

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13TH February 2013

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APPLICATION REF. NO:	12/00772/FUL
STATUTORY DECISION DATE:	13/03/13
WARD/PARISH:	Eastbourne - Darlington
LOCATION:	Buxton Moor Crescent, Darlington
DESCRIPTION:	Erection of 24 houses, including landscaping and associated works.
APPLICANT:	Partner Construction Ltd

APPLICATION AND SITE DESCRIPTION

The application site comprises of two parcels of land within the predominantly residential area around Edgemoor Road. The site is just over one hectare in area and is currently grassed open space. The smaller parcel of land abuts the railway line from Darlington to Middlesbrough and beyond. The larger area is surrounded by estate roads and housing and is designated as 'Open Land' within Saved Policy E3 of the Darlington Local Plan.

This 'Open Land' designation is part of a small network of similar sites nearby, some of which are equipped play areas. The application site is not equipped but lies immediately adjacent to a further open area of land which includes some goal posts. This land is not part of this planning application and will remain in its current use – indeed the applicants intend to improve the facility and implement a landscaping scheme nearby.

The development will consist of fourteen 2 bedroomed and ten three bedroomed houses, arranged predominantly in small groups of terraces around short lengths of private access road. The dwellings will be “affordable” in that six will be occupied on a rent to buy basis and eighteen as affordable rent.

PLANNING HISTORY

There have been no previous planning applications on this site.

PLANNING POLICY BACKGROUND

National Planning Policy Framework – Promoting Sustainable Development, Delivering a wide choice of high quality homes.

Darlington Local Plan – Policy E3 Protection of Open Land.

Darlington Core Strategy – Policy CS11 Meeting Housing Needs. Policy CS17 Delivering a green infrastructure network.

Darlington Open Space Strategy 2007 - 2017

RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted.

There have approximately eight individual letters/Email objecting to the proposals plus a petition signed by 75 mainly local residents, also objecting to the proposals.

Issues raised include:

- Loss of open space not acceptable – much space has already been lost over the years.
- Loss of pleasant view to housing
- Land not suitable for building on as it has always been badly drained.
- Loss of a community facility to houses not acceptable.
- Site subject to flooding.

Police Architectural Liaison Officer – No overall objections but concerned at level of local objections to the proposals.

Environment Agency – No objections but caution regarding the underground culvert which crosses the site.

Environmental Health Officers – Satisfied that the noise, contaminated land and other potential pollution issues can be addressed via conditions.

Highways Officer – Satisfied with revised plans and suggests conditions.

Natural England – No objections to the development.

Northern Powergrid – No objections

Northumbrian Water – No objections; suggests conditions.

Northern Gas – No objections.

Rights of Way – No objection. Footpath to be re aligned is not a right of way.

PLANNING ISSUES

The two key issues for consideration of this proposal is whether the proposal is appropriate for this particular location, bearing in mind the requirements of Local Plan Policies E3 and R4 together with Core Strategy Policy CS 17, and whether the proposals have any other impacts on the locality such that planning permission should not be granted.

Planning Policy

There is a recognised need in Darlington Borough for more affordable housing. The National Housing Federation report produced in November last year emphasised this point and the applicants' suggest that their proposals aim to address many of the issues highlighted in the report, particularly by the provision of below market rent to buy properties and below market rent properties.

In order to facilitate this aim, the above Report suggests that publicly owned land should quickly be released to housing associations so that new residential development can be encouraged.

Officers are content that the provision of affordable housing as proposed does not conflict with the stated aims and needs of the North East and Darlington Borough in particular.

Notwithstanding the above however, some of the proposed development land is allocated as open land under Local Plan policy E3, and as such needs to be considered in the context of that policy.

Whilst some open land is being lost (just over half a hectare) there is an overprovision of open space within the ward, beyond the 6.2 hectares standard required.

By way of explanation of the policy issues, an extract of the planning policy report is reproduced below.

Both sites are part of the green infrastructure network (policy CS17) and are also identified as open land by saved Local Plan policy E3 (as any area of open land within the urban development limit). The Council's Open Space Strategy Update 2012 shows that:

- *Buxton Moor Crescent (0.85ha): for children and young people (a kickabout area with goalposts and youth shelter), 3* quality, high value;*
- *Edgemoor Road (0.26ha): informal recreation space, 3* quality, low value.*

While the Council's 2011 SHLAA indicated that all of the Buxton Moor Crescent was suitable, available and deliverable, given the value attributed to the kickabout area it was considered that only part of this site could be released for housing. As a result, the location of the new housing has been designed to minimise the loss of green infrastructure; the kickabout area and a landscape buffer adjoining the western boundary of the new housing site will be retained. Edgemoor Road was previously below the site threshold to be included in the SHLAA but is also considered to be suitable, available and deliverable.

However this application will still involve the loss of 0.55ha of open space.. Policy CS17 states that the loss of any part of the green infrastructure network will only be considered in exceptional circumstances where certain criteria are met. An appraisal of the development against each of these criteria (in bold) is given below:-

1. It is for essential infrastructure

Not applicable.

2. The site no longer has any value to the community in terms of access and use

Given the size and location of Edgemoor Road, 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 and quality.

100m to the north lies the larger Buxton Moor Crescent containing a kickabout area as well as space for informal recreation. This is also a 3 quality space but is identified as high value because it provides space for young people. While the application retains the kickabout area and youth shelter, it does propose developing 0.29ha of informal recreation space. There are several other open spaces including Holgate Moor Green (a 4* quality space) approx 100m to the north of Buxton Moor Crescent where informal recreation functions performed by the application site are replicated. The 0.29ha is therefore not required to also perform an informal recreation function in this area.*

Improvements to the remaining space including the kickabout area are proposed by the developer..

3. Is not required to provide an alternative green infrastructure function

Green infrastructure can perform many other functions as well as accessible recreational open space, but in this part of the urban area, most green infrastructure functions are well provided for. The immediate area lacks biodiversity value but the mature trees in the northern part of Buxton Moor are being retained and new native trees, hedgerows and plants are being incorporated into the design of both sites which will enhance the limited biodiversity value that currently exists (policy CS15, LP policy E12).

4. It is not required to meet a shortfall in the provision of that or any other open space type

Currently there is 8.8ha of accessible open space per 1000 people in this ward, above the standard of provision sought (6.2ha/1000 population). Under these circumstances it is considered that the slight loss of 0.55ha is not required to meet a shortfall of open space.

5. An alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available

The usefulness, appearance and biodiversity value of the green infrastructure network must not be lost. A range of other higher quality open spaces exist in the wider area that fulfil these criteria; Eastbourne Cemetery, Holgate Moor Green and Maidendale Nature Reserve are 4 quality, while several smaller informal recreation spaces are also available for everyday use. The retained part of Buxton Moor Crescent will keep its functionality, will be able to accommodate a group of people at any one time and will continue to provide flood mitigation.*

Furthermore development will only be permitted under saved Local Plan policy E3 where it maintains and enhances the open land network. Development must not impact upon the following:

- **Visual relief, openness and greenery:** *over half of Buxton Moor will be retained - the new housing proposed is contained in the south eastern part of the site. As a result much of the visual relief, openness and greenery afforded by the site north-south, (and in the northern part of the site) east-west will be retained. Edgemoor Road is a smaller site and enclosed on three sides so offers little openness and visual relief. While some greenery will be lost, new private space to the properties fronting Edgemoor Road will retain greenery to the road frontage.*
- **Meeting the open space standards:** *as discussed above the 0.55ha is not required to help deliver the open space standards for the ward.*

- ***Provide facilities for organised formal sport and recreation or informal recreation:*** *the size of the spaces and their location within a residential area mean that organised sport or formal recreation and leisure activities would be inappropriate. As discussed, the 0.55ha is not required to deliver informal recreation; there are other higher quality spaces in the area that can deliver this function.*
- ***Continuity of the system:*** *by retaining the northern part of Buxton Moor Crescent and the landscaping buffer the continuity of the system particularly between this space and Holgate Moor Green will be retained. Although the grassed area of Edgemoor Road will be lost the addition of private gardens and the retention of the railway embankment will keep connectivity for wildlife.*
- ***Nature conservation:*** *neither space has nature conservation value. The scheme will add to the biodiversity value of both sites.*

In view of the above therefore, Officers are of the opinion that the proposed development will not conflict with the green infrastructure and open space planning policies.

Other Issues

Layout and Design – Given the constraints of the two sites in terms of size, there is limited scope for a varied layout, particularly on the larger site, however it is considered that the restricted layout will be tempered somewhat by the lack of adopted roads within the scheme which will allow a more informal layout. This taken together with the proposed landscaping scheme and the remaining landscape buffer adjacent to Edgemoor Road will, it is considered result in an acceptable scheme in layout terms.

The layout conforms with the Councils approved residential privacy distances, both between the proposed and existing dwellings.

The design of the dwellings is considered to be appropriate within the suburban context of this locality, and the sample images supplied with the community flyer document indicate a design which will not conflict with the prevailing character of the locality.

The renewable energy requirements of the Council have been complied with in the design of the development.

Flooding is not considered to be a problem by the Environment Agency, who support the proposal.

Potential contaminated land issues are still being discussed with the Environmental Health Officer at the time of drafting, however it is expected that a resolution will be reached in time for the Committee Meeting.

The Highway Engineer is satisfied with the current amended layout.

Northumbrian Water are satisfied with the proposals providing the surface water runoff rate accords with that noted in the Flood Risk Assessment.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on,

and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The proposed development will provide much needed affordable housing within Darlington, where there is a recognised and acute shortfall.

The loss of open space to the development has been assessed and as detailed above, is not seen as conflicting with established local planning policy in view of the level of other open space provision nearby.

There is a substantial landscaping scheme proposed, including a grouping of large standard trees between the development and the adjacent open space/football area.

There are no other issues raised that give rise for concern in planning terms therefore it is considered that the proposed development is acceptable and should be granted planning permission.

RECOMMENDATION

That Planning Permission be granted with the following conditions:

(Some of the conditions below will be likely to have been complied with by the time of the Committee Meeting so are not worded in the normal manner).

1. A3 – Time limit for commencement
2. Details of materials to be used for the dwellings
3. B5 – Development in accordance with submitted plans and details, in particular Landscaping, Boundary Treatment, Street Lighting , Energy Report, Flood Risk Assessment etc
4. Development to be carried out in accordance with the approved contaminated land details and noise mitigation details.
5. Development to be carried out in accordance with the approved Construction Management Plan.
6. Development to be carried out in accordance with the approved affordable housing tenure mix details.
7. E3 Landscaping scheme implementation.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed development will provide much needed affordable housing within Darlington, where there is a recognised and acute shortfall. The loss of open space to the development has been assessed and as detailed above, is not seen as conflicting with established local planning policy in view of the level of other open space provision nearby. There is a substantial landscaping scheme proposed, including a grouping of large standard trees between the development and the adjacent open space/football area.

There are no other issues raised that give rise for concern in planning terms therefore it is considered that the proposed development is acceptable and should be granted planning permission.

It considered that the development is in accordance with the relevant parts of the Development Plan and National Guidance set out below

National Planning Policy Framework – Promoting Sustainable Development, Delivering a wide choice of high quality homes.

Darlington Local Plan – Policy E3 Protection of Open Land.

Darlington Core Strategy – Policy CS11 Meeting Housing Needs. Policy CS17 Delivering a green infrastructure network.

INFORMATIVES

- The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 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 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.
- A Road Safety Audit shall be carried out for all works within the public highway and the details shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.