

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1st July 2016

Page

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| APPLICATION REF. NO: | 15/00584/FUL |
| STATUTORY DECISION DATE: | 9 September 2015 |
| WARD/PARISH: | RED HALL AND LINGFIELD |
| LOCATION: | Land North West of Heron Drive, Darlington |
| DESCRIPTION: | Change of use of vacant land to park home use (amended plan received 9 November 2015) |
| APPLICANT: | Land Resources Limited |

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the change of use of vacant land to provide a site for of 35 “park homes”.

Park home is the industry name for a caravan which is used for residential purposes. The park homes would comply with the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1986. The proposal is not, however, for a caravan site such as for holiday accommodation or for a Gypsy and Traveller site.

Park homes have a unique form of tenure covered by specific legislation. The proposal is for a development to provide 35 park homes for people aged 50 and older.

The park homes would have a uniform appearance of pre-fabricated bungalows rather than as conventional caravans of different sizes and finishes. A site plan has been submitted with the application that sets out how the park homes would be positioned across the site and how access and car parking would be laid out.

The application site is some 1.3 hectares in size and is brownfield land (formerly a builder’s yard). To the north is Heathfield Primary School. Yarm Road Local Centre is to the south. There is an area of open space to the east and residential properties on The Byway to the west.

Access to the site would be taken from the existing access point at the end of Heron Drive.

PLANNING HISTORY

The site has a lengthy planning history. Of relevance is application 07/00388/FUL which was for the erection of 48 two storey dwellinghouses. Planning permission for this was granted for this

on 7 March 2011. This permission has now lapsed but it is considered to demonstrate that residential development of the site is acceptable in principle.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E14 – Landscaping of Development

Darlington Core Strategy Development Plan Document 2011:

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS16 – Protecting Environmental Resources, Human Health and Safety

The National Planning Policy Framework 2012 is also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties have been consulted by way of letter and a site notice has been displayed. **Fifty-two** objection and representation letters (including a petition) have been received and the main points are summarised as follows:

- *There would be issues of noise and disturbance.*
- *The proposal will attract anti-social behaviour.*
- *There would be an increased number of people using ‘cuts’ from Flamingo Close to Albatross and Heron Drive.*
- *The area is residential and should not for holiday or temporary accommodation.*
- *People aged under 50 may live at the site.*
- *The site will likely be occupied by travellers.*
- *With a high turnover of residents, the residents will not be interested in up keep of the area.*
- *The site could become a caravan park given the short life span of the park homes.*
- *Holiday homes would normally be located on the outskirts of town.*
- *There would be an increase in traffic.*
- *People aged over 50 are often not retired, use cars and have visitors.*
- *Sewers in the area may not be able to cope.*
- *The site is contaminated.*
- *The Statement of community involvement has been manipulated.*
- *The plans are only indicative.*
- *The proposal will increase flood risk.*
- *The site could be used for community facilities.*
- *The existing boundary wall to the site should be retained.*

Comments have been received that there would be associated crime issues if the site is occupied by travellers. Whilst fear of crime can be a material planning matter, the social or ethnic background of the future occupiers of the site would not be a reason for refusal. Comments regarding property value and council tax rates have also been raised and these would not be planning considerations.

Objectors were advised by letter on 6 April 2016 that the amended plan received on 9 November 2015 is the final proposed layout plan for the park homes.

The following additional comments have been received:

- *The plans are still indicative.*
- *The process for a licence to operate is far less stringent than for any building application.*
- *Restrictions placed on the licence by the Council can be overturned by a local magistrate.*

The **Environmental Health Team** raised no objections subject to conditions. These conditions are set out in full in the conditions section later in this report.

The **Environment Agency** raised no objections.

The **Highways Officer** raised no objections subject to conditions which are set out in the conditions section later in this report.

PLANNING ISSUES

The main issues to be taken into consideration are:

- Planning Policy
- Visual Amenity
- Residential Amenity
- Contamination
- Highways Matters
- Flood Risk / Drainage

Planning Policy

The application site is located within the identified development limits set out in the Borough of Darlington Local Plan 1997. Policy E2 (Development Limits) of the Local Plan indicates that most new development should take place within the development limits as this will help to maintain well defined settlement boundaries and to safeguard the character and appearance of the countryside.

The application seeks permission for park homes for permanent residential occupation. The acceptability of residential use of the site has been established through the previous approval of a housing scheme. The development of the site to provide park homes is considered acceptable in principle subject to other considerations including visual amenity, residential amenity and highways matters.

The proposal is specifically for a park home development for people aged 50 and older. Conditions to control the nature and form of the development are required. A Caravan Site Licence is also required from the Council. This is separate from any planning consideration but the Site Licence does give the Council additional control as to the layout and appearance of the site. It has been confirmed that the amended plan received on 9 November 2015 also forms the basis of the application for a site licence.

Visual Amenity

Policy CS2 (Achieving High Quality, Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that compliment the built form; and relate well to the Borough's green infrastructure network.

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected.

The site is located in a predominantly residential area and although due to the high boundary it is not highly visible, its development in a manner in keeping with the character and settlement pattern of the surrounding area is important. A site layout plan has been provided and this shows a form of development that would be relatively unobtrusive visually. Although somewhat different from the character of the existing residential properties in the area, the form and layout of the development would integrate into the area.

A gypsy and traveller site would feature many different types of caravans coming and going at different times. This would have a significant impact on the visual amenity of the area. The proposal is not for a gypsy and traveller site but for standard pre-fabricated dwellings (park homes) of a uniform appearance, on a landscaped site for permanent occupation.

In order to control the appearance of the site conditions are required to:

- Only permit the development of the site in accordance with the amended plan received 9 November 2015.
- Require full details of hard and soft landscape works to be submitted.
- Require the details of the layout and external finish of all park homes (including replacement park homes) to be submitted.
- Only permit caravans meeting the definition of park homes and no other type of caravan.
- Remove any permitted development rights covering walls, fences, gates, garages, outbuildings, sheds, porches, verandas or areas of hard standing (these would also be controlled via the Caravan Site Licence).

Residential Amenity

The existing neighbouring properties are mostly bungalows with some two storey houses. The park homes are all single storey and the boundary to the perimeter of the site mostly consists of high fencing or walls. This would be such that the park homes would not result in significant issues of light, outlook or overlooking.

Contamination

The site is a known gassing landfill site and the most recent gas monitoring data (2008) suggests that the site is producing up to 92.5% methane at a maximum flow rate of 6L/hour, although this may have been short term peak flow as a result of gas build up within the waste body. A gas risk assessment conducted in accordance with the methodology contained in CIRIA C665 provides a characterisation of CS3 requiring three levels of gas protection (i.e. a solid reinforced concrete slab, a 2000g gas proof membrane and a granular passive gas venting layer beneath each slab). In addition, the nature of the development provides the opportunity to maintain an additional above ground venting space between the concrete slab and the park homes. All services to the park homes will be installed in such a manner to avoid the penetration of the slab, membrane and granular passive venting layer.

The long term management of the site and the integrity and effectiveness of the gas protection measures will be monitored and managed through the provisions enforced under a Caravan Site License.

Following discussions with the developer, it has been confirmed that gas protection will be achieved, principally, by the concrete slab and gas proof membrane beneath each pitch, and that the proposed granular passive gas venting layer beneath the slab provides only additional 'non-critical' protection. On this basis the Environmental Health Team has no particular concerns about the design, installation, operational effectiveness or long term management of the proposed granular passive gas venting layer and vent stack.

The developer has proposed a regular 6-monthly inspection and maintenance program for the gas protection system, including the granular passive gas venting layer and venting stacks. As these elements of the system are not regarded as 'critical' to the gas protection of the dwellings, this inspection period appears reasonable, and a 6-monthly inspection programme should be enshrined and managed in the Caravan Site License.

In addition, the Environmental Health team acknowledges that a further level of gas protection can be achieved by the presence of an above ground venting space between the concrete slab and the park homes. Although this is not considered critical the Environmental Health Team recommend that this void should be enclosed, but with suitable venting panels/bricks, and should not be accessible or used for storage. The maintenance of this void space should be enshrined and managed in the Caravan Site License.

The developer has provided assurance that the operation of the gas venting system will not give rise to any 'odour, noise, heat, damp, mould or other nuisance concerns'. Measures to report, monitor and manage such nuisances should they arise, should be enshrined and managed in the Caravan Site License.

Highways Matters

It has been proposed to take access to the development from the end of Heron Drive which measures no less than 5.5m wide along its length and serves in the order of approximately 120 dwellings including Shearwater Avenue.

Guidance states that access roads of 5.5m wide are suitable in terms of capacity to provide access up to 300 dwellings in which case the existing access roads would be of adequate width to carry the additional generated traffic and therefore it would be difficult to recommend refusal based on the generated traffic.

Accident statistics have been interrogated for Heron Drive and Teal Road and this shows only one accident within the last five years and this was a classed as a slight accident on Teal Road, therefore there is not a significant accident record on the local road network leading from the site.

Parking across the site accords with the design guidance for a 2 – 3 bed dwelling with a maximum of 2 spaces per plot.

The proposal is considered acceptable in relation to highways matters.

Flood Risk / Drainage

The application does not provided sufficient information regarding the management of surface water runoff from the proposed development and therefore conditions are required.

No details have been provided of foul sewerage and therefore a condition requiring this information is required. If the proposal involves a method other than connecting to the fowl sewer, the Environment Agency will be consulted on the details (as they have requested).

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 proposal is for a development to provide 35 park homes for people aged 50 and older. A residential development has previously been approved on the site. The application site is located within the identified development limits and is considered acceptable in principle. There would be no significant impacts on visual or residential amenity. There are contamination issues regarding the past use of the site and conditions to deal with this are required. The proposal is considered acceptable in relation to highways matters.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

- 1) A3 - Statutory Time limit (3 Years)
- 2) Unless otherwise agreed in writing by the Local Planning Authority, the use hereby approved shall not be implemented except in complete accordance with the details shown on the submitted plan No. SK100 Rev E (Sketch Site Layout).

Reason – In the interests of visual amenity.

- 3) The development shall not commence until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Thereafter these works shall only be carried out as approved.

Reason – In the interests of visual amenity

- 4) The details of the layout and external finish of all park homes (including replacement park homes) shall be submitted to and approved by the Local Planning Authority prior to any park home being installed on the site.

Reason – In the interests of visual amenity.

- 5) Other than caravans meeting the definition of park homes, no other type of caravan shall be sited on the site at any time.

Reason – So that the site will not be used as a caravan site other than to provide a park home development for permanent residential occupation.

- 6) Prior to development being commenced, details of the increase in height (to at least 3 metres in accordance with the recommendations of the Wardell Armstrong Noise Assessment dated May 2015) of the existing intervening boundary wall between the application site and the retail premises on Yarm Road, shall be submitted to and approved by the Local Planning Authority. Thereafter the use of the site shall not be carried out other than in accordance with the approved details.

Reason – In the interests of residential amenity.

- 7) Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no walls, fences, gates, garages, outbuildings, sheds, porches, verandas or areas of hard standing other than those shown on drawing No. SK100 Rev E (Sketch Site Layout) or expressly authorised by the Local Planning Authority shall be constructed on the site.

Reason – In the interests of visual amenity and in order to ensure that adequate measures are taken with regard to contamination issues.

- 8) Each park home unit shall only be occupied by persons of 50 years of age or older.

Reason – the proposal has been considered on the basis that the park homes will be occupied by people of 50 years of age or older.

- 9) Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the

Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.

- b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

Development shall not be carried out on site otherwise in complete accordance with the approved plan.

Reason – In the interests of highway and pedestrian safety.

- 10) Construction work shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

Reason – In the interests of residential amenity.

- 11) Prior to the development commencing, a road condition survey of Heron Drive and Teal Road should be carried out (in conjunction with Darlington Borough Council officers) to document any existing damage and to review further damage caused by construction traffic. Damage caused by construction traffic shall be rectified, prior to the first occupation of the site, to the satisfaction of the Local Planning Authority.

Reason – In the interests of highway safety.

- 12) No development shall commence until precise details of the works required on Heron Drive to provide a pedestrian linkage to the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.

Reason – In the interests of highway and pedestrian safety.

- 13) Once operational, no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason – In the interests highway and pedestrian safety.

- 14) Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with sufficient storage within the

system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx files) are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

Reason – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area.

- 15) No works shall commence until a detailed scheme for the disposal of foul 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 that the details of foul water disposal are acceptable.

- 16) The site shall be developed in full accordance with the remediation proposals, soil capping layer design specifications and ground-gas protection measures proposed in the Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 and additional information provided in correspondence from EPG dated 21 December 2015 Ref: EPG/2015/DHD//Q004/L1 and e-mail correspondence from Nathaniel Lichfield & Partners dated 14 March 2016. No alterations to the Implementation Plan or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The soil capping layer and ground-gas protection measures shall thereafter be retained and maintained for the duration of the development.

Reason - The site is a former landfill site and known to be generating landfill gas and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 17) Prior to commencement of the development a Verification Plan is required to be submitted to and agreed in writing with the Local Planning Authority. The Verification Plan shall detail how the gas protection measures as detailed in Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 will be inspected/validated in accordance with CIRIA 735 “Good practice on the testing and verification of protection systems for buildings against hazardous ground gases” and “Verification Requirements for Gas Protection Systems” (YAHPAC, 2016. The Verification Plan shall include details of the gas membrane installer and verifier and evidence of their competency/qualifications, frequency of inspection/verification, manufacturer’s material(s) specification, infiltration tests, methodology for the integrity testing, records to be kept and the verification checklist template. Thereafter the ground gas protection system shall be implemented and verified in accordance with the Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 and the agreed Verification Plan.

Reason - The site is a former landfill site and known to be generating landfill gas and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 18) The soil capping layer proposed in Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 shall be installed and independently verified by a “suitably

competent person(s)", in accordance with the Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1 and the provisions of "Verification Requirements for Cover Systems" (YAHPAC, 2014 as amended).

Reason - The site is a former landfill site and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 19) A Verification and Completion Report, shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, gas-protection and soil capping layer and verification results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The site, or any agreed phase of the site, shall NOT be occupied until all of the remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

Reason - The site is a former landfill site and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 20) Any contamination not considered in the Geo-environmental Appraisal Report ENCIA March 2007 reference 8199/02A, Supplementary Geo-environmental Appraisal Report ENCIA September 2007 reference 8199/04A and Implementation Plan (EPG May 2015) Ref EPG/DHD/2015/Q1, but identified during subsequent the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

Reason - The site is a former landfill site and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

INFORMATIVES

- The Developer is required to submit detailed drawings of the proposed external highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.
- The applicant is advised that contact be made with the Assistant Director : Highways, Design and Projects (contact Ms. P. Goodwill 01325 406651) to discuss naming and numbering of the development.

- An appropriate street lighting scheme and design should be submitted and contact should be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter.
- The applicant is advised that contact be made with the Assistant Director : Highways, Design and Engineering (contact Mrs. B. Bowles 01325 406708) to discuss the amended 30mph limit and introduction of Traffic regulation Orders in connection to a 20mph zone.
- The site is a known gassing landfill site with the most recent gas monitoring data (2008) suggests that the waste body is producing up to 92.5% methane at a maximum flow rate of 6L/hour. The gas risk assessment conducted in accordance with the methodology contained in CIRIA C665 provides a characterisation of CS3 and in accordance with BS BS8485:2015 requiring three levels of gas protection (i.e. a solid reinforced concrete slab, a proprietary gas proof membrane and a granular passive gas venting layer beneath each slab). Following discussions with the developer, it has been confirmed that gas protection will be achieved, principally, by the concrete slab and gas proof membrane beneath each pitch, and that the proposed granular passive gas venting layer provides only additional 'non-critical' protection.

The long term management of the site and the integrity and effectiveness of the gas protection measures will be monitored and managed through the provisions enforced under a Caravan Site License.

Any buildings or structures outside the extent of the proposed gas protection measures will not be protected against the ingress and accumulation of explosive and noxious gases.

The LPA provides further advice and information to assist in complying with the requirements of the land contamination planning condition(s) in Technical Guidance for Developers, Landowners and Consultants,

- YAHPAC "Development of Land Affected by Contamination
- YAHPAC "Verification Requirements for Cover Systems"
- YAHPAC "Verification Requirements for Gas Protection Systems"

The latest editions of each guidance can be found on the Council's website at the following link:

<http://www.darlington.gov.uk/contlandplanningguidance>