

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 March 2010

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APPLICATION REF. NO:	10/00014/DC
STATUTORY DECISION DATE:	14 April 2010
WARD/PARISH:	COCKERTON WEST
LOCATION:	Land north of Richmond Close
DESCRIPTION:	Erection of 13 dwelling houses
APPLICANT:	Director of Corporate Services

APPLICATION AND SITE DESCRIPTION

This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992. Approval is sought for the erection of 13 two storey dwelling houses comprising one detached unit, two pairs of semi detached houses and two blocks of terraced dwellings containing four houses each.

The development would be designed to Code for Sustainable Homes Level 4 and includes the installation of photovoltaic and solar panels to the dwelling units.

The application site is of an irregular shape of approximately 0.27ha in area situated at the northern end of Richmond Close. The site is bounded to the east, west and south by existing residential properties and to the north by part of the former Darlington to Barnard Castle railway trackbed, now a recreational route. The site consists of an area of grassland with a footpath (Bridleway No. 15) running across it from north to south, linking the recreation route with Richmond Close residential development beyond.

The following supporting documents are submitted with the application: -

- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Phase 1 Geo-environmental & Geotechnical Desk Study
- Flood Risk Assessment
- Archaeological Appraisal

PLANNING HISTORY

None.

PLANNING POLICY BACKGROUND

The starting point for considering the proposal is the statutory development plan. The relevant parts in respect of the proposed development are as follows:-

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

Policy2 - Sustainable Development
Policy 4 - The Sequential Approach to Development
Policy 24 – Delivering Sustainable Communities
Policy 29 - Delivering and Managing Housing Supply
Policy 30 - Improving Inclusivity and Affordability
Policy 35 – Flood Risk
Policy 38 – Sustainable Construction

Saved Policies of the Borough of Darlington Local Plan:

E2 – Development Limits
E14- Landscaping in Development
E15- Open Land in New Development
E23- Nature and Development
E25- Energy Conservation
E46- Safety and Security
H3 -Locations for New Housing Development
H9 -Meeting Affordable Housing Needs
H11-Design and Layout of New Housing Development
H14- Accessible Housing
R1 - Designing for All
R13- Recreation Routes and New Development
T12- New Development Road Capacity
T13- New Development –Standards
T24 –Parking and Servicing
T31- New Development and Public Transport
T37- Cycle Routes in New Development
T39- Conditions for Pedestrians

National Planning Policy

Parts of the following Planning Policy Statements are material considerations:

PPS1 – Delivering Sustainable Development
PPS3 - Housing (2006)
PPS23 – Planning and Pollution Control
PPS25- Development and Flood Risk

Other Council Planning Guidance

Affordable Housing
Darlington Open Space Strategy 2007 -2017

RESULTS OF CONSULTATION AND PUBLICITY

There have been no comments raised as a result of the publicity exercise.

Northumbrian Water has no objection to the proposed development but commented that an existing rising main is located within the development site and that they would require unrestricted access to this at all times. A condition is therefore sought requiring a detailed scheme showing the accurate location, protection of and access to this during construction and afterwards. A condition requiring the submission of surface water disposal details to any approval is also requested.

Northern Gas Networks has no objections to the proposal but advised that there may be apparatus in the area that may be at risk during construction works and therefore suggest the applicant contact them if permission is granted.

The Environment Agency has stated that the development is of low environmental risk.

The Ramblers have commented that the development will require the line of Bridleway No. 15, which crosses through the site, to be altered. They have advised that they would support any Diversion Order.

The British Horse Society again has commented that the route of Bridleway No. 15 through the site will need to be diverted slightly but have raised no objection to the development.

The Police Architectural Liaison Officer has made a number of detailed comments, which are as follows: -

“ The crime risk assessment of this proposal is high because of the cycleway which runs east to west across the north of the site and the large area of open ground to the north. These features will attract criminal activity because they provide ease of access and an efficient escape route. The houses immediately adjacent to the cycleway will be particularly vulnerable as will cars parked in the street overnight.

Thee are no issues with the layout of the site. However, I would suggest that the houses adjacent the cycleway be protected with a 2 metre high close boarded wooden fence.

The entrance onto the cycleway from Richmond close should be controlled with an ‘A’ Frame style gate to deter the mis-use of motorcycles.

The storage provision for cycles should be as close to the buildings as possible, the doors should be in clear view from the windows and illuminated from the external lighting at the rear of the houses. This will make them less vulnerable to attack.

The street lighting will need to conform to BS: 5489 but within the standard that it should achieve a Uo value of 0.4 and at least 60% on the Ra index.

To achieve a Secure by Design Certificate the buildings will need the level of security for windows and doors as outlined in the Checklist Guide for New Homes 2010.”

The Council’s Rights of Way Officer has advised that Bridleway No. 15 which crosses the site will need to be altered and therefore a Public Path Diversion Order will be necessary to achieve this.

The Council’s Senior Arboricultural Officer has commented that a number of trees on the periphery of the site (which lie outside the site boundary) may be affected and has therefore requested a condition to any approval requiring tree protection measures to safeguard the root protection areas of the trees from damage by compaction, severance, or from material spillage.

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

“Though I would ideally prefer for 2no car parking spaces to be provided within the curtilage of all dwellings the Manual for Streets does allow for a mixture of provision of off street and on street parking and as the terraced dwellings are 2 bed affordable dwellings I consider it is reasonable to provide only one in-curtilage space for these dwellings and accept that visitors will park on street.

Also, the site constraints limit the width of footway that can be provided to 1.8m. To comply with the Design Guidance this footway should be 2m in width however the footway provided is an extension of the existing footway network and the proposed widths will match the existing widths. I would therefore accept this proposed width of footway.

Front boundary walls are proposed as being 1m high topped with a fence. Though I would have no objection to a boundary wall the height of the brickwork must be restricted to 0.6m to ensure that the pedestrian/ vehicle intervisibility at footway crossings is not compromised. I would therefore require a condition restricting the height of the brickwork in the boundary wall to 0.6m.

The proposed layout will encroach on an area of public highway and an informative must be included with an approval indicating that this section of highway must be formally stopped before works commence on site.

I understand there are also issues in regard to diversion of an existing bridleway and this must be discussed with the public rights of way officer.

Provided the above conditions are included with an approval I would raise no highway objection to the proposal.

I would request that the following informatives are included with an approval.

- *The applicant is advised that there are existing highways within the site and these must be stopped up before works can be carried out on land covered by the highway. Application must be made to the Government Office for the North East for stopping up order to be made using powers contained in Sec.247 of the Town and Country Planning Act 1990*
- *The applicant is advised that works are required within the public highway and roads will be constructed that will be adopted as highways maintainable at public expense, contact*

must therefore be made with the Assistant Director : Highways and Engineering (contact Mr.S.Brannan 01325 388755) to discuss this matter.

- *The applicant is advised that contact must be made with the Assistant Director : Highways and Engineering (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.”*

The Council’s Environmental Health Officer has requested the imposition of the standard condition in respect of contamination and a condition controlling the hours of construction work.

PLANNING ISSUES

The principal issues to be considered in the determination of this application are:

- Planning Policy
- Residential Amenity
- Design and Layout
- Trees
- Ecology
- Flood Risk and Surface Water Management
- Ground Conditions
- Archaeology
- Highway Issues

Planning Policy

The site is within the urban area for Darlington and therefore falls within the provisions of policies E2 and H3 of the Borough of Darlington Local Plan.

Policy H3 (Location of New Housing Development) is a general policy, which states that new housing development will only be approved within the urban area provided that the site is not specifically proposed or safeguarded for another use and the development accords with other housing policies. The site is identified in the Council’s Open Space Strategy as a low informal open space.

The site is part of the Borough’s green infrastructure network. However little visual relief is provided by the site; within the wider area this is provided by the former Barnard Castle trackbed green corridor and West Park to the north, which will be retained and provide the main linkages to the green infrastructure network. The site provides localised open views to the properties along Richmond Close and Minors Crescent but this is not sufficient justification to protect it as open space. Hedgerows and trees of value are being retained and incorporated in the design, but there is little other nature conservation value on this site.

The site does not perform any function for formal sport but is publicly accessible for informal recreation. Open Space Strategy Policy 6 requires 6.5ha open space per 1000 people in the urban area. Although the development of this site represents a loss of 0.27ha of informal open space, the site has limited value and the local residents have easy access to higher quality open space like the former Barnard Castle trackbed, West Park and Minors Crescent play area for a variety of formal and informal recreation activities. The amount of informal open space in the north west urban area has also increased between 2005-2009 from 18.16ha to 20.36ha. So it is considered

that there is sufficient quality provision in the locality, without this space, to meet the population's needs.

The Tees Valley Strategic Housing Market Assessment identifies a need for 626 affordable dwellings per annum in Darlington, the second largest affordable housing shortfall in the Tees Valley, exceeding the Borough's annual requirement for new housing set out in the RSS. The application is for 13 affordable dwellings that will help address the moderate affordable housing need identified in the north west urban area, consistent with the Council's adopted Affordable Housing SPD.

The site provides for a good mix of type and tenure of affordable dwellings to meet identified local needs (policy H9) but must also be consistent with the criteria set out in policy H11 of the Local Plan which are covered in the following sections of this report.

The site provides for 13 dwellings; exceeding the threshold for provision from new development for open space and contributions to children's play equipment. However the development will be funded by the Homes and Communities Agency and the Council's annual Housing Capital Investment Programme to help meet a specific identified need for affordable housing. Consequently it is considered that there are exceptional circumstances in this instance to set aside these requirements, which could otherwise render the scheme unviable.

Residential Amenity

Policy H11 (Design and Layout of New Housing Development) sets out a number of criteria against which new housing development must be assessed, which relate to the need to provide an attractive and safe environment, adequate privacy standards in rooms and gardens, the relationship of the proposed dwellings with existing dwellings, car parking standards and safe pedestrian access.

The spatial separation between the proposed dwellings and existing residential properties adjoining the site is such that there is unlikely to be any significant harm to neighbouring occupants by way of overlooking and loss of privacy. In the main the proposal complies with the minimum privacy distance of 21m between facing windows in principal rooms, used by the Council. However, this is marginally reduced between windows in the rear elevations of the proposed dwellings on the western boundary and the rear windows in two properties in Warwick Square (nos.106 and 159), where a separation distance of approximately 20.6m is provided.

it is not considered that there will be any issues regarding overbearing impact or overshadowing and loss of light to neighbouring gardens.

Overall, it is considered that the proposed development is acceptable in respect of its impact on the residential amenities currently enjoyed by existing residents, and those to be provided for the future occupiers of the proposed scheme.

Design and Layout

Policy E29 (The Setting of New Development) and Policy H11.1 (Design and Layout of New Housing Development) of the Borough of Darlington Local Plan, respectively require new development to respect the intrinsic character of its setting and to relate well to the surrounding area, respecting its predominant character and density.

The predominant character of the area is one of two storey terraced and semi-detached dwelling houses. External treatment of these properties comprises either facing brick or render or a mixture of both.

The form and layout of the proposed development generally reflects that of the surrounding area. Similarly the external finishes of the dwellings are typical of materials used in the construction of existing properties in the locality.

The Police Architectural Liaison Officer has made a number of detailed comments on the proposed development of the site which have been mentioned earlier in this report. Essentially he has no issue with the site layout but has suggested that the houses adjacent to the recreational route along the former railway trackbed be protected by a 2m high close boarded timber fence and that the entrance onto this recreational route should be controlled with an 'A' frame style gate to deter the mis-use of motorcycles. As submitted the scheme includes the provision of a 2.1m high timber fence but does not specify that it is of a close boarded type, which can be secured through a condition.

Turning to remarks made by the Architectural Liaison Officer regarding storage sheds, these are provided for each dwelling and are situated within reasonably close proximity to the rear of each property. They would be visible from rear windows thereby providing good surveillance.

Overall the proposed scheme is considered acceptable and would not detract from the visual amenities of the area.

Trees

The Council's Senior Arboricultural Officer has commented that a number of trees on the periphery of the site (which lie outside the site boundary) may be affected by the development. It would be prudent therefore to attach a condition to any approval requiring tree protection measures to safeguard the root protection areas of the trees from damage by compaction, severance, or from material spillage.

Ecology

An ecological survey has been undertaken by consultants engaged by the applicant, which concludes that the ecological value of the habitats within the site, and along its perimeter is limited to the hedges and adjacent scrub/trees. The report recommends that due to the potential value for protected species and because they are well established habitat, the existing hedges to the west and adjacent scrub to the north should be retained if at all possible. If feasible the hedges should be enhanced to improve biodiversity. The submitted plans indicate that the existing hedgerow is to be retained and its enhancement can be secured through the imposition of a general landscaping condition for the site.

Flood Risk and Surface Water Management

The site is situated within Flood Risk Zone 1 and is therefore at low risk of flooding, which has been confirmed by the Environment Agency. Northumbrian Water has no objection to the proposed development but commented that an existing rising main is located within the development site and that they would require unrestricted access to this at all times. A condition is therefore sought requiring a detailed scheme showing the accurate location, protection of and access to this during construction and afterwards. A condition requiring the submission of surface water disposal details to any approval is also requested.

Ground Conditions

A Phase 1 Geo-environmental & Geotechnical Desk Study has been submitted with the application, which generally indicates that the potential risks to future site users are considered to be low. Nevertheless, the report states that there is the potential for off-site gas generation sources in close proximity (landfill sites to the north). It indicates that the likelihood of gas migrating to the site is low but in order to confirm the low risk rating ground investigation will be required. Consequently, the Council's Public Protection Division has requested the imposition of the standard contamination condition.

Archaeology

The archaeological appraisal accompanying the application indicates that the potential for encountering archaeological remains within the site are low. The Durham County Council Archaeological Department has been consulted on the application but at the time this report was written their views had not been received. Any comments they have to make will be reported verbally at the Planning Committee.

Highway Issues

The Council's Highways Engineer has raised no objections to the scheme subject to the imposition of a condition requiring boundary wall heights be agreed. There is considered to be no reason to resist the application on highway grounds.

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 development limits identified in the development plan.

Although the proposal represents a loss of open space, the provision is low value and sufficient high quality open space for a range of informal and formal recreation exists in the locality to meet the current and future population's needs. The existing bridleway will be retained and enhanced providing a valuable connection to the Borough's green infrastructure network. In addition the loss of open space provides for 13 affordable housing units to help address an identified need in the Borough. The scheme will provide for a mix of property type, designed to CSH4 and Lifetime Homes standards. Under these circumstances the loss of open space is acceptable to address the wider sustainability issues of the Borough's community. The design and layout accords with the relevant policies in the development plan. The development will not cause significant harm to the character and appearance of the surrounding area. The proposal has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

For a scheme of this size, provision of open space and children's play would normally be required. However, the costs of providing these matters in addition to the cost of providing affordable homes could make the scheme unviable, and will not be sought in this case.

RECOMMENDATION

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with the Plans)
- 4) J2 Contamination
- 5) Details of landscaping, to include wildlife friendly habitat areas, shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or prior to the building being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally approved.

REASON- To create biodiversity and ensure a satisfactory appearance of the site and to improve the visual amenities of the locality

- 6) Notwithstanding anything shown on the submitted drawings, precise details of the boundary fences/walls to the forward of the dwellings, shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of highway safety.

- 7) Development shall not commence until a detailed scheme for the accurate location, protection of and access to its apparatus during construction and afterwards, of the development hereby approved, has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

REASON – An existing rising main is located within the development site. Northumbrian Water require unrestricted access to this apparatus at all times and will not permit the erection of buildings or structures over or within a 5m easement either side of the pipe. Any proposed crossing, landscaping, parking areas or tree planting must comply with the standard Northumbrian Water guidelines.

- 8) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to, and approved by, the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details

REASON – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 “Development and Flood Risk” and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

- 9) Construction work shall not take place outside the hours of 07:30 to 18:00 hours Monday to Friday, 08:00 to 14:00 hours Saturday, with no working on a Sunday, Public Holiday or Bank Holiday, without prior agreement with the Local Planning Authority.

REASON- In the interests of residential amenity.

- 10) The 2.1m high timber fencing indicated on the approved drawings shall be of a close boarded type.

REASON- In the interests of crime prevention.

- 11) Notwithstanding anything shown on the approved drawings, precise details of window surrounds shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of development. 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 the visual amenity of the area.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within development limits identified in the development plan.

Although the proposal represents a loss of open space, the provision is low value and sufficient high quality open space for a range of informal and formal recreation exists in the locality to meet the current and future population’s needs. The existing bridleway will be retained and enhanced providing a valuable connection to the Borough’s green infrastructure network. In addition the loss of open space provides for 13 affordable housing units to help address an identified need in the Borough. The scheme will provide for a mix of property type, designed to CSH4 and Lifetime Homes standards. Under these circumstances the loss of open space is acceptable to address the wider sustainability issues of the Borough’s community. The design and layout accords with the relevant policies in the development plan. The development will not cause significant harm to the character and appearance of the surrounding area. The proposal has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

For a scheme of this size, provision of open space and children’s play would normally be required. However, the costs of providing these matters in addition to the cost of providing affordable homes could make the scheme unviable, and will not be sought in this case.

Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

RSS: The North East of England Plan, Regional Spatial Strategy to 2021:

Policy2 - Sustainable Development
Policy 4 - The Sequential Approach to Development
Policy 24 – Delivering Sustainable Communities
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PPS23 – Planning and Pollution Control
PPS25- Development and Flood Risk

Other Council Planning Guidance

Affordable Housing
Darlington Open Space Strategy 2007 -2017

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

- *The applicant is advised that there are existing highways within the site and these must be stopped up before works can be carried out on land covered by the highway. Application must be made to the Government Office for the North East for stopping up order to be made using powers contained in Sec.247 of the Town and Country Planning Act 1990*
- *The applicant is advised that works are required within the public highway and roads will be constructed that will be adopted as highways maintainable at public expense, contact must therefore be made with the Assistant Director : Highways and Engineering (contact Mr.S.Brannan 01325 388755) to discuss this matter.*
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