

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11 April 2012

Page

APPLICATION REF. NO:	12/00037/OUT
STATUTORY DECISION DATE:	21 March 2012
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Caretakers House, Edinburgh Drive
DESCRIPTION:	Outline application for residential development of 3 No dwellings
APPLICANT:	Mr Mark Davis

This application was deferred at the previous meeting of the Planning Applications Committee on 14 March 2012 to enable Members to visit the site. The report is repeated below.

APPLICATION AND SITE DESCRIPTION

The application site consists of an area of open land measuring approximately 0.14 hectares located to the north east of Hummersknott School and Language College on Edinburgh Drive. Public Footpath No 4 (Darlington) runs directly along the northern boundary and there are dwellings on the opposite side of the Path. The Caretakers House and a car park for Hummersknott School and Language College form the south and west boundaries respectively. A hedge runs along the eastern boundary of the application site and there are dwellings on the opposite side of the road. The surrounding area is predominately residential.

Outline planning permission is being sought for the redevelopment of the site for residential purposes. All matters relating to access, appearance, landscaping, layout and scale are reserved for future submissions but an Indicative Layout Plan has been submitted which proposes the erection of three detached dwellings, each with accesses directly off Edinburgh Drive. The properties would be potentially 2 or 2.5 storeys high.

PLANNING HISTORY

91/00477/CC In June 1992 an outline application for the erection of three dwellings was WITHDRAWN

93/00776/MISC In March 1994 outline planning permission was REFUSED for the erection of three dwellings. An Appeal was DISMISSED in December 1994

03/00150/FUL In May 2003 planning permission was REFUSED for the erection of four detached dwellings

05/01000/OUT In December 2005 planning permission was REFUSED for the erection of a single dwelling. An Appeal was DISMISSED in July 2006

PLANNING POLICY BACKGROUND

The relevant planning policies are:

Borough of Darlington Local Plan 1997

E2: Development Limits

E3: Protection of Open Land

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

CS14: Promoting Local Character and Distinctiveness

CS15: Protecting and Enhancing Biodiversity and Geodiversity

CS16: Protecting Environmental Resources, Human Health and Safety

CS17: Delivering a Multifunctional Green Infrastructure Network

Other Documents

Supplementary Planning Document – Design for New Development

Darlington Open Space Strategy 2007 - 2017

Manual for Streets 2 (2010)

Darlington Borough Council Design Guide and Specification – Residential and Industrial Estates Development

RESULTS OF CONSULTATION AND PUBLICITY

Nine letters of objection have been received and the concerns can be summarised as follows:

- *The erection of three 2.5 storey dwellings will be an overdevelopment of the site*
- *The area should be left green as the character of the area would be changed*
- *There are already traffic problems. It can be a nightmare and at certain times of day it is impossible to get in and out of our own drive, and we are further from the school than the proposed dwellings would be. Parents already park right across our drive at times for lack of space. More housing would lead to further chaos. When evening events are on at the school, the problems go on for hours with people parking everywhere and having no regard to safety.*
- *We note in particular from one diagram that the proposal includes moving the bus stop along so it is next to our house. Has anyone considered how the occupants of a new house immediately next to us would get in and out of their house at school times with a bus stop there? Furthermore, our house is on the beginning of a hill in the road and we have seen some very dangerous manoeuvres in our time here with cars attempting to overtake each other approaching the blind rise. Having a bus stop so near a rise would sooner or later lead to a fatality.*
- *The new dwellings would be nearer to the speed bumps. If the householders had visitors or parked their own vehicles outside their houses and school time came, the road would be choked at that point. There just isn't the capacity for more cars to be parked there. It would make it more likely that there would be a road accident involving children too,*

considering the numbers pouring out of the school and walking along the pavement with the possibility of three new drives.

- *To try to squeeze three new houses into such a confined space would completely alter the overall character of the neighbourhood. Three smaller new houses crammed together would create an unsightly contrast to the larger existing houses and could well give rise to social ill-feeling and disputes.*
- *We would also like to add that it wouldn't be a pleasant place to live for the new residents. Now that there is a large car park directly behind the area in question, very bright lights are on 7 days a week from 5am in the morning till around 10.40pm at night regardless of whether anyone is using the facilities. Apparently they are on a timer and cannot be altered as we have complained about them ourselves before. They create significant light pollution at the back of our house which lies at an oblique angle, so it would be far worse for the new houses unless they have a 30 foot plus fence. They would also have an endless number of cars moving about the car park immediately behind them with people making a lot of noise as they arrive at or leave the facilities, and that's just the adults. On top of that there would be the crowds of children out front during the day, dropping litter, swearing (and there is plenty of that), and sometimes being quite rowdy.*
- *On considering the Planning, Design and Access Statement, we don't see how this proposal fulfils the points required. In particular in para 3.7 regarding policy CS2, the following points:*
 - b) *'reflect and/or enhance...characteristics that positively contribute to the character...'* This makes the area both over-developed and in the ways mentioned above can only have negative effects on the character of the area.
 - c) *'create a safe and secure environment...'* This isn't safe from the point of view of traffic, adults or children.
 - d) *'support inclusive communities...'* The proposed development will considerably diminish inclusivity, by ruining safe access for pedestrians, cyclists (who are sometimes on the pavement), public transport, let alone for disabled people, parents with children in push chairs and the elderly.
 - e) *'...promoting sustainable neighbourhoods...'* As previously mentioned, this is over development and would only add to already overstretched resources. In addition to this, the increased level of danger and disruption while the construction was actually going on could lead to injury and social upheaval.
- *It is noted in the Planning, Design & Access Statement that it is presumed that the original boundary fence was removed when the school was redeveloped. This was not the case, the boundary wire fence is still in existence, the tennis court fence did get removed but this was not on the boundary. If planning was granted then a secure fence along the school boundary would be required. The school busses currently drop off in this area and creating 3 new access drives could create a risk to children's safety. The traffic at start and end of the school day is very congested in this area without adding to this with additional residents cars parked on the road. The school site is now used even more than when the last planning application was refused*
- *This is the site owner's fourth application for development on the site and the Local Authority has consistently opposed them. The owner appealed against at least two rejections and a Government Inspector made visits to the site and on one occasion held a public meeting. The outcome was that the Inspector not only endorsed the Local Authority's decision but fortified it.*
- *There is no shortfall of building land in Darlington*

- *This stretch of road is relatively narrow (7 metres) and the site is very close to the junction with Wycliffe Way, a traffic calming funnel, the exit from the school car park which is used most nights past 10pm, a bus stop and near 9 Edinburgh Drive which is a blind summit. Of the schools 1200 pupils a high proportion come from Mowden and walk past this proposed site morning and afternoon. Parents in cars drop their children there, others park and school buses leave there passengers there. It can always be dangerous particularly in the morning as traffic is brought to a standstill*
- *The forecourts of the houses are a mere 5.5metres, the length of a medium sized vehicle is 4.5m which does not give passers by much warning of emerging vehicles.*
- *Where will visitors to the dwellings park*
- *I see no change to any conditions to justify this new application. Any new building on this site will severely spoil the open view I have across the playing fields to the Baydale Woods and beyond. This would be a considerable loss of amenity. Any residential use of the plot will cause parking problems. Residents and visitors would have to park on the opposite side of the road due to restricted parking areas and the bus stop.*
- *Throughout the previous submissions the Council and the Planning Inspector have praised the ambience and atmosphere created by the open spaces, the views, the greenery and generous size of the gardens. The planned development would have an adverse effect on the excellently planned district*
- *I am impressed with the general atmosphere created by the open spaces, the wealth of green vegetation, the unobstructed views, and the generous depth of the front gardens. To cram three houses into this site would be prejudicial to this well planned district.*
- *The only change in this locality is that the tennis courts have been replaced by a car park. This has reduced the original hard area and increased the greenery by adding a broad area of grassland adjacent to the bridle path and a line of trees around the parking.*
- *There have been previous attempts for development on the site, which have all been rejected. The proposal would appear alien against the generously spaced existing homes and their relatively deep front gardens.*
- *Road safety has to be a consideration*
- *Previous plans showed a high voltage underground electricity cable is shown across the site. Is it still there and would it affect any development?*
- *Extra traffic is inevitable in a sensitive area where 11 to 16 year old pupils are passing morning, noon and afternoon*
- *There has been a significant increase in traffic along this stretch of Edinburgh Drive arising from the development of services at the School. However, this only occurs for short intervals during term time otherwise the area has retained a very peaceful character*
- *We enjoy the openness provided by the extensive school playing fields, the vast green opposite the existing houses with generous sized gardens, the copses of mature trees and unobstructed views, all which contribute to an almost rural atmosphere. The three dwellings will be totally out of character with the current situation. Even with the replacement of the tennis courts with car parking have had little effect on the overall ambience, in fact the added grassland and young trees are welcome additions*

The **Campaign to Protect Rural England** has objected to the application. Their objection states

- *It is appreciated the site is not included in the Open Spaces Strategy but it is allocated as "open land" in the Borough of Darlington Local Plan and we do not support development on such sites*

Consultee Responses

Northumbrian Water has raised no objections to the proposed development
Northern Gas Networks has raised no objections to the proposed development

The **Council's Senior Arboricultural Officer** has raised no objections to the scheme subject to the imposition of a planning condition to secure suitable tree protection measures for trees in the locality of the application site

The **Council's Highways Engineer** has raised no objections to the scheme subject to the imposition of appropriate conditions

The **Council's Countryside Access Officer** has raised no objections to the proposal

The **Council's Environmental Health Officer** subject to the imposition of appropriate conditions

PLANNING ISSUES

This site has been the subject of four planning applications for residential development. Three of the applications have been refused and two of those have also been dismissed on appeal. The last submission (reference number 05/01000/OUT) was for the erection of a single dwelling and it was refused on the following grounds:

- *The development would result in the loss of an amenity area which is considered to be an important setting for the school grounds and buildings in terms of visual relief, openness and greenery which contribute to the character and amenity of the locality. The proposal therefore conflicts with PPG17 Open Space, Sport and Recreation, and policies, H3 (Location of New Housing Development) E3 (Protection of Open Land) and H11 (Design and Layout of New Housing Development) of the Borough of Darlington Local Plan.*
- *The Development would be prejudicial to the functioning of the adjoining recreational facilities, resulting in a conflict between the two uses. The application site provides a useful buffer zone between the tennis courts and the highway.*
- *In the light of the level of existing commitments and the potential capacity of previously developed land and buildings to meet housing requirements for the short to medium term, there is no need for this Greenfield site to be released for housing. No evidence is provided demonstrating that the site would perform better against the criteria listed in PPG3 than any of the Previously Developed Sites identified in the Urban Capacity Study.*

An planning appeal against the decision was subsequently dismissed in 2006.

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

Planning Policy
Residential Amenity
Visual Appearance and Character of the Area
Highway Safety
Impact upon the Public Right of Way
Impact upon Trees

Planning Policy

Officers are aware of the planning history of the application site and the reasons for the previous submissions being refused and supported by Planning Inspectors at appeal. However since 2005

the planning policy framework has changed significantly. In particular, the Council now has an adopted Core Strategy in place, and nationally, Planning Policy Statement 3 - Housing is in place, replacing Planning Policy Guidance 3 that was in force at the time the last application was considered. Furthermore, the Government has published a draft National Planning Policy Framework, the final version of which it intends to issue in late March/early April.

The Council have also adopted the Supplementary Planning Document – Design for New Development and the Darlington Open Space Strategy 2007 – 2017 which all need to be taken into consideration when determining this latest submission along with the Saved policies within the Borough of Darlington Local Plan.

The site is located within the development limits for the urban area as shown on the Proposals Map for the Borough of Darlington Local Plan. Saved policy E2 of the Borough of Darlington Local Plan and Policy CS1 of the Darlington Core Strategy Development Plan Document states that most new development should be located within the development limits.

The Darlington Open Space Strategy 2007 – 2017 aims to provide, protect and enhance a variety of high quality, accessible, open and green spaces throughout the Borough. The application site was not considered to be of a sufficient size or quality for inclusion within the Strategy. However it is still protected as Open Land in the Borough of Darlington Local Plan and as such its redevelopment must not generate net harm on the following relevant criteria set out in Policy E3

Visual relief provided by the system in the built area

Within the wider area, visual relief is provided by the School's playing fields to the west of the site, West View/Edinburgh Drive to the north and Wycliffe Way/Edinburgh Drive to the south east.

Character and appearance of the locality through loss of openness and greenery

The site does provide localised open views for the properties along Edinburgh Drive and across to the School playing fields but this is not considered sufficient justification to continue to protect the land as open space.

Internal continuity of the system or its linkages with the open countryside

The main linkages to the green infrastructure network are the playing fields and the other open spaces that exist at West View and Wycliffe Way, which will continue to support biodiversity movement and recreation in the locality.

Areas recognised for nature conservation or wildlife interest

There are no trees within the application site. The existing hedgerow on the east boundary would be retained other than for the creation of the vehicular access and the existing trees on the northern boundary would also be retained. Other than these features, the site has little nature conservation value.

Policy CS17 of the Darlington Core Strategy Development Plan Document states that any loss of any part of the green infrastructure network will only be considered where it has been demonstrated that the site no longer has any value to the community in terms of access and usage, is not required to perform an alternative green infrastructure function, is not required to meet a shortfall in the provision of that type of open space and a better area of space in terms of quantity, accessibility, biodiversity, attractiveness and functionality is available. The site has no public access so has little value to the community and there are other better quality, accessible

green spaces in the locality that meet community needs. Given the size of the space, it is not required to meet a shortfall in any type of open space provision. Overall in the wider locality, better quality spaces exist of a similar size that deliver a range of green infrastructure functions.

In conclusion, the principle of the use of the open land for residential development is no longer deemed unacceptable in general planning policy terms.

The final reason for refusal for the 2005 submission related to a suggestion that there was no need for the site to be developed for residential purposes due to existing commitments for dwellings on brownfield sites. The most recent estimate of the number of new dwellings coming forward from existing commitments is far less than previously estimated, reflecting much more limited house building activity in recent years than was the case in 2005. As a result, more housing land needs to be identified to meet the Core Strategy housing requirement for the period to 2016, and development of this site would contribute to meeting that shortfall.

Residential Amenity

The dwellings on the opposite side of the road to the application site are large two storey dwellings with front gardens. They are on a slightly higher ground level than the application site. The front elevations of these dwellings would be approximately 32 metres away from the front elevation of any proposed dwellings and this proximity distance would comply with the requirements set out in the Supplementary Planning Document – Design for New Development. The erection of dwellings within the application site would not result in conditions prejudicial to the amenities of these existing dwellings.

The dwellings to the north of the site on the opposite side of the Public Right of Way are screened from the application site by the existing landscaping and they would not be adversely affected by any new dwellings in residential amenity terms.

The land to the rear of the site was previously used as tennis courts as part of the School and it has been previously considered that the use of the application site for residential purposes would be prejudicial to the continued use of this land for recreational purposes and this has been a consistent refusal reason used by the Council and supported by the Planning Inspectorate. The School has undergone some recent redevelopment and the area to the rear of the application site is now used as a car park rather than being used for sporting activities. It is recognised that the car park is used out of school hours on an evening due to events that occur at the School. A Noise Assessment has been submitted with the application to assess the potential impacts that the car park may have on the application site. The Assessment recommends that an acoustic barrier fence (typically two metres high) be erected between the car park and the site and that the dwellings should be designed to incorporate sound attenuating trickle vents to the habitable rooms with an unscreened view over the barrier fence and to the habitable rooms at the front of the properties. The Council's Environmental Health Officer has raised no objections to the proposal subject to a condition being imposed that the development is carried out in accordance with the recommendations contained within the Assessment.

The Council's records show an area of unknown filled ground approximately 35 metres from the boundary of the site. Due to the sensitive end use being proposed it is deemed appropriate to attach a planning condition requesting the submission of a Desk Top Study for contaminated land.

With the site being within a residential area, it is also considered appropriate to attach a planning condition to secure the submission of a Construction Management Plan which would include a Dust Action Plan and the hours of construction.

Visual Appearance and Character of the Area

The existing dwellings in the area are generally two storey detached properties with front gardens.

The detailed design of the proposed dwellings would be the subject of Reserved Matters applications but the indicative Layout plan proposes three dwellings fronting onto Edinburgh Drive with individual vehicular accesses and front and rear gardens. The dwellings would be 2 or 2.5 storeys high.

This form of residential development would generally comply with the requirements of the Supplementary Planning Document – Design for New Development. The layout is considered an appropriate and realistic use of the site and would be sympathetic to the visual appearance and character of the surrounding area.

The Core Strategy and the Design SPD set out broad standards requiring the layout and design of new development to minimise energy consumption and maximise adaptive capacity. To help the Borough tackle climate change, developers will be expected to meet the minimum Code for Sustainable Homes Rating 3 in 2011/2012 rising to Code 4 in 2013 and Code 6 in 2016. Planning conditions can be imposed to secure the submission of a Sustainability Statement prior to the commencement of the development and to secure Final Code Certificate upon completion.

Highway Safety

Access would be the subject of a Reserved Matters application but the Indicative Layout indicates that each dwelling would have their own vehicular access onto Edinburgh Drive and off street parking would be provided. There are currently parking restrictions on part of the frontage to the development (bus stop clearway and no stopping on school entrance Mon-Fri 8am - 4pm).

None of the accesses proposed are at or close to the raised platform for the existing or (possibly) relocated bus bay and there would be no highway objection to this element of the scheme. There will be a possibility that there will be an obstruction of one of the accesses by local buses waiting in the bus bay however this will be limited because of the infrequency of the current service. In fact the parking restrictions will prevent obstruction of the accesses being caused by parked vehicles. However, because of the level difference between the carriageway, the footway and the housing site it is likely that works will be required within the public highway to raise the level of the footway and the verge to ensure that an acceptable gradient on the access is achievable. A condition will be required to secure the works to achieve a raised level of the footway and verge over the whole frontage to the development.

Currently the service 16 operates via Edinburgh Drive on an hourly basis, however, this service is a supported bus service, and there is a possibility that the subsidy will be withdrawn. If the budget proposal is implemented, the service 16 will be withdrawn in 2012. There was a possibility that consideration might be given to relocating the bus bay however given the uncertainty in regard to the continuation of the bus service it is unlikely that this will be pursued.

Comments have been made by some of the objectors in regard to the use of the bus stop by school buses. The bus stop is for local services only and use by school buses is not authorised.

Given the very limited authorised use of this bus stop it is not considered that the possible obstruction to the access for one of the properties is an issue.

The accident statistics have been checked and there have been no recorded personal injury accidents in the vicinity of the site in the last four years. The visibility splays that will be achievable at the junction of the accesses with Edinburgh Drive comply with guidance in Manual for Streets. Also, the spacing of the accesses to the Wycliffe Way/Edinburgh Drive junction and the school access accord with guidance in Manual for Streets.

It has been stated in the application that at least 3no parking spaces will be provided within the curtilage of each of the dwellings and this meets the standards for resident and visitor parking in the Darlington Borough Council Design Guide and Specification – Residential and Industrial Estates Development for a dwelling with 4 bedrooms or above. Garages are to be provided and these must be at least 6m x 3m to 'count' as a parking space. Also, drive lengths within the property should be 6m to comply with the Design Guide. A condition must be included with an approval requiring that car parking provided within the curtilage of the site must comply with the Design Guide in regard to the number and size of the spaces provided.

Although it is understood that there is an issue with parking of vehicles at school opening and closing times two of the accesses are effectively protected from obstruction by the bus bay and keep clear markings. Also, it is an offence to obstruct accesses onto the public highway. It would therefore not be reasonable to recommend a refusal on these grounds.

The Council's Highways Engineer considered that the proposal is acceptable in highway terms subject to the imposition of appropriate planning conditions.

Impact upon the Public Right of Way

Public Footpath No 4 runs long the northern boundary of the application site. The boundary is currently marked with a palisade fence and a hedge. The Indicative Layout indicates that the existing hedge and fence would be retained. The Council's Rights of Way Officer has raised no objections to the scheme but he has stated that the Footpath should not be obstructed during or after any redevelopment of the site.

Impact upon Trees

The existing site does not contain any trees. There are two Sycamore trees within the grounds of the Caretakers Home to the south of the site which are not covered by a tree preservation order but it is considered appropriate that suitable measures must be put in place to protect and retain these trees during and after the construction phase of any future development.

Other Matters

One of the objectors has mentioned that previous submissions have indicated that an underground electricity cable runs underneath the site. The applicant has been advised of this statement and the need to be fully aware of any such constraints and to contact the relevant statutory undertaker.

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 application site has been the subject of previous planning applications for redevelopment for residential purposes. These applications have been refused by the Local Planning Authority and subsequently dismissed at appeal. The last refusal of planning permission and appeal decision is dated 2005 but the planning policy framework has changed significantly since those decisions. Officers have considered this latest application against the relevant policies and the principle of developing the open land for residential development is no longer deemed unacceptable in general planning policy terms. Also more housing land needs to be identified to meet the Core Strategy housing requirement for the period to 2016, and development of this site would contribute to meeting that shortfall.

The planning application is for outline planning permission with all matters relating to access, appearance, landscaping, layout and scale are reserved for future detailed submissions. However the layout of the development shown on the Indicative Layout Plan generally accords with the relevant policies in the development plan and the Supplementary Planning Document – Design for New Development. Subject to the imposition of appropriate planning conditions, the potential redevelopment of the site would respect the amenity and general character of the area and would not raise any issues in relation to car parking provision, highway safety or crime prevention.

It is considered that the reasons for refusal for the previous planning applications have been satisfactorily considered and addressed and the latest proposal accords with the relevant policies in the development plan set out below:

Borough of Darlington Local Plan 1997

E2: Development Limits

E3: Protection of Open Land

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

CS14: Promoting Local Character and Distinctiveness

CS15: Protecting and Enhancing Biodiversity and Geodiversity

CS16: Protecting Environmental Resources, Human Health and Safety

CS17: Delivering a Multifunctional Green Infrastructure Network

Other Documents

Supplementary Planning Document – Design for New Development

Darlington Open Space Strategy 2007 – 2017

Manual for Streets 2 (2010)

Darlington Borough Council Design Guide and Specification – Residential and Industrial Estates Development

RECOMMENDATION

OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -
 - a) access
 - b) appearance
 - c) landscaping
 - d) layout
 - e) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
3. A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall be agreed with the Local Planning Authority but shall include a Dust Action Plan and the proposed hours of construction. The development shall not be carried out otherwise than in complete accordance with the approved Plan
REASON: In the interests of residential amenity
4. The application for approval of Reserved Matters shall be accompanied by an Interim Certificate for Code for Sustainable Homes. The necessary Code for Sustainable Homes Rating shall be agreed with the Local Planning Authority and the Certificate will include details to show how the approved development will meet the agreed Rating level.

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.
5. Upon completion of the development a Final Certificate for Code for Sustainable Homes shall be submitted to and approved by the Local Planning Authority to show that the development has been carried out in accordance with the requirements of condition 4).

REASON - To ensure that the development has been carried out in complete accordance with condition 4) in accordance with the Darlington Core Strategy Development Plan Document 2011 and the Supplementary Planning Document – Design for New Development.
6. The application for approval of Reserved Matters required by condition 1) shall include details to raise the level of the existing footway and the highway verge across the frontage of the site in order to ensure that an acceptable gradient on the access is achieved.

REASON: In the interests of highway safety
7. The application for approval of Reserved Matters required by condition 1) shall include the necessary provision of car parking within the curtilage of the site that is required to

comply with Darlington Borough Council Design Guide and Specification – Residential and Industrial Estates Development (or any guidance revoking or re-enacting that Guide)
REASON: In the interest of highway safety

8. J2 – Contaminated Land

9. The application for approval of Reserved Matter required by condition 1) shall include the details of any walls, fencing or other means of enclosure. 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.

10. Prior to the commencement of the development details shall be submitted of a scheme to protect the existing Sycamore trees located to the north and north east of the Caretaker's House, Edinburgh Drive, Darlington. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection.

Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

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

11. Notwithstanding the requirements of condition 1) the proposed development shall be carried out in complete accordance with the recommendations contained within the submitted document entitled "Measurement and Assessment of Noise Levels in way of Proposed Residential Development at Edinburgh Drive for England and Lyle" dated 18 January 2012; Ref No 644.1/1. and the recommendations shall be implemented prior to the occupation of the dwellings

REASON: In the interests of the amenities of the future occupiers of the proposed development

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site has been the subject of previous planning applications for its redevelopment for residential purposes. These applications have been refused by the Local Planning Authority and subsequently dismissed at appeal. The last refusal of planning permission and appeal decision is dated 2005 but the planning policy framework has changed significantly since those

decisions. Officers have considered this latest application against these policies and the principle of the use of the open land for residential development is no longer deemed unacceptable in general planning policy terms. Also, more housing land needs to be identified to meet the Core Strategy housing requirement for the period to 2016, and development of this site would contribute to meeting that shortfall.

The planning application is for outline planning permission with all matters relating to access, appearance, landscaping, layout and scale are reserved for future detailed submissions. However the layout of the development shown on the Indicative Layout Plan generally accords with the relevant policies in the development plan and the Supplementary Planning Document – Design for New Development. Subject to the imposition of appropriate planning conditions, the potential redevelopment of the site would respect the amenity and general character of the area and would not raise any issues in relation to car parking provision, highway safety or crime prevention.

It is considered that the reasons for refusal for the previous planning applications have been satisfactorily considered and addressed and the latest proposal accords with the relevant policies in the development plan set out below:

Borough of Darlington Local Plan 1997

E2: Development Limits

E3: Protection of Open Land

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

CS14: Promoting Local Character and Distinctiveness

CS15: Protecting and Enhancing Biodiversity and Geodiversity

CS16: Protecting Environmental Resources, Human Health and Safety

CS17: Delivering a Multifunctional Green Infrastructure Network

Other Documents

Supplementary Planning Document – Design for New Development

Darlington Open Space Strategy 2007 – 2017

Manual for Streets 2 (2010)

Darlington Borough Council Design Guide and Specification – Residential and Industrial Estates Development

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The applicant is advised that works are required within the public highway to raise the level of the footway/verge and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mr.A.Ward 01325 388743) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Ms.P.Goodwill 01325 288760) to discuss naming and numbering of the development

Rights of Way

The applicant is advised that Public Footpath No 4 in Darlington shall not be obstructed during or after the development phase of the application site.