

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17th December 2014

Page

APPLICATION REF. NO:	13/01001/FUL
STATUTORY DECISION DATE:	27/02/14
WARD/PARISH:	Hurworth
LOCATION:	Croft House Hurworth Place
DESCRIPTION:	Demolish house and erect six new dwellings with associated driveways and gardens.
APPLICANT:	Mr Foster Lee

APPLICATION AND SITE DESCRIPTION

This application relates to the erection of six detached houses together with a new shared driveway and associated private accesses and garaging. The existing Croft House will be demolished. The new dwellings will be constructed from cream coloured bricks and slate to reflect the materials used in Croft House, and their scale will be quite large to reflect the low density of the overall development, although the dwelling near to the Listed Building to the south will be of a smaller design.

The overall site comprises the grounds of Croft House which has been empty for a number of years and is now in a state of disrepair but is not believed to be in a dangerous condition. It is intended to retain most of the trees on site and create a communal garden to the front of the dwellings which will also act as a surface flood water attenuation system.

PLANNING HISTORY

Members will be aware of the somewhat complicated planning history of this site. The most relevant to the current application are those applications associated with the previous permissions granted for residential development and conversion of Croft House.

Outline planning permission was granted in 2007 for fifteen new dwellings and the conversion of Croft House to four apartments. In 2009 two applications were submitted for certain reserved matters and conditions to be discharged. In 2010 duplicates of the two 2009 applications were submitted. During this time the Environment Agency produced a new flooding model for the site, indicating an extended area of land in the locality likely to be affected by flooding.

In late 2010 the applicants lodged a number of appeals relating to the non determination of three of the above applications and the refusal of one of the reserve matters applications. All these

appeals were allowed and so planning permission existed at that time for the applications as submitted.

PLANNING POLICY BACKGROUND

Core Strategy Policies CS1 – Darlington’s role and locational strategy and CS2 – Achieving high quality, sustainable design.

RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted. The following comments were received from ten local residents raising the following issues : (These comments relate to the originally submitted scheme, not the revised designs – see below)

- Loss of Croft House to be replaced with six large modern houses will spoil character of the area
- Proposals will dominate the single storey dwellings nearby
- Concerns remain regarding potential for flood damage to existing homes nearby – not convinced the attenuation measures proposed will be effective.
- Proposals will dominate nearby Listed Buildings
- Croft House is part of a group of other buildings which are listed.
- Trees on site will be damaged
- Boundary wall should be retained

The local Council Member has objected to the proposals raising the following issues :

- Visual impact of the proposed development and the unnecessary loss of Croft House.
- The existing flooding problems will be exacerbated by the proposed development.
- The historic character of this part of Hurworth will be harmed.

The applicants were asked to reduce the scale of the proposed development in order to reduce its visual impact upon nearby dwellings and the locality in general. The following new issues were raised by five local residents:

- Although the height has been reduced, the new dwellings will still dominate the locality this impact being emphasised by the raising of the buildings on a plinth to avoid flooding.

CPRE – Concern over loss of existing Croft House – should be converted as before. Flooding continues to be a problem for local residents.

Environment Agency – They have inspected the revised Flood Risk Assessment prepared by the applicants. They are content to support the application providing certain conditions are met as detailed within the Flood Risk Assessment. These conditions can be attached to any planning permission that is granted.

Northern Power Grid – No objections

Northumbrian Water – Require condition to be attached to any permission relating to foul water disposal .

Parish Council – Prefer this scheme to the earlier approval – still have concerns regarding flooding of the site and the loss of Croft House to demolition.

TRANSCO – No objections.

Conservation Officer – Has had extensive discussions with the applicants regarding the historic and architectural merits of Croft House. The impact of the proposed development on Listed Buildings in the locality has also been considered and the Officer's comments are reproduced below:

3-7 Tees View is a terrace of five, Gothic cottages, circa 1860, which were Grade II Listed in 1988. They are an elegant, somewhat whimsical row of cottages featuring Tudor-arched surrounds, ornate chimneys, embattled top sections and parapets and carved stone animals. They lie immediately to the south of the application site.

Croft Bridge is Listed Grade I and is therefore of exceptional national significance. Its List Entry describes *Road bridge over River Tees. Probably C15, restored 1673 (plaque on downstream parapet), widened by about 5.0 metres on upstream side possibly in early C18, restored again in 1781 by Thomas Bott (inscription on south-east cutwater)...* It lies less than 200 metres to the south of the site.

The Comet Public House is Grade II Listed. Its List Entry describes *Public House. Late C18 with C19 alterations. Partly brick and partly red sandstone rubble; incised render on front and returns. Welsh slate roof with rendered brick chimney stacks. 2 storeys, 5 bays. 2 Tuscan porches flanking central bay. 9-panel doors and overlights behind porches...* It lies approximately 170 metres south of the site.

The application site lies within the village of Hurworth Place; the village runs down to the River Tees, which is the boundary with the village of Croft in North Yorkshire. The site is currently occupied by Croft House and its grounds. Whilst the principle of some residential development on the site has been agreed with earlier applications, the proposal to demolish Croft House appears to be new and therefore requires justification.

Of key concern is the proposal to demolish Croft House, which was not part of earlier schemes I have been involved with. Its retention in earlier schemes allowed it to remain an anchor or focal point of the site, to guide new development around it.

Croft House is Victorian, constructed between 1861 and 1865 for Robert Thompson Maxwell a businessman from Stockton. He died in Croft House in 1871 and costly legal disputes ensued between the children from his first and second marriages about who would inherit the house. Ultimately the house fell to Maxwell's daughter, Annette who had married Sir Ernest Cassel, a prominent Jewish financier, born in Germany. It is believed Tees View Villa (no. 1 Tees View) and the Grade II Listed nos. 3-8 Tees View were both built by Cassel for family members.

Clearly the loss of Croft House will have an impact on the site and on the surrounding area, which I am of the opinion may be harmful. The building has local importance, considered to be a

non-designated Heritage Asset. Such Assets are a material consideration through the planning process, as paragraph 125 of the NPPF states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Further comments have been provided by the **Conservation Officer** in relation to the loss of Croft House:

My initial memo requested additional information from the agent both about the significance of Croft House as a non-designated heritage asset and from then a justification for its demolition. This has now been provided in an amended Design and Access Statement and in an additional Heritage Statement.

The assessment provided identifies that Croft House has local significance, in agreement with my initial memo and which accords with the failed attempts to have the building Listed because of it having national significance. It also identifies that Croft House contributes to the setting of the nearby Listed Buildings at Tees View, including Aquila Cottage. Indeed page 39 of the Heritage Statement states:

The demolition of Croft House would depreciate the setting of Aquila Cottage substantially. The magnitude of impact would be moderate and the significance of impact would be moderate/large adverse.

Additionally, page 45 of the Heritage Statement states:

All of the assets are typical features of post-medieval/Industrial period villages and therefore share social functions. Croft House (HA05) is perceived to have group value and a shared identity with Aquila Cottage (HA06), the Grade II listed terrace that was constructed to form part of the larger Croft House estate by the former owner, Sir Ernest Cassel.

There is therefore little doubt that the loss of Croft House will be harmful to the immediate area and also to the setting of Nos. 3 & 4, No. 5 (Aquila Cottage), Nos. 6 & 7 Tees View. However, planning policy, in the form of the National Planning Policy Framework (the NPPF) allows for harm to heritage assets in certain circumstances, including public benefit and locally distinctive, high quality development.

The proposed new development is high quality, low density and architecturally has been guided by Croft House; without the loss of Croft House I would welcome the scheme. The replacement development is always a consideration when development is proposed and it is hoped the scheme should, whilst resulting in some harm with the loss of Croft House, cause minor harm to the setting of Aquila Cottage and its neighbours, which can be argued to be outweighed by the benefits of the scheme.

Whilst I will be sad to see Croft House go, because of its clear local value, as residents' objections are clear and numerous about, I am not confident planning policy provides us with grounds to resist its loss, meaning that if we were to refuse this application we would be unlikely to be successful should the applicant appeal our decision. It is not a Listed Building, it is not

within a Conservation Area and locally valuable buildings, which the NPPF refers to as ‘non-designated heritage assets’ have little protection through the planning process.

Consequently I can have no formal objections to this application.

Environmental Health Officer – Continued work is required relating to contaminated land issues. Also requests certain conditions relating to construction management and contaminated land.

Ecology Officer – No objections to the Bat survey report and its recommendations. Requests condition referring to the survey methodology.

Highways Engineer – No objections in principle. Has commented that the revised location of the bin store near to the main entrance is now acceptable. The proposed alterations to the private driveway are considered acceptable

PLANNING ISSUES

The main issues for consideration are as follows:

- Planning Policy
- The loss of Croft House
- The visual impact of the proposed development – on neighbours and Listed Buildings
- Residential amenity
- Impact of the development on flooding in the locality.
- Trees
- Highway matters

Planning policy

The site is within the development framework for Hurworth Village and therefore the principle of residential development on the site is acceptable subject to a planning agreement to secure contributions to improvement of open space in the locality; education provision and local sustainable transport measures.

Loss of Croft House

The extensive report above from the Conservation Officer explains that whilst Croft House may be of local interest, without any statutory protection such as Conservation Area or Listed Building status it is difficult to resist its loss on planning grounds that would stand scrutiny at appeal. Indeed formal planning permission is not required to demolish the property as it stands now.

Because of the separation distance between Croft House and nearby Listed Buildings – just over 100 metres to the closest – and the evolution of Croft House within its own grounds with substantial boundary vegetation over the years, the visual relationship between them has been diluted so that today Croft House is seen very much as an independent element.

English Heritage and the Conservation Officer have inspected the property with a view to applying to have it Listed, however after having applied the appropriate criteria to the process it has been concluded that the building is not worthy of Listed Building status.

In view of the above therefore Officers are of the opinion that there is no justification in planning terms to refuse planning permission for the proposed development on grounds relating to the demolition of Croft House.

Visual Impact

The proposed dwellings are quite large “executive” style. The revised designs have reduced the ridge heights by 1.2 to 2 metres, however they are still 3/4/5 bedroom designs with a ridge height of around 8 metres – somewhat less for the plot on the southern boundary near to some Listed Buildings.

The overall site area is quite large – about 150 metres deep and 120 metres across (just under 2 hectares) and the proposed dwellings only take up about one third of that area with the communal garden/flood retention facility taking up much of the remainder.

Officers are of the opinion that bearing in mind the low density of the development and its location set well back from the main road Tees Way, visual impact in that area will be limited. The buildings will be seen from Linden Drive to the east but any visual impact will be restricted by the substantial roadside wall.

Impacts on neighbouring properties to the south may be more marked due to the difference in land levels and the relatively close separation distance of some 15 metres. Revised drawings show that plot 6 will be of a dormer bungalow design with a single storey garage near to the well vegetated boundary; notwithstanding the difference in levels, officers are satisfied that there will not be a material detrimental impact on either the neighbour or the nearby Listed Building from the proposed development.

Possible impacts on the setting of other more distant Listed Buildings are considered within the applicant’s submissions and have been studied by the Conservation Officer. Overall it is considered that the separation distances and intervening mature vegetation is such that there will be no material impact on the setting of these Listed Buildings sufficient to warrant refusing planning permission.

Officers would like to see the substantial boundary walls to the site retained and to this end are suggesting a boundary treatment condition is added to the recommendation below.

Residential amenity

The closest dwelling to the proposed development which may suffer potential impacts on residential amenity is that neighbouring property to the south, and this may be exacerbated due to the difference in land levels and the relatively close separation distance of some 15 metres. Revised drawings show that plot 6 will be of a dormer bungalow design with a single storey garage near to the well vegetated boundary; notwithstanding the difference in levels of some four to five metres, officers are satisfied that there will not be a material detrimental impact on the amenities either the neighbour or the nearby Listed Building from the proposed development. The closest separation distance to the dwellings to the rear on Linden Drive is some 25 metres.

Flooding

As is always required for planning applications that propose to build within a flood zone, a flood risk assessment has to be submitted for scrutiny by the Environment Agency (EA). This exercise has been carried out over the past few months and the EA is now satisfied that the proposed development will not cause increased flooding to local property providing that the measures proposed within the flood risk assessment are carried out. In brief these measures include limiting surface water run off to that of undeveloped land and providing compensatory flood water storage on site. Full details of the intended drainage scheme is included within the revised Flood Risk Assessment submitted with the application. The new dwellings will be protected from flooding by raising their finished floor levels above that required by the Environment Agency. Bearing the above in mind Officers have no reason to recommend refusal of planning permission on grounds of increased risk to properties from flooding.

Trees

The site is quite well vegetated with a number of mature trees, some of which are to be removed to accommodate the development. The scheme – in particular the shared driveway – has been designed to avoid the more important trees that were highlighted during consideration of the earlier planning application. The Council Tree officer has raised no objections to the proposed development and a tree protection condition has been included in the recommendation below for the trees it is intended to retain.

The National Planning Policy Framework requires that development proposals that accord with the Development Plan should be approved without delay. It is considered that the proposed development does not conflict in any significant way with policies within this Council's Development Plan and that the benefits of granting planning permission are not significantly and demonstrably outweighed by the adverse impacts of the development. Bearing the above in mind therefore it is considered that planning permission should be granted in this instance.

Highway Matters

There are no highway related objections to the development. It will be necessary to widen the existing single width track within the site to 4.8 metres in order to allow vehicle to pass. An informative will be required on the decision notice advising that works are required within the public highway to widen the existing vehicle crossing to match the width of the private drive.

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.

RECOMMENDATION

(In line with the Council's Planning Obligations SPD the proposed development requires certain contributions towards local infrastructure and other facilities and these are headlined below.)

That subject to the applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 relating to the following:

- Contribution to improve the quality of nearby open space
- Contribution towards improvements to local education facilities
- Contribution towards improvements to local sustainable transport facilities

Planning permission be granted with the following conditions :

1. A4 – Time limit
2. B4 – Materials
3. B5 – In accordance with plans
4. E2 – Landscaping
5. E6 – Boundary treatment
6. E11 – Tree protection
7. The development hereby approved shall only be carried out in accordance with the details included within the approved Flood Risk Assessment (FRA) 13T726/FRA001B by BGP and in particular : Limiting surface water running off the site so that it will not exceed the run off from the undeveloped site – The provision of compensatory flood storage as highlighted in Section 8 of the FRA – Identification and provision of safe routes into and out of the site to an appropriate safe haven – Finished floor levels set no lower than 33.91m above Ordnance Datum. The mitigation measures shall be fully implemented prior to occupation of the dwellings and subsequently in accordance with the timing/phasing arrangements embodied within the scheme and shall thereafter be retained. REASON – To prevent flooding on site and elsewhere and to ensure safe access and egress to and from the site.
8. K5 – Foul water disposal
9. J2 – Contaminated land
10. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, signage and phasing . The development shall not be carried out otherwise than in complete accordance with the approved details. REASON – In the interests of the amenities of local residents.
11. The development hereby approved shall only be carried out in accordance with the details included within the approved Habitat Survey and Bat Survey Report submitted by AJT Environmental Consultants. The mitigation measures shall be fully implemented prior to

the occupation of the dwellings. REASON – In the interests of the welfare of protected species.