

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27th August 2008**

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<b>APPLICATION REF. NO:</b>	<b>08/00407/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>8th August 2008</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Dinsdale Court, Middleton St George, Darlington</b>
<b>DESCRIPTION:</b>	<b>Erection of two storey sheltered housing providing accommodation for 22 No. residents</b>
<b>APPLICANT:</b>	<b>DIRECTOR OF CORPORATE SERVICES</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated on the east side of Station Road, the main road through the village, joining Middleton Lane at its southern end. The site is currently occupied by an existing building of 1970's construction, providing sheltered housing accommodation. It is bounded to the north by an embankment leading to Dinsdale Railway Station and line, to the west by an embankment leading up to the main road and to the east and south by two-storey dwellings. An application for the demolition of this building is dealt with elsewhere on this agenda under reference number 08/00457/DD.

Planning permission is sought for the redevelopment of some 0.26ha of the eastern section of the site to provide a new building to accommodate 22 No. Elderly persons flats (in place of the existing accommodation for 25 No. elderly residents), each with one bedroom together with associated communal areas. The remaining western part of the site would be retained for future development to assist in the funding of the scheme costs. The development would consist of the following elements:

- An L-shaped building in two-storey form;
- Outdoor amenity space;
- The provision of associated hard and soft landscaping;
- Parking to the west of the site consisting of 13 No. parking spaces, 3 No. disabled bays and 1 No. emergency bay.

The application was submitted with a Design and Access Statement as required by the regulations and has been considered by officers.

The applicant carried out community consultation prior to submitting the application in line with the Council's Adopted Statement of Community Involvement. The comments received were collated and used to influence the design of the scheme where appropriate. A summary of the main areas of concern arising from these were summarised in the submitted application. In particular, the following revisions were made :

- Building moved back onto the original building line.
- Additional landscaping.
- Increase in parking spaces.

The development is one that falls within the thresholds set out in Schedule II of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI/1999/293) (the “1999 Regulations”). As required by the 1999 Regulations, the Local Planning Authority is required to adopt a formal opinion as to whether an Environmental Impact Assessment (EIA) is required for the development. This process has been undertaken and, having taken into account the criteria set out in Schedule 3 to the 1999 Regulations, the LPA has determined that the proposal does not constitute EIA development.

## **PLANNING HISTORY**

None relevant

## **PLANNING POLICY BACKGROUND**

The following policies of the North East of England Plan Regional Spatial Strategy to 2021 (July 2008) are relevant: -

Policy 2 – Sustainable Development  
Policy 4 – The Sequential Approach to Development  
Policy 7 – Connectivity and Accessibility  
Policy 8 – Protecting and Enhancing the Environment  
Policy 24 – Delivering Sustainable Communities  
Policy 29 – Delivering and Managing Housing Supply  
Policy 30 – Improving inclusivity and Affordability  
Policy 36 – Trees, Woodlands and Forests  
Policy 54 – Parking and Travel Plans

The following policies of the Borough of Darlington Local Plan (1997, with adopted alterations 2001) are relevant: -

E11 - Conservation of Trees, Woodlands and Hedgerows  
E12 - Trees and Development  
E14 - Landscaping of Development  
E16 - Appearance from Main Travel Routes  
E24 - Conservation of Land and Other Resources  
E29 - The Setting of New Development  
E46 - Safety and Security  
H3 - Location of New Housing Development  
H4 - New Housing in and Around the Town Centre and Other Centres  
H9 - Meeting Affordable Housing Needs  
H11 - Design and Layout of New Housing Development  
H14 - Accessible Housing  
H19 - Special Care Accommodation  
R1 - Designing for All  
T12 - New Development – Road Capacity

- T13 - New Development - Standards  
T24 - Parking and Servicing Requirements for New Development

The following national policy guidance is relevant: -

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 3: Housing (2006)  
Planning Policy Guidance 13: Transport (2001)  
Planning Policy Statement 23: Planning and Pollution Control (2004)

## **RESULTS OF CONSULTATION AND PUBLICITY**

Four letters of objection have been received from local residents, objecting to the development on the following grounds: -

- *Too close to existing dwellings; Distances on plan do not take conservatories into account; Ground level change requires greater distance between properties;*
- *Higher building;*
- *Impact on privacy; Would landscaping mitigate privacy concerns;*
- *Reduction in parking – removal of existing section of road behind the home; Sale of part of the land will intensify parking problems;*
- *Highway safety;*
- *Preference for the whole site to be used for sheltered housing for the needs of a growing village;*

The following issues were also raised by residents however cannot be taken into consideration in this case as they are not considered to be material planning considerations;

- *Money wasted on the past refurbishments to the building;*
- *Financial considerations in respect of the sale of part of the site;*

Middleton St George Parish Council has been consulted and has raised no objections to the proposed development.

The Council's Highways Officer has been consulted and has raised no objections to the proposed development.

The Council's Environmental Health Officer has been consulted and has raised no objections to the proposed development subject to further work in respect of contaminated land.

The Council's Arboricultural Officer has been consulted and has raised no objections to the proposed development.

Northumbrian Water has been consulted and has raised no objections to the proposed development.

## **PLANNING ISSUES**

The main planning issues to be considered in the determination of this application are: -

- Planning Policy
- Visual amenity
- Residential Amenity
- Highway Matters
- Trees
- Section 17 of the Crime and Disorder Act 1997

### **Planning Policy**

The site lies within the development limits as defined by the Borough of Darlington Local Plan. Consequently the proposal complies with policies E2 (Development Limits) and H3 (Locations for New Housing Development) contained therein and housing development is therefore acceptable as a matter of principle.

Policy H19 (Special Care Accommodation) states that homes providing group accommodation for people in need of care will normally only be permitted in close proximity to public transport, shopping and community facilities. In this case, the redevelopment on this existing site is considered acceptable, given its position within an existing community, close to public transport links.

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the key principles that should be applied in the determination of decisions on planning applications, in order to contribute to the delivery of sustainable development. The guidance places increased emphasis on the role of high quality and inclusive design in the achievement of the government's objectives.

Planning Policy Statement 3: Housing (2006) sets out the Government's aims and objectives in respect of housing development and is a material consideration in the determination of planning applications. The guidance seeks the specific outcomes of high quality housing that is well designed and built to a high standard; a mix of housing to support a variety of households in both urban and rural areas; housing development in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure; and the efficient and effective use of land, including re-use of previously developed land where appropriate. The site is within an existing residential area and close to local public transport services. The adjacent residential areas are currently served by a number of local convenience retail stores and amenities. The site is embraced within the definition of previously developed land, as defined in Annex B of the above guidance and the proposal achieves a net density of some 85 dwellings per hectare (dph), which exceeds the national indicative minimum contained in this guidance of 30 dph.

The proposal is considered to be acceptable in principle. The remaining issues to be considered in the determination of this application are all detailed matters of development control and will be addressed in the following sections of this report.

### **Visual amenity**

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.

There is not considered to be a specific consistency in terms of dwelling styles, types or periods save for the predominance of two-storey buildings and it is therefore not considered that there is a particular style that the development could or should replicate. It is considered that the form, scale and layout of the proposed development is acceptable and has regard to the character of its surroundings, providing a more attractive open frontage along Dinsdale Close with significant open areas. In turn, the building incorporates detailing to break up and add interest to the elevations such as brick lintels, external rendering and soldier coursing.

Careful consideration should be given to landscaping in order to soften, complement and provide some screening for the development. The issue of retaining existing tree cover is considered in more detail later in this report. Overall, the proposal is considered to be acceptable in respect of its impact on the visual amenities of the locality and responds satisfactorily to the particularities of the site and the surrounding area, as required by local and national policy and guidance.

### **Residential Amenity**

The proposal is closely related to existing residential properties and therefore an assessment has been made in respect of its impact on the residential amenities currently enjoyed by these residences. In particular, the main areas of concern are the detached properties to the east of the site within The Meadows, and the terraced dwellings on the southern side of Dinsdale Close. It should be noted that further to the pre-application community consultation, revisions were made to the initial plans in order to accommodate some of the concerns of the existing residents.

Ground levels have been submitted to illustrate the existing and proposed floor levels of the building. The levels show that the new building would be some 330mm lower than the existing. The main difference in respect of scale would be that the new building would have a pitched roof and projecting gables, which would result in increased prominence of the building when viewed from neighbouring properties. The building would however be no closer than the existing building, albeit extending across a greater length of the site than the existing building. The ground levels of the properties within The Meadows are significantly lower than the application site at between 1.5-1.7m. A separation distance of some 22m has been provided between the proposed building and the existing dwellings. Given the scale of the building and its position within the site, it is not considered that the proposal would significantly impact on the residential amenities of these existing dwellings. In particular, the proposal allows for an acceptable angle of daylight to enter into these properties and an acceptable distance to maintain privacy. It is recommended that a planning condition be attached to any approval for submission and agreement of final ground levels in order that any possible changes required as a result of potential remediation works, can be fully assessed.

The windows to the gables of the eastern elevation are full length and include Juliet balconies. The windows are however broadly comparable with the height of the existing and the scheme has been designed as such for the psychological and visual relief of the eventual occupiers of the scheme. It could be argued that the design of the windows as submitted would result in an increase in the propensity of its residents to use the windows for outlook over and above providing daylight and ventilation. On balance, it is therefore recommended that a planning condition is attached to any approval for the submission and agreement of details of restricted window openings / apertures to these eastern gables to protect against increased overlooking with resultant loss of privacy.

In addition, existing natural features along the eastern boundary of the site have a screening effect. The proposed landscaping scheme should be considered carefully in order that the impact of the development can further be mitigated. In particular, the submitted application proposes

the planting of a number of mature evergreen trees along the landscaped strip to the east side of the site to provide this screening effect.

The impact of the proposal on properties on Dinsdale Close is unlikely to be significant due to the lessened variation in ground levels and the distance of 22m between the nearest part of the building and these properties. There are also fewer opportunities in this relationship for overlooking and loss of privacy.

The Council's Environmental Health Officer has been consulted and has raised no objections to the proposed development. In line with national advice, given the sensitive end-use of the site, it is recommended that the standard condition in respect of the submission, agreement and implementation of a scheme to investigate, establish and where applicable mitigate against potential contamination is attached to any approval.

The scheme is considered to provide an acceptable residential environment for its future occupiers with an acceptable level of amenity space and a much-improved layout for the purposes of disabled users and visitors. It is considered that an acceptable level of daylight, outlook and privacy is provided for future occupiers.

Overall the proposal is considered to be acceptable in respect of its impact on the residential amenities of existing properties and the amenity provided for the occupiers of the scheme itself.

### **Highway Matters**

In highway terms the proposal will essentially result in a reduction in the parking requirement and occurrence of highway movements associated with the use. The Council's Highways Officer has been consulted and has indicated that the proposed parking arrangement and provision is acceptable for the requirements of the scheme and raises no objections. It is recommended that a planning condition be attached to any approval to secure the provision of the new parking areas and footway on the frontage to the site prior to any occupation of the development.

The new layout subsumes the area of land used as an existing rear access road, within the site and therefore the scheme would result in the stopping-up of this area. It is recommended that a planning condition is included with any approval to secure the formal stopping-up of this road prior to the commencement of any development of the site.

Matters raised by objection include the traffic generation of the eventual use of the northern section of the site. Until the use of this land is established, it would not be possible to comment on the traffic implications concerning this area of land.

### **Trees**

A total of 4 No. trees within the site would be removed as a result of the development and the majority of these are along the southern perimeter of the site and therefore visually prominent within the street scene. The Council's Arboricultural Officer has been consulted and has raised no objections to the development subject to the submission, agreement and implementation of a scheme for the protection of the remainder of the trees within the site prior to the commencement of any site clearance or development. It is recommended that any such information includes a detailed survey of the position and condition of the remainder of the trees within the site to confirm the necessary protection measures required.

In order to mitigate the impact of the proposed development, to provide a softening effect and to contribute to the visual amenities of the locality it is recommended that a planning condition be attached to any approval to secure the submission, agreement and full implementation of a landscaping scheme, to include for the replacement of the trees lost as a result of the development, in appropriate locations within the site.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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**

The application 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:

## **RECOMMENDATION**

That planning permission be GRANTED subject to the following conditions:

1. A3 Implementation Limit (3 years)
2. B4 Details of Materials (Samples)
3. B5 Detailed Drawings (Accordance with Plan)
4. J2 Contaminated Land
5. Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those details approved.

REASON - In order that the Local Planning Authority may properly assess and confirm the impact of the development as a result of any possible remediation as a result of site investigations, which may alter prevailing levels on the site.

6. E2 Landscaping
7. Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:

a) Footways to the frontage of the site;

b) Parking areas to the south of the site;

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use.

REASON – In the interests of highway safety.

8. Prior to the commencement of the development hereby approved, the existing access road to the rear (east) of the site shall be formally stopped-up.

REASON – In the interests of highway safety.

9. E5 Boundary treatment (Submission)

10. Prior to the commencement of the development hereby approved (including demolition or clearance work), a survey shall be carried out of all trees and hedgerows to be retained within the application site and full details shall be submitted of a scheme to protect these existing trees and hedges to be retained, as detailed on drawing number 2007/014(90) 01. The submitted details shall comprise generally the specification laid down within BS5837: 2005 and shall include fencing of at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition work and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition work to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
- a) The raising or lowering of levels in relation to the existing ground levels;
  - b) Cutting of roots, digging of trenches or removal of soil;
  - c) Erection of temporary buildings, roads or carrying out of any engineering operations;
  - d) Lighting of fires;
  - e) Driving of vehicles or storage of materials and equipment.

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

11. Prior to the commencement of the development, or within such extended time as may be agreed in writing with the Local Planning Authority, final details of the eastern elevation of the building to incorporate revisions to the window openings / apertures at first floor level, shall be submitted to and agreed in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the agreed details.

REASON – In order to protect existing residential properties from increased overlooking with resultant loss of privacy.

## **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

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Planning Policy Statement 3: Housing (2006)

Planning Policy Guidance 13: Transport (2001)

Planning Policy Statement 23: Planning and Pollution Control (2004)

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

The applicant is advised that the rear access road must be stopped up using powers contained in Section 246 of the Town and Country Planning Act 1990 and contact must be made with the Government Office for the North East for this order to be processed.

The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director: Highways and Engineering (contact Mr. A Ward 01325 388743) to discuss this matter.