

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12 February 2014

Page

APPLICATION REF. NO:	13/00989/FUL
STATUTORY DECISION DATE:	7 March 2014
WARD/PARISH:	FAVERDALE
LOCATION:	Proposed Site for Railway HA By Yuill Homes Alverton Drive, Darlington
DESCRIPTION:	Proposed erection of 10 No bungalows and associated landscaping and vehicular access (additional plans received 16 and 23 January 2014)
APPLICANT:	Andrea Abbott (Railway Housing Association)

APPLICATION AND SITE DESCRIPTION

The site is an informal recreational open space (approximately 0.36ha) currently owned by Darlington Borough Council. There are existing residential dwellings to the east, south and west with a small parade of commercial units with car park/access yard to the north alongside a residential flatted sheltered accommodation building. The commercial premises were last used as two hot food takeaways and a children's day nursery. The land currently has a fall of approximately 2m from the eastern boundary to the western and southern boundaries.

The proposal involves the redevelopment of the site for residential purposes comprising ten two bedroomed bungalows with associated landscaping. New vehicular access would be created in the north east corner of the site off Faversham Park and Alverton Drive. Each dwelling has one in-curtilage parking space with a further five spaces distributed throughout the scheme. This housing association development would be aimed at persons that are 55 years old or over.

There are no trees within the site covered by a preservation order but there are preserved trees in some of the neighbouring gardens that bound the site.

The applicant has carried out a Statement of Community Involvement exercise in accordance with the Council's adopted guidance.

PLANNING HISTORY

01/00503/FUL In September 2001 planning permission was GRANTED for the Local centre development consisting of retail units incorporating convenience stores, two shop units and G.P Surgery and two storey development of 14 No apartments plus car parking etc

PLANNING POLICY BACKGROUND

Borough of Darlington Local Plan 1997

E2 Development Limits

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

CS17 Delivering a Multifunctional Green Infrastructure Network

CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Planning Supplementary Document – Design for New Development

Planning Supplementary Document – Planning Obligations

Darlington Open Space Strategy 2007 – 2017

Darlington Green Infrastructure Strategy - 2013-2026

RESULTS OF CONSULTATION AND PUBLICITY

Three local residents have submitted objections to the scheme and the concerns can be summarised as follows:

- *The proposed site entrance is very close to my property (35 Faversham Park) and driveway. I already experience problems with traffic from the nearby flats. The proposed entrance is in a dangerous position not only for myself using my driveway but also for traffic using Faversham Park road as traffic turning into the proposed site would have to cut across the road on a large bend. I find it difficult to understand why the site entrance is proposed for this location given that there is a much better alternative entrance to the site, with a road already in place, which causes no problems to the surrounding houses*
- *This area is currently used by many people on the estate for recreational purposes.*
- *There is an historic ditch at the bottom of the piece of land and there is significant risk of flooding.*
- *We are also concerned about the foundations of our house as it is on a slight incline and flooding at the bottom of our garden.*
- *There are also protected trees at the bottom of the piece of land.*
- *Our quality of life will be severely affected due to the loss of a nice view and the upheaval before, during and after construction.*
- *This estate is already over crowded with difficulties for people with parking which poses a risk to children. It is also adjacent to an already chaotic industrial estate.*
- *Our property (12 Duxford Grove) value will reduce and there are plenty of other viable alternatives in the surrounding area without wedging even more properties onto an already over crowded area. The applicant must be able to prove that this proposal will not affect quality of life and property values.*

- *To get the uneven site properly prepared for construction which will entail huge amounts of earth to be removed to ensure that it is level will cause serious problems due to the movement of plant. This will result in huge amounts of soil on the main road and a risk with increased traffic*
- *I want proof and assurance in writing that the levelling will not cause any consequential problems to the foundations of mine and other resident's property*
- *As is well accepted, flooding in the UK is becoming more of a problem due to the increase of tarmac and concrete for building. I am gravely concerned at the risk of flooding at the bottom of my garden as there is still a small ditch in existence. This ditch cannot be tampered with as it houses the roots of two protected trees*
- *There will be clear adverse effects on the residential amenity of neighbours due to noise, disturbance, overlooking, and loss of privacy and over shadowing. Indeed we will lose a nice view of an area of land where people walk their dogs and children play.*
- *This estate already has unacceptably high density and overdevelopment which is causing problems with parking and as a result, concerns over the safety of children whilst at play. It is also adjacent to a very busy industrial estate.*
- *We have very little light coming into our garden (12 Duxford Grove) as it is north facing. Due to the steep downwards incline of the garden, we are concerned that the lack of light already experienced will be exacerbated by the building of these homes and with the erection of new fencing around the homes*
- *If the floor level was of our house, due to the steep downwards incline of the garden, we will be overlooked by the new houses and lose even more light. Although the space is public, there are currently people using this land and their will be zero aspect ratio, as the new residents will be there permanently, we feel this will cause a problem.*
- *We need to know the floor level of the new homes and an assurance that due to the lower level of our garden, we will not lose even more light. Where the sun rises is at a low level immediately above the proposed development. The sun then moves round the house during the day and therefore we lose it.*
- *To protect the amenity of our patio, the screening needs to also be high, again, causing loss of light at the bottom our garden. We have no other garden, as to the front of our house is a small patch of grass surrounded by cars and, will probably have to be converted to hard standing for parking as many other residents have already done. Regarding public amenity, I am aware that there are sufficient alternative areas for recreation however, these are mainly next to a very busy industrial estate where hundreds of HGV pass every day. Can you therefore assess the suitability of alternative amenity sites for this estate that can be classed as safe?*
- *I have concerns on the possibility of my property (15 Duxford Grove) being overlooked if extra soil is brought in to increase the land level on the development in order to rectify the slant of the land and natural drainage ditch which feed the listed hedgerow currently in place. I have additional concerns regarding the prospect of flooding and the movement of my land if soil is removed or added to level the land*

Consultee Responses

The **Council's Contaminated Land Officer** has raised no objections to the proposed development

The **Council's Principal Environmental Health Officer** has raised no objections to the proposed development

The **Council's Senior Arboricultural Officer** has raised no objections to the proposed development

Northumbrian Water has raised no objections to the proposed scheme
Northern Powergrid has raised no objections to the proposed scheme
Northern Gas Networks has raised no objections to the proposed scheme
The **Durham Constabulary Architectural Liaison Officer** has no objections to the proposed development

PLANNING ISSUES

The main issues to be considered here are:

Planning Policy
Residential Amenity
Design and Layout
Highway Safety and Parking
Trees and Landscaping
Flood Risk and Drainage
Contaminated Land
Construction Management Plan
Section 106 Agreement
Other Matters

Planning Policy

The site is located within the development limits of the urban area as defined by the Proposals Map of the Borough of Darlington Local Plan 1997. The proposal would comply with Saved Policy E2 of the Local Plan.

The site is also identified as an informal recreation space and policy CS17 of the Core Strategy states that loss will only be permitted in exceptional circumstances. As such any development must satisfy the relevant policies in the adopted development plan; (policy CS17 and Saved Policy E3 of the Local Plan). Policy CS17 states that any loss of open space will only be considered where:

It is for essential infrastructure

This is not relevant in this instance

It no longer has any value to the community in terms of access and use/Is not required to perform an alternative green infrastructure function

This informal recreation space is identified in the Darlington Open Space Strategy as a doorstep site used by the residents living close by. It is rated as 2* quality, low value. The space is primarily amenity grassland. It is an irregular shape and given the size and shape of the space it can only be used for recreation by a limited number of people at any one time for limited activity. As a result there is little scope to add to its functionality or quality.

Approximately 200m to the north lies the higher quality 3* Clowbeck Court informal open space and a 3* green corridor catering for people from the wider neighbourhood, but they could benefit from quality improvements. Both are classified as high value because they can accommodate more people undertaking more green space functions at any one time. As such the informal recreation function performed by the site is replicated by other higher quality spaces in the area and is therefore not required to perform this function.

Is not required to meet a shortfall in the provision of that or any other open space/4) An alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available;

The residents in the Faverdale Ward have access to 41.57ha of open space, equivalent to 13.93ha per 1000 population, higher than the local standard. There is also a wide range of different types of green space in this part of the Borough, but the other spaces also provide (or have the ability to provide) more functionality. It is considered more beneficial to have fewer higher quality multifunctional spaces, than many average spaces with no multifunctionality as they can accommodate more people at any one time. As a result, a slight loss of 0.36ha would be acceptable if it could secure quality improvements to other open space in the area to help address the objectives of the Darlington Green Infrastructure Strategy. In addition to the landscaping and tree planting proposed by the developer, a commuted sum will be required to improve the quality and biodiversity value of other green space in the area that will be used by future residents of the development.

To conclude, the provision of 10 affordable homes is consistent with policies CS10 and CS11 of the Core Strategy. As long as a commuted sum can be secured for improvements to other open space in the area, the loss of 0.36ha of open space is acceptable.

Residential Amenity

The proposed development would generally accord with the proximity distance guidelines contained within the Council's adopted Supplementary Planning Document – Design for New Development. There are some spatial relationships between dwellings to the south and east which would not fully comply but are considered acceptable due to the proposed dwellings being single storey bungalows, the existing dwellings are positioned at angles to the proposed dwellings rather than being back to back and the site boundaries would consist of fencing and hedges/shrubs which would help to screen the new dwellings from the neighbouring dwellings even when the differences in ground levels have been taken into account.

It would also be beneficial to impose a planning condition which removes permitted development rights from the dwellings in the interest of the amenities of the existing neighbouring dwellings and also the amenities of the future occupiers of the development.

It is considered that the proposed development would not adversely affect the amenities of the occupiers of the neighbouring dwellings.

A Noise Assessment Report has been submitted with the planning application which assesses road traffic noise and noise from the existing commercial premises to the north of the site potentially affecting the residential amenity of future occupiers of the proposed housing. The report has been reviewed by Environmental Health and concludes that the required internal noise levels for both bedrooms and living rooms can be met with the utilisation of suitable double glazing units and that the required internal levels can also be achieved when the windows are open for rapid ventilation. Environmental Health officers accept the conclusions reached within the report.

Design and Layout

The proposal is for ten single storey bungalows, each with amenity space to the front and rear. The internal access road runs along the north boundary of the site and the dwellings are located on the east and south boundaries to maximise the separation distance between the dwellings and the parade of commercial units to the north.

The dwellings would be traditionally constructed using multi red facing bricks with contrasting brick heads, cills and brick detailing. Roof tiles would be grey/terracotta concrete profiled tiles. The precise details of the materials would be secured by a planning condition.

All the dwellings are designed to meet Part M of the Building Regulations to provide level access to all units which would also be wheelchair accessible. They would also be designed to meet Code for Sustainable Homes Level 3. A Sustainability Statement has been submitted which outlines the measures that would be put in place to achieve a sustainable development using on site renewable energy features.

Due to the changes in ground level on the south and western sections of the site, the layout has been designed so that the rear gardens are on a level plateau and the lower areas would essentially remain and be landscaped. To achieve this, retaining structures would be constructed to the rear of some of the Plots and a 1.2m high fence would sit on top of the walls. The areas of landscaping between the retaining walls/fence and the existing boundary fences, which would be retained, will be accessed via a gate adjacent to Plot 10 to allow Railway Housing Association to maintain those areas.

There would be a section of brick wall creating a formal entrance to the site and the plots would be demarcated by a mix of means of enclosure comprising fencing, retaining walls and trellis work.

The Durham Constabulary Architectural Liaison Officer has no objections to the proposed development and can see no issues with the layout from a “Design out Crime” point of view.

Under the provisions of the Council’s adopted SPD Design for New Development, proposals for the erection for single storey dwellings would be acceptable in this location (Zone 4 – Outer Suburbs) and it is considered that the general layout and the overall design of the bungalows is acceptable, subject to achieving suitable materials.

Highway Safety and Parking

Access into the site would be via a new vehicular access off Alverton Drive and Faversham Park on the north east corner of the site. There would be one in-curtilage parking space for each dwelling with a further five spaces distributed throughout the scheme. The road layout has been the subject of a Swept Path Analysis and auto tracked to show that vehicles can manoeuvre safely.

Following the submission of the additional information, the Council’s Highways Engineer has confirmed that the turning facilities can accommodate the required refuse vehicle and the carriageway has been amended to show a 550mm offset from the existing wall which is suitable to construct and maintain the access road.

It is unlikely that the development will generate a significant increase in traffic and the allocated car parking across the site accords with the maximum parking levels set out in the Tees Valley Design Guidance therefore overspill parking into the surrounding estate should not be an issue.

Visibility to and from the proposed exit point is suitable for a design speed of a type 4b carriageway (housing estate road) and equates to 20mph, therefore adequate visibility is achievable to the neighbouring drive and the adjacent flatted development access to the north.

As this new carriageway forms a small cul-de-sac and with the designed geometry, vehicle speeds will be low and it is not envisaged that the proposal will result in issues with the occupier of No. 35 Faversham Park entering/exiting their drive. However works will be required to rationalise this area outside the drive of this neighbouring property which has not been shown on the submitted plans but can be agreed as part of the S278/38 agreement. These works may result in additional driveway length for this neighbouring property which would help manoeuvring spaces in/out of the property.

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

Trees and Landscaping

The trees within the site are not worthy of a tree preservation order. There is a preserved tree within the garden of No 24 Westpark Drive (TPO 2005) to the south of the site which would need to be protected during the construction phase of the development. The other existing trees, whilst not worthy of protection, would be retained and these would also need to be protected and the protection measures would be secured by the imposition of a planning condition.

The existing tree coverage would be augmented by a landscaping scheme on the north, south and west boundaries of the site. The scheme consists of a mix of trees, shrubs and grassed areas and the scheme is considered to be acceptable.

The site and the areas of landscaping would be maintained by the Railway Housing Association.

Flood Risk and Drainage

The site is located within Flood Zone 1, with a low risk flood risk to the scheme. The nearest watercourse to the site is the West Beck which is approximately 0.20km to the west of the development. Sewer records have been obtained by the applicant which identifies surface and foul water sewers to the east of the development.

Surface water would be disposed of in accordance with the Hierarchy set out in Building Regulations 2010 Document H. Ground conditions are not suitable for the use of infiltration techniques based upon the information contained within the ground investigation report. It will also be impractical to make a direct connection to a watercourse and therefore surface water discharge would be directed to the adjacent public sewer, with flows restricted to Greenfield run off rates to prevent exacerbation of flooding to downstream sewers and watercourses.

In accordance with the requirements for the Code for Sustainable Homes, surface water run off rates are to be restricted to 5 litres/sec by the utilisation of a flow control and attenuation pipes. Volumes of run off are reduced from re development to post development. The mandatory requirements of Code for Sustainable Homes (Surface Water Run Off) would be met.

A Report submitted with the application concludes that proposed development will not exacerbate flood risk either on site or downstream of it and the proposed development is not at risk of flooding.

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has assessed the application and has raised no issues provided that the development is carried out in complete accordance with the aforementioned Report. They are satisfied that the development will meet their requirements for foul and surface water drainage discharge from the site.

Contaminated Land

The application has been supported by a Phase 1 Desk Top Study which reveals the possible presence of made ground infilling over the site, comprising reworked soils and demolition waste. In these circumstances, it would be prudent to request that the nature and extent of this material is accurately determined through further soil investigations and risk assessment and this can be secured by the imposition of a planning condition

Construction Management Plan

A CMP would be secured by a planning condition and it would cover matters such as the hours of construction, the control of dust and noise during the construction phase, construction traffic routes etc.

Section 106 Agreement

The application includes provision of ten affordable homes which is consistent with policy CS11. As a result no planning obligations will be sought towards community infrastructure from this proposal other the need to secure a commuted sum to improve the quality and biodiversity value of other green space in the area

Other Matters

Some of the concerns that have been raised by the objectors relate to matters such as property valuation and loss of view as a result of the development. These matters are not material planning considerations and cannot be given any weight whilst determining the planning application.

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 application site lies within development limits identified in the development plan. The design and layout of the development generally accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. A commuted sum to compensate for the loss of the open space and to improve the quality of existing areas of open space in the locality would be secured by a Section 106 Agreement.

RECOMMENDATION

THE DIRECTOR OF PLACE BE AUTHORISED TO NEGOTIATE UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT TO SECURE THE FOLLOWING:

A commuted sum to improve the quality and biodiversity value of other green space in the area

AND THAT PLANNING PERMISSION THEN BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. J2 – Contamination
4. Prior to the commencement of the development a Construction Management Plan shall be submitted and to and agreed in writing by the Local Planning Authority. The Plan shall include details of the hours of construction, methods for controlling dust and noise during the construction phase, construction traffic routes, warning signage, road maintenance regimes and 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 dwellings, a Landscape Maintenance and Management Plan for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the landscaped areas shall be maintained and managed in complete accordance with the Plan
REASON: To ensure that the landscaped areas are appropriately managed and maintained in the interests of the visual amenity of the surrounding area
6. A scheme to protect the existing trees shown on the submitted plans to be retained shall be implemented prior to the commencement of the development. The scheme shall accord with the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. 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 approved 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) Erection 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 well being of the trees on the site and in the interests of the visual amenities of the area.

7. The glazing installed in the bedrooms and living rooms of the residential properties shall have as a minimum a noise reduction Rw and CTR- value of 25 dB(A)”

REASON: In order to protect the amenities of the future occupiers of the development from road traffic noise and noise from the neighbouring commercial premises

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.
REASON - In order not to prejudice the amenities of the adjoining properties and the existing neighbouring properties in order that the Local Planning Authority is able to exercise control over future development of the site.
9. The development shall be carried out in complete accordance with the requirements set out in the submitted document entitled "Sustainability Statement – Sustainability Statement in relation to Proposed Residential Development, Associated Sewers and Landscaping" unless otherwise agreed in writing by the Local Planning Authority
REASON: To ensure a satisfactory form of development
10. The development shall be carried out in complete accordance with the submitted document entitled "Proposed Residential Development, Alverton Drive – Code for Sustainable Homes SUR 1 and SUR 2" Revision A, Report Number 1340-01 dated 4 December 2013 and produced by Richard Hall (Coast Consulting Engineers) unless otherwise agreed in writing by the Local Planning Authority
REASON: To prevent flooding by ensuring the satisfactory disposal of surface water drainage
11. The development shall be carried out in complete accordance with Drawing No 13011/L001 entitled "Proposed Landscape Plan & Schedule with Specification" dated November 2013 and produced by Ingreen Architectural Solutions Limited. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and 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 - In the interests of the visual amenities of the area.
12. B5 – Detailed Drawings (Accordance with Plan)

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

Borough of Darlington Local Plan 1997

- E2 Development Limits
- 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
CS17	Delivering a Multifunctional Green Infrastructure Network
CS19	Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Planning Supplementary Document – Design for New Development

Planning Supplementary Document – Planning Obligations

Darlington Open Space Strategy 2007 – 2017

Darlington Green Infrastructure Strategy - 2013-2026

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

The layout proposal includes for works to be carried out within the existing public highway and there are proposals for works to be submitted for adoption (new carriageway, new footpath links etc.) and these will be subject to a Section 38 Agreement under the Highways Act 1980. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 388 755) 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 388760) to discuss naming and numbering of the development.

An appropriate street lighting scheme and design to cover the proposed amendments 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 388 765) to discuss this matter.