

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 August 2008

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APPLICATION REF. NO: 08/00397/FUL

STATUTORY DECISION DATE: 5 August 2008

WARD/PARISH: COCKERTON EAST

LOCATION: Site of Former Alderman Leach Primary School,
Leach Grove, Darlington

DESCRIPTION: Residential development consisting of 80 dwelling
houses and 15 apartments in two and three storey
form together with associated garages, car
parking, highways, site works, ponds and soft
landscaping (additional information received 17
June 2008 and amended plans received 08
August 2008)

APPLICANT: Bussey & Armstrong Projects Limited

APPLICATION AND SITE DESCRIPTION

The application site consists of vacant land formerly occupied by Alderman Leach Primary School and an area of open space currently owned by the Council. The school buildings were demolished in 2005 and the school has been relocated to the West Park development, off West Auckland Road. The whole site measures 2.6ha and is located to the rear of residential properties on the south side of Bates Avenue and to the east of dwellings on Stooperdale Avenue. To the south is an area of former playing fields retained by the Council whilst further south are allotments and Sugar Hill Park. West Beck runs along the eastern boundary.

The proposal involves the erection of a residential development consisting of 80 dwellinghouses and 15 apartments with associated garages and car parking. The dwellings are a mixture of two and three storey high dwellings consisting of two bed starter homes to three bed family homes. The apartments are affordable homes for aged persons and would be operated by a social landlord. The land to the east of the residential development, which is within Council ownership, would be used as wildlife habitat with a balancing pond. A new pedestrian route and cycle link would be introduced to run along the West Beck.

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

The applicant carried out a community involvement exercise prior to submitting the application in line with the Council's Adopted Statement of Community Involvement. The questions received and responses are summarised in the submitted application.

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) Regulation 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 or not 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 Local Planning Authority has determined that the proposal does not constitute EIA development.

PLANNING HISTORY

03/00375/OUT - In February 2004 planning permission was GRANTED, subject to a Section 106 Agreement for the demolition of existing school buildings and redevelopment of site and part of playing fields for residential purposes (Outline Application). This permission has now lapsed.

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 30 Improving Inclusivity and Affordability
- Policy 33 Biodiversity and Geodiversity
- Policy 36 Trees, Woodlands and Forests
- Policy 38 Sustainable Construction
- Policy 54 Parking and Travel Plans

The following policies within the Borough of Darlington Local Plan are relevant:

- E2 Development Limits
- E3 Protection of Open land
- E11 Conservation of Trees, Woodlands and Hedgerows
- E12 Trees and Development
- E14 Landscaping of Development
- E15 Open Land In New Development
- E23 Nature and Development
- E24 Conservation of Land and Other Resources
- 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 Requirements for New Developments
- T31 New Development and Public Transport
- T37 Cycle Routes in New Development
- T39 Conditions for Pedestrians

The following policies within the Darlington Open Space Strategy 2007 – 2017 are relevant:

- Policy 6 Overall Standards of Provision
- Policy 19 Open Space Provision associated with New Development
- Policy 20 Securing appropriate Open Spaces and Their Maintenance
- Policy 22 Design of Open Spaces

The following Supplementary Guidance Notes are also relevant

- Affordable Housing
- Commuted Sums from New Housing Developments for Existing Equipped Play Areas

RESULTS OF CONSULTATION AND PUBLICITY

A total of seven letters of objection have been submitted and the concerns can be summarised as follows:

- *Object on the grounds of encroachment to privacy and outlook/overshadow by property adjacent (to No 4 School Street);*
- *Object to the speed bump in close proximity to drive access (No 4 School Street) on grounds of safety;*
- *Location of tree 72C appears incorrect*
- *Require confirmation of exact height from ground level to the highest point of proposed properties;*
- *Need confirmation of plans for surface water drainage due to gardens being flooded after demolition of school buildings;*
- *Confirm extent of private drains and sewers and links to existing systems;*
- *Original application was for 72 dwellings, which has risen to 95. We understood the development was for several bungalows but now we find houses and apartments;*
- *The proposed houses are much closer than first thought. They will overlook the bungalows on Stooperdale Avenue. The school site is also raised above the level of these gardens which makes us more easily overlooked;*
- *The increase in traffic will lead to parking problems, traffic accidents;*
- *Confirmation required for means of enclosure around No 4 School Street*
- *Finances should be secured from a Section 106 Agreement to invest in Sugar Hill Park;*
- *The area is prone to flooding;*
- *The cycle path will be used by motorbikes, so the introduction of barriers must be considered;*
- *Hazardous to pedestrians crossing roads;*
- *Another green site will be lost;*
- *Three storey buildings will increase levels of overlooking;*

- *Buildings will be out of character with the area;*
- *Traffic increase will cause pollution;*
- *Because of the number of houses served Leach Grove would be categorised as a major access collector and this would require the carriageway and footways to be of a minimum distance;*
- *This form of development is generally to be the subject of a Traffic Impact Assessment;*
- *Dwellings must be a certain distance from a bus stop. I doubt whether this has been taken into consideration;*
- *The layout should take into consideration fire rescue vehicles and provide as many through routes as possible;*
- *Are the dwellings going to be Housing Association?*

A number of issues have been raised which are not material planning matters. These are:

- *School Street needs upgrading due to its unsafe condition before site traffic begin access;*
- *Measures for construction traffic parking and site security should be pre planned;*
- *How will refuse collection take place;*
- *Residents will complain about allotments resulting in calls for the allotments to be removed;*
- *The value of our house will decrease due to our existing views across the fields being removed;*

Northumbrian Water

Northumbrian Water have stated that as the submitted plans show balancing ponds and outfall to West Beck, this will remain private so NW do not raise any objections. However developers usually expect Surface Water Sewers to be adopted by NW. NW has no powers to adopt ponds. They must be owned and operated by a perpetual body such as a Local Authority. NW will be party to a SUDS agreement where NW will adopt the surface water sewers which discharge into the Council's ponds

CE Electric UK

CE Electric UK have raised no objections to the proposed development

Environment Agency

Following an initial objection to the proposal, further drainage disposal plans were submitted and the EA withdrew their objection subject to the imposition of a condition relating to the discharge of surface water

Architectural Liaison Officer

The ALO has responded with general advice for housing layouts

Northern Gas Networks

Northern gas Networks have raised no objections to the proposed development

PLANNING ISSUES

The main issues to be considered here are:

- Planning Policy
- Affordable Housing

- Character and Appearance of the Surrounding Area
- Residential Amenity
- Highway Matters
- Trees
- Biodiversity
- Section 106 Agreement
- Other Matters

Planning Policy

The application site falls within the defined development limits for the urban area as identified by Policies E2 (Development Limits) and H3 (Locations for New Housing Development). The site is protected by Policy E3 (Protection of Open Land) and development will only be permitted where it maintains and enhances the open land network and adds new connections. In addition new development must not impact upon the following:

- **Visual Relief in Built Up Areas;** the visual relief of the area is provided by Sugar Hill Park, the allotments, the former playing fields to the south and the West Beck, all of which will remain;
- **Openness and Greenery;** Although the site provides open views to the properties along Bates Avenue and Stooperdale Avenue, this is not sufficient justification to protect it as open land. As a result of the lands topography, the site makes little contribution to a sense of openness in the wider area and some of the trees and greenery will be retained as part of the development;
- **Meeting the Requirement of Policy R4 for Open Space;** These standards have now been replaced by those set out in the Open Space Strategy, which is considered further in this report;
- **Facilities available for other recreation and leisure activities for informal recreation;** the former school site was not publicly accessible and informal recreation was not permitted. This policy has remained since the site was vacated;
- **Continuity of the system;** West Beck and Sugar Hill Park provides the main linkages to the wider green infrastructure network and the proposed development adds to and does not harm these green corridors;
- **Nature Conservation;** It is considered that there is very little nature conservation on the existing site.

Therefore, in principle, the proposal would comply Policy E3 of the Local Plan.

The proposal maintains the eastern playing field (Policy E15 - Open Land in Development) and enhances its value providing a mix of informal amenity space, reeds, grassland and ponds, which promote biodiversity (Policy E23 - Nature and Development). The provision of a new pedestrian cycle route from the residential area will connect to then open space and will also provide a new connection to West Beck (Policies E15 and R13 – Recreation Routes and New Development)

Detailed guidance on the provision and maintenance of open space as part of a new development is contained in the Council's adopted Open Space Strategy. New development of 5 dwellings or more will be required to make provision for accessible open space for sport and recreation to meet existing and future needs. It is essential that any open space provision should have a high degree of functionality for a wide range of activities, including active sport and recreation. Commuted sums for maintenance will be sought for 10 years. In this instance, negotiations have

taken place with Officers and the applicant is willing to offer a contribution towards the upgrading of an area of open space in the locality, which would be secured by a Section 106 Agreement.

The developer must also provide for children's play space of £200 per bed space (excluding aged persons bedspaces) in line with the Council's SPD "*Commuted Sums from New Housing Developments for Existing Equipped Play Areas*" to enhance play equipment in the area. This would be secured by a Section 106 Agreement.

Affordable Housing

The adopted SPD on Affordable Housing identifies the application site as being in an area of Moderate Need and therefore 15% of any new development must be affordable housing. In this instance, the proposed development includes 15 affordable homes for aged persons with Railway Housing as the Landlord, which would accord with the requirements of the SPD and Policy H9 (Meeting Affordable Housing Needs) and Policy H14 (Accessible Housing). The Council's Housing Renewal Officer has no objections, in principle to the proposal and the element of affordable housing will be secured in perpetuity by a Section 106 Agreement.

Character and Appearance

The site has two existing accesses by Leach Grove off Bates Avenue and by School Street off Stooperdale Avenue. These two main access roads would lead to a central square, with further roads leading into the development. The western side of the Leach Grove access and the northern side of the School Street access would be tree lined with grass verges. There would be landscaped areas throughout the development, including within the Square. Two of the roads lead to the retained Council owned land to the east and to the south to allow the potential of these pieces of land being considered for development in the future.

The density of the site is consistent with Government guidance and a site of this size. The development is a mixture of two and three storey houses with the aged housing being three storeys high. The dwellings looking onto the Square and on other prominent locations within the development are three storeys high to create "visual statements". Some of the dwellings in the eastern part of the development have been turned to face onto the wildlife habitat area.

The Council's Urban Design Officer considers that the housing layout and the house types are acceptable and that the development relates well with the surrounding area. In this respect the development accords with Policy H11 (Design and Layout of New Housing Development) of the Local Plan.

Residential Amenity

Existing residential dwellings to the north and to the west enclose the application site. The dwellings are predominately two storey semi detached dwellings but there are some semi detached bungalows on Stooperdale Avenue, which overlook the site. All of the new dwellings, which are located on the boundary of the site, are two storeys high apart from the aged persons dwellings in the northeast corner and a property next door to No 3 Leach Grove, which is also three storeys. One property, shown as B32 has been repositioned further away from a bungalow on Stooperdale Avenue.

The separation distances between those proposed buildings on the edge of the site would comply with the minimum separation guidelines used by the Council. However, as a result of some concern by objectors over ground levels, it is considered appropriate, even though the site is

relatively flat, to attach a planning condition requesting further details of ground levels finished floor levels and cross sectional plans.

The spatial relationship between the new dwellings within the development is also considered acceptable and therefore, in amenity terms, the proposed development would accord with Policy H11 (Design and Layout of New Housing Development) of the Local Plan

Highway Matters

A total of 184 cars can be accommodated within the development, either with garages or open parking spaces. Any dwellings without garages are provided with a cycle store and the apartments also have a cycle store adjacent to the communal entrance.

A Transport Statement has been submitted with the application, which concludes that there are no highway related reasons why the application should be recommended for refusal. The Council's Traffic Manager accepts the findings of the Statement. The details of the internal layout have already been discussed with the applicant and subject to some minor changes that will be addressed through a Section 38 adoption process, the layout is deemed acceptable.

Under the provisions of the previous outline application, the Section 106 Agreement required the Developer to pay to the Council a sum of £20,000 as a contribution to traffic calming works and enhancement of public transport facilities on Bates Avenue and Stooperdale Avenue. It is the view of the Transport Policy Section that the existing bus services and the facilities at the stops in terms of shelters etc. are good. Also, there is no longer a proposal for any traffic calming works on Bates Avenue, nor is it considered appropriate to carry out any such works on Stooperdale Avenue. Therefore, it is considered that the contribution would be better spent on cycling facilities and the Traffic Manager supports the view of the Transport Policy Section that the sum of £20,000 should be secured as a contribution for a new off road cycling/footpath route along West Beck. There is an existing vehicular and pedestrian access route in this location, which leads to the allotments to the south of the application site. The Transport Policy Section have confirmed that the design of the new route would take account of this and a condition can be imposed to request precise details of the route prior to the commencement of the development. The financial contribution would be secured by a Section 106 Agreement.

The Transport Policy Section also recommend that a planning condition be attached requesting the submission of a Travel Plan due to the number of dwellings within the development.

The development would accord with Policies T31 (New Development and Public Transport); T37 (Cycle Routes in New Developments); T39 (Conditions for Pedestrians and T24 (Parking and Servicing requirements for New Development) of the Local Plan.

Trees

An Arboricultural Implication Assessment has been submitted with the application. The trees and hedges lie mostly alongside the boundaries of the site with only four individual trees located towards the centre. A total of ten trees have been highlighted as being removed with the remainder being retained and protected with fencing.

The Council's Senior Arboricultural Officer has inspected the trees and considers one tree close to the boundary of No 39 Bates Avenue is worthy of protection. This tree is now covered by the Tree Preservation (No 12) Order 2008. With regard to the application, he has requested that

planning conditions be imposed relating to tree protection; dig construction and street tree planting. A standard condition relating to landscaping can be imposed.

The development would be consistent with policies E11 (Conservation of Trees, Woodlands and Hedgerows); E12 (Trees and Development) and E14 (Landscaping of Development) of the Local Plan.

Biodiversity

The land to the east of the residential development contains a balancing pond to cater for surface water run off and to create a wildlife habitat, which is good for biodiversity. A similar scheme has been introduced at the West Park development, which has developed into a very attractive feature. The final layout of the area has yet to be agreed but this can be achieved by the imposition of a comprehensive planning condition. Discussions are currently taking place with Officers with regard to maintenance costs etc. These would be secured by a Section 106 Agreement. This would accord with Policy E23 (Nature and Development) of the Local Plan.

Section 106 Agreement

Whilst figures have yet to be confirmed, Officers have reached an agreement with the developer to include the following Heads of Terms into a Section 106 Agreement.

- **Affordable housing;** this is to ensure the affordable housing remains on site and in perpetuity;
- **Off site contribution towards open space;** this is a contribution to accord with the policies of the Council's Open Space Strategy. The financial contribution has yet to be agreed;
- **Equipped Play Areas contribution;** this is in accordance with the policies contained within the Council's adopted Supplementary Planning Guidance Note - *Commuted Sums from New Housing Developments for Existing Equipped Play Areas*". This is calculated on a sum of £200 per bed space.
- **New off road/cycling track;** a New cycle/footpath route parallel to West Beck, linking Bates Avenue and Prior Street via Sugar Hill Park would provide a safe route to primary schools and other facilities in Cockerton. The sum of £20,000 has been agreed for the funding of the route;
- **Maintenance Costs for Balancing pond area/wildlife habitat:** A financial agreement for the maintenance costs of this area for a period of ten years will be agreed with Officers. Also, a contribution towards the improvement of existing allotment boundary fence will be agreed.

Other Matters

Sport England was consulted on the application and has raised no statutory objections to the application. However, they have also commented on the application on a non statutory basis.

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

Outline planning permission has previously been granted for the site, subject to a Section 106 Agreement, but it has lapsed. The site lies within the defined development limits for the urban area. 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:

North East of England Plan Regional Spatial Strategy to 2021 (July 2008)

- 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 30 Improving Inclusivity and Affordability
- Policy 33 Biodiversity and Geodiversity
- Policy 36 Trees, Woodlands and Forests
- Policy 38 Sustainable Construction
- Policy 54 Parking and Travel Plans

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E3 Protection of Open land
- E11 Conservation of Trees, Woodlands and Hedgerows
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- T39 Conditions for Pedestrians

Darlington Open Space Strategy 2007 – 2017

- Policy 6 Overall Standards of Provision
- Policy 19 Open Space Provision associated with New Development
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- Policy 22 Design of Open Spaces

Supplementary Guidance Notes

- Affordable Housing
- Commuted Sums from New Housing Developments for Existing Equipped Play Areas

RECOMMENDATION

THAT THE ASSISTANT CHIEF EXECUTIVE (REGENERATION) BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. Affordable housing in perpetuity in accordance with supplementary planning guidance.
2. A financial contribution towards the upgrading and maintenance of an off site area of open space in accordance with the open space strategy.
3. A financial contribution towards the upgrading and maintenance of an off site equipped play area in accordance with supplementary planning guidance.
4. A financial contribution towards the provision of a new cycleway and footpath.
5. A financial contribution towards maintenance costs for the balancing pond area/wildlife area including alterations to allotment fencing.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years).
2. B4 - Details of Materials (Samples).
3. B9 - Fencing, Walls, Enclosure.
4. J2 – Contamination.
5. No development shall take place until the Local Planning Authority has approved in writing a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on site renewable energy equipment. The carbon savings, which result from, this will be above and beyond what is required by Part L Building Regulations. Before the development is occupied the renewable energy equipment shall have been installed and the Local Planning Authority shall be satisfied that their day to day operation will provide energy for the development for as long as the development remains in existence.

REASON: To limit the energy requirements of the development in accordance with the Regional Spatial Strategy; PPS1 – Delivering Sustainable Development; PPS22 – Renewable Energy and emerging government guidance on climate control.

6. Prior to the commencement of the development, a Dust Action Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of residential amenity.
7. Notwithstanding the details shown on the approved plans the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.
Details for the resurfacing of Leach Grove and School Street;
 - a. Details for improvements to the existing flagged footways;
 - b. Details of tactile paving and dropped crossings;
 - c. Details of measures to ensure a 20mph zone for the developmentREASON: In the interests of pedestrian and highway safety.
8. Notwithstanding the details submitted with the application, a Travel Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON : To encourage the future occupiers of the development to use different modes of transport.
9. Prior to the commencement of the development, precise details of the cycleway and footway shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of the highway safety and to ensure that the existing access to the allotments remains unaffected.
10. There shall be no discharge of surface water from the site unless in accordance with the agreed scheme shown on Drawing No: 7125/01 dated April 2008.
REASON: To reduce the risk from flooding.
11. No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees in and adjacent to the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.
REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.
12. Prior to the commencement of the development, details on the formation and construction of the parking bays shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: To ensure the retention of the trees located close to the parking bays and their protection from damage, in the interests of visual amenity.
13. E2 - Landscaping (Submission).
14. Notwithstanding the details shown on the approved plans, precise details of the balancing ponds and wildlife habitat area, including landscaping, sustainable drainage details, topography details shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details.
REASON: In the increase the biodiversity associated with the development site and in the interests of the visual amenity of the area.

15. The development hereby approved shall not be commenced until sectional details showing existing and approved ground levels for the proposed buildings and the neighbouring gardens and dwellings have been submitted to and agreed in writing with the Local Planning Authority.

REASON: In order to ensure a satisfactory form of development.

16. B5 - Detailed Drawings (Accordance with Plan).

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

Outline planning permission has previously been granted for the site, subject to a Section 106 Agreement, but it has lapsed. The site lies within the defined development limits for the urban area. 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:

North East of England Plan Regional Spatial Strategy to 2021 (July 2008)

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INFORMATIVES

- *The applicant is advised that the highway works will be subject to an agreement under Section 38/278 of the Highways Act 1980 and contact must 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 applicant is advised that contact must be made with the Assistant Director; Highways and Engineering (contact Mrs. B. Bowles 01325 388774) to discuss introduction of the 20mph zone.*