

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 March 2016

APPLICATION REF. NO: 15/01127/FUL

STATUTORY DECISION DATE: 16 March 2016

WARD/PARISH: HEIGHINGTON AND CONISCLIFFE

LOCATION: Jubilee Wood Farm, Newbiggin Lane
Heighington

DESCRIPTION: Variation of condition 14 (Landscaping) attached to planning permission 13/00855/FUL dated 14 February 2014 for development of therapeutic, education and care facility comprising 2 No children's care homes and learning centre with related facilities - to permit a replacement planting scheme (amended and additional plans and information received 2 February 2016)

APPLICANT: Witherslack Group

APPLICATION AND SITE DESCRIPTION

The planning application site is an educational and care facility which consists of a single storey education building and two dwelling houses with associated car parking areas, playground, multi games area, barns and open spaces. Access to the site is via two entrances off the surrounding road network to the north and west (Corner Bank Lane and Newbiggin Lane respectively).

The site is within the open countryside and is surrounded by other agricultural fields apart from to the east where Jubilee Trout Farm is located and to the south west where there is a group of converted residential properties. The Trout Farm site includes fishing ponds, car parking areas, a detached dwelling and a single storey former retail/reception building which has recently been converted to a second dwelling with integral reception area associated with the commercial use of the site.

When planning permission was granted for the care facility in 2013 it was subject to a condition that the development was carried out in complete accordance with a landscaping scheme that was submitted at the planning application stage. Due to the need to revise the layout of the car park for House No 2 and to reposition the multi-use games area, the landscaping scheme for the site also had to be amended and this revised scheme was approved in 2014. These two landscaping schemes included the planting of trees throughout the site and native woodland planting within and along all boundaries. The revised planting scheme was partially implemented during the planting season in March 2015.

Following discussions between the applicant and their landscape consultants the landscaping scheme that had been implemented was reviewed and it was evident that areas of native woodland planting had not established. The Council were requested to investigate the landscaping scheme by a neighbouring resident and the applicant has submitted a detailed scheme for the site showing new revisions and species within the landscaping layout.

PLANNING HISTORY

The relevant entries are:

13/00855/FUL In February 2014 planning permission was GRANTED for the erection of a therapeutic, education and care facility comprising two childrens care homes and learning centre with related facilities

14/00797/FUL In October 2014 planning permission was GRANTED to vary condition 14) attached to the above planning permission to permit a replacement landscaping scheme

14/00800/FUL In October 2014 planning permission was GRANTED to vary condition 25) attached to the above planning permission to permit amendments to the layout, learning centre and House No1

PLANNING POLICY BACKGROUND

The relevant local development plan policies are:

Borough of Darlington Local Plan 1997

E14 Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS2 Achieving High Quality, Sustainable Design

CS14 Promoting Local Character and Distinctiveness

CS15 Protecting and Enhancing Biodiversity and Geodiversity

CS16 Protecting Environmental Resources, Human Health and Safety

RESULTS OF CONSULTATION AND PUBLICITY

Following the submission of the planning application six letters of objection have been received and comments can be summarised as follows:

- *I wish to object to the plans put forward by Meldrum Construction to change the planting scheme already passed to site. I have fished at Jubilee Lakes for some 17 years or more and have seen dramatic changes not only to the surrounding countryside, but also my own thoughts and others on fishing there. Dave and Sandra who have run the site for many years have given assurances where possible that business will continue as usual, however unfortunately for them this has too often not been the case. Myself and others included have had to detour around closed roads up to an extra 5 miles, something I have been willing to do but others have not. Even to get to the lakes during the building works has been a task in itself, no right minded person purchases a car to be covered in thick mud and cement. Many of the other gentlemen I have fished with no longer go to Jubilee at all, most started to shop elsewhere for tackle after travelling the dirty roads. Others feel as do I that it is no longer a slice of countryside, to stand and fish with large buildings looking back at you is not something most are willing to pay hard earned wages for. The school is visible from as far away as the Jet petrol station in Shildon and*

the idea of Meldrum not planting what was originally passed is a loss to the area and people affected by it, I myself would not wish to have that as my daily view.

- *On further studies and talks with neighbours, I have come to the conclusion that the amended planning for landscaping is not suitable for this site, and that the original planning for the planting of trees etc, should be adhered to. The site, although not as obtrusive in the landscape as some residents first expected, does need the appropriate amount of evergreen trees [conifers etc] to maintain/improve the overall appearance of the plot, as well as adding security for both the users and the surrounding community. Unless there are very good environmental reasons as to why the original plan is no longer feasible, I would strongly object to it being downgraded in any way, and in fact, would have hoped that the tree planting would have gradually increased over the next few years.*
- *I would like to add my objection to the planning changes proposed, the landscape around Jubilee Wood has been changed considerably by the building of the new school. When the initial plans were put in for the site it was said that the wished to be part of the countryside and to blend in, I find that the task will be impossible if the basic planting promised is to be altered.*
- *With reference to the proposed changes to the Oakwood Centres planting scheme, we feel strongly that the changes should not be passed as the school is visible from far and wide and has made a dramatic change to the landscape*
- *There are several different reasons I disagree with the application, the most important to myself being that I was repeatedly told by Witherslack and others that if the planting was in the planning consent then it had to be done. Unfortunately, I took everyone's word for it, without taking it in writing. Had we known that they would change it then we would have vehemently opposed it. While not openly supporting it, the whole process has put us in poor stead with our neighbours and the staff from the school treats us as the enemy.*
- *We had previously agreed with my parents to purchase the house some weeks before the planning was applied for, my parents then showed me the planting plans and we agreed that if all was in place it would have little to no effect on our day to day lives or hopefully the value of the property, none of this has been the case.*
- *My son has a disability that affected all of our lives greatly, when he was younger especially, the lakes here have been a great place for him of sanctuary and security, this is one of the reasons we did not oppose the site, I firmly believe that all children deserve a chance. To have the opportunity to live in the valley as I did and my children do should not have been taken away from them, but I think that Meldrum should fulfil their promise, I find it difficult to believe Meldrum can put a price forward for the job and then change the amount the job would cost them by changing the planting scheme. It would seem that way that neither Witherslack nor any properties nearby are getting the job Meldrum were paid for.*
- *We have had to put up with a lot during the build that overran by months and damaged both our cars and van and very nearly caused an accident with my children and myself in the car due to the amount of mud being stuck solid to the underneath of the car, caused by Meldrum leading away so much topsoil for weeks on end, this in turn has new issues as the road to our property now floods, if the topsoil was returned and the original planting put in place this would put an end to what will become a very serious danger in the icy winter months, not only for ourselves but also for the children and staff in their own vehicles.*
- *The view that I grew up with as a child has changed drastically and I understand that all things change, but they should not when promises and assurances are made. I have been up to visit the school and the difference in view is amazing. I'm quite sure the staff*

wonders why we are so put out, but if you ask the headmaster who has been kind enough to visit our site, the view shocked him and his staff member, they both agreed that they had no idea the whole site looked so close or loomed over us as it does. From the schools aspect we look miles away, from our home it's a great white block. We no longer leave the upstairs bedroom curtains open as it feels so overlooked, during this summer we did not sit out in the garden, as our home has a side on view of the school, we have no privacy to the front or back of our home.

- *On a night time the lighting is overstated to say the least and we truly have no idea as to why motion sensor lighting could not have been put in place outside, my children call it the titanic and we refer to it as Teesside's second runway. If the trees were put in place that were on the original plans, then given time and the fact that some were due to be pine, we would start to feel less invaded.*
- *The trees that are on the new proposal would not offer any cover at all, either for ourselves or for the staff and students at the school. The children and staff do not close curtains even in bedrooms, I would think that trees to block the view into the school would be advantageous in this respect given the amount of strange traffic that haunts the lanes during the evening and through the night, it is less than 2 weeks since we watched two 4x4's with poaching lamps drive into the school grounds and spend some minutes shining their lamps around the fields and buildings, these are people with guns, surely the school should put a gate on and put the trees in to stop them being able to see into the site.*
- *We have been told that the lighting on the site conforms with the planning consent, but surely from our view that was only whilst the original tree plan was in place, after all what is low level lighting in the school grounds is overhead lighting at our home.*
- *The children and staff use torches outside of an evening and these shine across the valley, lighting up the trees and sheds outside our home, sending us out looking for poachers and making the dogs bark. Again this puts us in the position where you feel miserable as we are more than happy to hear the children outside playing no matter the time of day, but with the trees in place as per the original plan, none of this would even be noticeable.*
- *The hardest part is to be able to see the children when the staff are dealing with them and they are being restrained, this is extremely difficult for my family to see, it is human nature when you hear a child scream or shout to turn and look to be sure they are safe, again if the original planning were going to be put in place this would break up the landscape all through the seasons and the children would have some semblance of dignity and privacy when they need it the most. The site is so open there really is no space for them to have to their own, the same as there is no space for our family at our home.*
- *There is little more that I can say other than I hope the council decides correctly and the original plans are put in place. We feel it's bad enough to have amended the planning but to have then removed the 25% Scots Pine and the 5% Holly, which should already have been planted by now, means we will spend 6 or more months of every year with a view of a white box as we were informed they could not change the planning consent to have it a different colour.*
- *I personally feel that not only would a change to the original planting scheme have an effect on the value of our homes but a huge effect on our personal space for all the years my family resides here, the plan was for my children, especially my son to have the freedom and space to do and be however they wish without the scrutiny of others, this is something that should be a basic right and something any changes to the planning permissions already granted would take away.*

- *When we were approached and told about the school we were very supportive. We were told by the representatives that if we could see any problem with the development they would do their best to ensure that it was ironed out as they wanted to be good neighbours. They told us that it would be a small school dug down into the hillside and a small school house on the bottom right of the site. We have a fly fishery and naturally our customers expect to be fishing in the countryside and for this reason we asked for certain things to be done. We asked for the building to be clad in wood like the school and the disruption through the building work are kept to a minimum and that a hedge be planted so that anglers wouldn't feel overlooked. We asked that lighting be kept to a low level. We were told that roads would be kept clear so as not to disrupt customers but roads were thick with mud and drivers were pushed into the side of the very narrow lanes. We lost a lot of business and customers did not want to risk damaging their cars.*
- *Most of the promises were broken and but most important we were told that a thirty foot boundary hedge would be planted so as to keep the countryside ambience of our fishery. Also bands of trees were to be planted between the boundary hedge and the new buildings to break up the view of the school and house. Roughly 30% of the trees to be planted were to be coniferous, 25% Scots Pine and 5% Holly. This was not just a promise but part of the planning application. We cannot support the scheme without this boundary hedge being a part of it. Our view is totally ruined because of the lighting but now they are trying to get out of building the hedge. Our customers, those not already driven away by the state of the roads during the building work now feel overlooked*
- *We would have never agreed to the plans without the hedge and the planting above it in front of the school. If they want the school to look as though it is in a town why did they not build in the town? We would have never supported their application if we could foresee what they had intended.*
- *There has been planting done, all deciduous trees scattered across the site. It looks like a local park. No trees have been planted on our boundary as promised and none of the trees are coniferous. We asked for this so our fishery would continue to look as though it was in a rural setting and were promised this on many occasions. We are disappointed that they now only intend to gap fill with native trees but the trees listed are deciduous which is fine during the summer but during the winter there are no leaves on the trees which is why the full boundary hedge with 30 % conifers as on the original scheme is required.*
- *Planning permission should be upheld or what is the point. We now have harsh night time lighting, a bright white school building leering over the valley and well above the skyline, poor land as all the topsoil was lead off the site during the building work so that grass will barely grow and now they are asking to amend the planting scheme for the boundary they promised.*

Following the submission of the amended and additional plans, the Council received no further letters of objection. Any further objections will be mentioned verbally at the Planning Applications Committee.

Consultee Responses

The Council's Senior Arboricultural Officer has raised no objections to the proposed landscaping scheme

PLANNING ISSUES

The objectives of the original landscaping scheme for the site was to help integrate the development into its countryside setting; to provide ecological benefits to the locality; to provide

an external learning area for the residents of the facility and to provide an element of screening from outside of the site.

The main issue to be considered here is whether or not the revised landscaping scheme will meet the above criteria.

The site is bounded with the adjacent road network by existing well established hedgerows and tree planting and this boundary treatment does provide a very good visual screen when viewed from these roads. As part of the landscaping for the site new woodland areas are included in areas parallel to the adjacent highways to assist and augment the existing hedges and trees.

There are existing trees and hedges on the eastern and southern boundaries of the application site to which the proposed landscaping scheme would enhance and add to.

The plant species within the site have been chosen having regard to the rural location of the facility, soil types and ground conditions. Native woodland planting and shrub edge would be planted on the boundary of the site including the east boundary with the neighbouring Trout Farm. In these areas trees would be planted at 2m spacings in species groups of 3, 5 or 9 and shrubs would be planted in a 3m wide band at 1m staggered spacings. This arrangement is very similar to the previously approved layout and Scots Pine (10%) has also been reintroduced within the range of species of the Native Woodland tree mix.

The woodland blocks have been planted around the perimeter five metres from boundaries to allow maintenance of existing trees and hedges and fences. The woodland areas consist of native trees and shrubs that are young plants (typically 2 or 3 years old and 40cm - 60cm high) as they will establish quicker than larger and older tree stock. Nevertheless some standard trees have also been included in these areas to afford some initial impact whilst the very young trees and shrub stock establish.

Woodland planting is included in the centre of the site and along the south eastern boundary and extra heavy trees would be planted in small groups in grassed areas.

The site also has amenity grassed seeded areas, wildflower seeded areas, marginal planting and bankside planting on the swale and attenuation pond.

The application site is within a valley with the facility buildings located on the western valley side. Corner Beck runs along the east boundary of the site and this watercourse and the Trout Farm are at the base of the valley before the land continues to rise again to the south east. As a result, the new buildings at Jubilee Wood Farm are at a higher level than the Trout Farm and they are currently visible from the neighbouring site. The buildings are also visible from across the valley on the highway to the east (Stoney Bank). The woodland tree planting on the boundary between the two sites will not provide a significant visual barrier for the buildings when viewed from the Trout Farm due to the differences in land levels and the position of the facility buildings on the valley sides hence the additional Native woodland planting in the centre of the site further up the valley side and to the front of the facility buildings which, when established would provide screening.

It is important to note it will take 3 to 4 years for the woodland areas to mature sufficiently to start to provide effective screening and that after 10 years of establishment and growth the maturity of the landscaping scheme would expected to be significant.

The Council's Senior Arboricultural Officer has inspected the site and advised that the proposed species and sizes are acceptable for their locations. The landscaping will provide appropriate screening in terms of the local area and in terms of privacy but acknowledges that it will take time. The landscaping scheme will provide long term benefits within an acceptable timescale.

Officers consider that this timescale is not unreasonable for any landscaping scheme to become established and the landscaping will fulfil its long term objectives.

The applicant has advised that the landscaping scheme as submitted will be implemented by the end of February 2016 but it is considered appropriate to impose a planning condition to ensure that the scheme is implemented within the first available planting season which is generally mid-November to late March and that any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced.

The proposals still include outdoor learning and study areas for the residents of the facility which will provide great educational benefits and fulfil the learning objectives of the facility.

With regard to the ecological improvements to the site, the swale and attenuation pond with its associated landscaping will attract wildlife and the site is subject to a previously approved habitat and landscape management plan which is being implemented.

It is considered that the revised landscaping scheme is acceptable and will still achieve the original objections of the layout as it establishes over time.

Other Matters

Some of the matters that have been raised by the objectors relate to issues that arose during the construction phase of the development and the subsequent management of the facility. Members are advised that these are not material planning considerations in the determination of this particular planning application.

Furthermore, Officers have investigated the concerns that were raised over the extent of external lighting and the levels of illumination. Following the submission of the required details and a subsequent site visit by Environmental Health Officers the external lighting on the site meets the necessary guidelines for developments in rural locations.

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

It is considered that the revised landscaping scheme for the site is acceptable and would continue to achieve the objectives of the original proposal.

RECOMMENDATION

PLANNING PERMISSION GRANTED SUBJECT TO THE FOLLOWING CONDITION:

1. The approved landscaping scheme as shown on Drawing Nos: 1319.03D and 1319.04 shall be fully implemented within the first available planting season, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained in perpetuity to the satisfaction of the Local Planning Authority.

REASON: To ensure a satisfactory appearance of the site in the interests of the amenities of the area

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997

E14 Landscaping of Development

Darlington Core Strategy Development Plan Document 2011

CS2 Achieving High Quality, Sustainable Design

CS14 Promoting Local Character and Distinctiveness

CS15 Protecting and Enhancing Biodiversity and Geodiversity

CS16 Protecting Environmental Resources, Human Health and Safety