

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 November 2011

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APPLICATION REF. NO:	11/00461/FUL
STATUTORY DECISION DATE:	15 September 2011
WARD/PARISH:	COLLEGE
LOCATION:	Street Record, Glaisdale Court,
DESCRIPTION:	Erection of 9 No additional dwellings within existing residential development and revisions to the layout (Additional and amended plans received 9 August 2011 and 12 October 2011 and 10 November 2011; Arboricultural Method Statement and Implication Assessment received 19 August 2011)
APPLICANT:	Persimmon Homes Teesside Limited

APPLICATION AND SITE DESCRIPTION

The application site is part of a residential development which is currently under construction. Due to the economic climate the completion of the development has taken longer than anticipated and the applicant has revisited the marketability of the site. They have submitted two planning applications which essentially involve the omission of the approved large detached dwellings on the western edge of the development site and replace them with dwellings which they consider to be more marketable. The development site is within a predominately residential area and contains trees covered by a tree preservation order dated 2006. The West End Conservation Area forms the southern boundary.

This proposal involves the erection of nine additional two storey dwellings in the North West corner of the development site involving the introduction of the following house types:

- Four Keating house types – Four bedroomed detached dwelling
- Two Potter house types – Four bedroomed detached dwelling
- One Hogarth house type – Four bedroomed detached dwelling
- Two Hilliard house types – Five bedroomed detached dwelling

The total number of dwellings throughout the development site would be increased from 114 to 123 with the existing accesses off Cleveland Avenue being unchanged. The application site and the wider development site contains trees covered by a tree preservation order dated 2006

In May 2011 the applicant carried out a Statement of Community Involvement exercise which resulted in three residents raising concerns over privacy distances; differences in land levels; flooding; increasing of the number of dwellings and trees. The applicant considered that their original proposal either met or exceeded the Council's guidelines in relation to privacy including taking account differences in levels and results in the loss of no further existing landscaping compared with the previously approved layout.

The other planning application (reference number 11/00468/FUL) for the site forms part of this Agenda

PLANNING HISTORY

The relevant entries are:

02/00937/OUT In April 2004 planning permission was GRANTED subject to a Section 106 Agreement for the a residential development with associated open space – in outline

02/00937/RM1 In August 2004 planning permission was GRANTED for the erection of 129 dwellings comprising 3 & 4 storey apartment blocks, 3 storey town houses & single detached dwellings, parking & garages pursuant to outline planning permission 02/00937/OUT dated 30 April 2004 for residential development with associated open space

02/00937/RM2 In October 2006 planning permission was GRANTED for the erection of 114 No. new build dwellings comprising 4 storey apartment block, 3 storey town houses and single detached dwellings, associated parking and garages

PLANNING POLICY BACKGROUND

The relevant development plan policies are:

Darlington Core Strategy Development Plan Document (2011) Policies

- CS1 Darlington's Sub-regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS4 Developer Contributions
- CS10 New Housing Development

Borough of Darlington Local Plan (1997) Policies

- E2 Development Limits
- E12 Tree and Development

Other Supporting Documents

- Supplementary Planning Document – Design for New Development
- Darlington Open Space Strategy 2007 - 2017

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received and some of those letters raise issues which also relate to planning application reference number 11/00468/FUL which also forms part of this Agenda. Officers have extracted the concerns relating to this proposal which can be summarised as follows:

- *It concerns me that the new proposals seem to allow for the retention of placement of fewer trees*
- *Concern that there are more houses proposed at the Elton Road side of the development than original plan. This will result in more hard surface areas which could cause surface water to flow onto our property when it would previously have drained through soil. Our property is at a lower level than the housing site.*
- *Concern that the houses could be up to 3m higher than our houses and so reduce sky/sun light to our property.*
- *Concern that it is proposed that the oak tree at our boundary is to be pruned to provide a 2m gap to property to be built, suggests that this property is be too close to boundary with our property.*
- *Was the arborist who prepared the 2011 Tree Report aware that the land to the rear of Dale Road will be built up in order to build the houses. Changes in soil level around trees can result in root death which is a common cause of damage together with root damage caused by vehicles/plant equipment and excavation.. The request for nine more properties is obviously going to cause and exacerbate problems elsewhere*
- *Behind Nos 25 – 29 Dale Road, two new properties are requested. If granted this will push the four properties the company wishes to substitute far closer to the boundary*
- *It is a very sad situation that a developer who requested 7 more properties immediately behind Dale Road in 2006 is now requesting even more. In 2006 permission was granted for 6 of the 7 properties. That is a high percentage of success in anyone's book. Now the company is asking for nine more dwellings plus permission for more numerous other properties closer to the boundaries of Dale Road and Elton Road.*
- *The company did not respond to the 2011 Statement of Community Involvement or offer any degree of betterment in their design.*
- *Surely financial considerations cannot be the only deciding factor.*
- *In 2004 Niven Architects advised the Council of several concerns relating to trees; internal relationships between the proposed and build and the landscaped element of the site; the contextual relationship between the proposed build, landscaped elements and the existing site surroundings to be assessed; consistent landscaping treatment; the design of the dwellings. Could Nivens provide a 2011 assessment as the concerns are still relevant.*
- *Loss of privacy*
- *Increased vehicles and traffic fumes*
- *Increased artificial light*
- *Increased noise*
- *Security Issues*
- *Vast overbearingness*
- *Effect on skyline*
- *Possibility of increased flooding*
- *Flood Risk Assessment is not based on 2004, 2006 and 2011 proposal. The EA are not aware of land increase, the flood protection measures taken by some Elton Road properties near built up rubbish tip*
- *The company has failed to realise the concerns of residents raised in this and other applications. Surely bungalows would be a more ideal solution. We are concerned that the companies research for smaller properties is unlikely to be successful with 4/5 bed roomed houses on miniscule gardens*
- *For more than 80 years from Abbey Road to Milbank Road, from Carmel Road to Cleveland Avenue the standard of residential amenity and balance has been very high. Indeed through out the College Ward. May future generations enjoy the same standard and balance and wonderful trees*

- *This amendment will result in further traffic impact in an area where there is only one route in and out. One of the reasons for buying in this area was the safety for bringing up children and the idea that it would be quiet in terms of traffic. It is often the case families have two or more vehicles and so there is potential for a further 18+ cars to be using the road on a daily basis. The further impact of this is noise pollution and pollution from increased cars in the area.*
- *The changes will also affect the existing environment with the removal of trees which have stood for a long time changing the character in the area.*

Consultee Responses

The **Environment Agency** state that the proposal falls outside of the scope of matters on which the EA is a statutory consultee and therefore they have no comments to make

Northern Gas Networks have stated that they have no gas mains in the area but their records indicate that gas pipes owned by other Gas Transporters may be present in the area

Northumbrian Water has no objections to the proposed development

The **Council's Environmental Health Section** have raised no objections to the proposed development

The **Council's Highways Engineer** has raised no objections to the proposed development

The **Council's Senior Arboricultural Officer** has expressed a concern that the proposal may lead to future issues regarding light penetration. He has also stated that, if approved, the correct tree protection measures must be secured.

PLANNING ISSUES

The main issues to be considered here is whether or not the proposal is acceptable in the following terms:

- Planning Policy
- Residential Amenity
- Impact Upon the Visual Appearance of the Surrounding Area
- Highway Safety
- Impact upon Trees
- Contaminated Land
- Flooding and Drainage
- Section 106 Agreement

Planning Policy

The Council formally adopted its Core Strategy Development Plan Document (DPD). The Core Strategy DPD sets out how the Borough will develop over the next 15 years (2011-2026), and forms part of the Local Development Framework for the Borough. The policies in the Core Strategy replace several policies in the Borough of Darlington Local Plan (1997) that were 'saved' under the provisions of Section 38 of the Planning and Compulsory Purchase Act 2004.

The application site is within the development limits for the urban area and would accord with Saved Policy E2 of the Borough of Darlington Local Plan 1997 and Policy CS1 of the Darlington Core Strategy Development Plan Document 2011. The site forms part of an existing housing development currently under construction and therefore the principle of further housing

development in this location has already been established but the proposal must accord with the general development control matters outlined below.

Residential Amenity

The development site is enclosed by a mix of fencing and retaining walls supported by hedges and a belt of mature trees. The rear elevations of the semi detached dwellings on Dale Road and Elton Road form the north and west boundary respectively of the application site with the remainder of the new housing development located to the east and south.

There are differences in land levels between the existing dwellings to the north and west and the application site and the applicant has submitted Sectional Drawings to reflect the differences in levels.

The dwellings have been repositioned in some locations so that the elevations that face the existing dwellings do not contain any habitable principal windows.

The applicant has stated that generally site levels within the application site will be slightly reduced from the original levels in this area.

The Council's Supplementary Planning Document – Design for New Development contains the minimum proximity distances that need to be met between existing and proposed dwellings. The minimum acceptable distance from habitable room window to habitable room window between two storey dwellings is 21metres. The minimum acceptable distance from a habitable room window to a non habitable room window or a blank wall between two storey dwellings is 12.5m. However, for every 1 metre difference in finished floor levels between the two dwellings, 2 metres must be added to the aforementioned standards.

The existing hedges and belt of trees will help to screen the new dwellings from the neighbouring dwellings on Elton Road and Dale Road and even though they will be constructed on a higher ground level they will not be overbearing structures when viewed from these properties due to the proximity distances involved. The new layout and the spatial relationship of the new dwellings with those previously approved within the development site are considered acceptable.

Officers have assessed the proximity distances between the new dwellings and the existing dwellings, both surrounding and within the development site, taking into account the differences in ground levels and can confirm that they comply with the requirements of the Supplementary Planning Document – Design for New Development document. It is considered that the proposed development will not cause unacceptable harm to the residential amenities of the neighbouring dwellings.

Impact Upon the Visual Appearance of the Surrounding Area

The house types that would be introduced by this proposal are new to this development site. They are two storey dwellings replacing larger detached dwellings. The majority of the new dwellings have integral garages, with only three properties requiring separate detached garages. Three of the dwellings would front onto the existing road network and the remaining five dwellings would be accessed off a shared drive.

Following comments made by the Council's Arboricultural Officer the layout of the site has been revised and the Holland house type has been omitted from the scheme.

The dwellings have been designed to take account of the Council's Supplementary Planning Document – Design for New Development document and the use of a shared drive is a common feature within the development site.

The Core Strategy and the Design SPD sets out broad standards requiring the layout and design of new development to minimise energy consumption and maximise adaptive capacity. To help the Borough tackle climate change, developers will be expected to meet the minimum Code for Sustainable Homes Rating 3 in 2011/2012. Planning conditions can be imposed to secure the submission of a Sustainability Statement prior to the commencement of the development and to secure Final Code Certificate upon completion.

It is considered that the proposed new dwellings would not have an adverse impact upon the visual appearance of the surrounding area but it is appropriate to secure materials via a planning condition, if permission was granted.

Highway Safety

The development site is accessed from two entrances off Cleveland Avenue which, along with the internal road network would remain unchanged. Each new dwelling has a garage (either integral or separate) and sufficient in curtilage parking will be provided. The Council's Highways Engineer has raised no objections to the proposed scheme provided that the private shared drives have a minimum width of 3.7 metres, which they do accord with.

Impact Upon Trees

A number of trees throughout the development site are included within the Tree Preservation Order dated 2006. The application site contains seventeen trees on the north and west boundaries which are included within the Order. One tree (Plum) on the north boundary and covered by the Order would be removed but a Tree Report identifies the trees as being in decline and that it must be felled.

The layout of the development has been revised so that the dwellings are positioned further away from the protected trees. The applicant has confirmed that the land around the trees will not be built up and such areas would be protected during the construction phase by fencing.

There is no evidence that the repositioned dwellings will have a long term impact upon the health of the trees and appropriate tree protection measures can be secured by planning conditions. However, the Council's Senior Arboricultural Officer states that there may be requests from the future occupiers for works to the trees to allow for light penetration to the dwellings and gardens. However, Officers consider that the applicant has revised the layout to an acceptable level and that the planning application should not be recommended for refusal on the grounds that requests may be made to the Council to prune the trees in the future.

Contaminated Land

The Council's Environmental Health Officer has confirmed that previous site investigations have been undertaken at the development site. A Remediation Statement has been produced along with a Validation Report which covered the removal of certain areas of contamination. Validation of the depth of cover soils is ongoing across the site and it is anticipated that the application site will be treated in a similar manner and validated accordingly.

Flooding and Drainage

The applicant has confirmed that hard surface areas such as roofs and driveways will be designed to positively drain in the development site's surface water sewer system, which will

prevent any surface water run off from the site. The surface water drainage system used at the development site has been designed with adequate storage capacity for flood events up to a 1:30 year storm. The sewers have been approved by Northumbrian Water and the discharge from the site into the public sewers is at a restricted flow rate to prevent any flooding issues downstream of the development.

Northumbrian Water has not objected to the planning application.

Section 106 Matters

Due to the size of the site and proposed number of new dwellings it is necessary to enter into negotiations for open space provision to mitigate the impact of the additional dwellings. It is accepted that further open space cannot be provided within the development site and officers are negotiating a commuted sum for the equivalent of providing open space on site to improve the green infrastructure in the locality off site.

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 proposal involves the erection of nine additional dwellings within an existing housing development that is currently under construction. The application site lies within development limits identified in the Borough of Darlington Local Plan and the Darlington Core Strategy Development Plan Document. The revised design and layout of the development accords with the relevant policies in the Core Strategy and the Supplementary Planning Document – Design for New Development. The proposed dwellings have no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintain adequate levels of privacy. The development respects the amenity and general character of the area. The location of the dwellings has been revised to ensure that the long term health of the trees within the application site will not be adversely affected. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

Darlington Core Strategy Development Plan Document (2011) Policies

- CS1 Darlington's Sub-regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS4 Developer Contributions
- CS10 New Housing Development

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- E2 Development Limits
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Other Supporting Documents

- Supplementary Planning Document – Design for New Development
- Darlington Open Space Strategy 2007 - 2017

RECOMMENDATION

THE DIRECTOR OF PLACE BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. A FINANCIAL CONTRIBUTION TO MITIGATE OPEN SPACE REQUIREMENTS NOT BEING PROVIDED ON SITE

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. Prior to the commencement of the development, an Interim Certificate for Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.
REASON: To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
4. Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with condition 3)
REASON: To ensure that the development has been carried out in complete accordance with condition 3) in accordance with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development
5. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
 - (a) The raising or lowering of levels in relation to the existing ground levels;
 - (b) Cutting of roots, digging of trenches or removal of soil;
 - (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
 - (d) Lighting of fires;
 - (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plot Nos. 23 – 27, including any additional structures/building within the curtilage of the dwellings, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order safeguard the health of the trees contained within the Borough of Darlington Tree Preservation (No 17) Order 2006

7. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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Other Supporting Documents

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The applicant is advised that contact must be made with the Assistant Director – Highways, Design and Projects (contact Ms P Goodwill – 01325 388760) to discuss naming and numbering of the development

Northern gas Networks

Northern Gas Networks have stated that they have no gas mains in the area but their records indicate that gas pipes owned by other Gas Transporters may be present in the area. Further enquiries about such pipes should be obtained from the owners. Safe digging practices, in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the responsibility of the applicant to ensure that this information is provided to all persons (either direct labour or contractors) working for the applicant on or near gas apparatus