible on this very small site.*
- *Of course the site urgently needs to be tidied up. The applicant has had permission to do this for many years, but has chosen not to do so. If a single-storey building was erected this would be much more appropriate and would blend in much better. It would have far less impact both visually and environmentally and would be accepted without objection.*
- *Car parking does not provide safe and convenient access. Lack of a pavement means a hazardous walk along the carriageway. It would be an impossible situation for a disabled person. The inspector's benign comments to the previous application were on based on a short visit at a quiet time on a well-lit day.*
- *The flood risk assessment places the footpath at the front of the development in Flood Zone 3 and states "it is of paramount importance that residents vacate the site prior to the onset of flooding". Also that future residents sign up to receive the flood alert service!*
- *The development is too high and too close to the properties in Hill Garth. The development has been raised one metre to mitigate flooding which brings it up broadly to the same height as Hill Garth. Despite the reduction in dwellings it still has an unacceptable impact. The site simply does not support a two storey development. Before another decision is made I would urge interested parties to visit the site and the gardens in Hill Garth*

Consultee Responses

The **Council's Highways Engineer** has raised no objections to the proposed development subject to the imposition of a planning condition to secure the submission of a Construction Management Plan

The **Council's Environmental Health Officer** has raised no objections to the proposal subject to the imposition of planning conditions relating to contaminated land and a Construction Management Plan

The **Local Authority Flood Risk Management Officer** has raised no objections to the proposal subject to the imposition of conditions relating to a scheme for surface water drainage

Northumbrian Water has not objected to the planning application but they have requested the imposition of a planning condition relating to the disposal of foul and surface water

Northern Gas Networks has raised no objections to the proposal

Northern Powergrid has raised no objections to the proposal

The **Durham Constabulary Architectural Liaison Officer** has commented on the application stating that in his opinion "Accommodation for people over 55 would be more appropriate for

this particular location. Younger single people tend not to have the same community spirit and tend to be more transient” He also recommends that if the development goes ahead bollards or other restrictions will need to be in place to prevent the occupants parking on the footpath

PLANNING ISSUES

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

Planning Policy

Residential Amenity

General Design and Layout Matters

Impact upon the Cockerton Conservation Area and adjacent Listed Buildings

Highway Matters

Flood Risk

Ecology Matters

Impact upon Trees

Designing out Crime

Planning Obligations

Other Matters

Planning Policy

The site is located within the development limit for the urban area and therefore it can be considered as a sustainable location for a housing development in accordance with local development policies E2 of the Local Plan 1997 and CS1 of the Core Strategy.

The new development must be to a high standard, be safe and sustainable in accordance with Policy CS2 of the Core Strategy. All highways, transport and footpath works must also accord with Policy CS2 and also CS19 of the Core Strategy.

The use of sustainability measures within the development must meet with the requirements of Policy CS3 of the Core Strategy to ensure that it is a sustainable and energy efficient development.

Policy CS16 of the Core Strategy states that new development should protect and where possible improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community

Government guidance on conservation areas and listed buildings is contained within the National Planning Policy Framework 2012

Residential Amenity

The existing application site is approximately 2m below the rear gardens of the dwellings on Hill Garth although this would be reduced to a difference of one metre when taking account of the need to raise the ground level to alleviate potential flooding within the site. Nos 2 and 3 Hill Garth are the two existing properties which are closest to the proposed building and they both have rear conservatories which function as habitable rooms. The dwellings on Cockerton Green are at a similar ground level than the application site.

The north east elevation of the building that faces Hill Garth does not have any window openings and therefore Nos 2 and 3 would not be overlooked. The development would be at an oblique

angle to No 4 Hill Garth and it was previously considered that this would result in a loss of privacy insufficient to warrant a refusal of planning permission and this was agreed by the Planning Inspector in his decision. Officers opinion remains that the level of overlooking of this neighbouring property is not sufficient to recommend a refusal of permission.

The south west facing gable end of the proposed building is approximately 16m from the rear elevations of the dwellings Cockerton Green and its rear elevation is approximately 25m from the properties on the Green. There is a small ground floor secondary lounge window and a first floor store window in the south west gable and it is considered appropriate to impose a planning condition to ensure that the windows are obscured.

The proposal would not result in the loss any privacy that would sufficiently harm the amenities of the neighbouring dwellings and the development would accord with the proximity distances contained within the Council's Design SPD.

The main residential amenity issue to consider is whether or not the revised proposal would still form a dominant and overbearing feature when viewed from the neighbouring dwellings.

In his appeal decision the Planning Inspector stated "*I have no doubt that the outlook from the nearest properties (nos 2 and 3 Hill Garth) would deteriorate because, whilst they presently look out towards the greenery of the appeal site, they would look towards a substantial building. However, the planning system is not intended to protect the outlook that residents might enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity*".

The height of the building remains the same as the previous submission (5.2m to eaves height and an overall height of 8.1m under a gabled dual pitch roof). The separation distance between the building and the retaining wall of the site has increased due to the removal of the 1.5 storey cottage.

The building is now approximately 6m from the retaining wall at its closest point and approximately 13m from the rear elevation of the nearest dwellings on Hill Garth not taking account the conservatories. According to their respective planning permissions, the conservatory at No 2 Hill Garth is approximately 3.8m long and the conservatory to the rear of No 3 is approximately 2.8m long and it is clear from site visits that they are used as habitable rooms.

The view from No 2 would be more restricted and the building would have a lesser impact on this property as this house does not face directly towards the application site, unlike No 3.

Officers consider that the separation distance between the proposed building and the neighbouring dwellings is acceptable and the building would not be an overbearing structure when viewed from the properties or their rear garden areas. The existing means of enclosure around the rear gardens and finished difference in ground levels will also mitigate any impact on these neighbouring dwellings.

It is considered appropriate to impose a planning condition to secure the submission of a certificate completed by an appropriately qualified structural engineer confirming that the construction works will not have any adverse effect on the stability of the retaining boundary wall with Hill Garth prior to the commencement of any preparatory works associated with the development.

It was previously considered appropriate to impose a planning condition that removes the “permitted development” rights from the properties. However, as this proposal is a flatted development, it would not benefit from such rights anyway and therefore there would be no requirement to re-impose such a condition.

General Design and Layout Matters

Under the provisions of the Planning Supplementary Planning Document - Design for New Development, the site falls within Zone 4 (Outer Suburbs) and developments of between one and 2.5 storeys are acceptable. The development would have a frontage onto the footway which is welcomed and it has the appearance of a traditional property. The design includes imitation chimneys and it would be constructed from brick work with render, timber doors and windows which are welcomed. Officers would prefer that the roof tiles are clay pantiles rather than grey slate as pantiles are more prevalent in the conservation area and therefore it is appropriate to impose the standard planning condition relating to the submission of materials.

The site would be enclosed by 1.8m high fencing to the side and rear with the existing retaining wall forming the boundary with the properties in Hill Garth. It is considered that in general terms the development is well designed and it would enhance the appearance of the locality.

Impact upon the Cockerton Conservation Area and adjacent Listed Buildings

Paragraph 131 of the National Planning Policy Framework (the NPPF) says that *in determining applications, local planning authorities should take account of...the desirability of new development making a positive contribution to local character and distinctiveness.*

The application site lies immediately to the north of No's 80-82 Cockerton Green which are Grade II listed buildings. It is also within the Cockerton Village Conservation Area

The scale and design of the proposed building, subject to the use of appropriate materials, is considered to be acceptable in this location and the development would make a positive contribution to the local distinctiveness and significance of the Cockerton Conservation Area and the setting of adjacent listed buildings in accordance with the NPPF.

Highway Matters

Policy CS2 of the Core Strategy states that new development should provide safe, convenient and attractive access for pedestrians and along vehicular access and parking suitable for its use and location.

The revised proposal for four one bedrooled apartments also has no off street parking provision and therefore parking would occur on Prior Street as per the previous submission. Six secure cycle parking spaces would be provided within the site.

The latest Government Guidance in “Manual for Streets” states that “In planning for expected levels of car ownership it is not always necessary to provide parking on site (i.e. within curtilage or in off-street parking areas). In some cases it may be appropriate to cater for all of the anticipated demand on-street. This could be the case, for example, with a small infill development where adjacent streets are able to easily accommodate the increase in parking or where a low car ownership development is proposed”

A number of properties in the locality have no off street parking therefore this scenario is not uncommon to the area.

There is a frequent local bus service which is easily accessible from the application site and on site observations indicates that there is spare car parking capacity on Prior Street outside of the school pick up/drop off times which would occur at different times to the needs to the occupants of the development.

A dedicated bin store has been provided at the site which is within the 25m maximum allowable walking distance from the public highway for pick up.

Deliveries to the site would be difficult but not impossible as vehicles could park on the main carriageway. This would have to be carefully managed to avoid disruption to pedestrians on the existing footway and other vehicles users on the highway but it can be done.

The Council's Highways Engineer has raised no objections to the proposed development.

The Durham Constabulary Architectural Liaison Officer has suggested that bollards are placed at appropriate locations on the footway that runs along the front of the application site to prevent people from parking on the footway. There is one existing bollard at the north end of the footway and one existing bollard at the southern end. It would appear that there was once a second bollard at the southern end within the footway but it is no longer there. The Council's Highways Engineer agrees that removable/sacrificial bollards should be erected in the footway once the construction phase of the development has finished and this can be secured by a planning condition.

There is no footpath alongside the parking spaces on Prior Street which means that in order to reach the proposed dwellings, residents or visitors would either have to walk in the carriageway or cross and re-cross the road. The Planning Inspector did not consider that crossing or walking along the road would be unacceptably dangerous or inconvenient as he did not expect traffic flows and pedestrian flows to be unduly heavy.

When considering the previous submission, the Head of Emergency Care (North East Ambulance Service) advised that he did not foresee issues with access and egress in emergency situations.

The Durham Fire Safety Officer also previously confirmed that there would be no fire safety issues provided that the site is within 45m of an area where an emergency vehicle can park, and the highway can withstand a minimum weight of 12.5 tonnes. The Council's Highways Engineer has confirmed that the pull off in Cockerton Green would cater for emergency vehicles and it is within 45m of the furthest building therefore removing the need for such a vehicle to drive onto the footway.

Having considered the advice from the Council's Highways Engineer, other consultation responses, comments made by local residents and the Planning Inspector in his appeal decision on the previous scheme, officers consider that the planning application should not be recommended for refusal on the same highway related grounds as the previous submission.

Flood Risk

The site lies to the south east of West Beck which is a tributary of Cocker Beck which in turns flows into the River Skerne. The western part of the site is located within Flood Zones 2 and 3 but the dwellings are located within Flood Zone 1, with some encroachment into Flood Zone 2.

The ground levels where the dwellings are to be located range between 48.49m AOD and 48.91mAOD. When comparing this against the 0.5% flood level of 48.89mAOD, maximum flood depths of 400mm are possible. Finished floor levels are to be set 600mm above the 0.5% flood level meaning that the finished floor levels of the dwellings will be 1m higher than the sites lowest ground level.

It would be possible to create safe access and egress routes in case the footway in front of the dwellings flooded. The development would use permeable surfaces on walkways to encourage natural infiltration and water butts would be used to collect rainwater for outdoor water supplies. The increase in surface water is expected to be managed using infiltration techniques following tests.

Northumbrian Water has raised no objections to the development but they have requested the imposition of a condition to secure an appropriate scheme for the disposal of foul and surface water.

The Local Authority Flood Risk Management Officer has raised no objections to the proposal subject to the imposition of planning conditions to ensure the development is carried out in accordance with the submitted FRA; that a scheme for surface water drainage is submitted to the Local Planning Authority and that an appropriate emergency evacuation plan should be put in place.

Officers have yet to receive the consultation responses from the Environment Agency but they will be mentioned verbally at the Planning Applications Committee.

Ecology Matters

The site has limited biodiversity interest. The site is not within a Great Crested Newt area and the Council's Ecology Officer confirmed that the planning application did not need to be supported by a habitat survey. However, he has advised that any vegetation removal should be carried out between September and February to minimise risks to breeding birds

Impact upon Trees

The application site is overgrown and contains no trees of any significance or landscape value. There would be a need to remove a small, dense area of self-seeded trees and the scrub within the site in order to facilitate the development.

The building itself would be constructed outside the root protection area of the trees that on the boundary of the site and these trees would be protected during the construction phase. These trees would require some pruning to provide clearance with the building.

The Council's Senior Arboricultural Officer has advised that the retained trees may result in tree debris and the future occupiers may apply to remove the trees but as the Officer has not stated that the trees are deemed worthy of a preservation order, officers do not consider that this would be a reason to recommend refusal for the planning application.

Designing out Crime

The Durham Constabulary Architectural Liaison Officer has advised this is a low crime area with very little anti-social behaviour and few nuisance complaints to the police. Whilst the ALO has made some general comments on who he considers to be appropriate occupiers of the one bedroomed flats he has not recommended that the application should be refused.

Planning Obligations

Under the provisions of Policy CS4 of the Core Strategy and the Supplementary Planning Document - Planning Obligations the site falls within the North West locality and for a development of this size and type would not require any planning obligations contributions.

Other Matters*Village Green*

The grassed verge directly at the front of the application site form part of the designated Cockerton Village Green (registered in 1968). The land is owned by the Council and pedestrian access to the proposal would cross this verge via two pedestrian footways. The applicant is aware of the designation and that they would need to seek further legal easements, other than planning permission, from the Local Authority to achieve the required access across the site and/or the creation of the footways. The granting of this planning application would not prejudice any other legal agreements that are required from the Local Planning Authority.

Occupation and Sale of the Development

The applicant is undecided at this time as to whether or not the apartments would be sold individually or they would be let privately. This however is not a material planning consideration.

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

This is a resubmission following a previous refusal of planning permission and subsequent appeal decision that was dismissed. The parking provision for this development would remain on Prior Street and the pedestrian route to the site would also be unchanged from the previous submission. Officers consider that there is adequate parking space on the public highway to cater for vehicles associated with the development. The emergency services raised no objections to the proposal. Whilst deliveries and pedestrian access to the site are not ideal, they are both possible. The Planning Inspector, as part of his deliberations on the previous scheme which was for five properties rather than four, did not consider the proposed parking provision and pedestrian access to be problematic or contrary to the relevant development plan policy. Officers would strongly advise Members to take the comments of the Planning Inspector into account when considering this application.

The proposed development would maintain adequate levels of privacy with the neighbouring dwellings. Officers consider that the sole reason for the previous appeal being dismissed, which related to the scale of the previous submission and its spatial relationship with the dwellings on Hill Garth, has been overcome by removal of the 1.5 storey building from the scheme and the subsequent proximity distance left between the proposed building and the existing properties is acceptable.

The development is well designed and would make a positive contribution to the significance of the Cockerton Conservation Area and it would not harm the settings of the nearby listed buildings.

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. B4 – Details of Materials (Samples)
3. Prior to the commencement of the development a detailed scheme for the disposal of foul and surface water from the development shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012
4. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include hours of construction and deliveries, a dust action plan, details for wheel washing, construction traffic routes, road maintenance and signage, access and storage details for materials, site cabins. The development shall not be carried out otherwise than in complete accordance with the approved plan
REASON: In the interests of residential amenity and highway safety
5. Prior to the occupation of the development, precise details of a scheme for the insertion of removable/sacrificial bollards shall be submitted to and agreed in writing by the Local Planning Authority and the development shall not be completed otherwise than in complete accordance with the approved details
REASON: To prevent vehicles parking on the footway in the interests of highway and pedestrian safety
6. If during development, contamination of controlled waters not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval of the Local Planning Authority
REASON: Redevelopment of the site may discover contamination requiring further assessment. National planning policy seeks to ensure that the planning system should prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution
7. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment entitled “Proposed Residential Development, Prior Street, Cockerton Green, Darlington” by RAB Consultants (RAB: 665 NNE version 1)

dated 11 December 2013 and submitted with this application and the following mitigation measures detailed within the Assessment

- a) Limiting the surface water run-off generated by the impermeable area of the site to the existing run off rates so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off site
- b) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven
- c) Finished floor levels are set no lower than 49.49m above Ordnance Datum (AOD)

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local planning Authority

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water, to ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants

8. Prior to the occupation of the development, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority and the plan shall be put in place in perpetuity unless otherwise agreed by the Local Planning Authority
REASON: The site is located in Flood Zone 2 and 3 and measures should be put in place to ensure safe access and egress of the building in the event of extreme flood events.
9. The ground and first floor windows in the south west facing gable end shall be obscured and shall not be fitted or repaired with anything other than obscure glazing. The level of obscurity shall be agreed in writing by the Local Planning Authority prior to the occupation of the development
REASON: In the interests of residential amenity
10. Prior to the commencement of any preparatory works associated with the development hereby approved, a certificate completed by an appropriately qualified structural engineer confirming that the construction will not have any adverse effect on the stability of the retaining boundary wall with Hill Garth, shall be submitted to and approved in writing by the Local Planning Authority.
REASON - In the interests of safeguarding against the risk of subsidence.
11. Vegetation removal shall be carried out between September and February unless otherwise agreed in writing by the Local Planning Authority
REASON: To minimise risk to breeding birds
12. J2 – Contaminated Land
13. 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
- E12 Trees and Development
- E14 Landscaping and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS4 Developer Contributions
- CS10 New Housing Development
- CS14 Promoting Local Character and Distinctiveness
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other relevant Documents

- Supplementary Planning Document - Design for New Development
- Supplementary Planning Document - Planning Obligations

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**Highways**

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Ms. P. Goodwill 01325 388760) to discuss naming and numbering of the development

Village Green

Notwithstanding the grant of planning permission, the applicant is advised that contact must be made with the Assistant Director: Economic Growth (contact Mr R Adamson 01325 388737) to discuss obtaining any legal agreements to cross and carry out works within the land designated as Cockerton Village Green. This planning permission is granted without prejudice to the outcome of any other consents/permissions required to lawfully implement this planning permission.