

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 October 2014

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APPLICATION REF. NO:	14/00784/FUL
STATUTORY DECISION DATE:	3 November 2014
WARD/PARISH:	HEIGHTON AND CONISCLIFFE
LOCATION:	1 Merrybent
DESCRIPTION:	Redevelopment of former nursery site and erection of 1 No detached dwelling
APPLICANT:	Mr Larry Ward

APPLICATION AND SITE DESCRIPTION

The application site measures 0.5 hectares and it is located on the northern edge of Merrybent, accessed off a private road via the A67. The site was part of the Merrybent Nurseries, which were bisected by the A1 (M) in the 1960s. The site was a horticultural garden nursery which also supported a wide range of other commercial, industrial and distribution uses and it has remained vacant since its closure in 2013.

The site is bound to the north by open countryside; to east by the A1 (M); to the south by the access road and two residential dwellings (No's 1 and 3 Merrybent) and to the west by further residential properties.

The proposal involves the redevelopment of the site for residential purposes comprising of the erection of one detached dwelling. The five bedroom dwelling is predominately two storeys high with a single storey orangery on the North West elevation and an attached single storey garage with living accommodation in the roof space on the south east elevation. Access to the site would remain via the existing access of the A67 and the remainder of the site would be private grassed and landscaped amenity space.

The applicant carried out a pre-application consultation exercise with local residents and the Parish Council in accordance with the Council's guidance on Statement of Community Involvement exercises.

PLANNING HISTORY

The only planning entry is:

88/00080/DM – In March 1988 planning permission was GRANTED for the erection of a horticultural glasshouse

PLANNING POLICY BACKGROUND

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E4 New Buildings in the Countryside
- E14 Landscaping of Development
- H7 Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011

- Policy CS1 Darlington's Sub Regional Role and Locational Strategy
- Policy CS2 Achieving High Quality, Sustainable Design
- Policy CS10 New Housing Development
- Policy CS14 Promoting Local Character and Distinctiveness
- Policy CS15 Protecting and Enhancing Biodiversity and Geodiversity
- Policy CS16 Protecting Environmental Resources, Human Health and Safety

Other Documents

Council's Supplementary Planning Document – Design for New Development

RESULTS OF CONSULTATION AND PUBLICITY

Two letters of representation have been received from the occupiers of No's 3 and 5 Merrybent following the Council's consultation exercises. Both of the residents have stated that they raise no objections to the principle of the development subject to the following matters being considered:

- *Sufficient established evergreen screening to prevent overlooking into our garden and back bedroom windows and likewise to prevent us seeing into the proposed property*
- *At present, there is no light shining into our property, and so we would like to keep external lighting of the proposed development to a minimum. Also the type of lighting would impact upon existing wildlife.*
- *As the new owner of the access road coming down to our property and the proposed development, we would expect Larry Ward to make good and maintain its upkeep especially with the extra construction vehicles that will be using this access road if planning is granted.*
- *We would also expect that there to be plans in place with regards to the cleaning of these vehicles to prevent dirt/building material from being moved onto the main road and potentially causing a dangerous hazard.*
- *We would also expect that our access would not be blocked at any time, as this could result in problems regarding the school run, getting to work, emergency vehicle access, GP and nursing staff etc.*
- *There have been major issues in the past regarding drainage / flooding in Merrybent particularly with 1, 3, 5, 7, 9 Merrybent and so drainage must be a priority.*
- *We want to ensure that working hours on the development are suitable as when work was recently carried out on Larry Ward's property 1 Merrybent, sometimes it went on until 10pm which was not suitable for our young children getting to sleep.*

- *We want to ensure that working hours on the development are completed by 20.00 hours and not to commence before 8.00am due to the declining health of our elderly frail mother*
- *We are presuming that if planning is granted and it is then made residential land, no business could be able to operate from this site including leasing to other businesses. Currently there is a landscape gardener who leases part of the land from Larry at the back of us and it is an absolute eye sore with regards to metal containers, garden waste, skip etc. situated there. We would expect that they would be unable to operate there.*
- *Entrance gates have not been included in the plans and we would just like clarification if these are to be included.*

Consultee Responses

The following internal and external consultees have all raised no objections to the proposal:

The Council's Highways Engineer
The Council's Environmental Health Officer (Contaminated Land)
The Council's Environmental Health Officer (Pollution)

Northern Powergrid
Northern Gas Networks
Northumbrian Water
The Highways Agency
The Environment Agency

Low Coniscliffe and Merrybent Parish Council have objected to the planning application on the following grounds:

- *The Borough of Darlington Local Plan is specific when detailing the control and conditions when a proposed development such as this is outside of local plan development limits. This is to ensure that the character of the countryside and village is always safeguarded*
- *The application is contrary to the policy requirements of H7 of the Borough of Darlington Local Plan*
- *In respect of the National Planning Policy Framework, we believe that this proposed development cannot be considered to be a sustainable development in that it does not fulfil a longer term economic role, a social role or an environmental role*
- *The previous horticultural site had up to recent times operated as a sustainable business for the past 48 years providing the opportunity for employment for local people both directly and indirectly*
- *The development is outside of the existing Merrybent building line which could set a precedent for further future development within the rural area.*
- *The designated land may be subject to contamination*
- *Due to the close proximity of the proposed development to the AIM the continuous and excessive noise could still be noticeable and disruptive within the grounds of the property even with sound screening and may prove harmful to people living on the site (particularly children)*

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

Planning Policy

Impact upon the Character and Appearance of the Surrounding Area

Residential Amenity

Highway Safety

Noise

Air Quality

Ecology

Impact upon Trees

Contaminated Land

Drainage

Setting a Precedent

Planning Policy

Saved Policy E2 of the Borough of Darlington Local Plan 1997 states that most new development will be located inside the development limits defined by the Proposals Map of the Local Plan. The reasoned justification to the policy explains that the limits to development are intended to maintain well defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside development limits, development will be strictly controlled.

Policy CS1 of the Darlington Core Strategy Development Plan Document 2011 states that outside the development limits, development will be limited to that required to meet an identified rural need.

Significantly in 2012 the Government published the National Planning Policy Framework (NPPF) which establishes a presumption in favour of sustainable development. The NPPF does not change the statutory status of the development plan as the starting point of decision making. Proposals which accord with an up to date local plan should be approved and developments that conflict with the plan should be refused unless other material considerations indicate otherwise.

Section 38 (6) of the Town and Country Planning Compulsory Purchase Act 2004 also states that if regard is to be had to the development for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The site lies outside the development limits for Merrybent and current adopted policy would discourage new residential development in such locations and therefore the Council is being asked to consider the application against the wider planning principles as set out in the NPPF. This approach enables Officers to consider all material planning considerations and to decide whether to recommend that following such considerations a departure from the adopted policy is acceptable.

The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities and that local planning authorities should avoid new isolated homes in the countryside.

In terms of what can be considered a sustainable development the NPPF discusses three key dimensions of the planning system in determining the sustainability of a proposal, an environmental role, a social role and an economic role. So it is acknowledged that the sustainability of a proposal should not solely be determined by its location. The proposal must therefore be assessed against the three key sustainability factors, along with other material planning considerations to see whether this would justify a departure from adopted policy in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004

The proposed dwelling would be constructed to meet Code for Sustainable Homes Rating 4 and the overall proposal will remove a commercial and developed site and include ecological enhancements which would benefit the site and the wider locality. The site adjoins existing residential development and is capable of integration within the existing community forming a natural extension to the village and reinforcing the settlement boundary. The proposal would secure a more appropriate use within this established residential location and would improve the local choice for high quality homes. Whilst the proposal will remove an employment use, the redevelopment of the site will provide construction jobs in the short term as well as spin off jobs in the economic supply chain. It is considered that the proposal would comply with the key sustainable factors outlined in the NPPF.

The limited planning history for the site suggests that the authorised use of the site is horticulture which falls within the definition of agriculture and land that has been used for agricultural purposes falls outside the definition of previously developed land as defined by the NPPF. However, in reality the former business did not grow a significant proportion of plants from seed, much of the stock was imported for sale and the premises were largely used for the storage and distribution of various plants as well as related sales of garden supplies and materials. The site operated as a mixed use and could be considered as a “quasi brownfield” site and therefore this is an opportunity to redevelop and reuse previously developed land in accordance with the NPPF.

The application site is on the very northern edge of the defined development limits for the village and as it contains a number of buildings, polytunnels and hard standing areas it cannot be considered as a rural countryside site. The proposed dwelling would not be an isolated building as it is adjacent to and shares an access road with existing dwellings it would be visually related to the neighbouring properties in accordance with Saved Policy E4 of the Local Plan.

The proposal is contrary to development plan policy but it has also been assessed in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004 in terms of how much weight should be given to other material planning considerations. On balance the aforementioned factors together with the visual and spatial relationship of the development with the existing built up area are considered to provide sufficient justification to depart from the development limit policy position in this case.

Impact upon the Character and Appearance of the Surrounding Area

Merrybent is characterised by a mix of dwellings of varying style, scale and materials and as a result it does not have a uniform architectural style or coherent character. However, the settlement has developed in a distinct linear form with properties having long narrow plots, strong boundary frontages and extensive rear gardens and paddocks.

The redevelopment of the site would result in the removal of the existing buildings which would improve the visual appearance of the locality. The proposed dwelling is of a high quality design

and would be constructed from red facing bricks, slate roof tiles, timber windows and doors but a condition would need to be imposed to ensure the precise details. The remainder of the site would be landscaped gardens and the layout and scale of the proposal would accord with the character of the surrounding settlement.

The dwelling would include a number of measures to meet the Code of Sustainable Homes Rating 4 such as:

- Fabric first approach
- Ground source heat pump
- Heat recovery systems
- High performance glazing systems
- Rainwater harvesting
- Water treatment independent sewage system to reuse “grey” water
- High efficient wood burning stoves to supplement the ground source system

The site is screened from the A1 (M) by an existing belt of mature trees and from the A67 by the neighbouring dwellings (No's 1 and 3 Merrybent). The site would be enclosed by a 1.8m high boundary fence and further landscaping would be planted which would be secured by a planning condition. The application does not include any details of gates across the access road and therefore a condition would need to be imposed to secure an appropriate means of enclosure.

As the site lies outside the development limits it is considered appropriate to impose a planning condition that removes the permitted development rights from the site to enable the Local Planning Authority to control any future developments in the interests of the amenity of the locality.

The proposed redevelopment of the site would improve the character and appearance of the area and the proposed dwelling, itself, is well designed and appropriate in this location.

Residential Amenity

The redevelopment of this commercial site to a residential use is considered to be a significant improvement for the amenities of the neighbouring dwellings in terms of noise and disturbance and vehicle movements to and from the site. The existing commercial buildings on the site would be cleared and the commercial activities would cease.

The dwelling itself is positioned 32m from the rear elevations of the two storey dwellings to the south west (Nos 1 and 3 Merrybent) and approximately 33m from No 5 Merrybent (a bungalow). Whilst the proposed dwelling includes a first floor balcony area leading from two separate bedrooms in the front elevation, the proximity distances are well in excess of the minimum proximity distance (21m) that needs to be complied with and outlined in the Council's Supplementary Planning Document – Design for New Development. The site would be enclosed by fencing and this boundary treatment would be augmented by a landscaping scheme.

The dwelling would be approximately 12.5m from the common boundary with land belonging to No 5 Merrybent. The proposal has been amended so that there is one first floor bedroom window in the west facing elevation of the proposed dwelling. There would not be a direct view from this window into the neighbouring property or its immediate domestic garden due to presence of the existing tree coverage in the neighbouring curtilage. There would be views across the larger rear garden/paddock but it is argued that this section of the neighbour's curtilage is not required to be

protected from overlooking unlike the section of garden directly to the rear of the dwelling, which would not be affected.

A condition would be imposed to ensure that the bathroom window in the west elevation of the dwelling is fitted with obscured glazing.

The existing and proposed landscaping around the boundaries of the site would form a screen between existing and proposed properties and the new dwelling would not become a dominant structure when viewed from outside the application site.

The comments made by the occupiers of the neighbouring property include requests for the Council to consider the installation of external lighting within the site and also the hours of construction. These matters can be dealt with by appropriate planning conditions.

It is considered that the proposed development would not have an adverse impact upon the amenities of the neighbouring dwellings.

Highway Safety

There are two existing properties already being served from the private access road off the A67. It is considered that the erection of a further single dwelling house, accessed off the same private road would not create any highway safety concerns. Indeed, the proposal would generate significantly less traffic than the previous commercial use of the site. The proposed parking provision is acceptable and the dwelling is in a suitable location for emergency access.

The comments made by the two residents with regard to the maintenance and up keep of the access road are noted but as the road is in private ownership, it would be a matter for the landowner to ensure that the road is kept at an acceptable standard and to ensure that any parked vehicles do not obstruct other road users, including the neighbouring residents and any emergency vehicles.

As the site is adjacent to the A1 (M), it will bound land owned by the Highways Agency. The Highways Agency has raised no objections to the application provided that any new fencing erected along the east boundary does not prevent the HA from gaining access to their land and that all surface water drainage is disposed of via the existing mains sewer and measures are put in place to prevent run off from the application onto the highway network.

The HA has also recommended that a noise assessment is undertaken for the proposed development and appropriate noise measures are put in place to ensure that future residents are protected from noise emanating from the A1(M).

Noise

A Noise Assessment identifies that the noise climate from the site was dominated by road traffic noise from the A1 (M) and to a lesser extent the A67. Following the findings of the relevant surveys, the Assessment states that appropriate mitigation measures are required to achieve desirable internal and external ambient noise levels.

The recommended mitigation measures are the erection of a 3m high acoustic fence along the full length of the eastern and part of the northern boundaries of the site and the use of appropriate double glazing and acoustic trickle vents within the design of the dwelling.

The Council's Environmental Health Officer agrees, in principle, with the recommendations of the Assessment but the measures need to be agreed and secured via a planning condition.

Air Quality

An Air Quality Assessment was carried out to assess the pollution impact from traffic using the A1(M) in order to ensure that there will be no harm to the health of any persons living at the proposed property. The Council's Environmental Health officer is satisfied that the Assessment does not show any breaching of the UK Air Quality Standards and he has no objections to the application on the grounds of air quality.

Ecology

An Ecology Assessment of the site advises that all of the buildings on site, which will be demolished, are considered to be of either low or negligible value to roosting bats and they are not suitable to support hibernating bats or maternity colonies. The site itself has limited green space and the trees around the site would be unaffected by the development which again means the site is a low risk for bats foraging and roosting. The Assessment also advises that impacts on other protected species are low to negligible.

Given the very low to negligible risk of the buildings supporting bat roosting activity and the poor quality of the surrounding habitats, no further survey work is recommended and the Assessment provides some mitigation requirements such as timings of demolition works, the erection of bat boxes, which were agreed with the Council's Ecology Officer prior to the submission of the planning application. A suitable condition would be imposed to ensure that the mitigation measures are implemented.

Impact upon Trees

There is no significant tree cover within the application site with any trees being located only around the periphery of the site and on adjacent land. No trees would be removed to facilitate the construction of the development but an Arboricultural Survey highlights some mitigation measures that would need to be imposed such as protective fencing, ensuring that no utility runs are installed within any root protection areas of any trees, appropriate machinery is used when landscaping the gardens areas. These measures can be secured by the imposition of a planning condition.

Contaminated Land

The Preliminary Ground Investigation Report highlights the presence of a 7500 Litre oil tank on site and the possible presence of asbestos materials and agrochemicals (pesticides/herbicides and nutrients). As such the report recommends that further investigations are warranted. In addition, the Environmental Health Officer has highlighted the possible presence of boiler wastes (from the greenhouse heating systems) and demolition wastes (including glass) which should be considered in any future investigation. As a result, Environmental Health and the Environment Agency have raised no objections to the scheme provided a suitable condition to secure further ground and ground water investigations and studies is imposed to any grant of planning permission.

Drainage

The site lies outside of a Flood Zone and its size does not trigger the need for the submission of a flood risk assessment relating to surface water drainage. Surface water from the development would be disposed of by existing mains sewer and Northumbrian Water has raised no objections

to the scheme. However, the Highways Authority has requested the imposition of a condition to ensure that measures are put in place to ensure surface water is not disposed onto their land.

Setting a Precedent

Court and appeal decisions have established that it is legitimate for Planning Authorities to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission. However, it is not enough for Local Planning Authorities to have a general anxiety that their decisions may be used in the future to justify other proposals. There has to be evidence that there is a real likelihood that similar applications would be submitted and no such evidence has been provided. The site remains outside the limits for development, and it is clear that the Local Planning Authority would consider any other proposals on their individual merits and Officers are not convinced that a grant of planning permission for this development would set an unwanted precedent for future applications for further residential development within this site and in the wider countryside.

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 contrary to development plan policy and but it has also been assessed in accordance with the NPPF and the Town and Country Planning Compulsory Purchase Act 2004 in terms of how much weight should be given to other material planning considerations.

It is considered that the position of the site in relation to the existing built environment along with the high quality design and the environmental and sustainable objectives of the scheme provide the Council with justification to accept justify a departure from adopted policy in accordance with national planning guidance. The proposed development, subject to appropriate planning conditions, will not adversely affect the amenity and general character of the area, the amenities of the neighbouring properties and the highway network.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 –Implementation Limit (Three Years)
- 2) E2 – Landscaping (Submission)
- 3) B4 – Details of Materials (Samples)
- 4) Notwithstanding the requirements of condition 12, and prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing, gates or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.

REASON - In the interests of visual and/or residential amenity.

- 5) The dwelling hereby approved shall achieve Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: To ensure that the development accords with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.

- 6) C5 – Restriction of PD Rights (Residential)

- 7) The development hereby permitted shall not commence until a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate, has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:-

- (a) A Phase 1 Preliminary Risk Assessment, carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.
- (b) A Phase 2 Site Investigation and Risk Assessment shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
- i. A Phase 1 Preliminary Risk Assessment and has been completed and agreed in writing with the Local Planning Authority.
 - ii. The requirements of the Local Planning Authority for site investigations have been fully established; and
 - iii. The extent and methodology of the site investigation and risk assessment have been agreed in writing with the Local Planning Authority.

The Phase 2 Site Investigation and Risk Assessment Report shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

- (c) A Phase 3 Remediation Statement for the remediation of land and/or groundwater contamination affecting the site determined through risk assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be implemented and completed in accordance with the agreed Remediation Statement by competent person(s), no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Local Planning Authority.

(d) A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

(e) Any contamination not considered in the Phase 3 Remediation Statement but identified during 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 may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. The site is also situated overlying the Magnesian Limestone Principal Aquifer and located with a SPZII. These are considered to be high sensitivity receptors that could be affected by any land contamination that may be present at the development site. The Local Planning Authority in consultation with the Environment Agency wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

- 8) No deliveries or construction work shall occur on the site outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1400 on Saturdays with no deliveries or working on Sundays or Public Holidays.

REASON – In the interests of the amenities of adjoining residents

- 9) The first floor bathroom window formed in the west elevation of the dwelling hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing. The method of opening and the level of obscurity for the window shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of residential amenity

- 10) Prior to occupation of the development, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor shall take place and be agreed in writing with the Local Planning Authority. This should include:

- a) A description of the proposed lighting units including height, type, angling and power output for all lighting
- b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.

- d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded

REASON: In the interests of residential amenity and the visual appearance of the locality

- 11) Notwithstanding the mitigation measures outlined within the document entitled “Land at Coniscliffe Road, Merrybent - Noise Assessment Report”; reference number MMW/NA/LCR/04/14; dated 29 July 2014 and produced by QEM, precise details of the glazing specifications for all windows and the acoustic vents within the development shall be submitted to and approved in writing 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 and the measures shall be implemented prior to the occupation of the dwelling

REASON: To protect the amenities of the occupiers of the development

- 12) Notwithstanding the mitigation measures outlined within the document entitled “Land at Coniscliffe Road, Merrybent - Noise Assessment Report”; reference number MMW/NA/LCR/04/14; dated 29 July 2014 and produced by QEM, precise details of the acoustic fence shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency prior to the commencement of the development. The details shall include details of the height, design and location of the acoustic fence. The development shall not be carried out otherwise than in complete accordance with the approved details and the acoustic shall be implemented prior to the occupation of the dwelling

REASON: To protect the amenities of the occupiers of the development and to ensure that the Highways Agency retains reasonable access onto motorway land.

- 13) Notwithstanding the details provided with the planning application, a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Agency. The scheme shall include measures to prevent surface water from disposing onto the Strategic Highways drainage systems. The development shall not be carried out otherwise than in complete accordance with the approved details and the drainage scheme shall be implemented prior to the occupation of the dwelling

REASON: In the interests of highway safety

- 14) The development, including the demolition works, shall be carried out in complete accordance with the mitigation requirements outlined in the document entitled “Bat Risk Assessment – Merrybent Nursery. Report No 2” dated April 2014 and produced by E3 Ecology Limited unless otherwise agreed in writing by the Local Planning Authority.

REASON: To preserve and enhance the biodiversity of the site and surrounding area

- 15) The development, including the demolition works, shall be carried out in complete accordance with the mitigation/countermeasures outlined in the document entitled “Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method

Statement – Merrybent Nursery, Merrybent, Darlington. REF: ARB/AE/948” dated June 2014 and produced by Elliot Consultancy Limited unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the life of trees in the interests of visual amenity

16) B5 – Detailed Drawings (Accordance with Plan)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 Development Limits
- E4 New Buildings in the Countryside
- E14 Landscaping of Development
- H7 Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011

- Policy CS1 Darlington’s Sub Regional Role and Locational Strategy
- Policy CS2 Achieving High Quality, Sustainable Design
- Policy CS10 New Housing Development
- Policy CS14 Promoting Local Character and Distinctiveness
- Policy CS15 Protecting and Enhancing Biodiversity and Geodiversity
- Policy CS16 Protecting Environmental Resources, Human Health and Safety

Other Documents

Council’s Supplementary Planning Document – Design for New Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

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.