

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 August 2010**

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**APPLICATION REF. NO:** 07/00152/RM2

**STATUTORY DECISION DATE:** 22 February 2010

**WARD/PARISH:** HURWORTH

**LOCATION:** Croft House, 2 Tees View, Hurworth Place

**DESCRIPTION:** Details of **APPEARANCE, SCALE** and **LANDSCAPING** pursuant to outline planning permission 07/00152/OUT dated 17/7/07 for conversion of existing dwelling to form 4 No. Apartments and erection of 2 No. Detached houses, and 13 No. Townhouses with access roads and associated landscaping (additional plans received 7/7/10).

**APPLICANT:** Cecil M Yuill Ltd.

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**BACKGROUND**

This application seeks to discharge the remaining Reserved Matters of outline planning permission 07/00152/OUT which was granted permission at 30 May 2007 Planning Committee. The application was made in outline with only details of siting and access agreed at that stage. Further indicative information in respect of scale parameters as required by the regulations was also submitted; This indicative information included the following details;

- Terrace block A to the east side of the site would have a height of some 5m to eaves with a maximum height of some 10m to ridge level, a maximum length of some 31m and depth of some 12m; These would incorporate integral garages save the southernmost dwelling, which would be two storey and have an attached garage in order to ease its relationship with the existing bungalow to the south;
- Terrace block B would be positioned to the west parallel with block A and would have a maximum eaves height of some 5m, a maximum ridge height of 10m, a maximum length of some 11.5m and a maximum depth of some 12.5m; Parking for each of the dwelling houses would be a combination of in-curtilage parking and allocated parking areas elsewhere on the site;
- Terrace block C would be situated to the north of block B and would have a maximum eaves level of some 5m, ridge of some 10m, length of some 25m and depth of some 13.5m; Parking for each of the dwelling houses would be a combination of in-curtilage parking and allocated parking areas elsewhere on the site;

- The detached dwelling houses would be positioned along the northern boundary of the site with a maximum eaves level of some 5m and ridge level of some 9m; These dwelling houses would incorporate garages;
- Access to the site would be via the existing point of access of the A167 onto an improved private drive to a turning head;
- To the west of the site a large area of flood water storage in the form of a sunken communal garden.

At this outline stage the principle of housing development on the site was approved along with details of the access arrangements and siting of the housing and associated works such as the sunken garden area, although final details of this area were required for submission and approval via planning condition.

A large proportion of the site and the surrounding area is susceptible to flooding, largely due to its proximity to the confluence of the River Tees and the Skerne. This was known and considered at the time of granting outline consent and conditions were placed on the permission to ensure the development was not at an unacceptable risk of flooding, nor would it pose an unacceptable risk to existing neighbouring property. This assessment was made based on the best information on flood risk to the area at the time.

In January 2008 the Environment Agency released a new flood model for the whole of the River Tees which provided a better understanding of flood risk. This revised flood model indicated that the Tees View area of Hurworth Place was at greater risk of flooding than originally anticipated. On the application site this equated to approximately a 1m high increase in the area susceptible to flooding. As very prescriptive conditions relating to flood risk were placed on the original outline consent and siting of housing was approved, at outline stage this means that flooding considerations lay outside of the matters reserved for approval. The council is currently seeking additional information and advice from the developers and the Environment Agency as to whether the risk of flooding is now so great that a revocation or modification to the existing outline permission would be expedient.

## **APPLICATION AND SITE DESCRIPTION**

The application site, which has an area of some 0.83 hectares, consists of a large Victorian detached dwelling in its own private grounds situated within Hurworth Place, on the east side of Tees View (A167). Croft House itself is a large family dwelling with associated outbuildings, tennis court and private gardens. It has an existing vehicular access from the A167 on the western boundary of the site. The Lodge, a large family Victorian dwelling forms an indent to the site in its north-western corner and beyond this lays open countryside. To the west of the site is the A167 and beyond that the River Tees flowing north to south. To the east the site is bounded by Linden Drive and to the south is Cumana, a detached bungalow in its own grounds together with a terrace of Grade II listed buildings known as 3 to 7 Tees View. The site has extensive mature tree cover and a number of trees on the western boundary and the main drive are covered by Tree Preservation Orders.

A number of other listed buildings are scattered in the locality to the south of the site. These include Croft Bridge, a Grade I listed building to the southwest and The Comet Public House, a Grade II listed building to the south. The site is not within a conservation area.

The outline application proposed the development of the site for residential use. This included the conversion of the existing house to provide four flats and the development of the remainder of the garden area of the site to provide 2 No. Detached dwelling houses and 13 No. Terraced dwellings arranged in one block of three and two blocks of five and predominantly two and a half storey in height.

Reserved Matters Approval is sought for the three outstanding reserved matters which are;

1. **Appearance** - the aspects of a building or place which determine the visual impression it makes.
2. **Scale** - the size of each building proposed in relation to its surroundings.
3. **Landscaping** - this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls. This consideration should also consider the retention of important landscape features.

Details have been submitted for approval of the appearance of the site, a landscaping scheme (including hard and soft landscaping), details of protecting the numerous existing protected trees on the site, details of boundary treatments and details of ground levels. An accompanying application has been submitted to discharge outstanding conditions attached to the previous outline approval. Such applications to discharge conditions are determined under delegation to officers. However, it is important to read these as a whole.

## **PLANNING HISTORY**

79/00520/DM – In September 1979 planning permission was granted for the replacement of a brick screen wall with a 10 feet high close-boarded fence.

79/00931/DM – In May 1980 planning permission was refused for the erection of a bungalow (in outline).

83/00718/DM – In January 1984 planning permission was refused for the erection of a 2m high close-boarded timber fence to replace an existing brick wall.

00/00645/TF – In November 2000 consent was granted for the pruning of preserved trees within the site.

04/00381/OUT – In January 2007 the Council used its powers under Section 25(11) of the Town and Country Planning (General Development Procedure) Order 1995 to dispose of an application for the residential development of the site (due to the application not being determined within the statutory period and the expiration of the time limit for appeal against non-determination). This was largely due to a number of delays and unresolved issues in respect of flood risk.

07/00152/OUT – In May 2007 planning committee granted outline consent for the conversion of the existing dwelling to form 4 No. apartments and erection of 2 No. detached houses, and 13

No. townhouses with access roads and associated landscaping. Siting and access arrangements were approved at this time.

08/00250/FUL – An application for full planning permission was submitted which proposed the demolition of the existing Croft House dwelling and the erection of 19 No. dwellings with associated roadways, drainage and landscaping. This application was withdrawn on 19 May 2008.

07/00152/RM1 – An application was submitted seeking approval of outstanding reserved matters in July 2009. This application proposed to subdivide the existing dwelling into 2No. dwellings with 2 No. detached dwellings and 10 No. town house dwellings. This scheme provided a reduced housing density but did differ significantly from the siting details approved by the outline permission. Due to these differences this application was withdrawn as it could not be treated as a reserved matter application, which was associated with the extant outline planning permission

## **PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are relevant: -

- E1 – Keynote Policy for the Protection of the Environment
- E7 – Landscape Conservation
- E8 – Area of High Landscape Value
- E10 – Protection of Key Townscape and Landscape Features
- E11 – Conservation of Trees, Woodlands and Hedgerows
- E12 – Trees and Development
- E14 – Landscaping of Development
- E16 – Appearance from Main Travel Routes
- E24 – Conservation of Land and Other Resources
- E28 – Surface Water and Development
- E29 – The Setting of New Development
- E46 – Safety and Security
- H11 – Design and Layout of New Housing Development
- R6 – Open Space Provision in New Development
- T24 – Parking and Servicing Requirements for New Development

### National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006)

Planning Policy Statement 5: Planning for the Historic Environment (2010)

### Other Local Policy Documents

Distinctively Darlington : Design of New Development Supplementary Planning Document (SPD) (2009)

## **RESULTS OF CONSULTATION AND PUBLICITY**

A full public consultation process has taken place with this application including re notification of additional and amended details. To date **Eleven** objections have been received. These objections do primarily relate to matters relating to flooding and the perceived increase in risk

the development may pose to existing property within the vicinity. These objections are noted and are being considered independently of this application as detailed above. Below is a summary of objections relating to outstanding reserved matters (**appearance, scale and landscaping**); For clarity the following objectors comments are categorised within these areas of consideration

- *The proposed dwellings have been described as 'cottages' (on original indicative plan) as though they were appropriate to the environment. It is clear from the plans that they should more properly be described, as 'town houses' which will create a modern estate that will negatively impact the local environment and ambience. **Appearance/scale***
- *The proposed development is inappropriate in scale and design to the site and is of no benefit to the local community, only the developer. **Scale***
- *There is also the question of the height of the buildings, if the ground floor is to be 'raised' as I believe it will be this means they (the houses) would dominate the entrance to the village and the immediate area namely Grade II listed cottages. I suggest this be thoroughly checked by the planning officers and made clear as to the actual elevations proposed. **Appearance***
- *The site is alongside the main entrance to the village which opens out onto the views of the riverbank and Croft Bridge, a grade one Ancient Monument. There has been much written about this natural unspoilt approach to the vista, it would be lost to an unsuitable estate which will not assimilate into this area it would be visible from the Yorkshire side of the river and quite visible from the bridge. **Appearance***
- *I appreciate the Government is proposing higher density development for land deemed suitable but I assume the council has discretion to ensure such developments are in keeping with the local environment. **Appearance***
- *The proposed plot and my own (Cumana) are wooded. Trees should not be cut down unless they are deemed unsafe. More preservation orders may be needed – by contrast I note that plans submitted envisage the cutting down of trees. **Landscape/Appearance***
- *For such a high density development the very least I would ask for is a proper boundary between my house (Cumana) and the proposed development for both visual and noise privacy. **Appearance/Landscape***
- *The proposed development abuts my property (Cumana) far too closely. The 2.5 storey cottage nearest to my house should be excluded from the development. **Appearance/Scale***
- *The overall development is far too large in terms of housing density. A small number of detached houses would be more in keeping with the area and would not attract adverse comment from myself. **Scale/Appearance***
- *In one of their documents, the developers refer to a discreet estate of houses. These houses will be hideous towering above the cottages and dominating the whole area. They have used The Lodge (1 Tees View) as their model. The Lodge by its very position and nature is the 'full stop' at the end of the village, with the tall listed Comet (public house) at the other end of Tees View. Between these important buildings the much lower cottages sit attractively. An estate of town houses is most inappropriate, particularly in very close proximity to the listed single storey properties. Houses elevated to this extent would encroach on the Grade I listed Croft Bridge, the single storey listed cottages and the riverbank scene, in its rural setting. **Appearance/Scale***
- *The (arboricultural) consultants have recorded in their surveys, that the site is attractively screened by the walls, trees and vegetation, but yet their report has in its 'Tree and Design' section, highlighted 14 potential conflicts, where countermeasures to protect the 'protected' seem to be difficult to retain. **Landscape***

- *Croft House and 1 Tees View are the only large Victorian houses in Hurworth Place. The vast majority of homes including Tees View Cottages (Grade II listed) are much smaller and many are only single storey buildings. The decision to build high, dominant, obtrusive buildings which are modelled in height, size and density of only two houses in Hurworth Place goes against the mixed housing of Hurworth Place and will change its character forever. The councils own Local Plan states that for areas of high landscape value (which surrounds the application site) development should ‘reflect the scale and traditional character of buildings in the area and not detract from the high landscape quality’. **Appearance/Scale***
- *The removal of the roadside wall will change the appearance of Hurworth Place and railings will look out of place alongside the high wall outside Cumana and the wall outside 1 Tees View. The wall is only collapsing due to the failure of the owners (the developers) to properly maintain the wall. (It should be noted that the applicant has since indicated that in accordance with officer recommendation a hedgerow would be a more appropriate replacement). **Appearance***
- *We think we should have been consulted on any additional street lighting. The removal of all shrubs screening our property (1 Tees View) will result in a lack of privacy during the day and light shining in all night. **Landscape***
- *Trees are a valuable part of Hurworth Place and need to be protected at this planning stage. The site itself has a strong compliment of well established trees and it will be very difficult to plan the construction of houses around their existence. The plans appear to contradict themselves. The trees will be protected by not digging foundations for a new wall but the same trees will be threatened by digging a deep sunken garden underneath their canopy. Planning conditions placed at outline stage state that the raising or lowering of ground levels close to trees (under the canopy) is not permitted.*

#### **Landscaping**

- *The size of the pond / sunken garden is clearly planned to be beneath the canopy of the TPO protected trees - how is this possible when there is a clear condition that no digging can take place under the tree canopy. The developers have said that they would “hand dig” or use blowing techniques (Air Spades) under the trees. We cannot see how this is not against the “no dig” condition (No. 9 of outline permission 07/00152/OUT).*

#### **Landscaping**

- *The developers have included some indication of the root areas of these trees (ARB/AE/409) which shows the root base naturally exceeding the canopy. If they were allowed to dig under the tree canopy and into the root base of the trees they are likely to be severely undermined and result in the death these trees. Where would they then fall? Onto these new town houses or across the main A road? Furthermore several plans (307:03:103:01 rev B) shows the pond extending almost to the tree trunks in places. We would also like to point out that the size of the pond on this plan (submitted to EA) does not appear to match the pond size of other plans submitted. **Landscaping***
- *The plans for the weeping beech (the feature tree of the site), which appears to have been unilaterally downgraded to class B by the developers are frankly ridiculous – placing piles of gabions (rocks in cages, like on motorway sidings) on the root base, must be detrimental. It seems likely this tree would be killed too, if not immediately, then over a period of a few seasons. The developers own report (section 3:8) recommends these gabions to be “as far away from tree roots as possible” and “graded gradually” – they seem to be piled up to make a step change in ground level, in contradiction of condition 9 of the Outline Planning permission. Inspection of the root base diagrams will show that the gabions will be placed on the root system. The developer’s arborist points out that no materials are to be stored on the tree roots so is the use of gabions wise. The water storage tanks placed in the road will be excavated very close to the root system of*

*the weeping beech. The plans to drastically prune this tree will also change its whole character .Landscaping*

- *Services are to be put under the ‘no dig’ road which will have manhole covers along it. Even if these are not trench dug this disruption must affect the trees. These will need to go through the root systems of these trees henceforth damaging and possibly destroying them. What will happen in the future if there is a problem with services? Landscaping*
- *In relation to the Sunken Garden there appears to be some contradictions with this garden. It is called an amenity, communal area that is attractive and safe. However the grass needs to be kept long and plans are in place to regularly clean slurry out of it. There also appear to be open gullies necessary for the collection of rain and flood water. Is this a safe environment for future residents?Landscaping*
- *The choice of materials is based on two houses and doesn’t reflect the character of Hurworth Place. Appearance*
- *The site always appears a lot more open in the winter, without the tree cover and the houses will be visible from the Croft side of the River Tees. These houses will change the whole character of Hurworth Place .Appearance*
- *All the present houses fit in to the gentle rolling countryside of a village river setting. This development proposes to change the land levels substantially (in direct contradiction of Condition 9) and change the overall appearance of Hurworth Place. These houses are on elevated plinths with raised walk ways and steps with a huge sump for flood water in the foreground. This is major excavation and will result in changing a landscape that has been the same for a very long time. Appearance*
- *There is a historical connection to the properties along this entrance (to Hurworth Place). Croft House was owned by Sir Ernest Cassel, a prominent person, who built the houses, 3-7 Tees View forming an integral part of the estate. These properties are of architectural and historical value and if the development were to go ahead this connection would be lost forever and would destroy the aesthetics and uniqueness of the historical connection of these properties. We should be celebrating such architectural heritage and the pleasure it gives to people visiting, or just passing through. Darlington should be proud of its heritage and promote it; the long term advantages far outweigh the advantages of town houses which would be a ‘blot on the landscape’. Appearance*

**Hurworth Parish Council** has historically raised a number of objections to the development of the Croft House site. Concern is once again raised regarding the flood risk of the site which is not a material consideration cannot be considered in determining this application for reserved matters, detailed objections are also made specifically relating to the outstanding reserved matters;

- *Appearance- Little effort appears to have been made for the proposals to be sympathetic to their surroundings. The development is very much an urban appearance as typified by the ‘town houses’ designs with little or no respect for the local vernacular. Key to the appearance of the site will be the proposed levels on the site. The levels provided appear to be existing levels from a topographical survey (i.e. the bottom of the pond/sunken area is shown at a similar level to the roads adjacent).*

It should be noted additional clarification has been provided on levels and any revisions to these comments will be provided verbally.

- *Landscaping – Whilst many of the existing trees are shown as being retained, we are concerned that the root protection areas to the trees facing the road will be impacted upon by the proposed pond/sunken area.*
- *Scale – Once again lack of cross-sectional and level information limits an informed assessment. We would however re-iterate our original concern that these proposals constitute an overdevelopment of the site with no respect being paid to the importance of the current site within the setting of Hurworth Place.*

The Environment Agency commented that;

*We accept that, given the legal certainty of the extant permission of the site, and the conditions imposed therein, we are not legally empowered to object to this reserved matters application on these grounds. However, in view of this issue (flood risk, we strongly recommend that the developer considers updating the Flood Risk Assessment to reconsider impacts of flooding at the site and to surrounding areas. This will ensure the assessment is based upon the revised River Tees model which is now the best, most up-to-date information available to determine flood risk in the area.*

Councils Highway Officer raises no objection to the proposal however does comment that there are no details of any street lights nor is there any reference to this in the Maintenance Plan.

Councils Building Control Section were consulted on the proposal and responded with no comments.

Councils Environmental Health Section commented that a Geoenvironmental Appraisal Report submitted to accompany the outline planning application did identify some contamination, and there were omissions in the initial report, which meant that clearly further land quality assessments would be required prior to building dwellings on the site. I would recommend that the previously recommended planning conditions covering noise and contaminated land are attached to this application. If it is not possible to deal with these issues via planning conditions at this stage, the applicant should be reminded that it is their responsibility to ensure that the development is safe for its intended use, and that they should contact this section to discuss what further investigations would be required. If the contaminated land issues are not dealt with at the development stage, then the site may need to go on to our Part 2A list of sites for further consideration in the future.

Campaign for the Protection of Rural England (CPRE) object to the proposal for the following reasons:

- *We believe the design of the proposed housing is out of keeping with the surrounding area;*
- *We consider three storey buildings inappropriate in villages;*
- *In our opinion it is a small site within which to fit as many houses;*
- *There are concerns at the proposed demolition of the wall;*
- *We are concerned with the effect of the development on trees at the site.*

Northumbrian Water raises no objection to the proposal as:



- *No sewers are proposed for adoption as public. Building inspectors will have to check adequacy. The storage pond area is private.*
- *Surface water is going to the river not to public sewer. Rate of discharge is controlled by the Environment Agency.*
- *Sewage treatment capacity is available.*
- *Foul capacity of public sewer is available at 225mm diameter sewer in Linden Drive at Linden Court.*
- *Local 150mm sewer is also available east of Linden Drive in front gardens of 5-8 (4 is too high to connect).*

NEDL (Electricity) have raised no objections to the proposal.

TRANSCO (Gas) raises no objections to the proposal.

## **PLANNING ISSUES**

The main material considerations to be considered in the determination of this reserved matters application are:

- Planning Policy [as far it relates to the appearance, scale and landscaping of the development]
- Appearance
- Residential Amenity
- Impact upon protected trees

### Planning Policy

Planning Policy Statement 3 (PPS3): Housing (2007) sets out the Government's aims and objectives in respect of housing development and is a material consideration in the determination of planning applications. The guidance seeks the specific outcomes of amongst other things, high quality housing that is well designed and built to a high standard; a mix of housing to support a variety of households in both urban and rural areas; housing development in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure; and the efficient and effective use of land, including re-use of previously developed land where appropriate.

At the time of granting outline planning consent the site was embraced within the definition of previously developed land, as defined in Annex B of the above guidance. The development proposed an additional 18 No. Dwelling units, which would achieve a net density of 22 dwellings per hectare. This was below the national indicative minimum of 30 dwellings per hectare. The above guidance advises that densities below this minimum will have to be justified having regard to the need to balance the efficient use of land with such issues as the characteristics of the area and the desirability of achieving high quality developments. Given the nature of the site, it was considered that a lower density was justified. Objections have been raised in relation to the density of the development however this was fully considered in the granting of outline consent and cannot be a material consideration as part of this reserved matters application.

As this site was the subject of negotiations from 2004, this was prior to the adoption of the Council's Affordable Housing Supplementary Document (Design SPD). Therefore, as the guidance recognises, a requirement for a contribution towards affordable housing would not have been applicable in this particular instance.

The principle of the development was accepted in the context of the above policies and outline permission granted. The remaining reserved matters of Appearance, Scale and Landscaping relate to more specific aspects of national and local policy and will be discussed in greater depth in the remainder of this report.

Two key national policies to consider in determining a reserved matters application concentrating mainly on the aesthetics of the development are contained within Planning Policy Statement 1 (PPS1) : Delivering Sustainable Development (2005) and PPS3.

PPS 1 states:

*“Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*

*“It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”*

PPS 3 states:

*“Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area.”*

*“To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards<sup>15</sup> and promote the use of appropriate tools and techniques, such as Design Coding alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques.”*

*“There is no presumption that planning permission should be granted because of a previous approval, particularly if the original permission proposal did not deliver the policy objectives of this PPS.”*

There are numerous policies within the Borough of Darlington Local Plan relevant to the determination of this application as detailed above, however it is worth focusing on a few of the most relevant;

#### POLICY E7 - Landscape Conservation

*“Development which is acceptable in principle under Policy E2 (Development Limits) and development on the edges of built-up areas will be required to respect the character of its landscape setting in terms of its siting, design, materials, landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the locality.”*

#### POLICY E10 - Protection of Key Townscape and Landscape Features

*“Development which, because of its height, scale, location or design would materially detract from the character and appearance of the following townscape and landscape features will not be permitted:*

- *The villages, seen as cohesive groups of buildings in their landscape settings”*

#### POLICY E12 - Trees and Development

*“Development proposals will be required to take full account of trees, woodlands and hedgerows on and adjacent to the site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and provide for their successful retention and protection during development. Where removal is unavoidable, any required landscape works should be so designed as to compensate, on or off the development site, for the loss to the amenity of the area.”*

#### Levels

Until this submission was made to the council no details had been submitted or approved by the council relating to ground levels. It is noted that the outline consent was subject to a condition requiring minimum finished floor levels of 32.4m AOD. The reason for this condition was to ensure the development was not subject to an unacceptable flood risk, the impact upon the design and appearance of this development is yet to be considered and is fundamental to the remaining reserved matters of appearance, design and landscaping.

The profile of the site is to be modified extensively; a sunken garden (water storage area) is to be created to the front of the site in the area most susceptible to flooding. The intention of this feature is to provide additional storage capacity (850m<sup>3</sup>) for both surface water drainage and flood waters. This aspect of the development was included within the outline submission although final details of the storage area require discharge via conditions on the outline consent. There are additional issues with the impact of this area on protected trees which will be considered later in the report. For now it is the appearance of the site to be considered.

To create this sunken garden land levels in this front section of the site are to be lowered by approximately 1.65m. The sides of the sunken garden will then be graded back to natural ground level towards the sides. The main section of the development where the first row of terraced properties is to be located will then be raised by around 1.8m to achieve finished floor levels of 32.65m. This represents a significant change in ground level from the sunken garden to the start of the properties of around 3.62m. This change in level necessitates the construction of a 1.5 to 1.6m high retaining wall (height varies across site) which is around 48m in length bisecting a significant portion of the site. Beyond the first row of terraced housing the site does gradually blend back into the natural contours of the land

The works proposed create an unnatural ground level whereby dwellings sit atop a raised terrace this is a complete contrast to the current naturally sloping site which gradually slopes towards the water courses of the Tees and the Skerne. The 2.5 storey town houses will appear significantly taller than their overall height owing to the artificially raised ground level and prominent brick retaining wall visible across a significant portion of the frontage of the site. This view would be particularly prevalent entering the site from Tees View (A167).

Two detached dwellings are to be constructed on this northern boundary the existing boundary wall is to be ‘built up’ to form the rear elevation of these two storey houses. Allowing for a

raising in ground levels of around 1.67m within the site the properties then back onto the public footpath the gable of the westernmost property standing at a height of 10.8m above the natural ground level (far in excess of the 9m max indicative ground to ridge measurements stated in the outline submission) the two properties, adjoined by double garages, would occupy an unbroken section of this boundary measuring some 48.5m in length. Such a dominant imposing structure would harm the character and appearance of the area particularly as this boundary forms a key interface between the village and the countryside.

The proposal is therefore considered to be directly in conflict with the requirements of Policies E7 and E10 of the Borough of Darlington Local Plan.

It is noted that the outline consent included indicative maximum heights of dwellings (10m for terraces and 9m for the two detached dwellings) while measured from the artificially raised ground level the development is broadly compliant with this established 'envelope' however what was not possible to consider at outline stage was the impact of the detailed designs of the dwellings and in particular the significance in the altered ground levels.

### Appearance

There are two main elements of housing creation as part of this proposal. Firstly the conversion of Croft House into 4 no. apartments has not raised significant concerns. This is a substantial dwelling and capable of accommodating such a conversion. The property has had a number of more modern extensions and while considered of local importance and character has been considered by English Heritage as not being worthy of listing. Its retention and conversion into apartments is therefore considered an appropriate re use of this existing dwelling.

The main aspect of this proposal is the 2no. detached houses and 13 no. 2.5 storey town houses proposed for construction on the site. The proposed design of these houses underwent a radical re-design during consideration of the reserved matters (RM2) application in order to try and ensure compliance with the councils adopted Design SPD and it is these revised proposals against which approval is sought.

The proposed detached dwellings to the northern boundary are likely to require the removal and rebuilding of the boundary wall which will harm the character and appearance of the area to the edge of the village

The detached dwellings, contrary to the design SPD, afford no natural surveillance of the public footpath below. As a green infrastructure asset such rights of way are treated as public realm and should benefit from natural surveillance to prevent occurrences of crime and anti-social behavior. This is particularly important on the edge of a settlement such as Hurworth Place.

In support of the application a montage has been submitted showing the impact of the development to the north of the site from the A167. It is considered that the proposals are contrary to the established character of the edge of village and in terms of its massing is reminiscent of a more urban location and has a negative impact upon the landscape, contrary to Policy E7.

A lower 1.2m high retaining wall is proposed on the southern boundary. This does not raise significant concern from a visual amenity perspective, but does raise issues in relation to residential amenity and impact upon existing trees within the site which will be given further consideration later in this report.

Various house types and designs combine to form this proposal. The Council's Urban Design Officer has considered these matters in detail and is of the opinion that house type C has inappropriately scaled dormers and an offset, poorly detailed first floor window above the door to the front.

House type B partially meets the requirement of previous discussions relating to design matters, however the dormers remain inappropriate and the first floor window remains offset, despite advice to the contrary. Also the hierarchy of the window proportions from ground to first floor remains inappropriate.

The design and access statement specifies the use of buff brick. This is discouraged as a material in the design of new development SPD as modern versions of Pease's brick are unsuccessful and dilute the contribution that these historic materials make to the character and appearance of the area and the wider Borough.

Overall the detailed design superficially picks up on the details of Croft House without fully embracing the style and vernacular of the immediate context or that identified in the adopted design SPD and for this reason the proposed appearance of the dwellings would harm the character and appearance of the area.

The submitted plans, would suggest that the scale of the properties adjoining Cumana to the South of the application site, notwithstanding any accepted maximum heights indicated at Outline stage, would have an overbearing impact upon this dwelling and its curtilage. Cumana, and the properties of 3 to 7 Tees View for that matter, are single storey bungalows and cottages. Cumana a flat roofed bungalow for example is approximately 3m in height. Contrast this dwelling with the proposed dwellings at a height of 10m on top of a ground level raised by around 1.5m and the visual impact the gable end of these dwellings will have on existing properties to the south will be significant.

There is no direct overlooking from these properties however there is a footpath proposed down the side of the proposed dwellings which will be on top of a retaining wall. This will undoubtedly cause the rear gardens and rear rooms (including a bedroom) of Cumana to be overlooked to an unacceptable degree. There are also concerns with the proximity of the raised footpath and retaining wall to a number of trees on the southern boundary that in time these trees and the screening benefits they offer between the application site and this property will be lost. It is also noted that during winter months the screening on this boundary is minimal.

The design of the proposed housing is therefore considered contrary to the Council's Design SPD and Policy H11 of the Local Plan. However should a member be minded to grant planning permission it is considered that these specific issues could be regularized by the imposition of appropriate conditions relating to window positions and materials.

### Landscaping

The Council's Senior Arborist has voiced consistent concerns that the proposed landscaping, flood mitigation measures and changes in level will have a detrimental effect upon the existing trees on site. Details of the impacts upon the existing trees on the site are to be considered later in the report but it is important to stress the role these existing trees play in the character and appearance of the site and the reasons they need to be protected and retained for the purposes of amenity value. There are clear cases to the south of the site where the works to create the

retaining wall will adversely effect the viability of the trees. The loss of these trees would harm the character and appearance of the area and also the setting of the adjoining 3-7 Tees view. This setting, notwithstanding, will be affected by the reserved matters application in terms of landscaping, as the belt of trees screening these properties from the development site will be substantially curtailed.

To the west of the site and also within the site the trees make a significant positive contribution to the character and appearance of the area. The proposed sunken garden area of water detention created will, in the opinion of officers, compromise the viability of the trees through its construction and function. In particular for access reasons the lifting of the canopy of the weeping beech will harm the positive contribution this tree makes to the site.

Another landscaping feature which will be lost is that of the brick wall to the western boundary of the site with Tees View (A167). This wall had been identified for retention at the time outline permission was granted however since then the condition of the wall has deteriorated significantly with large sections either collapsed or significantly leaning. The applicant originally suggested replacing the wall with a hoop top railing which was completely inappropriate for the character of the area. The council officers preferred option was to have the wall rebuilt however the applicant commissioned a survey which demonstrated that the repair of the wall would likely cause significant damage to the protected trees, already vulnerable to development on their eastern side. It was therefore accepted that although not ideal an alternative boundary treatment would be required. Upon officer recommendation the applicant has offered to provide a native species hedgerow as a boundary which should be more compatible with the protected trees and more in keeping with its surroundings and biodiversity aims.

The loss of the key landscaping features detailed above are contrary to Policies E7, E10 and E12 of the Borough of Darlington Local Plan.

To accompany the application a range of information has been provided detailing the existing trees in the site and assessing the potential impacts on these trees as a result of the proposal. Details include a 'Pre-development Arboricultural Survey' an 'Arboricultural Implications Assessment' and an 'Arboricultural Method Statement' including 'Tree Protection Plan'.

All of this information combines to identify those trees within the site are worthy of retention and these trees then need to be adequately protected from harm caused by the development either as a result of the design of the scheme or during the construction phase. The Arboricultural Implications Assessment identifies 14 potential conflicts within the site. Mitigation measures are identified to protect the retained trees.

The Councils Senior Arborist has significant concerns that it will be impossible to protect the root plates of the trees above due to the proposed scheme.

In particular the amount of root tissue that will be lost to tree 764, the mature Weeping Beech (*Fagus sylvatica pendula*) will be to the detriment of this tree. Therefore, it would be a reasonable presumption that the Beech would die in a short period of time if the proposed development was approved, which would be a huge loss to the landscape of this area, with the access roads within the trees crown spread, unacceptable pruning works will be required to facilitate the proposed development. It is also noted that the crown spread for this tree as indicated on the engineering layout drawing is significantly smaller than the canopy as measured recently and also smaller than that indicated on a 'Tree locations and Crown Spreads' plan

included as part of the outline submission. Although it is appreciated there will have been some growth in the period since this plan was produced the indicative canopy spread shown on the detailed engineering layout is substantially smaller than that using the already approved 2007 plan. When the canopy spread is more accurately plotted there are clear conflicts with gabions (galvanized wire cages, which are filled with stone and stacked on one another), steps footpaths and changes of level all being located underneath the canopy of this valuable tree. There are similar occurrences with tree 761 a mature Common Lime to the west of the weeping beech.

Several mature Lime (*Tilia x europaea*) adjacent to Tees View which are to the West of the site and to the North, would have their crown spread breached by the proposed landscaping due to the removal of soil to facilitate the proposed lowering of the soil levels, root loss and the change of the water table, which could stress the trees creating a possible avenue for disease to drastically reduce the lives of the trees. The loss of these trees, which represent a key landscape feature, would have a devastating affect on the landscape and street scene of this area.

To highlight these concerns an area of the sunken garden is to be created within 1.1m of the trunk of one of the retained lime trees (752) well within the canopy spread. Such changes in ground level are in direct contradiction with Condition 9 of the outline consent.

In the applicants 'Pre-development Arboricultural Survey' the Weeping Beech tree is categorised as a 'Category B' tree with 'A' being highest and 'C' being lowest. The Councils Senior Arborist disagrees with the categorisation of this tree and considers it to be one of the finest specimens within the Borough and should be a 'Category A' tree. Regardless of specific categorisation this is an important tree and one that is highlighted for retention and therefore should be afforded protection. It is officer opinion that this cannot be achieved for the reasons detailed above.

The summary of the applicant's Arboricultural Implications Assessment is states:

*"This report details the major pressures that the trees will experience throughout the development process given the proposed design. The measures recommended will help to minimise damage caused to the retained trees and allow the proposed design to be implemented without significant loss to the retained tree cover."*

It is quite clear from this statement that the design of the proposal is likely to result in damage to trees and the recommended mitigation measures can only minimise and not prevent damage to these trees. While it is considered that sufficient tree cover can be retained while the proposal is implemented there is no confidence that the longer term health and well being of the trees within the site. can be guaranteed The proposal is therefore considered to not comply with the requirements of Policies E11 and E12 of the Borough of Darlington Local Plan.

### Summary

The proposed level changes within the site will have a significant impact upon the character and appearance of the site. These changes in levels contribute to a number of significant concerns in relation to the outstanding reserved matters. In summery these are:

**Appearance** – the development is not in keeping with its location on the fringe of a village area. There are significant earthworks proposed that will not only result in long term damage to various existing trees within the site but also creates an artificial landform completely at odds with its surroundings. When viewed from the public footpath to the north of the site the two

detached dwellings will have a significant overbearing appearance and backing onto this area they fail to have any relationship or consideration of the sites interface with the countryside. In addition there are a number of detailed design matters in relation to the proposed housing types that do not comply with the council Design SPD.

**Scale** – the proposed dwellings are simply too high for a site of this nature. Scale parameters have been established against the two largest dwellings in the northern side of Hurworth Place village. These are not characteristic of the village as a whole, which is more characterised by two storey dwellings and modest cottages. The overbearing impact of the dwellings to both the northern and southern boundaries is unacceptable and contrary to policy.

**Landscaping** – many of the trees proposed for retention, protected by Tree Preservation Order or otherwise, are at significant risk from this development. Although a significant portion of planting within the site was identified for removal at an early stage there are severe concerns that those identified for retention will be significantly compromised and will have their life expectancy significantly reduced. These trees are an integral part of the landscaping scheme submitted and their premature demise would significantly effect the character and appearance of the development and its surroundings. The outline submission did not indicate the extent to which ground levels were to be altered.

### **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 have a significant detrimental impact upon the character and appearance of the application site and its surroundings. In order to overcome concerns of flooding a scheme has been devised that requires significant modification to existing ground levels. The manipulation of the natural landform creates a site completely at odds with its surroundings. Notwithstanding indicative details supplied at outline stage it is only possible to fully consider this impact upon receipt of details such as those submitted to accompany this application.

The existing trees within the site are a valuable asset to the site and its surroundings. They provide a significant natural screen that contributes to the sites secluded nature. Although marked for retention a lot of these trees are at significant long term risk from the manipulation of ground levels and it is the opinion of officers that despite recommendations made in an accompanying report that their life will be significantly foreshortened as a direct result of the works proposed. The developer has reacted to residents concerns in providing additional capacity within the sunken garden area however this additional capacity appears to have been created by expanding the area from that indicated at outline stage into an area within close proximity to protected trees.

The site contains one particularly fine specimen of a weeping Beech tree which is to be surrounded by gabions, steps and other hard landscaping features in an attempt to comply with a condition placed on the original outline consent which prevented any raising or lowering of



levels under the canopy of retained trees. This has not been achieved levels are to be altered within the canopy of the tree and in order to achieve sufficient clearance the tree will need a significant crown lift which will completely alter its appearance and value. Gabions placed on the root plate will also cause significant damage to roots via compaction.

## **RECOMMENDATION**

That planning permission be REFUSED.

1. By virtue of its scale the development is considered inappropriate on this plot on the edge of Hurworth Place Village. Of particular concern is the overbearing impact on the public footpath to the north of the site and the existing single storey residential dwellings to the south and the development's appearance in the Countryside.

The proposal fails to respect the character of its landscape setting in terms of landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the locality and is therefore contrary to Policies E7 and E10 of the Borough of Darlington Local Plan.

2. In addition to the overbearing impact of the proposed dwellings the proposed footpath located towards the southern boundary will directly overlook Cumana bungalow and its rear curtilage significantly compromising the residential amenity it is currently afforded. The proposal is therefore contrary to Policy H11.
3. The proposed works to modify ground levels result in an unacceptable impact upon the protected trees and other trees identified for retention within the application site and in particular trees T764 (Weeping Beech) , T761 (Common Lime) and several Mature Limes on the western boundary.

Whilst mitigation measures have been suggested to minimise damage to these trees it is not considered sufficient to guarantee the long term health and viability of these trees which not only have value as individual specimens but also play a key role in the long term landscaping of the proposed development.

The proposal is therefore contrary to Policies E11 E12 and E14 of the Borough of Darlington Local Plan.

4. The sunken garden area is larger than that indicated on the outline submission. Whilst it is acknowledged additional storage is beneficial on a site vulnerable to flooding this additional capacity has been created at the expense of the health and wellbeing of the protected mature Lime trees on the southern boundary.

Works to create this sunken garden will have their crown spread breached by the proposed landscaping due to the removal of soil to facilitate the proposed lowering of the soil levels, root loss and the change of the water table, which could stress the trees creating a possible avenue for disease to drastically reduce the lives of the trees. The loss of these trees, which represent a key landscape feature, would have a devastating affect on the landscape and street scene of this area.

The proposal is therefore contrary to Policies E11 E12 and E14 of the Borough of Darlington Local Plan.