



**PLANNING HISTORY**

01/00020/OUTE – Outline application for the reclamation of derelict land, provision of open space and development for residential, sports and recreation, community and health care purposes, together with ancillary highways and landscaping works. GRANTED subject to Section 106 Agreement on 21 February 2002.

01/00020/RM1 – Details of new highway and roundabouts to provide access to health care and new housing pursuant to outline application (Ref. No. 01/00020/OUTE dated 21 February 2002 for composite development known as West Park) GRANTED 17 May 2002.

01/00020/RM2 – Details of siting, design and external appearance, means of access and landscaping pursuant to outline planning permission 01/00020/OUTE for erection of 2, 3 and 4 storey dwellings with associated access road and garages (314 dwellings). GRANTED 4 September 2002.

01/00020/RM3 – Details of hard and soft landscaping works to entrance areas, central areas, sculpture surrounds and West Beck pursuant to outline planning permission 01/00020/OUTE. GRANTED 3 March 2004.

01/00020/RM4 – Details of siting, design and external appearance and means of access pursuant to outline planning permission 01/00020/OUTE dated 21 February 2002 for erection of 30, 2 and 3 storey dwellings, associated access road and garages. GRANTED 21 January 2005.

01/00020/RM5 – Details of siting, design and external appearance and means of access pursuant to outline planning permission 01/00020/OUTE dated 21 February 2002 (as amended by planning permission 05/00587/FUL dated 8 August 2005) for erection of four-storey apartment block (28 apartments) and three-storey apartment block (12 apartments). GRANTED 21 October 2005.

01/00020/RM6 – Approval of reserved matters in pursuance of planning reference 01/00020/OUTE dated 21 February 2002 relating to siting, design, external appearance and access for residential development consisting of 32 houses and 10 apartments and garages. GRANTED 10 January 2006.

01/00020/RM7 – Details of siting, design and external appearance, means of access and landscaping pursuant to outline planning permission 01/00020/OUTE dated 21 February 2002 (as amended by planning permission 05/00587/FUL dated 8 August 2005) for the erection of 35, two and three storey dwellings and 32 apartments in two, three and four storey form (as amended by plan received 26 January 2007) GRANTED 8 February 2007.

01/00020/RM8 – Details of siting, design and external appearance, means of access and landscaping pursuant to outline planning application 01/00020/OUTE dated 21 February 2002 (as amended by planning permission 05/00578/FUL dated 8 August 2005) for the erection of 31 dwellings in two and three storey form, together with associated garages. GRANTED 13 July 2007.

01/00020/RM9 – Details of siting, design and external appearance, means of access and landscaping pursuant to outline planning permission 01/00020/OUTE dated 21 February 2002 (as amended by planning permission 05/00578/FUL dated 8 August 2005) for the erection of 216

houses and 66 apartments in two, three and four storey form and associated access, parking and garages. GRANTED 22 October 2007.

01/00875/FUL – Reclamation of former factory site and associated waste heaps to form public open space and future residential development land. GRANTED 6 February 2002.

02/01061/FUL – Details of mental health accommodation and day hospital including car parking and landscaping pursuant to outline application 01/00020/OUTE. GRANTED 5 February 2003.

03/00732/OUT – Outline application for community village to serve approved residential development, including medical/health facilities, community centre, local shops, public house, affordable flats, elderly persons housing and access road and car park. GRANTED subject to Section 106 Agreement 13 February 2004.

03/00774/DC – New 315 pupil primary school and 26-place nursery. GRANTED 31 December 2003.

03/00732/RM1 - Details of siting, design, external appearance and landscaping of community village building comprising retail, commercial and residential units, associated parking and external areas pursuant to outline application 03/00732/OUT dated 13 February 2004 for community village to serve approved residential development, including medical/health facilities, community centre, local shops, public house, affordable flats, elderly persons housing and access road/car park. GRANTED 21 December 2004.

03/00732/RM2 - Details of siting, design and external appearance, access and landscaping to public house pursuant to outline application 03/00732/OUT dated 13 February 2004 for community village to serve approved residential development. GRANTED 27 September 2005.

03/00732/RM3 - Details of siting, design and external appearance and landscaping of children's day nursery and associated facilities pursuant to outline application 03/00732/OUT dated 13 February 2004 for community village to serve approved residential development. GRANTED 15 January 2007.

04/00741/FUL – Erection of an electricity sub-station. GRANTED 5 August 2004.

05/00587/FUL – Variation of condition 1 attached to planning permission reference no. 01/00020/OUTE dated 21 February 2002 to extend the time period for the submission of reserved matters for a further two years. GRANTED 8 August 2005.

## **PLANNING POLICY BACKGROUND**

The following saved policies of the Borough of Darlington Local Plan 1997 are relevant:

E2 – Development Limits

E12 – Trees and Development

E14 – Landscaping of Development

E47 – Contaminated and Unstable Land and Development

E49 – Noise Sensitive Development

T13 – New Development – Standards

H5.21 – New Housing Development Sites (West Auckland Road)

H9 – Meeting Affordable Housing Needs  
H11 – Design and Layout of New Housing Development

Planning Policy Statement 3 ‘Housing’ is also relevant.

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **Northumbrian Water**

The application has been examined and Northumbrian Water has no objections to the proposed development.

### **Environment Agency**

The Environment Agency has assessed this application as having a low environmental risk. Due to workload prioritisation we are unable to make a full response to the application.

### **CE Electric UK**

Map provided showing the approximate location of all known apparatus in the area.

### **Northern Gas Networks**

Northern Gas Networks has no gas mains in the area of your enquiry. However records indicate that gas pipes owned by other Gas Transporters may be present in the area.

A total of 13 notification letters were sent to neighbouring properties. The application was also advertised in the Darlington and Stockton Times and by way of a site notice. No responses have been received as a result of this consultation exercise.

## **PLANNING ISSUES**

The principal issues to be considered in the determination of this application are:

- Planning Policy
- Affordable Housing
- Design and Appearance
- Residential Amenity
- Access and Highway Issues
- Ground Contamination
- Flooding
- Statement of Community Involvement

### **Planning Policy**

The principle of residential development on this site has been established by way of the original outline planning permission (01/00020/OUTE) granted in February 2002. This application seeks to amend an extant reserved matters application, approved pursuant to this outline permission in October 2007. Planning Policy Statement 3 ‘Housing’ sets out the national planning policy framework for delivering the Government’s housing objectives and also provides advice on such matters as density and layout.

Whereas PPG 3 set a defined density range of between 30 and 50 dwellings per hectare, PPS 3 states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range, although 30 dwellings per hectare (dph) net should be

used as a national indicative minimum. The layout approved in the previous reserved matters application equated to 22 dwellings per hectare across the whole of Area B, although when taken together with adjacent areas A4 and A5 to the south of Area B the development achieved an overall density of 37 dwellings per hectare which was considered to be acceptable in the context of the character of the overall West Park site. The proposed reduction in the number of dwellings on this small area of the site will not however reduce the overall density of this part of the site so as to be at odds with the overall character of the site.

### **Affordable Housing**

Local Plan Policy H9 (Meeting Affordable Housing Needs) states that the Council will seek to negotiate with developers for an element of affordable housing on new housing sites within development limits, where a local need has been identified. The Council's Affordable Housing Supplementary Planning Document (SPD) identifies that there is a moderate need for affordable housing in Faverdale ward and that a minimum of 15% affordable housing provision will be sought within new housing developments within the ward.

The Section 106 Agreement relating to the outline planning permission requires the provision of a proportion of low cost and social housing totalling 10% of the whole site. The Section 106 Agreement was negotiated in 2001/2002 long before the introduction of the current Affordable Housing SPD. The total number of units to be provided across the whole of the West Park site will be 842. In accordance with the requirements of the Section 106 Agreement 84 units will need to be provided as affordable housing, 42 units as low cost housing, defined as units of housing offered for sale on the open market at a reduced asking price, and 42 units of social housing, available to rent through a registered social landlord.

To date 17 units of social housing have been provided within the Community Village Building. This application proposes that these 13 units will be owned and managed by Railway Housing Associated Limited, a registered social landlord. The proposed dwellings will be in the form of 8 no. 3 bedroom and 5 no. 4 bedroom family homes. The balance of 12 units of social housing and 42 units of low cost housing will need to be provided across the remainder of the West Park site. The application has been considered by the Council's Planning and Environmental Policy Section who have advised that the principle of residential development in this area is well established, and the proposed development of 13 three and four bedroom dwellings, to be provided by a registered social landlord Railway Housing Association as affordable housing, would be a welcome addition to the range and choice of dwellings in this locality. It would also help to contribute to meeting the affordable housing shortfall that has been identified for the Borough as a whole in the recent Tees Valley Strategic Housing Market Assessment, completed in 2009. As such the proposal, in its revised form, is considered to comply with Local Plan Policy H9 (Meeting Affordable Housing Needs).

### **Design and Appearance**

The proposed dwellings are to comprise a mix of semi-detached and detached dwellings in two and three storey form. They are to be constructed of a brick and render with tiled roofs, selected from a limited palette of materials in keeping with the rest of the site. The Design and Access Statement advises that the dwellings have been designed to have a horizontal emphasis, with low pitched roofs, wide eaves projections, horizontal emphasis on certain windows, string courses and banded brickwork, in keeping with the style employed on the 40 dwellings already constructed immediately adjacent to the application site. This style will also be continued through the remainder of Area B. As such it is considered that the proposed dwellings will relate well to both existing and approved residential development taking place elsewhere on West Park.

**Residential Amenity**

Policy H11 (Design and Layout of New Housing Development) sets out a number of criteria against which new housing development must be assessed, which relate to the need to provide an attractive and safe residential environment, adequate privacy standards in rooms and gardens, the relationship of the proposed dwellings with existing dwellings, car parking standards and safe pedestrian access. The proposed development has been assessed in terms of car parking and design and external appearance elsewhere in this report. On the whole, the recommended separation distances between the proposed and existing units can be achieved to ensure that the proposed units are afforded appropriate standards of residential amenity. While in this instance some of the properties fall slightly short of the recommended privacy distances this is not an unusual situation, particularly on new developments such as this.

The Council's Environmental Health Officer has requested that a condition limiting construction activities to certain hours be attached to any planning permission granted. However as the remainder of the site is not subject to such a planning condition it would seem unreasonable to impose such a condition for a comparatively small section of the overall site.

**Access and Highway Issues**

The application site will be accessed from Edward Pease Way to the north or via a network of roads through Area B from John Fowler Way to the south. Provision is made for the parking of 22 cars on this part of the site, including 5 in-curtilage parking spaces and 17 spaces adjacent to the highway. Two of these spaces are to be mobility spaces. The Council's Highway Engineer has considered the application and advises that the layout has previously been agreed with the developer and the proposed highways are the subject of a Section 38 Agreement (Highways Act 1980). He therefore raises no objection to the application.

**Ground Contamination**

The application site lies on land to the north of the former site of the Darlington Chemical Works factory. The reclamation of the remainder of the former factory site was undertaken a number of years ago prior to any development taking place on the site. This application does not give rise to any ground contamination issues. The Environment Agency advises that the site is considered to be of low environmental risk.

**Flooding**

A small part of the wider Area B site lies within Flood Zone 2. Although none of the current application site lies within a Flood Zone, a Flood Risk Assessment (FRA) has been submitted. The FRA advises that the Environment Agency assess the estimated 1:100 flood level in this area as 55.74m AOD. There has been extensive work at West Park to deal with surface water drainage including new balancing ponds. The lowest finished ground floor levels have been set at 60.45m AOD, which relates to the road levels on Hunt Mews, Edward Pease Way and Collingsway and the 40 recently built houses adjacent to the site. The FRA concludes that the risk of flooding is considered to be extremely low. The Environment Agency has assessed this application as having a low environmental risk.

**Statement of Community Involvement**

The application is classed as a major planning application, relating to more than 10 dwellings and as such is also classed as a 'significant planning application' for the purpose of the Council's Statement of Community Involvement guidelines. Although a Statement of Community Involvement was submitted with the original reserved matters application, no statement has been

submitted with this application. However the guidelines are advisory only and an application cannot be refused on this basis, neither can the applications be required to undertake further consultation work, on the basis that they have not been adhered to. In this instance, the application is an amendment to a small area of a much larger site, for which planning permission was granted in October 2007. A full consultation exercise was undertaken prior to the submission of this application. The current application does not however raise any new or significant issues. A neighbour consultation exercise has been carried out as part of the planning application and no responses have been received.

### **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 details of the proposed residential development in terms of its siting, design and external appearance, landscaping and means of access are considered acceptable in the context of both existing and consented residential development on West Park. The proposed development meets the appropriate privacy distances in terms of both the existing and proposed residential development immediately adjacent to the application site. The proposed development is considered to comply with Policies H9 (Meeting Affordable Housing Needs), H11 (Design and Layout of New Housing Development), E14 (Landscaping of Development) and T13 (New Development – Standards) of the Borough of Darlington Local Plan 1997.

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3
2. B4
3. B5
4. E3
5. Before any works are commenced, detailed drawings or other specifications relating to temporary external lighting to be utilised during construction works shall be submitted to, and approved by, the Local Planning Authority.  
REASON - In order to control external lighting, which may be required during the implementation of the development, in the interests of traffic safety and public amenity.
6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding associated with non-residential development shall be passed through an oil interceptor installed in accordance with a scheme submitted to, and approved by, the Local Planning Authority.  
REASON - To prevent pollution of the water environment.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order all services to dwellings shall be provided via underground pipework or cabling.  
REASON - In the interest of the appearance of the development

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

The details of the proposed residential development in terms of its siting, design and external appearance, landscaping and means of access are considered acceptable in the context of both existing and consented residential development on West Park. The proposed development meets the appropriate privacy distances in terms of both the existing and proposed residential development immediately adjacent to the application site. The proposed development is considered to comply with Policies H9 (Meeting Affordable Housing Needs), H11 (Design and Layout of New Housing Development), E14 (Landscaping of Development) and T13 (New Development – Standards) of the Borough of Darlington Local Plan 1997.

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

The applicant is advised that the highway infrastructure works are subject to an Agreement under the Highways Act 1980 and contact must be made with the Assistant Director: Highways and Engineering (contact Mr S Brannan 01325 388755) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director: Highways and Engineering (contact Mrs P Goodwill 01325 388760) to discuss naming and numbering of the development.