

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19th November 2014

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APPLICATION REF. NO: 14/00828/FUL

STATUTORY DECISION DATE: 17/10/14

WARD/PARISH: Eastbourne - Darlington

LOCATION: Eastbourne School site, The Fairway, Darlington

DESCRIPTION: Alteration of ground levels and other works to those approved under planning permission to construct 76 dwelling reference 13/00769/FUL

APPLICANT: ESH Property Services.

APPLICATION AND SITE DESCRIPTION

This application was previously reported to the 22ND October 2014 Planning Applications Committee, where Members resolved to defer making a decision until they had undertaken a site visit. The site visit took place on the 7th November 2014. The report presented here is identical to the previous report Members considered on the 22nd October 2014.

Members will be aware that this site is currently under construction with a number of houses and bungalows nearing completion and most of the others partially complete, on the site of the former Eastbourne School.

At the beginning of work on site it became apparent that in order that drainage from the site could operate effectively, certain areas of land would need to be raised above existing levels. These increases were not great between 0.25m and 1m, however it did result in the potential for some overlooking of certain existing properties on The Causeway.

In detail the changes the subject of this application are:

- Changes in garden levels to the rear of plots 12 – 22.
- The erection of a 1.8m high fence and landscaping to the south of the cycleway to screen it from existing gardens adjacent.
- Removal of a tree to facilitate car parking for two plots.
- Increase some footpath widths.
- Amend the site boundary at two locations.

It is the first two items above which have caused some local residents to object to the possibility of being overlooked by the new development. There are no concerns raised, either by local residents or officers, to the last three items.

The applicants have provided the following information relating to the changes in levels:

- Road levels and finished floor levels have had to be raised to enable surface water to drain away from the development.
- Surface water from the whole site discharges to the stream/ditch to the east of the site.
- The Environment Agency require that the rate of discharge of water to the stream has to be restricted to avoid downstream flooding and therefore during storms surface water has to be stored on site in oversized drainage pipes.
- There is also an overflow basin formed within the open space on site and in order for that facility to work properly during heavy rain and afterwards, all of the site's manhole covers must be higher than the one next to the overflow basin.
- The above requirement has meant that manhole cover levels at the east end of the site have had to be raised above the pre development land levels which has dictated the road levels and finished floor levels.

PLANNING HISTORY

13/00769/FUL – Construct 76 new dwellings and associated works Planning Permission **Granted** in January 2014.

13/00769/CON – Discharge of various conditions **Approved** March 2014

14/00115/FUL – Change of four house types **Approved** April 2014

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.

Comments have been received from three adjacent residents raising the following issues:

- Surface water may run off new gardens into existing adjacent gardens
- Cycle path is so high it will overlook garden – new fence will create gap between two fences.

- Proposed sloping gardens will be dangerous for wheelchair users.
- Windows of new dwellings will overlook adjacent properties
- New landscaping on cycle track needs to be effective.

Highways Engineer No Objection

Tree Officer No comments

PLANNING ISSUES

The main issues raised by this application are:

- Drainage of surface water from new gardens
- Overlooking of existing dwellings/gardens from new gardens (the siting of the new dwellings has already been approved as part of the original planning permission).
- Overlooking of existing dwellings/gardens from new cycle track.

The applicants have provided plans which show the installation of a 150mm land drain and soakaway adjacent the fence. This facility is designed to direct water along the bottom of the new dwellings' gardens and away from existing residents gardens.

The applicants have provided cross sectional plans which indicate the degree of overlooking between certain of the proposed gardens and certain adjacent neighbours. These plans show that whilst some degree of overlooking will occur, this will tend to be over the existing gardens rather than down into them. Some of the views are at oblique angles which are not uncommon where new housing estates are built to the rear of existing houses and bungalows. With the proposed gardens being re-profiled, the degree of overlooking will be progressively reduced towards the boundary as ground levels fall.

The applicants have also submitted plans which show that there may be some overlooking of existing dwellings and gardens from cyclists who will eventually use the cycle track (proposed to run further westwards at some future date). To mitigate this, it is proposed to erect a two metre high solid timber fence along the top of the embankment where the cycle track will run, together with some landscaping between the new fence and the neighbour's fence.

In summary therefore the applicants have provided plans which show that when the development is complete, there will be some loss of privacy to adjacent residents but not such as to warrant changing the original decision to grant planning permission for the development. The plans indicate any loss of privacy to be within acceptable levels to ensure that there is no loss of amenity to existing residents.

There is a condition within the recommendation [condition 1] that requires these mitigation works to be completed, prior to any of the new development being occupied.

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

That Planning Permission be granted with the following conditions:

1. The works hereby approved shall be carried out in their entirety prior to the occupation of plots 12 to 22 inclusive. Reason – To protect the privacy of adjacent residents along The Causeway.
2. B5
3. Full details of the cycle way landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme implemented within one year of the date of this notice. Any landscaping removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by similar species to those originally approved and planted. Reason - To protect the privacy of adjacent residents.