

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 March 2012

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APPLICATION REF. NO:	11/ 00803/FUL
STATUTORY DECISION DATE:	5 March 2012
WARD/PARISH:	CENTRAL
LOCATION:	Land North of Eastmount Road Junction, Haughton Road
DESCRIPTION:	Erection of 12 no dwelling houses in two and three storey form.
APPLICANT:	Vela Group

APPLICATION AND SITE DESCRIPTION

The application site is situated on the North-eastern side of the Eastmount Road/ Haughton Road junction and comprises an area of land of approximately 0.14hectares. It consists of an area of amenity grassland on the rear part of the site and a linear belt of tree planting adjoining Haughton Road.

The site is bounded to the Northwest by a back lane beyond which lie residential properties. To the Northeast it fronts Montrose Street. A large area of public open space faces the South-western side of the site, on the opposite side of Eastmount Road. The site falls steeply way from Haughton Road towards the back lane adjoining the rear of the site and also rises from the Eastmount Road junction north-eastwards towards the Haughton Road rail bridge.

The application is for the erection of 12 dwellings in the form of two terraces of six units fronting Haughton Road. Ten of the dwellings will be 2 storey two bedroom units with two three storey four bed units situated adjacent to the road frontages of East Mount Road and Montrose Street.

Parking provision is made for 20 vehicles, 17 within the curtilage of the development and 3 additional on street spaces in Dundee Street. Vehicular access to the dwellings would be via the back lane at the rear of the site. The scheme includes for the relocation of the bus shelter on Haughton Road.

A Design and Access Statement and Ecology Report accompany the application.

In accordance with the guidelines contained in the Council's adopted Statement of Community Involvement a public consultation event was held at Darlington College.

The event raised both positive and negative comments from residents which are summarised below: -

- A number of residents supported the use of the site for residential purposes, particularly for affordable housing.
- Some residents offered support of the regeneration of the site and accepted that the loss of the amenity space would not be detrimental to the area but considered that compensatory planting and investment into the neighbouring park would be far more beneficial to the amenity of the area.
- Removal of the vegetation would be welcomed as it currently collects litter and looks untidy.
- Some residents praised the design of the house types and the way the level change in the land had been resolved with raised gardens.
- The use of colours on the dwellings was welcomed by some in providing visual interest to Houghton Road.
- Other residents felt that sites elsewhere such as the derelict garage along Eastmount road may be better suited for housing.
- Some residents felt that site should remain as green space as it provided amenity value.
- A traditional architectural style was considered by some to be more appropriate.
- Not enough parking.
- Traffic Problems
- Height of the buildings could block light.

PLANNING HISTORY

82/00009 – In March 1982 planning permission was granted for earth moving and other works in association with the landscaping of the site to form an amenity area.

PLANNING POLICY BACKGROUND

Darlington Core Strategy Development Plan Document

CS1 - Darlington's Sub-Regional Role and Locational Strategy
CS2 - Achieving High Quality, Sustainable Design
CS3 - Promoting Renewable Energy
CS4 - Developer Contributions
CS10- New Housing Development
CS11 – Meeting Housing Needs
CS15- Protecting and Enhancing Biodiversity and Geodiversity
CS16- Protecting Environmental Resources, Human Health and Safety
CS17 – Delivering a Multifunctional Green Infrastructure Network

Saved Policies of the Borough of Darlington Local Plan:

E2 - Development Limits

E3 - Protection of Open Land
 E12- Trees and Development
National Planning Policy

PPS3 – Housing (2011)

Other Relevant Planning Policy Documents

Design of New Development Supplementary Planning Document (“Design SPD”) 2011.
 Open Space Strategy (2007).

RESULTS OF CONSULTATION AND PUBLICITY

Eleven letters have been received from neighbouring residents including from a representative of the Central Community Partnership, objecting to the proposed development on the following grounds: -

- Loss of an important amenity area which is identified as open space in the Council’s open space strategy in the Local Development Framework as per policy 4 of the strategy.
- Loss of trees.
- It would result in the loss of a natural wildlife habitat.
- Loss of a safe play area for children.
- The existing amenity area provides a sound and pollution barrier from traffic on Haughton Road.
- The design does not respect historic character of existing properties.
- The massing and alignment of the development is out of keeping with the area
- It is far too high.
- Overdevelopment.
- Loss of light to properties in Dundee Street and Montrose Street , particularly due to the higher ground level of the site.
- Overlooking and loss of privacy.
- Being too close to a major road it would provide poor levels of amenity for future occupants of the dwellings due to vibration and noise from passing traffic.
- The junction of Eastmount Road/Haughton Road is hazardous due to poor visibility for pedestrians and traffic alike and is hazardous already due to the constant flow of traffic. The development would only exacerbate the current situation. A pedestrian was killed at this junction not long ago.
- Inadequate parking provision. Parking provision in the area is already limited the development would only make this worse.
- If the Council is minded to grant permission it should be made subject of a Section 106 Agreement to secure funding for the improvement of the green space and playground which adjoins Eastmount Road and Haughton Road.

Two petitions have also been received, one containing 35 signatories and the other 25 objecting to the development and reiterate the concerns raised above.

Northern Gas Networks has no objections to the proposed development.

The Council’s Highways Engineer has made the following detailed comments on the scheme: -

- *Traffic Impact - The proposed development is not of a size that would require a Transport Statement or a Transport Assessment to be submitted in support of the application. A development of this size is likely only to generate 10no trips in the evening peak hour it is therefore not considered there would be a significant traffic impact.*
- *Car Parking - There is provision for parking of 17no vehicles within the curtilage of the development and there will be an additional 3no on-street spaces on the extended Dundee Street and there is existing on-street provision on Montrose Street. This represents a provision of over 1.5 spaces per dwelling and given the location of the site in relation to the town centre and the good quality public transport provision on Haughton Road it is considered that this is acceptable. There is a problem with parking in this area by commuters and users of the adjacent Colleges. The applicant must be conscious of the need to protect off street parking, in particular those spaces parallel to the back lane.*
- *Pedestrian Access - level pedestrian access will be available for all of the dwellings onto the existing footway on Haughton Road.*
- *Vehicular Access - The vehicular access to the site is via the back lanes to the rear of the site. These back lanes are in poor condition with a number of 'settled' areas. A condition must be included with an approval requiring that improvement works are carried out to this back lane to provide an acceptable vehicular access to the development*
- *Bus Shelter - The submitted layout includes for relocation of the bus shelter on Haughton Road. There is still a concern about this proposal as it would then be off-set from the raised platform at the bus lay-by. This shelter is provided by Clear Channel under an Agreement with DBC and its relocation or renewal must be agreed with the Clear Channel. It may well be the case that additional works would be required within the lay-by to increase the size of the raised platform to ensure the shelter is set within the platform area. I would suggest that a condition is included with an approval in regard to works that will be required to accommodate relocation of the shelter, if its relocation is agreed. I will also be suggesting an informative requiring that further discussion takes place on this issue with Officers of the Council.*
- *Dundee Street parking - The proposal includes for extension of Dundee Street to make this space more useable for parking of vehicles. The roads in the vicinity of this site are within a Residents Parking Scheme and there are restrictions on parking in this existing area. The proposals will require an amendment to the order so that this area can be made available for parking. There may also be other minor amendments to the order as a result of this development. In addition to the signing and lining the advertising/legal costs required to amend the order must be funded by this development and these funds must be secured by condition/obligation.*
- *Footpath Diversion - The proposed development requires diversion of an existing footpath and this will require making an order under Section 257 of the Town and Country Planning Act 1990. An informative to this effect will be required with an approval.*
- *Street Lighting - The proposal requires relocation of an existing street lighting column on Dundee Street. The works required to relocate this column must be included as a condition of approval. There is currently no existing street lighting on the existing back lanes and the proposed layout precludes provision of additional lighting. It may well be*

appropriate for some wall mounted lighting to be provided to the rear of the units. This lighting would not be adoptable.

- *Section 38/278 Works - The proposal includes for works to be carried out within the existing public highway and there are proposals for works to be submitted for adoption (stub-end Montrose Street, new footpath links etc.) and these will be subject to a Section 38/278 Agreement under the Highways Act 1980.*
- *Construction Management Plan - A condition will be required for provision of on-site wheelwashing or alternative to ensure that mud and debris is not tracked onto the public highway. I would require that in addition to this a Construction Traffic Management Plan will be provided and this will include designating and signing construction vehicle and plant routes, warning signage, construction phasing proposals, road maintenance, keeping public roads clear of all construction debris, safe pedestrian and vehicle routes etc. All roads adjacent to the site must be inspected before work starts.*

Provided the above conditions/obligations are included with an approval and agreement is obtained in relation to the bus shelter proposals I would not raise a highway objection to the proposal.

The Council's Arboricultural Officer has advised that several of the trees on the site have structural weaknesses and poor form with inclusions in co-dominant stems, or branches unions due to the trees being in close proximity as a group and consequently individually they are poor specimens. It is requested that if permission is granted for the development replacement trees numbering 36 heavy standard containerised trees should be sought, to be planted within the vicinity

The Council's Environmental Health Section has requested the imposition of the standard contamination condition, and for the installation of glazing to provide sufficient sound insulation to protect future residents from excessive noise from traffic on Haughton Road, which again can be made conditional to any approval. It is also suggested that consideration be given to the layout of the dwellings to try and reduce the noise from traffic.

PLANNING ISSUES

The main issues to be considered are: -

- Planning Policy
- Visual Amenity
- Residential Amenity
- Trees
- Ecology
- Highway Implications

Planning Policy

The site lies within the development limits of the Borough of Darlington and therefore conforms with Policy E2 of the Local Plan. Similarly the proposed development accords with Policy CS1 of the Core Strategy Development Plan Document in that it lies within the Town Centre Fringe, the second priority for housing development after Central Park. Policy CS10 of the Core

Strategy encourages housing development in the Town Centre Fringe, and also high density developments along key public transport corridors (including Haughton Road). Policy CS11, amongst other things, states that providing enough affordable housing to meet local needs is a significant issue. The application site is located within an area of high demand for affordable housing and is also within a sustainable location being situated close to the town centre.

Nevertheless the proposed development must also satisfy Policy CS17 of the Core Strategy and Local Plan Policy E3. Policy CS17 states that the loss of any part of the green infrastructure network will only be considered in exceptional circumstances which are –

a) It is for essential infrastructure – not relevant.

b) It no longer has any value to the community in terms of access and usage and is not required to perform an alternative infrastructure function

This landscape amenity space is identified in the Council's Open Space Strategy 2011 Update as a doorstep site used generally by the residents living close by and is rated as 3* quality, medium value. Residents state that children play on the grass and it may also be used for informal recreation such as dog walking by local residents. The trees also provide biodiversity value. But given the size of the space and the approximate 50/50 split of grass and trees, the grass area can only be used for recreation by a limited number of people at any one time for limited activity. As a result of its size and location there is little scope to add to its functionality,

However, 100m to the south lies the larger East Mount Road open space (0.88ha) containing an equipped children's play area as well as a larger area of grass for children and adults to enjoy informal recreation. This is also a 3* quality space but is identified as a local space catering for people from the wider neighbourhood. It is classified as high value because it can accommodate more people undertaking more green space functions at any one time and has the only equipped play space in the area. The informal recreation functions performed by the application site are replicated more substantially by the neighbouring East Mount Road space and is therefore not required to perform this function.

c) It is not required to meet a shortfall in the provision of that or any other open space

The community in the Central ward have access to 36.89ha of open space, equivalent to 9.92ha per 1000 population. Overall this is slightly higher than the standard required but its distribution is uneven across the ward. However quantity of open space is not the only issue to consider, quality of open space particularly in this part of the ward would benefit from improvements. It is considered that it would be more beneficial to have one higher quality, multifunctional space in this location rather than two average quality spaces with more limited functionality. Under these exceptional circumstances a slight loss of 0.14ha of open space would be acceptable if quality improvement of the remaining East Mount Road space could be secured.

d) An alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available.

The Eastmount Road space is large, has more functionality, can accommodate more people at any one time and provides greater flood mitigation. However it would benefit from improvements to its quality and biodiversity value to improve its attractiveness and use by the Community.

In addition to the above green infrastructure requirements a renewable energy contribution of at least 10% would be expected (Policy CS3 of the Core Strategy) and a financial contribution to the provision of at least one priority wildlife habitat off site in the locality. (Policy C15 of the Core Strategy). It is recognised that that considerations of the viability of the development may limit the contributions that can be made. In this particular instance the applicant has provided information (In accordance with Annex 5 of the Council's Design SPD) to indicate that the contributions outlined above would make the scheme unviable in financial terms. An independent consultant has undertaken an assessment of the submitted information and confirmed that the sought for contributions towards green infrastructure (including children's play space), renewable energy and biodiversity would render the development economically unviable. Notwithstanding this the applicant has offered to make a small financial contribution of £2,500 towards landscape improvements on the larger area of open space on the opposite side of Eastmount Road.

Balanced against the above considerations it is of significance that the scheme is purely for the provision of affordable housing and therefore makes a significant contribution to the Council's target of at least 35 affordable dwellings per annum for the period 2011 – 2016 in accordance with Policy CS11 of the Core Strategy.

In the circumstances therefore it is considered that the principle of the development is acceptable and that the normal planning obligation requirements should be waived.

Visual Amenity

The form the development reflects that of the surrounding residential development which is terraced in nature. Architecturally the development is of a contemporary style (incorporating mono pitched roofs and a combination of facing brick and coloured rendered external finishes) which is in contrast to the more traditional design of adjoining and neighbouring residential terraces. Nevertheless a contemporary design approach has been adopted with recent developments along Haughton Road and in the vicinity of the site, namely Darlington College, Bannatyne's Health Club, and the new University of Teesside Campus building. Consequently, within this context the proposal is considered acceptable in design terms. Similarly the overall scale and massing of the development is considered appropriate to the area.

Residential Amenity

To the Southwest the development overlooks public open space on the opposite side of Eastmount Road with the frontages of the proposed dwellings facing onto Haughton Road (to the Southeast) and network rail land beyond, below the level of the roadway.

Turning to the North-eastern side of the site the proposed three storey dwelling at this end would incorporate several windows providing light to habitable rooms, which would face onto a corner shop with living accommodation above on the opposite side of Montrose Street. A separation distance of approximately 13m would be provided between windows in the facing habitable rooms which is below the adopted 27m separation distance guideline normally applied (considering the 3 storey height of the end dwelling). Nevertheless, set within the context of the residential terraces here where distances between properties on the opposite sides of the streets (including Montrose Street) are also 13m, whilst also taking into account that the ground floor element of the unit is formed by the shop the separation distance is considered to be acceptable in this case.

Turning to the rear (Northwest facing) elevations of the proposed dwellings, these incorporate a number of windows to habitable rooms which look over the back lane and the end gable walls of

properties in Eastmount Road, Dundee Street and Montrose Street and their walled rear yards. Some of these existing dwellings have windows inserted within their gabled ends, a number of which appear to provide light to bedrooms. Again a separation distance of 13m is provided between the windows in the proposed dwellings and those in the existing terraced houses and therefore would be contrary to the guidelines set out in the Council's Design SPD.

Nonetheless, whilst there is likely to be an element of overlooking and some loss of privacy between a small number of the facing rooms it is considered on balance that in the context of the whole scheme, within a higher density residential area the impact on adjoining residents and future occupants would not be so material as to warrant a refusal of planning permission on these grounds. Another element of the proposed development which is likely to have some affect on the amenities of the existing end terrace properties are the raised garden areas to the rear of the proposed dwellings, with a separation distance of approximately 7m provided. Again it is considered that whilst there may be some degree of overlooking of the back yards of the nearest existing houses and gable windows this is not considered to be so significant as to justify a refusal of planning permission.

The design of the scheme and its physical relationship with adjoining properties is such that there is unlikely to be a material effect on the amenities of existing occupiers, by way of overbearing impact or loss of light taking into account that the adjacent terraces predominantly side onto the development. It is worth noting that the existing trees on the site to the south east do currently cast a degree of shadow over the adjacent developed area. The new development is likely to provide an increased degree of acoustic screening from the busy Houghton Road.

Trees

The trees along the Houghton Road frontage of the site comprise a mixture of young and semi mature deciduous species which provide a degree of visual amenity value to the area but individually are of poor form due to the trees being in close proximity to each other. Despite the degree of amenity value afforded by the trees this must be weighed against the provision of much needed affordable housing within the Borough. In order to compensate for the loss of the trees the applicant has offered to make a financial contribution to landscape improvements on the adjacent public open space to the south west of Eastmount Road. On balance therefore the loss the trees is considered acceptable in this instance. The financial contribution towards the improvement of the neighbouring open space can be secured through the land sale agreement between the applicant and the Council in the event that planning permission is granted.

Ecology

An ecological report has been submitted with the application which indicates that the habitats within the site are of low conservation interest and ecological value. The report also states that on the evidence of survey work the trees on the site do not provide roosting opportunities for bats but could occasionally be used by low numbers of foraging bats. Nevertheless it is considered that any loss of foraging habitat is unlikely to have a negative impact on local bats and not thought to be an ecological constraint on the development. The loss of the trees is also considered to have a negligible impact on local birds in respect of nesting or foraging.

Highway Implications

There are no objections to the proposed development on highway grounds subject to conditions outlined earlier in this report. The applicant has agreed to pay for the advertising/legal costs required to amend the Residents Parking Scheme which can be secured through the land sale agreement.

Regarding the issue of road safety mentioned by some objectors the Council's Highway's Engineer has made the following comments: -

“There have been 7no recorded personal injury accidents (PIAs) in the last 5 years on the section of Eastmount Road between Montrose Street and Haughton Road. Six of these have been slight and one was a fatal where a vehicle impacted with a pedestrian on the footway at the junction of Eastmount Road with Haughton Road. There are no recorded PIAs in the last five years at the junction of the back lane with Eastmount Road. The recorded accidents on this section of road do not exceed typical levels for urban roads and do not exhibit any trends or patterns that indicate any problems with the existing road layout”.

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 application site lies within the development limits as identified in the development plan. The scale, design and appearance of the development are considered acceptable and will not harm the general character of the area in visual terms. The development would mean having to accept some relaxation in the normally required standards of separation between existing and new development. The scheme will also result in the loss of a small public amenity area and trees on the land. However taking into account the contribution that this scheme will make towards addressing the shortage of affordable housing in the Borough which is a Council priority, the recognition within the Core Strategy that this is an area that is suitable in principle for higher density housing development and also that some compensatory landscaping on adjacent public open space close by is to be provided it is considered on balance that the development is acceptable in this case. The development is considered to be acceptable in relation to car parking provision, highway safety and crime prevention considerations.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) E2 Landscaping (Submission)
- 5) J2 Contamination

- 6) Notwithstanding anything contained in the application the following details shall be submitted to, and approved by the Local Planning prior to the commencement of development: -
- a) A scheme for improvements to the surface of the back lane to the rear of the site.
 - b) Details of works to increase the size of the raised bus stop platform area (to ensure the bus shelter is set within the platform).
 - c) Signage and road lining works associated with amendments to the Residents Parking Order.
 - d) Relocation of the existing street lighting column on Dundee Street adjacent to the site and details of lighting to the back lane.

The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of highway safety.

- 7) Prior to the commencement of development a Construction Management Plan shall be submitted to, and approved by, the Local Planning Authority. The Construction Management Plan shall include designating and signing construction vehicle and plant routes, warning signage, construction phasing proposals, road maintenance, and keeping public roads clear of all construction debris. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of highway safety.

- 8) J5 – Wheel Washing Facility (Details)
- 9) Notwithstanding anything shown in the application, acoustic glazing shall be installed to living rooms and bedrooms, precise details of which shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development and the development shall not be carried out otherwise than in accordance with the approved details.

REASON – To protect the future occupants of the dwellings from excessive noise from passing traffic on Haughton Road.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within the development limits as identified in the development plan. The scale, design and appearance of the development are considered acceptable and will not harm the general character of the area in visual terms. The development would mean having to accept some relaxation in the normally required standards of separation between existing and new development. The scheme will also result in the loss of a small public amenity area and trees on the land. However taking into account the contribution that this scheme will make

towards addressing the shortage of affordable housing in the Borough which is a Council priority, the recognition within the Core Strategy that this is an area that is suitable in principle for higher density housing development and also that some compensatory landscaping on adjacent public open space close by is to be provided it is considered on balance that the development is acceptable in this case. The development is considered to be acceptable in relation to car parking provision, highway safety and crime prevention considerations

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Saved Policies of the Borough of Darlington Local Plan:

E2 - Development Limits
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 E12- Trees and Development

National Planning Policy

PPS3 – Housing (2011)

INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- *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.*
- *The applicant is advised that works engineering works are required on and off the site as part of the scheme. These will be subject to a Section 38/278 Agreement (Highways Act 1980) and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr.S.Brannan 01325 388755) to discuss this matter.*
- *The applicant is advised that amendments will be required to the Residents Parking Scheme Order and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs.Brenda Bowles 01325 388774) to discuss this matter.*
- *The applicant is advised that there will be a requirement to divert a footpath under Section 257 of the Town and Country Planning Act 1990 and contact must be made with the Assistant Director: Highways Design and Projects (contact Ms. P Goodwill 013425 388760) to discuss this matter.*

- *The applicant is advised that further discussion will need to take place in relation to the proposal to relocate the bus shelter and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs.Brenda Bowles 01325 388774) to discuss this matter.*