

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 April 2008**

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**APPLICATION REF. NO: 08/00073/FUL**

**STATUTORY DECISION DATE: 25 April 2008**

**WARD/PARISH: HARROWGATE HILL**

**LOCATION: Site Of Former Beaumont Hill First School, Glebe Road, Darlington**

**DESCRIPTION: Erection of 33 No. dwellings in one, two and two and a half storey form together with associated access, parking and garages (amended description 14 February 2008) (additional information received 26 February 2008 and 12 March 2008) (amended plans received 14 March 2008)**

**APPLICANT: MCINERNEY HOMES**

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**APPLICATION AND SITE DESCRIPTION**

The application site consists of the former Beaumont Hill First School and measures some 0.9 hectares. It is accessed from and bounds Glebe Road to the east with residential properties and allotment gardens to the south and west respectively.

This is a detailed application for the redevelopment of the site for housing. The scheme consists of the following elements:

- 33 No. Dwellings in two and two and a half storey form (comprising one bungalow and 32 detached, semi-detached and terraced dwellings);
- Associated in-curtilage and visitor parking spaces;
- The formation of a new access road to the development from Glebe Road;
- The provision of internal vehicular and pedestrian routes;
- The provision of associated hard and soft landscaping.

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

The developer carried out community consultation prior to submitting the application in line with the Council's Adopted Statement of Community Involvement.

## PLANNING HISTORY

The site has a lengthy planning history relating to various alterations and extensions to the former school buildings. None of this is relevant to this application.

## PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan 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
- E32 - Buildings of Local Character and Townscape Value
- E34 - Archaeological Sites of Local Importance
- E46 - Safety and Security
- H3 - Location of New Housing Development
- H9 - Meeting Affordable Housing Needs
- H11 - Design and Layout of New Housing Development
- R1 - Designing for All
- R6 - Open Space Provision in New Residential Development
- R7 - The Design of Open Space Provision
- T2 - Highway and Transport Management – New Development
- T11 - Traffic Calming – New Development
- T12 - New Development – Road Capacity
- T13 - New Development - Standards
- T24 - Parking and Servicing Requirements for New Development

The following policies of the Tees Valley Structure Plan are relevant:-

SUS1, SUS2, ENV19, H1A, H1B, T6

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 Guidance 16: Archaeology and Planning (1990)

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

## RESULTS OF CONSULTATION AND PUBLICITY

5 No. letters of objection have been received from local residents raising the following concerns:

- *I have concerns that the current proposals will detract from the existing landscaping and visual amenity rather than enhance it; On each site, either some, or in two cases almost all of the existing trees will be lost, therefore the application is contrary to Local Plan Policy E11 and E12 and E14; The need to take account of these policies was clearly set out in the development briefs; The proposal fills the whole site with development and would see the*

*removal of most of the existing mature trees – the indicative plan shows housing filling the site with no softening of the boundary between the sites and the countryside or the sites and Glebe Road – surely this contravenes the policy.*

- *It is stated that a contribution will be sought for countryside works – I very much support this, but I would like to see categorically stated whether or not a contribution will be made and a sum specified so that the overall benefits of the development to this area can be assessed;*
- *The development will result in increased traffic on Salters Lane and Whinfield Road which is already heavily congested at peak periods – has a traffic impact survey been carried out; Is additional traffic management required at the junction of Glebe Road/Salters Lane North to accommodate the inevitable increase in the numbers of motorists which will use the junction; There are existing problems in respect of getting out of my road; Darlington Council stopped vehicles taking short cuts onto North Road which has made the traffic much worse for everyone going into town;*
- *There is insufficient parking within the estate and no guarantee that the residents will not park on Glebe Road; The development does not provide adequate provision for access and circulation by larger vehicles;*
- *Harrowgate Hill does not have good public transport unless you either work in the town centre or at Whinfield;*
- *The application does not include provision of a play area for the use of the development - I believe that it is essential for the safety of the children in the area to build a new play area within the confines of the informal play space between the 2 new developments;*
- *Glebe Road has recently developed an Anti-Social behaviour problem with bored youths of all ages, the lack of investment in facilities for children and teenagers on Glebe Road will only serve to aggravate this problem especially once the population of under 18's increases due to the development; I am concerned that there will be adequate provision for education and youth engagement in the area – I would not like to see existing problems of anti-social behaviour exacerbate due to the development;*
- *There has been a large number of new housing estates built in the Harrowgate Hill and Whinfield areas in the last 15 years, I am concerned that the sewer and water drains may not be able to cope with this further development; The developer intends to link the water supply and sewage for these developments to the existing systems in Glebe Road which were not built to accommodate these development – it would be safer to link all three developments to Salters Lane North; If this is not done, the residents of Glebe Road will need access to a reserve of money should flooding occur due either to water table being disturbed or due to the pipe work being unable to cope as a result of the development being built.*

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

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

Northern Electric 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.

The County Archaeologist has been consulted and has raised no objections to the proposed development.

The Environment Agency has been consulted and has raised no objections to the proposed development.

The Council's Arboricultural Officer has been consulted and has raised some concerns in respect of the loss of trees within the development site.

## **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
- Flooding and drainage issues
- Archaeology
- 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.. Therefore the proposal complies with policies E2 (Development Limits) and H3 (Locations for New Housing Development) contained therein.

It is also subject to Policy E3 (Protection of Open Land, which seeks to ensure that in considering proposals to develop any areas of the network of open land, consideration is given to the impact of that development on the whole of the open land system within the Borough, in terms of connectivity, its visual relief, the impact on the character and appearance of surrounding areas, its continuity and the loss of informal or formal recreation. It is not considered that the open land system would experience any net harm, particularly given that this section of the site housed the former school buildings and itself provided limited visual relief and public recreational value.

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, inter alia, 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 37 dwellings per hectare (dph), which exceeds the national indicative minimum contained in this guidance of 30 dph.

The Council's Affordable Housing Supplementary Planning Document requires an element of affordable housing where the development is within the urban area and consists of 15 No. Dwellings or more. The SPD provides an affordable housing target for each of the Borough's sub-areas, in this case, of 30%. The application states that 9 of the units proposed will be affordable and this is broadly in line with the above requirement. Should members resolve to grant planning permission for the development, the developer will be expected to enter into a legal agreement (section 106 agreement) to provide the on-site affordable housing at that level. This would be dealt with by way of a planning condition requiring the developer to enter into this agreement with the Council prior to any works commencing.

The Council's Adopted Supplementary Planning Document 'Commuted Sums from New Housing Developments for the enhancement of Existing Equipped Play Areas requires new housing development of 10 or more dwellings to make provision for open space for recreation. In this case a contribution of £200 per habitable bed space from the development will be collected from the developer through the capital receipt on the sale of the land to provide for the maintenance and enhancement of existing equipped play areas.

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.

The area is characterised by a series of terraces and semi-detached houses. 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 frontage along Glebe Road whilst maintaining a satisfactory internal layout and streetscape.

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 considered to be acceptable in respect of its impact on the residential amenities of existing properties and meets the generally accepted privacy distances. Internally, the layout of the development is considered to provide an acceptable residential environment for the future occupiers of the proposed scheme.

The Council's Environmental Health Officer has recommended that a planning condition be attached to any approval in respect of any potential contamination as advised by national guidance. Given the location of the site adjacent to a railway line, it is considered prudent to consider and minimise the impact of noise and vibration through the imposition of a planning condition to secure the submission and agreement of a scheme for the protection of the proposed residential property.

Overall, it is considered that the proposed application 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.

### **Highway Matters**

A composite Transport Assessment was submitted to assess the impact of the three school sites on the local transport network. The Council's Highways Officer has been consulted and has raised no objections to the proposed development subject to a number of planning conditions to secure the reinstatement of existing footways including the provision or tactile paving together with details of traffic calming. Through the sale of the three school sites, the Council will be securing contributions for associated highway works consisting of the resurfacing of Glebe Road and the construction of a left-hand turn lane from Glebe Road onto Salters Lane North. This will be secured through the Capital Receipt on sale of the land together with a financial contribution towards the upgrading of Green Lane to the south of the Middle School site, which serves as a direct off-road link to Whinfield District Centre, and a financial contribution to provide 2 fully equipped pairs of bus stops and shelters for Glebe Road and Laburnum Road.

The Planning and Design Brief that was provided to developers at the tender stage also indicated that the Council would collect a financial contribution direct from the Capital Receipt on the sale of the land towards countryside works comprising; improved barriers to the entrance of Skerringham Community Woodland; improved surfacing at Skerringham Community Woodland; and overhead signage and an interpretation board in relation to Skerringham Community Woodland.

### **Trees**

The application site contains a number of trees, the majority along its perimeter with some along frontage to Glebe Road. The development would result in the loss of a number of the trees within the site, however some mature trees would be retained. The Council's Arboricultural Officer has raised some concerns in respect of the loss of some of these trees, however the loss of some tree cover within the site has been weighed against the need to consider the other objectives of the scheme, specifically to provide an acceptable frontage to the development. Furthermore, the tree cover along the street will ensure the retention of an important natural element to the locality. It is recommended that a planning condition be attached to any approval to secure the submission, agreement and implementation of a scheme to protect the retained trees from damage, compaction or material spillage prior to and during the construction period. This would be agreed with the Council's Arboricultural Officer.

A planting and landscaping scheme will be an important element of the development to mitigate and compensate for the loss of the trees, and it is recommended that a planning condition is attached to any approval to secure submission and agreement of the specific details and implementation of such a scheme.

**Flooding and Drainage Issues**

Northumbrian Water and the Environment Agency were consulted on the proposed development and raised no objections subject to a number of planning conditions to secure details for the disposal of foul and surface water drainage from the development.

**Archaeology**

An archaeological desk-based assessment was submitted with the application. The assessment concludes that there is high probability that agricultural fields occupied the site during the medieval period and therefore unlikely that any significant deposits of these dates would be present. The County Archaeologist has been consulted and is of the opinion that no further survey work is required.

**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 (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) 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 in writing by the Local Planning Authority. 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.

- 5) Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and

approved in writing by the Local Planning Authority. The development shall not be occupied on site until the scheme has been completed and commissioned in accordance with the approved details.

REASON – The sewerage system to which the development will discharge has reached its design capacity and cannot accept the anticipated flows.

- 6) J2 Contamination
- 7) 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.

- 8) E2 Landscaping (Submission)
- 9) Prior to the development hereby-approved being commenced a noise and vibration impact assessment shall be undertaken. A scheme for the protection of the proposed residential accommodation from railway noise shall be submitted to and approved by the Local Planning Authority. Any works that form part of such a scheme shall be completed in accordance with the scheme and prior to any part of the development being first occupied or used.

REASON – To protect the occupiers of the properties from impact of railway noise in the interests of providing and maintaining an acceptable level of residential amenity.

- 10) 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) The reinstatement of the existing footways on the site frontage to include dropped kerbs/tactile paving at the access and reinstatement of redundant accesses; and
  - b) Traffic calming within the development.

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.

- 11) Prior to the commencement of the development, the developer shall provide to the Council its proposed arrangements, in writing, for dealing with the provision of Affordable Housing as part of the development. The development shall not commence until the Local Planning Authority has approved the arrangements in writing.

REASON – To ensure that the development is in accordance with the development plan policies and the Council's adopted Affordable Housing Supplementary Planning Document.



- 12) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees to be retained on the site, as shown on plan no. S:57:02.02 dated 5th December 2007. 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.

- 13) Prior to the commencement of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by the Local Planning Authority. The boundary treatment shall be in place prior to the occupation of the development and completed fully in accordance with the approved details.

REASON - To achieve a satisfactory form of development.

- 14) C5 Restriction of PD Rights (Residential)

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

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:

#### **Borough of Darlington Local Plan 1997**

- 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
- E32 - Buildings of Local Character and Townscape Value
- E34 - Archaeological Sites of Local Importance

- E46 - Safety and Security
- H3 - Location of New Housing Development
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- T11 - Traffic Calming – New Development
- T12 - New Development – Road Capacity
- T13 - New Development - Standards
- T24 - Parking and Servicing Requirements for New Development

### **Tees Valley Structure Plan (2004)**

SUS1, SUS2, ENV19, H1A, H1B, T6

### **National Policy Guidance**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006)

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

Planning Policy Guidance 13: Transport (2001)

Planning Policy Guidance 16: Archaeology and Planning (1990)

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)

## **INFORMATIVE**

### **Highways**

The applicant is advised that the highway works will be subject to a Sec. 38/278 Agreement (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 arrange for the introduction of a 20mph limit.

### **Water**

Development shall not commence until contact has been made with Northumbrian Water in respect of the accurate location, protection of, and access to its apparatus both during and after construction. Northumbrian Water's apparatus is located in the development site.

Northumbrian Water has a statutory duty to supply. It is absolutely imperative that these statutory rights are not impeded or affected in any way. We require unrestricted access to this apparatus at all times and will not permit the erection of buildings, structures or other obstructions over or close to it. Diversion or relocation of the apparatus may be possible at the applicant's full cost. The developer should contact Peter Heppell, New Development Advisor (tel 0191 419 6616) to agree the detailed scheme for the accurate location, protection and access to its apparatus in accordance with Northumbrian Waters standard easement conditions.

**Environmental Health**

The applicant is advised to contact the Public Protection Division, Corporate Services Department (Contact Stephen Pollock, Environmental Health Officer 01325 388571) in order to agree the standard of sound attenuation/protection required to satisfy condition 9 (Above).

**Flooding**

The proposed development is located within Flood Zone 1, therefore surface water management options should be considered for this site. Please refer to the Environment Agency's flood risk web page [www.pipernetworking.com](http://www.pipernetworking.com) for further advice.

From the British Geological Survey geological map sheet 33 the geology at the site is shown to be Magnesium Limestone, which is classified as a major aquifer. The overlying drift is Till.

The Environment Agency considers that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing site specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Statement 23 (PPS23) and the Environment Agency Guidance on Requirements for Land Contamination Reports and the EA Land Contamination: A Guide for Developers should be followed.

PPS23 states that it is the developer's responsibility to ensure the site is safe and suitable for its intended purpose, having regard to previous contamination.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.