

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 July 2008

Page

APPLICATION REF. NO:	08/00279/FUL
STATUTORY DECISION DATE:	16 July 2008
WARD/PARISH:	COCKERTON EAST
LOCATION:	Site Of Former Hopetown House, Brinkburn Road
DESCRIPTION:	Proposed residential development consisting of 48 No. dwellings and 48 No. apartments and associated car parking.
APPLICANT:	Arkle Securities Limited

APPLICATION AND SITE DESCRIPTION

Hopetown House is a prominent two and five storey vacant office building on the junctions of Brinkburn Road, Alliance Street and Darrowby Drive. Oakfield Lodge, which is a modern residential development, lies to the north and west of the application site; Hopetown Working Men's Club abuts the east boundary and terraced dwellings, interspersed with commercial units lie opposite to the south. Access onto the site is from the east (Darrowby Drive), which is shared with recently constructed office buildings, Studios 1 and 2 to the rear of Hopetown House. Studios 1 and 2 do not form part of this application but they, along with Hopetown House are vacant and have been the targets of vandalism.

This detailed application is for the demolition of Hopetown House and the erection of a residential development of 96 No. properties mixed between 1 and 2 bed apartments and 3 bed dwellings. The development would amount to 48 No. dwellings and 54 No. apartments. A total of 130 parking spaces would be provided with vehicular access into the site off Brinkburn Road.

The application site has previously been the subject of a detailed Statement of Community Involvement exercise (See Planning History) and consultation, in relation to this application with local residents and Ward Councillors was carried out in March 2008. The response received as a result of the exercise was supportive.

PLANNING HISTORY

The most relevant entry is:

06/01026/FUL - Planning permission was REFUSED for the demolition of existing office buildings to create 124 No. dwellings. The application was refused on for the following reason :

- *The proposed development does not make an acceptable contribution to identified affordable housing needs as required by Policy H9 of the adopted Borough of Darlington*

Local Plan and as set out in the Council's draft Affordable Housing Supplementary Planning Document.

PLANNING POLICY BACKGROUND

The following comments refer to the above application. The following sources of policy need to be taken into primary consideration when determining the application:

National Planning Policy

- PPS3: Housing

Regional Planning Policy

- Policy 39 Sustainable Construction

Local Planning Policy

The following policies are applicable from the Borough of Darlington Local Plan:

- E29 The Setting of New Development
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
- H11 Design and Layout of New Housing Development
- R6 Open Space Provision in New Residential Development
- R7 The design of Open Space
- EP14 Existing Employment Development

The following supplementary planning documents relating to the above policies are also of direct relevance:

- Affordable Housing SPD
- Commuted sums from New Housing Developments for the enhancement of existing equipped Play Areas SPG

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received raising the following comments:

- *The new Regional Spatial Strategy is set up to give the public a much greater influence over how land will be used in their area according to the principle that every one has a legitimate voice. Included is a requirement that developers will have to work more closely with local communities. With the RSS in mind, we felt the proposed development is designed for maximum profit at the expense of the local communities. The developer's argument that in order for the development to be viable, the development must be for 102 dwellings. The public will never know the true land purchase, demolition costs, construction costs or profit made. Without this information the developer is being economical with the facts and that makes his argument based on density, unsubstantiated.*

- *We do not need more high-density housing and flats. We do not need an extension of the existing estate style of houses and bungalows on Darrowby Drive and Wederly Close.*
- *Towers at the rear of the development are not a vital part of the visual impact, but are over bearing in their position and scale, resulting in a loss of privacy to the existing homeowners. The towers should be removed;*
- *The proposed properties (Nos. 38, 39, 40 and 41) are too close to my home. We will be overlooked at the front garden, the side garden and the rear garden;*
- *The ground level rises from Brinkburn Road northwards to the boundary fence of No 19 Wederly Close. A planning condition that requires the ground level to be lowered by 2 or 3 metres at the high side of the site will help to reduce the “on top of us” effect*

CE Electric UK

CE Electric UK have raised no objections

Northern Gas Networks

Northern Gas Networks have raised no objections

Northumbrian Water Limited

NWL have stated that public sewers will not be affected or affect the proposed works

PLANNING ISSUES

The main issues to be considered here are:

- Planning Policy
- Affordable Housing
- Visual Appearance and Character of the Area
- Residential Amenity
- Highway Matters
- Trees
- Section 106 Agreement
- Other Matters

Planning Policy

Planning Policy Statement 3: Housing sets out the Government's objectives in respect of housing development. The statement is a material consideration when determining planning applications.

The definition as to what constitutes previously developed land is:

“Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.”

However, the definition goes further to state:

“There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.”

It is clear that the development site is classed as previously developed land. The site is surrounded by existing older residential areas on Brinkburn Road and Alliance Road and also adjoins the newer housing estate at Darrowby Dive. There is an existing office development

adjoining the development site, to the north-west. The existing site has the character of an isolated employment area within an existing residential area, therefore the site, if changed to residential use would be suitable for housing development.

The statement discusses the use of previously developed land. Paragraph 36 states:

“The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.”

The development site is classified as previously developed land. The site is a vacant office unit, being unoccupied for over a year at the time of the application. Bearing in mind the surrounding residential character and that the site is previously developed land, vacant and is approaching dereliction due to ongoing vandalism it should be a priority site for delivery of new housing.

In deciding upon planning applications for new housing the statement sets out what the Planning Authority should have regard to. Paragraph 69 states:

“In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*
- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.”*

The housing type proposed is a mixture of houses and flats that are relatively well integrated into the curtilage of the site. In relation to the dwelling types already provided immediately outside of the curtilage the proposed housing is of a distinctly higher quality. The proposals essentially provide for an attractive residential environment building upon the local improvements made at the newer Darrowby Drive development.

With regard to the suitability of the site it is suitable for housing. As previously stated the site is surrounded by existing older residential areas on Brinkburn Road and Alliance Road and also adjoins the newer housing estate at Darrowby Dive. There is an existing office development adjoining the development site, to the north-west. The existing site has the character of an isolated employment area within an existing residential area, therefore the site, if changed to residential use would be suitable for housing development.

The land is currently being used for offices with mixed success. Historically the wider area of Hopetown has gradually changed from heavy industry, to derelict land and into predominantly residential use and mixed employment use. This has proved an effective and efficient use of the urban land in an already sustainable location. The use of the vacant office curtilage would be a further effective and efficient use of land in a sustainable location.

The proposals are in general accordance with the principles set out in PPS3.

The Regional Spatial Strategy (RSS) Further Proposed Changes, and the anticipated final RSS, to be published shortly, along with the emerging Core Strategy requires that all major developments (over 10 dwellings) should provide at least 10% of their energy needs from on site

renewable sources. This issue can satisfactorily be dealt with by the imposition of an suitable planning condition.

Affordable Housing

The Borough of Darlington Local Plan defines affordable housing as housing designed for those whose incomes generally deny them the opportunity to purchase houses on the open market as a result of the local relationship between income and market price.

Under the provisions of the Affordable Housing Supplementary Planning Document, the site falls within North West Sub Area and the Cockerton East Ward and the demand for affordable housing is considered to be moderate. The affordable housing target for this development would be 15% of the total number of units. The applicant proposes to make a financial contribution towards affordable housing off-site rather than incorporating housing within the scheme. The applicant considers that an off site commuted sum is appropriate in this instance as Cockerton East is not an area considered essential for affordable housing provision and it is unlikely that the landowner will develop the site and the site will be sold to a third party to be developed. Also the demolition and reclamation costs will be high.

The Councils Housing Renewal Officer has commented as follows; *“I am in principal not opposed to the acceptance of a commuted sum in lieu of affordable housing on the Hopetown House site. The formulae adopted in the calculation of the proposed commuted sum does follow the advice of the Affordable Housing SPD but fails to acknowledge that the housing need requirement is for larger family homes i.e. 3 bed properties. I have adjusted the commuted sum calculation to reflect this;*

I would want to stipulate that any commuted sum generated from this site in lieu of affordable housing is made available for the provision of affordable housing anywhere in Darlington where there is an identified housing need.”

The applicant has been made aware of the above comments and further discussions are required to agree the exact figure for the financial contribution.

Visual Appearance

The surrounding area consists of a mixture of modern detached and semi detached dwellings to the north and west with established areas of terraced properties to the south and east.

The proposed development is a mixture of 2 and 3 bed dwelling houses and one and two bed apartments. The majority of the apartments are located in Block 4 on the corner of Brinkburn Road and Alliance Street. The dwellings are a mixture of being 2; 2.5 and 3 storeys in height. The apartment block would have a central section measuring 5 storeys with a 4 storey section on either side, incorporating some undercroft car parking. The Design and Access Statement states, *“The proposal involves a traditional style incorporating the vernacular Victorian and Georgian proportions and window styles. A traditional pallet of material is proposed including facing brick and render. The elevations have been broken up with varying roof heights and architectural features such as bay windows, balconies, canopies and dormer windows.”*

The development has been designed in order to achieve a strong road frontage along Brinkburn Road and Darrowby Drive. There would be a series of courtyards in order to provide parking areas and these areas would have natural surveillance from the proposed dwellings. Units 19 to

27 have been designed to front onto the two existing Studio buildings to create a layout beneficial to any future redevelopment of that part of the site for residential use.

The Council's Urban Design Officer has been involved in the proposal from pre application stage and comments as follows:

- 1. The elevation to Brinkburn road is broadly appropriate, with street enclosure maintained and a good level of natural surveillance and visual interest. The boundary treatment, if any will be critical to how this development is experienced although I am pleased to see direct access to the pavement.*
- 2. The layout is acceptable with a clear perimeter block layout throughout much of the site and has been designed to accommodate further residential development.*

I am broadly happy with this scheme in terms of design."

With regard to the apartment block, the Design and Access Statement states that this part of the site "*requires a much larger building from a design point of view given the changes in levels*". Hopetown House is a five storey and two storey building which is very prominent on the street scene. The proposed apartment block would also have a maximum height of five storeys but the existing ground level would be lowered by approximately 2m to reduce its overall impact. The apartment block would not be as high as the existing office building and Officers consider that the block would be a strong feature of the development but not overbearing on the appearance of the locality.

It is considered that the development would accord with policies E29 (The Setting of New Development) and H11 (Design and Layout of New Housing Development) of the Local Plan.

Residential Amenity

The objectors dwelling (No 19 Wederley Close) is a modern detached property located to the north east of the application site. The southern elevation of the dwelling fronts the application site and contains a small high-level window, which does not lead into a principle room. The boundary between the dwelling and the application site consists of a 2.4m high fence. The existing ground level of the application site is approximately 0.9m lower than the ground level of No 19 Wederley Close.

The section of the proposed development facing No 19 Wederley Close consists of six units, which would be 2.5 and 3 storeys high. The standard separation distance between a gable end and buildings of the proposed scale would be 15.5m. The distance in this case would be 15m. However, the ground level of the application site would be dropped a further one metre, (1.9m in total between the two levels) which would result in the eaves levels of the existing and proposed buildings being the same height which would minimise the impact of the proposed development on the objector's dwelling. In effect, this would reduce the separation distance to 12.5m and the proposal fully complies with this requirement.

The properties on Wederley Close, to the rear of Studios One and Two are bungalows. The proposed development would be 26m away at its closet point and therefore the development will not have an overbearing impact or create significant overlooking issues.

The existing dwellings on Darrowby Drive, which face the application site, consist of two blocks of modern terraces each containing four properties. The section of the development fronting these dwellings consists of four units 2.5 storeys high and two end apartments' blocks, which are three storeys high. The 2.5 storey buildings are essentially two storey dwellings with rooms in the roofspace and there would be a separation distance of 22m between the existing and proposed buildings. The three storey end apartment blocks do not directly overlook the dwellings on Darrowby Drive as they are slightly offset and therefore, they would not create significant overlooking issues. This spatial relationship is considered acceptable.

On Brinkburn Road, the majority of properties facing the application site are in commercial use. However, Nos 1; 2 and 3 Brinkburn Road are end of terrace dwellings with frontages facing the application site. The section of the proposed development fronting these properties consists of a row of six townhouses ranging between 2 and 3 storeys high and the large apartment block. No 1 has principle windows on both the Brinkburn Road and Harcourt Street elevation and it would be approximately 30m away from the apartment block. No 3 would be approximately 22m from the four-storey element of the apartment block and No 5 would be approximately 18m from the three-storey townhouse directly opposite. Whilst these dimensions appear to be tight, the fact the apartment block will replace a building, which is even taller, and more imposing must be taken into consideration. Again, the existing ground level would be dropped to reduce the impact of the building even further. In such circumstances, it is considered that the relationship between the only three dwellings fronting the site from Brinkburn Road and the townhouses and apartment block are acceptable.

The relationships between the buildings within the development are acceptable. It is considered that the development would not result in conditions prejudicial to residential amenity.

Highways

The proposal includes provision for 135 car parking spaces, which are located within forecourts. The apartment block would include a triple decker parking system with access from the rear. The layout has been the subject of the number of revisions following comments made by the Council's Traffic Manager.

One of the main concerns related to the service road for Studios 1 and 2, which is a private road and is fronted by Units 19 to 27. The Traffic Manager was concerned that this road, which does not form part of the application red line boundary, would not be available for 24 hour use by refuse vehicles, emergency vehicles etc and this would lead to issues such as refuse collection occurring on Darrowby Drive or Brinkburn Road which could be prejudicial to the free flow of traffic. The road is within the ownership of the applicant and therefore they have agreed to the imposition of a Grampian condition removing the gate and allowing 24 hour access for vehicles.

Any further highway related matters, which arise, would be mentioned to Members verbally at the Planning Committee and any further planning conditions can be imposed accordingly.

The Transport Policy Section have commented as follows: *“Fundamentally, the application is accompanied by a Residential Travel Plan, which appears to be a well written comprehensive document and appears to follow current DOT advice for the contents of such documents. The location of the development is a suitable one for encouraging sustainable travel by residents, given that there is a frequent service bus route to and from the town centre (every 10 mins). The site is also within easy walking distance of North Road railway station, with connections to Darlington Bank top station and Bishop Auckland. It is also within walking distance of North*

Road District Centre (5 mins), Cockerton District Centre (15 mins) and even the town centre (20mins). Darrowby Drive and Chandos Street are advisory cycle routes and these link to other advisory routes and segregated off road cycle routes.

The Travel Plan makes it clear that residents will need to access a full range of facilities including employment, education, health, leisure, recreation and shopping, by sustainable means. Many of these facilities are located on the eastern side of the Bishop Auckland branch line eg Morrisons North Road and the indoor bowls club, Denmark Street surgery and pharmacy, Longfield School and various businesses in Whessoe Road. Walking access to these facilities involves using the 'cut' under the railway line. For pedestrians, the route is difficult and dominated by traffic which often queues under the railway bridge. The pavements under the bridge are narrow and often slippery. Pigeons roost under the bridge and create a mess. Pedestrian crossing points on roads either side of the 'cut' could be improved. Lighting under the 'cut' needs to be reviewed with a view to ensuring that it is suitable for pedestrians. A feasibility study would need to be carried out to assess whether the installation of traffic lights for one way traffic would have benefits and be feasible (wider pavements and a segregated cycle path may be possible here). In order to achieve necessary improvements to the pedestrian use of the 'cut', I would ask for a developer contribution via Section 106, which should be in the region of £100,000, to improve the walking route under the 'cut'. In addition, there should be a condition to secure implementation of the Travel Plan in accordance with the submission.

Finally, it is not apparent what provision has been made within the development for covered secure cycle storage for residents. What is required here is some storage indoors for both the flats and the houses, given that there are no garages on the site. The application mentions the provision of outside cycle stands outside relevant apartment entrances, but these will not be sufficient for use by residents. However there is a need to provide more specific information on the number and size of outside cycle stands."

Suitable planning conditions can be attached to a grant of planning permission to secure a Travel Plan and secure cycle storage. The applicant has been made aware of the request for a financial contribution to the pedestrian access and further discussions would take place during the Section 106 Agreement process.

Trees

The application site does contain a number of trees, which are not the subject of a tree preservation order. The Council's Senior Arboricultural Officer has inspected the trees and considers that three mature Hawthorn trees and a semi mature Cherry tree on the Brinkburn Road frontage are worthy of a tree preservation order. These trees would be removed as part the proposed development of the site.

Following discussions with the applicant and in order to compensate for the loss of the trees, it has been agreed with the Arboricultural Officer that the applicant makes a financial contribution of £5000 for the planting of twelve trees, including root anchors, irrigation systems and watering for two seasons, within the existing play area off Darrowby Drive, which is within the Oakfield Lodge housing development to the north of the application site. This agreement can be secured as part of the Section 106 Agreement

Section 106 Agreement

A Section 106 Agreement would be entered into in order to secure the following items:

- An off site contribution towards affordable housing in accordance with Affordable Housing SPD
- A sum of £46,400 towards play equipment in accordance with SPD - Commuted Sums from New Housing Developments for the enhancement of existing Play Areas
- A sum of £5000 towards the planting of trees within the Darrowby Drive play area
- A contribution towards highway Improvements on Brinkburn Road; and
- A contribution towards improvements to the pedestrian route between Brinkburn Road and Whessoe Road.

Other Matters

Issues relating to land contamination; noise and construction and demolition works have been considered by the Council's Environmental Health Division and they can be addressed by the imposition of planning conditions.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Hopetown House is currently a vacant building which has been the subject of vandalism and anti social behaviour. This is an opportunity for the building to be demolished and for the site to be developed for a more appropriate use. The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

Hopetown House is currently vacant and is the subject of vandalism, security problems and anti social behaviour. The applicant can concentrate on the demolition existing building once planning permission has been obtained to redevelop the site. The site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. 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:

- E29 The Setting of New Development
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
- H11 Design and Layout of New Housing Development
- R6 Open Space Provision in New Residential Development
- R7 The design of Open Space
- EP14 Existing Employment Development

National Planning Policy

- PPS3: Housing

Regional Planning Policy

- Policy 39 Sustainable Construction

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3
2. Prior to the commencement of the development, the Local Planning Authority shall approve, in writing, the details for the arrangements for the provision of the following as part of the development:
 - Affordable Housing
 - Equipped Play Area
 - Planting of Replacement trees
 - Highway Improvements
 - Improvements to Pedestrian Access

REASON: To ensure that the development is in accordance with development plan policies and the following adopted and draft Supplementary Guidance Notes: “Commuted Sums from New Housing Developments for the enhancement of existing Play Areas” and “Affordable Housing Supplementary Planning Document”.
3. B4
4. B9
5. C5
6. J2
7. Prior to the commencement of the development, a noise impact assessment shall be undertaken in order to assess whether any noise protection measures are necessary for the proposed dwellings and apartments. Details of any noise protection measures required as a result of the assessment shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of the residential amenities of the future occupiers of the development.
8. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

REASON: To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.
9. Prior to the commencement of the development, a Dust Action Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of residential amenity.
10. Notwithstanding the details submitted with the application, a Travel Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON; To encourage the future occupiers of the development to use different modes of transport.

11. Notwithstanding the details shown on the approved plans, precise details of secure cycle parking areas shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: To ensure that suitable cycle parking areas are provided for cyclist.

12. Prior to the commencement of the development, the gated access to the service road for Studio One and Studio Two shall be removed and the road shall become available on a 24 hour basis for pedestrians and vehicles.

REASON: In the interests of highway safety.

13. E2

14. B5

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Hopetown House is currently vacant and is the subject of vandalism, security problems and anti social behaviour. The applicant can concentrate on the demolition existing building once planning permission has been obtained to redevelop the site. The site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. 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:

- E29 The Setting of New Development
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
- H11 Design and Layout of New Housing Development
- R6 Open Space Provision in New Residential Development
- R7 The design of Open Space
- EP14 Existing Employment Development

National Planning Policy

PPS3: Housing

Regional Planning Policy

Policy 39 Sustainable Construction