

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 31 July 2013

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APPLICATION REF. NO:	13/00262/FUL
STATUTORY DECISION DATE:	12 July 2013
WARD/PARISH:	BANK TOP
LOCATION:	Site Of Former Eastbourne Nursery School Belgrave Street
DESCRIPTION:	Proposed erection of a residential development comprising 2 No semi detached dwellings; 6 No terraced properties and 4 No apartments (additional plan received 27 April 2013 and 13 June 2013 and 5 July 2013)
APPLICANT:	R Bland Limited

APPLICATION AND SITE DESCRIPTION

This vacant site was formerly occupied by Eastbourne Nursery (the nursery building has been demolished) and it is currently within the ownership of Darlington Borough Council. The site is triangular in shape with access off Belgrave Street. There are residential properties to the north and west of the site whilst Eastbourne Park forms the southern boundary. There are a number of trees within and on the edge of the site.

The proposal involves redeveloping the site for residential purposes comprising

- Block A - 2 No three bedroomed semi detached dwellings;
- Block B - 3 No three bedroomed terraced dwellings;
- Block C - 4 No two bedroomed apartments;
- Block D - 3 No three bedroomed terraced dwellings;

These properties are all two storey buildings with front and rear gardens. Access would remain directly off Belgrave Street and the development includes 22 No parking bays and an internal turning head.

PLANNING HISTORY

None relevant

PLANNING POLICY BACKGROUND

The relevant planning policies are:

Saved Borough of Darlington Local Plan (1997)

- E2 Development Limits
- E12 Trees and Development

Darlington Core Strategy Development Plan (2011)

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS10 New Housing Development
- CS11 Meeting Housing Needs
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

- Supplementary Planning Document – Revised Design for New Development
- Supplementary Planning Document – Planning Obligations

RESULTS OF CONSULTATION AND PUBLICITY

Nine letters of objection were submitted in relation to the original submission and the concerns can be summarised as follows:

- *As Chairman of The Friends of Eastbourne Park, a lot of time, effort and money have gone into improving the park and its environs. We planted over 100 whips recently to improve the look and drainage of the park. That side of the park is particularly boggy. As a resident of this side, I know this only too well. Cutting down mature trees from this site will only increase the problem. High back garden walls, recommended to increase security for these dwellings will be an eyesore. The high fences further up that side of the park lie behind trees and bushes to soften the impact. I see no such provision here. Lastly, I cannot imagine room for 24 parking spaces, as well as dwellings on this site. There is not enough room. It will result in an overspill into the bottom end of Belgrave Street, which could prove dangerous to pedestrians making their way to and from the local school. These junctions are very busy at these times. I hope that consideration is given to these comments which will impact not just on present homeowners, but the future residents of the street*
- *We live at 86 Eastbourne Road and our garden runs along the side of the proposed development. We have lived here for over 35 years and have enjoyed the privacy and quiet of living next door to the former nursery. We would wish the Planning Committee to take into consideration our loss of privacy and the visual impact this development is going to have on our lives. We are concerned about being overshadowed and overlooked as we go about enjoying our garden both for leisure and recreation. We would ask that consideration be given to the height and design of the windows. We are also concerned about the additional noise and disturbance which will inevitably come with having so many properties packed into a small area and up against our boundary. The site does*

have a number of trees which contribute to the character of the surrounding area including a number of Black Poplars which were planted in a nursery bed on the site. We are also concerned about possible increase in crime as we have experienced problems in the past with intruders in our garden and our house being burgled. We would seek assurances around the security of the site. Lastly we would comment on the parking and highway safety. Most houses around the area do not have garages and therefore cars are parked on the streets. People using the railway station also cause a problem for residents in that they park their cars in the streets depriving residents of the opportunity to park outside their own homes, a cause of much annoyance. We would therefore seek assurance over the provision of adequate parking at the development.

- *Our concerns are for the amount of traffic and parking in the street. We are also very anxious about the loss of privacy overlooking the back of our house due to a low boundary wall. We are concerned about the closeness of the new build to our property (79 Belgrave Street). The reason being the loss of privacy to our home due to the low boundary wall. The only solution would be for us to raise the wall. We are concerned about the removal of the mature healthy tree which would be cut down. Also the removal of the stumps, which in all possibility would damage the foundations of our house. The houses to be built one metre away are far too near. Why should the backs of the semis protrude past our gable end? With the new build being so close to our gable how would we make repairs at some future date. It won't be possible to erect a ladder or scaffolding.*
- *How will the building affect my boundary wall, my privacy and affect light. The trees on the site are very well established, what will happen to them? Also parking, more traffic and increased noise*
- *I would like confirmation that the Poplar trees will not be cut down as I understand a preservation order is attached to these trees. The development must not take up any part of the park or encroach onto parkland*
- *If all twelve residents have one car each this will cause disturbance and certainly cause problems getting onto the site. If each resident has two cars plus visiting cars, this will also cause disturbance and certainly pollution to the existing trees and parkland shrubs etc. This will then in turn lead to more traffic on narrow streets and also onto Eastbourne Road. The development has not been planned that well at all. Trying to squeeze as many dwellings on a site this size and with the small access road is ridiculous*
- *The development by reason of its size, depth, width and height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact. Surrounding properties are characterised by large plots with a lot of spacing in between. The area is in serious danger of being over crammed and the development would have a detrimental impact on the current and future occupants of all neighbouring properties. The mass, bulk and proximity of the end elevations of the proposed properties would present an overbearing and intrusive element to the neighbours to the north, west and east of the proposed properties.*
- *The development has a cramped tree to building relationship which is likely to place detrimental long term pruning pressures on the specimens arising from concerns of future occupiers. The layout could give rise to significant severance of the root stock of protected trees due to the footprint of the buildings and overall floor area. In addition the heavy excavation equipment and the extent of excavations have a high potential for damaging the root systems of trees.*
- *There are many species of birds using the site for feeding, nesting and roosting and there are other species of wildlife including bats and frogs and toads. This is an established area of nature and wildlife rich land, unbuilt on for over one hundred years, apart from much smaller footprint of the nursery school.*

- *Site access could lead to a danger to passing public in an area already suffering intense traffic and parking in residential streets close to the site and at its entrance. The proposal could lead to vehicles illegitimately parking to the detriment and danger of other road users including young children accessing Rydal Academy to the south of the site. Old people's homes and old people who live in the area would also be impacted by the increase in traffic, people and noise*
- *We strongly believe the site should not be developed for housing to the detriment of the previously picturesque site.*
- *The addition of flats included in the development is a concern by way of increase noise and trouble in the area. Flats are commonly used by short term occupiers and as such can bring many problems into a previously peaceful area*
- *I appeal on behalf of my parents behalf that the scheme should be amended. Fewer properties crammed into a small area, therefore less noise, people and traffic. If this were done, then the semis could be moved further away from my parent's property (79 Belgrave Street) which would lessen the intrusion. Their boundary wall which overlooks the land is very low and would need building up to reduce the intrusion as much as possible. This should be done at the expense of the property developers*

Following the submission of the amended plans two letters of objection have been received which make the following comments:

- *My original concerns remain-the felling of mature trees, the impact of high fences bordering the park, the lack of space and the impact this development will have on the quality of life for residents. I have read carefully the Darlington Local Plan, published this month. I believe this development contravenes MGP 32-Safeguarding Amenity section and I urge you to reconsider this development in the light of this document published by Darlington Borough Council.*
- *There appears to be scant attention to any of the objections put forward by the local residents. The 'amendments' still include twelve units. There are still going to be seven trees felled, to the severe detriment of wildlife, tranquillity and pleasing visual effects. There appears to be a plan to fell all of the trees and hedges that would offer at least a partial dampening of noise and pollution and intrusion of privacy between ourselves and the development. There have been no proposed solutions to any of our own or our neighbours concerns. The roadway and parking on the plan will cause a ridiculous confutation with the existing layout of the area.*

The Council's consultation exercise on the plans that were received on 5 July 2013 is still in progress expiring on 25 July 2013. One letter of objection has been received so far raising the issues below and any further letters or comments will be mentioned verbally at the Planning Applications Committee.

- *Over-development of the site*
- *The excessive scale, mass and appearance of the development*
- *Conflict with the character, identity, grain and rhythm of the surrounding neighbourhood*
- *Poor relationship with neighbouring properties*
- *The density of dwellings on such a small area of land*
- *The effect on neighbours visual amenities*
- *Overlooking, overshadowing and blocking of natural daylight into adjoining properties to the east of the proposed development.*

- *Dominating nearby buildings and reducing access facilities for future maintenance on existing properties, especially to the east of the proposed development.*
- *Exacerbation of existing traffic and parking problems in the surrounding roads due to the proximity of Darlington Railway Station and inconsiderate Station users.*
- *The inadequacy of the access road and parking arrangements within the property.*
- *Failure to meet Darlington Council's access and on-site turning standards*
- *Limitations on visitor and commercial vehicle parking inside and outside of the development.*
- *Close proximity of 2 semi-detached houses to 79 Belgrave Street, meaning severely hindering maintenance of both gable ends.*
- *The loss of seven mature and healthy trees*
- *Potential surface drainage problems in a known area of poor drainage.*
- *Non-compliance with Darlington Council's extant and proposed Local Plan policies (Making and Growing Places – Preferred Options Development Plan Document)*
- *The site was previously a relatively low profile single storey Nursery School with surrounding open spaces within the curtilage. The presence of the school had very little impact on the surrounding neighbours. Building two storey houses in a congested arrangement on this site would completely change the character and identity of the area and impact on the neighbours amenities, especially those existing properties to the east of the site.*
- *The imposition of 12 dwellings on such a small plot (0.27 hectare) provides a ratio of approximately 31 dwellings per hectare. This density of dwellings on the site and reflecting an unsympathetic design would have a considerable impact on the character and identity of the area by completely changing its own distinct identity.*
- *The amended site layout to improve the access and parking facilities still appears not to address the problem of access and manoeuvring of large vehicles - e.g. refuse collection vehicles - in an obviously restricted road arrangement which could be easily compromised by inconsiderate parking within the site.*
- *The roads in this area are already compromised with no off-street parking and a relatively high amount of accessing traffic and the need for resident's on-street parking. This situation is exacerbated by inconsiderate rail travellers using the streets in this area as a convenient free parking location, creating a considerable nuisance value to residents. The addition of 12 more houses, with its own complement of private vehicles, possibly an average of two vehicles per dwelling, will undoubtedly compound the already difficult traffic situation.*
- *Previous Darlington Council policies and guidances have always stressed the importance of protecting the amenities of residents of the Borough. The latest document presently available for public consultation is the "Darlington Local Plan, Making and Growing Places, preferred options" :With reference to Paragraph 10.1 (page 160) "Context - sub para 10.1.1 – A core function of planning is to ensure a good standard of amenity for all existing and future occupants of all types of land and buildings, particularly residential properties. It is also an objective of the Core Strategy to improve the quality of life for those living in the Borough".*
- *With reference to the same document and "Issues – sub para 10.1.2 Without appropriate controls, new development could result in unacceptable living environments for its occupants, reduce the quality of life for the occupants of neighbouring buildings and result in poor quality neighbourhoods overall". Also sub para 10.1.4 – "The aspects of amenity taken into consideration are Privacy and overlooking; Access to sunlight and daylight; Visual dominance and overbearing effects of a development Noise and disturbance (including caused by traffic).*

- *It is considered the above policies and guidances should be applied to this planning application, rendering it unsuitable for development in its present form.*
- *The proposed planning policy Ha18 Eastbourne Nursery site is presently under public consultation. When considering all the above objections and comments it would undoubtedly be preferable to the existing occupants in the area to develop the site as a further extension of Eastbourne Park, rather than destroy its present open aspect to a build congested and unnecessary housing development.*
- *This Planning Application has taken little account of the existing character and integrity of the street scene and surrounding neighbourhood. The surrounding roads offer a glimpse of the distinctive heritage of an early Darlington as well as offering a community-based form of living encouraged by this style of terraced housing. The introduction of a more modern style of housing will disrupt this continuity and encourage a distancing of community spirit.*
- *This proposal would obviously break the character, rhythm and grain of this neighbourhood by the excessive over-development of a plot that originally contained a low profile Nursery School and offered a community facility to justify its presence.*
- *In the attempt to squeeze twelve dwellings into the limited plot the primary design casualty is the inadequate access road into and within the development. From this limitation arises the lack of sufficient parking spaces, passing areas, turning areas, garage hard standings and a subsequent knock-on effect for visitor and commercial vehicle parking both in the development and on the surrounding main roads.*
- *The development will have a pronounced effect on the amenities of the adjacent neighbours involving visual, noise and pollution disturbances.*

Consultee Responses

The Council's Environmental Health Officer has raised no objections to the proposal

The Council's Ecology Officer has raised no objections to the proposal

The Council's Highways Engineer has raised no objections to the proposal.

Northumbrian Water has raised no objections to the proposal

The **Durham Constabulary Architectural Liaison Officer** has no issues with the overall layout but he has questioned the inclusion of four flats as he considers sometimes there can be conflict between people who occupy flats and the more settled residents if a family home

PLANNING ISSUES

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

Planning Policy

Residential Amenity

Impact upon the Character and Visual Appearance of the Locality

Highway Safety

Impact upon Trees

Impact upon Wildlife

Contaminated Land

Other Matters

Planning Policy

The only local development plan policies that are relevant to this proposal are contained within the Borough of Darlington Local Plan 1997 and the Darlington Core Strategy Development Plan Document 2011.

The application site lies within the development limits for the urban area and therefore it would accord with Saved Policy E2 of the Local Plan and policy CS1 of the Core Strategy. The application site is not subject to any specific land use designations and as such it is classed as “white land” in the urban area. The redevelopment of the site for residential purposes accords with general local development plan policy and the remainder of this Report will consider the development management matters.

Residential Amenity

There are existing dwellings to the north, beyond a row of garages, to the north east, to the west and south west of the application site. Eastbourne Park lies immediately to the south.

Blocks A, B and C of the proposed development face towards the rear elevations of the existing dwellings to the north on Eastbourne Road. The proximity distance between the properties and the closest proposed dwellings (Block A) is approximately 39m. The blank gable end of Block D also faces towards these properties and the proximity distance with No 84 Eastbourne Road (the nearest property) is approximately 16m. These proximity distances would comply with the requirements of the Supplementary Planning Document – Revised Design for New Development (Design SPD)

The rear garden of No 86 Eastbourne Road forms the east boundary with the application site. The rear elevation of No 86 would not directly overlook the rear elevation of Block D but the proximity distance to the corner of the gable end of Block D would be approximately 22m which would comply with the Design SPD. The rear elevation of Block D would be east facing and would look across the rear gardens of No 86 and its neighbours. The rear gardens of Block D range from 7 and 8 metres in length and there are openings at first floor level within the rear elevations. The existing boundary between No 86 and the site consists of fencing and mature trees and hedging. The numbers of window openings in the rear elevation of Block D have been revised so that there is one bedroom window and one bathroom window at first floor level and the bathroom window would be obscured. It is considered that this spatial relationship is acceptable and it would not result in the significant adverse views across the neighbouring rear gardens.

No 79 Belgrave Street shares a gable end with the application site and it has a two storey rear extension with windows at ground and first floor level overlooking the site. The rear yard has a low boundary brick wall along the western edge of the application site. The west facing gable end of Block B would face this neighbouring property, across the rear gardens of Block A. The proximity distance between the blank gable of Block B and the rear extension and yard of No 79 Belgrave Street is approximately 16m and 14m respectively which would comply with the Design SPD.

Block A would be sited adjacent to No 79 Belgrave Street approximately one metre from the gable end to allow access to the rear of the semi detached dwellings. The window openings in the two storey extension of the neighbouring dwelling would look across, not into, the rear elevation of the proposed dwellings. There would be a view from the new dwellings across and into the yard of the neighbouring dwelling, but this is a relationship that would occur throughout the locality.

The occupier of the property on Belgrave Street has raised the issue of his low boundary wall with the site resulting in a loss of privacy. The Local Planning Authority and the applicant agree that this is an issue that needs satisfactorily addressing and this would need to be done by the imposition of a planning condition to secure suitable means of enclosure for all of the site, including the boundary with the park, in interests of residential and visual amenity. The occupier is also concerned about having access to his gable wall for maintenance purposes and he would need to reach an agreement with the new landowners for access similar to any arrangements he would have needed to enter into with the Council when the site was used for nursery purposes.

The rear elevation of Block A would be approximately 24m north of the rear elevations of the dwellings on Brighton Road which would comply with the Design SPD.

It is considered that the proposal would be acceptable in residential amenity terms and would accord with Policy CS16

Impact upon the Character and Visual Appearance of the Locality

The locality is predominately characterised to the north and the west of the site by terraced properties with rear yards but there are larger properties with long gardens to the north east on Eastbourne Road. Some of the existing terraced properties have front gardens whilst others directly front the highway.

The proposal is for the erection of a residential development consisting of a mix of semi detached and terraced properties. One of the properties (Block C) is a semi detached building converted to four apartments. All of the buildings would be two storeys high, brick built with tiled roofs. The design of the dwellings incorporate brick quoins, projecting brick corbelling at roof level, banded brickwork, stone heads and cills, vertical window mullions which can be found on existing properties in the locality along with simple additional measures such as horizontal canopies over the front entrances. There would be timber garden sheds in each rear garden, which would be enclosed by 1.8m high fencing.

The boundary between the application site and the Park currently consists of traditional vertical bar palisade fencing. The Architectural Liaison Officer considers that this should be replaced by a 2m high close boarded fence or other boundary treatment of the same height, ideally reinforced with defensive planting. No details of this boundary treatment have been submitted with the application and therefore a planning application would need to be imposed to secure appropriate means of enclosure.

The dwellings would be constructed to Sustainable Homes Rating Level 3 in accordance with current national guidance and the Design SPD and the Core Strategy.

The application site falls within Zone 2 (Town Centre Outer Ring) of the Design SPD which permits both terraced and semi detached dwellings, two storeys high with front gardens. The proposal would generally accord with the design requirements of the Design SPD and Policy CS2 of the Core Strategy.

There is an existing substation within the site, which would be retained. Even though the substation is not enclosed within a building it is not anticipated that noise from the substation would be an issue for the occupiers of the proposed development.

Highway Safety

There would be parking for 22 vehicles including 2no disabled bays within the site which accords with the Tees Valley Design Guidance for car parking for the size and type of dwellings proposed. This appropriate amount of parking should ensure that cars from the proposed dwellings would not overspill into surrounding streets causing nuisance for existing residents.

The internal layout has been revised to include a 2m wide service strip/footway to the front of the parking bays adjacent to the access road to allow sufficient manoeuvring spaces for the parking bays. Auto track Analysis has been carried out to prove that service and delivery vehicles can adequately utilise the turning head provided and these are to an acceptable standard for the form of development.

Secure cycle parking has been provided by the installation of garden sheds which is acceptable.

The revised layout reflects a shared surface area and a ramped entrance feature off Belgrave Street has been included to delineate the extent of the shared area. The surfacing colours/material should also reflect this change in surface to differentiate from Belgrave Street. The standard Darlington Borough Council would adopt is block paving or an Asphalt surface with red chippings. Further details are required to define the entrance features however these can be reviewed as part of the S38 agreement. The shared surface area would also be subject to a 20mph speed limit and further discussions will be required to define the limits and signage etc.

The Council's Highways Engineer has raised no objections to the scheme subject to the imposition of a condition to secure a Construction Management Plan covering issues such as wheel washing details, construction traffic routes etc

Impact upon Trees

The application site has a number of trees within it and also on the edge but they are not currently covered by a tree preservation order. In order to facilitate the proposed development seven trees would be felled with five trees within the site and six trees on the northern edge being retained. A Poplar tree on the east boundary is considered to be in a poor condition and should be removed as a matter of some urgency.

The proposed dwellings would be positioned outside of the Root Protection Areas of the retained trees and the applicant has confirmed that the sheds would be timber with no foundations details.

In the interests of protecting the retained trees, the applicant has also agreed to the imposition of a planning condition which would remove the permitted development rights for the dwellings which means that all enlargements, improvements and alterations to the dwelling, including the erection of detached buildings would require the submission of a planning application. Also, a landscaping scheme for the development would be secured by a planning condition.

The Council's Senior Arboricultural Officer has raised no objections to the proposal but he has requested that the retained trees are protected by a tree preservation order and this process is currently being undertaken.

Impact on Wildlife

A Wildlife and Habitat Survey reveals that there are no signs of any protected species on the site but it does provide habitat for a variety of common nesting birds. The Survey recommends that ground works, including tree felling and shrub clearance should ideally be undertaken outside the main bird breeding season (March – August) unless an ecologist surveys the site immediately prior to these works being carried out. The Council's Ecology Officer agrees with

the findings of the Survey and recommends the imposition of a planning condition for site clearance.

Contaminated Land

A Phase 1 and 2 Report on ground conditions have been submitted and considered by Environmental Health. It is not expected that the ground conditions will give rise to a significant risk of ground gas generation on site and there are no viable sources of gas migration onto the site. The soil testing has identified elevated levels of organic contamination which is very common on urban development sites. Environmental Health are satisfied with the findings of the submitted report and agree that remedial works are required to ensure the site is suitable for residential purposes. This would be secured by the imposition of a planning condition.

Other Matters

Planning Obligations and Renewable Energy Matters

Policy CS3 of the Core Strategy states that at least 10% of predicted decentralised and renewable or low carbon sources of energy supply should be provided on site. If the energy supply cannot be met on site, a financial contribution could be made to a carbon management fund. The commuted sum would be secured by entering into a Section 106 Agreement.

Policy CS4 of the Core Strategy states that developer contributions, including the above, will be negotiated to secure the necessary physical, social and environmental infrastructure required as a consequence of the development. The appropriate range and level of developer contributions sought are assessed in a comprehensive manner taking into account the viability of the development and any additional unforeseen costs associated with the development. The Council has also recently adopted the Supplementary Planning Document on Planning Obligations to support Policy CS4.

Where a developer considers that achieving all of the potential commuted sums and renewable energy requirements would make a site unviable, they have to provide a Viability Assessment to the Local Planning Authority. The developer's viability statement (which has been verified by an independent consultant) shows that the scheme will not be viable with developer contributions for community infrastructure or on/off site renewable energy. In these exceptional circumstances, planning obligations for community infrastructure and renewable energy will not be sought.

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 lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policies in the development plan the relevant adopted Supplementary Guidance Notes. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal would involve the retention of trees that are worthy of a tree preservation order. The proposal has been the subject of a viability assessment, which the Local Planning Authority has had independently verified and in these exceptional circumstances planning obligations for community

infrastructure and renewable energy will not be sought. The proposal accords with the relevant policies in the development plan set out below:

Saved Borough of Darlington Local Plan (1997)

- E2 Development Limits
- E12 Trees and Development

Darlington Core Strategy Development Plan (2011)

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS10 New Housing Development
- CS11 Meeting Housing Needs
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

- Supplementary Planning Document – Revised Design for New Development
- Supplementary Planning Document – Planning Obligations

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B5 – Details of Materials (Samples)
3. B9 – Fencing, Walls, Enclosure
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made. REASON - In order that the Local Planning Authority is able to exercise control over future development of the site in the interests of residential amenity and to safeguard the life of the trees in the interests of visual amenity
5. 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. 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. 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 uses or as a result of material left on the land 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

6. E2 – Landscaping (Submission)
7. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. 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.

8. Notwithstanding the details of condition 7) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The Statement shall include precise details about how the dwellings, garden footpaths, garden sheds, boundary fencing will be constructed and where materials will be stored and where portacabins will be located during the construction phase to ensure that the root systems of the trees, shown to be retained on the approved plans, will not be adversely affected.

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

9. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of residential amenity and highway safety

10. No vegetation removal or tree felling should be undertaken during bird breeding season (March to August) unless the site is surveyed for breeding birds by a suitably qualified ecologist prior to any works being carried out. If any active nests are found, the nest and an appropriate buffer zone shall be created around it until the nesting attempt is completed.

REASON: To ensure that appropriate measures are taken in relation to breeding birds and their habitats

11. Prior to the commencement of any preparatory works associated with the development hereby approved, details of a scheme for controlling surface water runoff from the site shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In order to ensure the development does not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites.

12. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policies in the development plan the relevant adopted Supplementary Guidance Notes. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal would involve the retention of trees that are worthy of a tree preservation order. The proposal has been the subject of a viability assessment, which the Local Planning Authority has had independently verified and in these exceptional circumstances planning obligations for community infrastructure and renewable energy will not be sought. The proposal accords with the relevant policies in the development plan set out below:

Saved Borough of Darlington Local Plan (1997)

E2 Development Limits

E12 Trees and Development

Darlington Core Strategy Development Plan (2011)

CS1 Darlington's Sub Regional Role and Locational Strategy

CS2 Achieving High Quality Sustainable Design

CS3 Promoting Renewable Energy

CS4 Developer Contributions

CS10 New Housing Development

CS11 Meeting Housing Needs

CS16 Protecting Environmental Resources, Human Health and Safety

CS19 Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

Supplementary Planning Document – Revised Design for New Development

Supplementary Planning Document – Planning Obligations

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Ownership Issues

The applicant is advised that the relevant permissions must be obtained from landowners to erect new boundary fencing and gates onto properties outside of their ownership.

Highway Matters

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 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 388 755) 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 388760) to discuss naming and numbering of the development

The applicant is advised that the development access roads will be subject to a 20mph speed limit restriction and further discussions will need to take place in relation the shared surface area and contact must be made with the Assistant Director : Highways, Design and Projects (contact Mrs. Brenda Bowles 01325 388774) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr P. Brownbridge 01325 388 765) to discuss an appropriate street lighting scheme for the development