

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 November 2014

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APPLICATION REF. NO:	14/00938/DC
STATUTORY DECISION DATE:	15 December 2014
WARD/PARISH:	COCKERTON WEST
LOCATION:	Land East of 81 Eggleston View Eggleston View DARLINGTON
DESCRIPTION:	Residential development comprising 12 No dwellings and associated road infrastructure, parking, rear gardens and landscaping (Revised application)
APPLICANT:	Director of Resources, Darlington Borough Council

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of two blocks of flats that would each contain six apartments. All the apartments would have two bedrooms. The proposal includes a new access road linked to Fountains View, a parking area, sheds and bins stores.

Each block would be some 17m by 10.5m and would be 8m in height to eaves level with a further 3.5m in height to the ridge. The design of the buildings would feature facing brickwork and tiled roofs.

The site is located to the south and east of Eggleston View and to the west of Fountains View. The area currently consists of grassed open land (part of Cocker Beck). Site levels decrease from north to south with Eggleston View being some 6m higher than the application site. There would be a retaining wall towards the northern part of the site to take into account the different ground levels.

PLANNING HISTORY

Planning application 14/00498/DC for residential development comprising 24 No dwellings and associated road infrastructure, parking, rear gardens and landscaping was withdrawn on 19 August 2014.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant.

Borough of Darlington Local Plan 1997:

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

Darlington Core Strategy Development Plan Document 2011:

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

The National Planning Policy Framework 2012 is relevant and the above policies are considered to be compliant with it.

The following documents are also relevant:

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

RESULTS OF CONSULTATION AND PUBLICITY

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

Objections have been received representing occupiers of 10 neighbouring properties. The points raised are summarised below:

- *The proposal is harmful to the visual amenity of the area.*
- *In the Green Infrastructure Strategy it states that Cockerbeck Nature Reserve will be protected.*
- *The site is identified in the draft Making and Growing Places Development Plan Document as a green wedge linking the urban and rural areas.*
- *Reducing the number of flats does not address residents' concerns.*
- *The flats would be too tall and out of keeping.*
- *There would be a loss of valued and attractive open space.*

- *The proposal would harm the recreational use of the open space.*
- *The proposal would be harmful to ecology.*
- *The site is at risk from flooding / the proposal will increase flood risk in the area.*
- *Traffic and congestion and parking problems would increase.*
- *Residents were originally advised that only 8 dwellings were to be proposed.*
- *Proposals to develop the site have previously been rejected (as part of the Strategic Housing Land Availability Assessment).*
- *Other sites should be considered first.*
- *School places and doctors surgeries in the area are full.*

The comments of the **Environmental Health Officer** will be reported verbally at the Committee Meeting. The relevant conditions set out below may be amended based on the Environmental Health Officer's comments and Members will be informed of this.

The **Highways Engineer** raised no objections and advised that a condition regarding street lights is required.

Northern Gas Network raised no objections.

Northumbrian Water requested a condition regarding details of foul and surface water drainage be placed on any approval.

Durham Police Architectural Liaison Officer advised that the provision of the parking court is not ideal and that it will not be possible for the scheme to meet Secure by Design Standards but that it will be able to meet Part II certification for the physical security specification of the buildings.

Environment Agency advised that the proposal is below the scope of development where they would comment.

No comments have been received from the **Campaign for the Protection of Rural England**; however an objection was received to the previous application (14/00498/DC) and the points raised are set out below:

- *A series of consultations and documents have listed this site as being of special value as an open space and as part of Darlington's Green Infrastructure. In particular the Darlington Open Space Strategy 2007-2017 and Darlington Green Infrastructure Strategy 2013-2026, the latter a very recent document. We consider this application is contrary to those policies so should not be approved.*
- *The site is currently part of the consultation on housing as part of the development Making and Growing Places document. We consider this application pre-emptive. As a minimum no decision should be taken until the consultation process is finalised*
- *The views of local residents are important, and their strong objections should carry great weight*
- *In view of the steepness and narrowness of the valley at this point we consider the proposed buildings could be overbearing on the valley and detract from its amenity and conservation value*

Friends of Cocker Beck submitted a lengthy objection to the previous application (14/00498/DC). Friends of Cocker Beck have asked that the points previously raised are taken into account and the main points raised are summarised as follows:

- *The Cocker Beck is well valued and used and this has been recognised by the Council including via the Green Infrastructure Strategy.*
- *The area is well used recreationally.*
- *The site is worthy of protection.*
- *The site has important ecological value.*
- *West Beck and Baydale Beck, onto which Cocker Beck links directly, forms part of a valuable green area rich in biodiversity.*
- *Cocker Beck was home to the protected Water Vole and still offers the potential for this species to return.*
- *The area is home to woodpeckers and herons, has a good variety of trees and is a species rich landscape.*
- *Friends of Cocker Beck are improving, managing and maintaining their local environment but are now faced with a totally contradictory proposal by the same Council that has prepared and published this green strategy.*
- *It is a strong belief of a resident and expert that the Cocker Beck green wedge is home to one of Britain's 3 species of emerald dragonflies.*
- *Cocker Beck area is a natural flood plain and natural flood plains work only if allowed to do so by being left clear from urban development.*
- *A valuable role is played by open areas in reducing anti-social behaviour.*
- *Eggleston View did not appear within the Strategic Housing Land Availability Assessment until 2011 where the suitability was queried.*
- *In the Darlington Updated Strategic Housing Land Availability Assessment Autumn 2012 it is stated that the development of the site would cause harm to ecology.*
- *The site was included as a draft housing allocation in the Making and Growing Places (Preferred Options) report 2013 and the Friends of Cocker Beck therefore request a full and detailed explanation of the methodology and research undergone in order to make this site suddenly suitable for building.*

Friends of Cocker Beck also raised a further enquiry into the process leading to the site being identified as a potential housing allocation and commented that other sites are more suitable.

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Open Land Considerations
- Visual Amenity
- Ecology
- Residential Amenity
- Highways Matters
- Drainage / Flooding

Planning Policy

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

The site has been identified as a potential housing allocation in the Making and Growing Places Development Plan Document. It is not considered that any significant weight should be given to the inclusion of the site in the Making and Growing Places Development Plan Document and that the proposal should be considered based on adopted development plan policies and other relevant material planning considerations. Queries raised by objectors in relation to the process leading to the site being identified as a potential housing allocation are not of direct relevance to the current application as the officer recommendation is not based on the Strategic Housing Land Availability Assessment or the emerging Making and Growing Places Development Plan Document.

This application would deliver 12 affordable units for which there is a need in this part of the urban area as identified in Policy CS11 (Meeting Housing Needs) of the Core Strategy. As a result of the affordable housing provision, no planning obligations are sought towards community infrastructure.

Open Land Considerations

The site is currently part of the wider Cocker Beck Valley which is over 16ha in area.

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

Darlington's Green Infrastructure Strategy 2013 sets out objectives and priority actions for landscape, biodiversity, movement, outdoor sport and recreation.. The application site forms part of Cocker Beck which is a valued area of open land which the Green Infrastructure Strategy seeks to protect and enhance.

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

Visual Amenity

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create

a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

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

Although the neighbouring properties are houses rather than flats, the proposed design would include traditional features such as facing brickwork and tiled pitched roofs and also its linear form with connection to Fountains View would help to integrate the development into the area. Whilst the proposed buildings will be taller than the adjacent two storey traditional dwellings they would be sited at a lower ground level relative to Egglestone View which would help to reduce their sense of prominence when viewed from the Cocker Beck area.

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees on and adjoining application sites. There are existing trees to the north of the site. All but one of these trees would be retained. Further tree and shrub planting is also proposed within the development. This will help soften the appearance of the development and help integrate it into its setting. Exact details of the landscaping scheme have not been provided and therefore a condition in this regard would be needed. A condition for protection measures during development for existing trees would also be appropriate.

Ecology

The wider Cocker Beck area has considerable value for habitat and wildlife. The loss of the area of the open land where the development is proposed would not in itself be harmful to ecology. A condition is, however, required for details of measures to enhance the ecological value of the remaining space to be provided and agreed in consultation with the Council's Ecology Officer.

Residential Amenity

There would be some 39m from the rear elevation of the proposed apartments to the houses to the north on Eggleston View. Due to the changes in levels, the ridge height of the proposed apartments would be on a similar level with the eaves height of the houses on Eggleston View. There would be over 24m to the side elevation of the nearest property on Fountains View. Given this arrangement, the proposal would not result in any significant detrimental impacts, in terms of light, outlook or overlooking issues to the neighbouring residential properties.

Highways Matters

The access to the site would be off Fountains View which is currently a no-through road with a small turning facility at the end and serves a limited number of properties. The capacity of the highway should not be an issue with the increased traffic associated with the development accommodated without a requirement for further mitigation measures.

Car parking across the proposed site accords with the parking levels set out in the Tees Valley Design Guidance for the type and size of dwellings proposed. Whilst the parking area is sited so that it would not be easily visible from the main elevations of the buildings, it will be exposed to some surveillance from the open space area to the south. It would also be possible to install a CCTV system to monitor this area if required.

Drainage / Flooding

Northumbrian Water has been consulted and has raised no objections to the proposed development. It should also be noted that the application site is not within an area identified by the Environment Agency as being at risk of flooding. The proposal would feature a surface water disposal system which would take water to a soak-away located in the landscaping area to the southern part of the site. Should planning permission be granted a condition should be imposed to require the prior submission of a scheme to deal with foul and surface water drainage so that the exact details can be agreed.

Other Matters

Concerns have been raised about the ability of local schools and health services to cope with the development. Given the relatively small number of units proposed this is not considered to be an issue that should determine whether planning permission is granted or not.

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. Whilst the Police Architectural Liaison Officer has stated that the siting of the parking area is not ideal from a secured by design perspective, there will be some surveillance and CCTV could be utilised in the interests of the security of this area if required. It is also intended to put piers and a fence at the entrance to the courtyard parking area to give the appearance of restricted access to deter unauthorised use.

CONCLUSION

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

RECOMMENDATION

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

1. A3 Implementation Limit (3 years)
2. B5 Detailed application (Accordance with Plans)
3. B4 Details of Materials (samples)
4. J2 (Contamination)

5. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – To safeguard the environment and amenities of the area.

6. Prior to commencement 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;
 - 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 LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA 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 carried out otherwise than in accordance with the approved details.

REASON – To safeguard the amenities of the area.

7. E1 Landscaping (Submission and Implementation)
8. No development shall commence until details of boundary walls, fences and other means of enclosures have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only take place in accordance with the approved details.

REASON - To safeguard the visual amenities of the locality.

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

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

10. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees along Eggleston View which are to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erecting of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

REASON – To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

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

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

12. Development shall not commence until details of street lighting have been submitted and agreed in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details unless otherwise agreed in writing.

REASON – In the interests highway safety.

INFORMATIVES

1. The Developer is required to submit detailed drawings of the proposed highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.
2. 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.

3. An appropriate street lighting scheme should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr P. Brownbridge 01325 406652) to discuss this matter.

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

Borough of Darlington Local Plan 1997:

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

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS10 New Housing Development
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