

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 22 September 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00412/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>14 September 2010</b>
<b>WARD/PARISH:</b>	<b>COCKERTON</b>
<b>LOCATION:</b>	<b>Site of former Alderman Leach Primary School, Leach Grove</b>
<b>DESCRIPTION:</b>	<b>Residential development consisting of 80 dwelling houses and 15 apartments in two and three storey form together with associated garages, car parking, highways, site works, ponds and landscaping (re-submitted scheme)</b>
<b>APPLICANT:</b>	<b>BUSSEY AND ARMSTRONG PROJECTS LIMITED</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site consists of vacant land formerly occupied by Alderman Leach Primary School and an area of open space currently owned by the Council. The school buildings were demolished in 2005 and the school has been relocated to the West Park development, off West Auckland Road. The whole site measures 2.6ha and is located to the rear of residential properties on the south side of Bates Avenue and to the east of dwellings on Stooperdale Avenue. To the south is an area of former playing fields retained by the Council whilst further south are allotments and Sugar Hill Park. West Beck runs along the eastern boundary and part of the site adjacent to West Beck lies within Flood Zone 3, with the remainder of the site lying within Flood Zone 1.

Planning permission was granted, subject to a Section 106 Agreement, for a similar scheme of 80 dwelling houses and 15 apartments, in June 2009 (08/00397/FUL). This is a revised application which relates principally to changes to the layout and design of the proposed dwellings. There will be no change to the overall number of dwellings. The proposal, in its revised form, involves the erection of a three-storey apartment block in the north-west corner of the site, providing 15, two-bedroom apartments which will be affordable homes for aged persons, operated by a social landlord. The 80 dwellings will be a mixture of two and three storey dwellings, providing 7, two-bedroom dwellings, 50, three-bedroom dwellings and 23, four bedroom dwellings. Parking will be provided for 180 dwellings on the site, in a mixture of garage spaces, in-curtilage parking spaces and shared parking spaces.

The land to the east of the residential development, which is within Council ownership, would be used as wildlife habitat with a balancing pond. A new pedestrian route and cycle link would be introduced to run along the West Beck.

The application was submitted with the following supporting information:

- Design and Access Statement;
- Flood Risk Assessment;
- Tree Report; and
- Transport Statement.

As the application falls within the category of major development the Council's Statement of Community Involvement (SCI) guidelines state that the applicant should undertake pre-application consultation with local residents and stakeholders and to submit the results with the application in the form of an SCI. Although pre-application consultation was undertaken in respect of the previously approved scheme, no further consultation has been carried out in respect of this application.

### **PLANNING HISTORY**

03/00735/OUT - Demolition of existing school buildings and redevelopment of site and part of playing fields for residential purposes (Outline Application). This permission has now lapsed. GRANTED SUBJECT TO A SECTION 106 AGREEMENT 13 February 2004.

08/00397/FUL – Residential development consisting of 80 dwelling houses and 15 apartments in two and three storey form together with associated garages, car parking, highways, site works, ponds and soft landscaping (additional information received 17 June 2008 and amended plans received 08 August 2008). GRANTED SUBJECT TO SECTION 106 AGREEMENT 16 June 2009.

### **PLANNING POLICY BACKGROUND**

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

- E2 Development Limits
- E3 Protection of Open land
- E11 Conservation of Trees, Woodlands and Hedgerows
- E12 Trees and Development
- E14 Landscaping of Development
- E15 Open Land in New Development
- E23 Nature and Development
- E24 Conservation of Land and Other Resources
- E25 Energy Conservation
- E46 Safety and Security
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
- H11 Design and Layout of New Housing Development
- H14 Accessible Housing
- R1 Designing For All
- R13 Recreation Routes and New Development
- T12 New Development – Road Capacity
- T13 New Development – Standards
- T24 Parking and Servicing Requirements for New Developments
- T31 New Development and Public Transport

T37 Cycle Routes in New Development  
T39 Conditions for Pedestrians

The following policies within the Darlington Open Space Strategy 2007 – 2017 are relevant:

Policy 6 Overall Standards of Provision  
Policy 19 Open Space Provision associated with New Development  
Policy 20 Securing appropriate Open Spaces and Their Maintenance  
Policy 22 Design of Open Spaces

The following Supplementary Planning Guidance (SPG) and Supplementary Planning Document (SPD) are also relevant

Commuted Sums from New Housing Developments for Existing Equipped Play Areas (September 2001)  
Affordable Housing (April 2007)  
The Design of New Development (July 2009)

## **RESULTS OF CONSULTATION AND PUBLICITY**

### **Rights of Way Officer**

There are no public rights of way registered on the definitive map for Darlington either crossing or abutting the site. No comments to make on the application.

### **Highway Engineer**

Although there are some minor amendments to the layout, the development proposal is very similar to the previously approved scheme. The conditions that were attached to the last application must therefore be replicated with an approval and a new condition must be included requiring that traffic calming works are provided to reflect the requirement for speeds of less than 20 mph. The revised Transport Statement demonstrates that there are no significant changes to the traffic impact of the development and accept the conclusion that there are no highway reasons why the application should not be granted. Presume the contribution of £20,000 will still be available to fund works to the off-road cycling/footpath route. Provided conditions are included with an approval to carry out improvement works to School Street and Leach Grove, to secure funding for the introduction of a 20 mph zone and for traffic calming works to be carried out to reflect the requirement for a 20 mph zone, no highway objection is raised.

### **Sport England**

While the scale of the proposed development falls below that which Sport England is a recommended consultee, nevertheless have used the opportunity to consider whether this application will make provision for the sport and recreational needs of its residents. The application does not make any reference to any sporting provision as required by PPG 17 'Planning for Open Space, Sport and Recreation'. On that basis Sport England objects to the application and advises that there is a need for the applicants and local planning authority to examine the needs likely to arise from the development and ensure that sport and recreational provision is addressed through the application or a Section 106 Agreement. Using the Sports Facility Calculator we would suggest that a development of this scale should be making a provision for investment in sports facilities of £74,025. Sport England would withdraw its objection provided this amount is secured by way of a planning obligation and this money is used for local sport facility priorities.

**Environment Agency**

On the basis of the submitted Flood Risk Assessment (FRA) no objection is raised, subject to conditions being imposed on the grant of any planning permission to secure compliance with the recommendations of the FRA and to prevent any ground raising within land that is shown as being at risk of flooding.

**Northumbrian Water**

No objection.

**Northern Gas Networks**

No objections to the proposals.

**CE Electric UK**

No objections to the application.

Six letters of objection have been received which raise the following issues:

- *Concerned about the additional traffic as I have difficulty crossing the road with the number of parked cars.*
- *Consider that this site should constitute the maximum development envelope for this site. The area of land that remains in the Council's ownership is used extensively for recreation and the green space provides visual relief to the urban environment. Wish to be kept informed of any further applications made for the development of the old school site.*
- *The wildlife area proposed as part of this scheme would not be enough to compensate for the loss of such a large public recreation area/open space.*
- *Unclear from the application whether the gates shown at the bottom of one of the proposed new roads onto the remaining open space will be open to the public so that the open space can remain in use. Hope that the Council will seek to ensure that public access to this land is maintained.*
- *Note that the studies accompanying the application state that there are no known bats in the area. We frequently experience several bats per evening in our side and rear garden entering from the direction of the former school site/allotment path. Trust that conditions will be attached to requiring that appropriate survey/protection of bats takes place before development of the site commences.*
- *The 3-storey apartment block will be built behind our hedge and will overlook our property and affect our ability to sell our property;*
- *Overlooking by lounges and bedrooms will disturb our privacy;*
- *The new development at Cockerton Green stood empty resulting in vandalism. Concern that this could happen here and bring an increase in vandalism to the area;*
- *A huge building like the one proposed will block a certain amount of sun coming into our garden.*
- *The plans show that there will be 2 bedrooms per flat. Elderly persons flats usually only have one bedroom, our concern is that these flats aren't going to be used for the elderly when built;*
- *The plans show many windows in the loft which will cause more overlooking;*
- *There is something located on the plans touching our hedge and it is not clear on the plans what this is.*
- *My home backs onto the field and must object to the fact that so much of the natural environment is going to be destroyed.*

- *The noise and disruption this is going to cause to residents, only to end up with properties overlooking myself and neighbours, completely taking away our privacy;*
- *Understand that there was a covenant on the site of the school and playing field stating that the land could only be used for a school and that no house building would be permitted. Seems that legal agreements can now be bought off if the price is right.*
- *Urge you to reconsider granting planning permission for its unwanted development, especially as so many new houses in the area remain unsold and are now being vandalised.*
- *Would like to know whether the difference in the height of the land has been taken into account. Between plot 22 and 25 Bates Avenue there is a drop of over a metre.*
- *Are two very small access roads sufficient to carry the extra traffic? There is potential for there to be over 200 residents' cars on the proposed development but there is barely passing space in either Leach Grove or School Street, even if residents in those streets do not park on the road.*

In addition a petition with 39 signatories has been received, which specifically objects to the proposed apartment block for the following reasons:

- *Overlooking from the proposed apartments therefore disturbing residents' privacy, reducing property values and affecting the length of time properties are on the market;*
- *An increase in traffic as a result of the increase in traffic resulting in more noise and pollution;*
- *Public would like a further consultation to discuss in more detail the nature of the proposed development; the age group of the occupants of the apartments and details of landownership.*

## **PLANNING ISSUES**

The principle of residential development on this site has been accepted by the previously approved scheme (08/00837/FUL) for 15 apartments and 80 dwellings. The main issue for consideration in respect of the revised scheme are whether the proposed revisions to the layout and design of the proposed dwellings are acceptable in the context of the following matters:

- Planning Policy
- Affordable Housing
- Impact on Visual and Residential Amenity
- Highway Matters
- Trees
- Statement of Community Involvement
- Section 106 Agreement
- Other Matters Raised by Objectors

### **Planning Policy**

The application site falls within the defined development limits for the urban area as identified by Policies E2 (Development Limits) and H3 (Locations for New Housing Development). The site is protected by Policy E3 (Protection of Open Land) and development will only be permitted where it maintains and enhances the open land network and adds new connections. In addition new development must not impact upon the following:

- **Visual Relief in Built Up Areas;** the visual relief of the area is provided by Sugar Hill Park, the allotments, the former playing fields to the south and the West Beck, all of which will remain;
- **Openness and Greenery;** Although the site provides open views to the properties along Bates Avenue and Stooperdale Avenue, this is not sufficient justification to protect it as open land. As a result of the lands topography, the site makes little contribution to a sense of openness in the wider area and some of the trees and greenery will be retained as part of the development;
- **Meeting the Requirement of Policy R4 for Open Space;** These standards have now been replaced by those set out in the Open Space Strategy, which is considered further in this report;
- **Facilities available for other recreation and leisure activities for informal recreation;** the former school site was not publicly accessible and informal recreation was not permitted. This policy has remained since the site was vacated;
- **Continuity of the system;** West Beck and Sugar Hill Park provides the main linkages to the wider green infrastructure network and the proposed development adds to and does not harm these green corridors;
- **Nature Conservation;** It is considered that there is very little nature conservation on the existing site.

The proposal would therefore, in principle, comply with Policy E3 of the Local Plan.

The proposal maintains the eastern playing field (Policy E15 - Open Land in Development) and enhances its value by providing a mix of informal amenity space, reeds, grassland and ponds, which promote biodiversity (Policy E23 - Nature and Development). The provision of a new pedestrian cycle route from the residential area will connect to the open space and will also provide a new connection to West Beck (Policies E15 and R13 – Recreation Routes and New Development)

Detailed guidance on the provision and maintenance of open space as part of a new development is contained in the Council's adopted Open Space Strategy. New development of 5 dwellings or more will be required to make provision for accessible open space for sport and recreation to meet existing and future needs. It is essential that any open space provision should have a high degree of functionality for a wide range of activities, including active sport and recreation. Commuted sums for maintenance will be sought for 10 years. Such contributions will be secured by a Section 106 Agreement.

The developer must also provide for children's play space of £200 per bed space (excluding aged persons bedspaces) in line with the Council's SPD "Committed Sums from New Housing Developments for Existing Equipped Play Areas" to enhance play equipment in the area. This would be secured by a Section 106 Agreement.

### **Affordable Housing**

The adopted SPD on Affordable Housing identifies the application site as being in an area of Moderate Need and therefore 15% of any new development must be affordable housing. In this instance, the proposed development includes 15 affordable homes for aged persons to be operated by a Registered Social Landlord, which would accord with the requirements of the SPD and Policy H9 (Meeting Affordable Housing Needs) and Policy H14 (Accessible Housing). The affordable housing will be secured in perpetuity by a Section 106 Agreement. Although concern has been expressed that the flats will not be occupied by the elderly in the long term, this is

specifically addressed in the Section 106 Agreement which requires that the apartments are available for occupation by elderly persons in perpetuity.

### **Impact on Visual and Residential Amenity**

Local Plan Policy H11 (Design and Layout of New Housing Development) states that proposals must relate well to the surrounding area, respect its predominant character and density, and avoid damage to the amenities of adjoining properties. In addition, the policy also requires that appropriate amenity standards be met in respect of both existing and proposed dwellings and their gardens and that adequate curtilage and amenity space be provided for the proposed dwelling.

The application site is bounded by existing residential properties on Bates Avenue and Leach Grove to its northern side and on Stooperdale Avenue and School Street to its western side. The site is open to its southern and eastern sides. The predominant built form of the existing dwellings is mainly two storey, semi-detached dwellings, with the exception of some semi-detached bungalows on Stooperdale Avenue. A topographical survey submitted with the application shows that the site of the proposed dwellings is relatively flat, other than a slight fall towards the southwest corner of the site. There is no discernible change in levels between the existing dwellings surrounding the site and the application site.

The proposed development has been assessed against the Council's Design of New Development Supplementary Planning Document (Design SPD) and the scheme has been amended in order to comply with certain requirements of the document. More specifically certain elements of the layout have been amended and the front boundary areas of the dwellings are to be enclosed by low-level railings in order to comply with the SPD. In addition, the house types have now been further amended to show more traditional style dwellings, the detailing of which complies on the whole with the specific guidance contained within the SPD. On the basis of these amendments it is considered that the revised house types will be more reflective of the character of the area.

The Design SPD also requires that developments of more than 5 dwellings create to the enhancement of a priority habitat on site. The land to the east of the proposed dwellings contains a balancing pond to cater for surface water run-off and to create a wildlife habitat, which will satisfy the requirements of SPD in this regard. A condition was attached to the previous permission requiring the submission of the final details of the pond and a financial contribution towards the maintenance costs of this area for a period of 10 years was secured by Section 106 Agreement. It is proposed that the same condition and maintenance contribution will be secured as part of this revised application.

With the exception of the three-storey aged persons apartment block in the north west corner of the site and a 2 and a half storey dwelling at the western side of Leach Grove, the proposed dwellings on the north and west boundaries of the site are all two-storey in form. The Design of New Development SPD requires that where a site is level, the minimum proximity distance from habitable room to habitable room in 2-storey development is 21 metres. In this instance the minimum distance achieved between the existing and proposed dwellings is 25 metres. Similarly the requirement for a minimum separation distance of 13 metres between habitable room and non-habitable room is comfortably met between the existing and proposed dwellings. Although the site is relatively flat, a planning condition is attached, as before, requiring the submission of further details of ground levels, finished floor levels and cross-sectional plans showing the relationship of the proposed dwellings with those existing dwellings surrounding the site.

Although the separation distances between some of the proposed dwellings falls slightly short of the recommended proximity distances, the spatial relationship between these new dwellings is considered to be acceptable and in amenity terms is considered to comply with the requirements of Policy H11.

The concerns regarding the relationship of the proposed three-storey apartment block and the existing dwellings surrounding the northwest corner of the site are noted. The apartment block is shown in the same location and built form as approved by the previous application, which is still extant and could be built irrespective of this application. The internal layout plans show that there will be habitable rooms in the north and west elevations of the apartment block, potentially overlooking the existing properties on Stooperdale Avenue and Bates Avenue. A minimum separation distance of 30 metres will be achieved between the apartment block and the properties to the north and west, which complies with the recommended proximity distances, set out in the SPD between three-storey developments of 27 metres. At this distance it is not considered that the proposed apartment block would result in an unacceptable loss of privacy or light to the surrounding properties or be particularly overbearing impact on the outlook of these properties. One objector refers to windows in the roofspace of the apartment block giving rise to overlooking of surrounding properties; however these are in fact solar panels. Concerns regarding the impact of the development on property value are not a material planning consideration.

A drying area would be provided to the western side of the apartment block which would take the form of a small area of hardstanding, enclosed by a close-boarded timber fence, close to the rear garden of 66 Stooperdale Avenue. It is not considered that this area would have an unacceptably adverse impact on the amenities of this, or the surrounding properties.

### **Highways Matters**

There will be two vehicular accesses to the site off Leach Grove and School Street. Parking provision for a total of 180 cars will be provided within the development, in a mixture of garage spaces, in-curtilage parking spaces and shared parking spaces. Any dwellings built without garages are provided with a cycle store and the apartments also include a cycle store adjacent to the communal entrance.

A revised Transport Statement (TS) has been submitted with the application which has been considered by the Council's Highway Engineer, who advises that although there are some minor amendments to the layout, the development proposal is very similar to the previously approved scheme and the TS demonstrates that there are no significant changes to the traffic impact of the development and accepts the conclusion that there are no highway reasons why the application should not be granted.

Provided that conditions are included once more to carry out improvement works to School Street and Leach Grove, to secure funding for the introduction of a 20 mph zone and for traffic calming works to be carried out to reflect the requirement for a 20 mph zone and provided a contribution of £20,000 can still be secured by Section 106 Agreement to fund works to the off-road cycling/footpath route, he raises no highway objection.

The development would therefore comply once more with Policies T31 (New Development and Public Transport); T37 (Cycle Routes in New Development); T39 (Conditions for Pedestrians) and T24 (Parking and Servicing Requirements for New Development) of the Local Plan.

### **Trees**



There are a significant number of trees and hedges within the application site, although these are mainly along the boundaries of the site. Of these trees, one sycamore tree on the northern boundary of the site, close to the rear of 39 Bates Avenue, is protected by Tree Preservation Order (No. 8) 2008. There is also a protected ash tree within the rear garden of 66A Stooperdale Avenue close to the western boundary of the site, but outside of the application site.

An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) have been submitted with the application. The AIA identifies that it will be necessary to remove a total of 8 trees and a small section of hedge to make way for the proposed development. It also identifies that it will be necessary to remove a further 4 trees for tree management purposes. The remaining trees on the site will be retained with appropriate tree protection measures in place during the construction period.

The comments of the Senior Arboricultural Officer are awaited. No objection was raised to the previous scheme, subject to the imposition of a tree protection condition, however his comments on the revised scheme will be reported verbally at the meeting.

### **Statement of Community Involvement**

The application falls within the category of major development the Council's Statement of Community Involvement (SCI) guidelines state that the applicant should undertake pre-application consultation with local residents and stakeholders and to submit the results with the application in the form of an SCI. Although pre-application consultation was undertaken in respect of the previous application, no further consultation has been carried out in respect of this revised application. However these guidelines are advisory only and an application cannot be refused, neither can the applicants be required to undertake consultation work, on the basis that they have not been adhered to.

### **Section 106 Matters**

The previous permission was granted subject to a Section 106 Agreement to secure a number of financial contributions and the provision of affordable housing on the site in perpetuity. These matters are all still relevant to this revised application and whilst some figures have yet to be confirmed, based on an increase in the number of bedspaces in this scheme compared to the previously approved scheme, the following Heads of Terms will be included in the Section 106 Agreement:

- **Affordable Housing** – to ensure that the aged persons affordable housing remains on the site in perpetuity;
- **Off site contribution towards open space** – this is a contribution to accord with the policies of the Council's Open Space Strategy 2007 – 2017;
- **Equipped play areas contribution** – to accord with the policies contained within the Council's adopted SPG 'Commuted Sums for New Housing Developments for Equipped Play Areas'. This is calculated on the basis of £200 per bedspace;
- **New off road/cycling track** – a new cycle/footpath route parallel to West Beck linking Bates Avenue and Prior Street via Sugar Hill Park to provide a safe route to primary schools and other facilities in Cockerton. The sum of £20,000 was previously agreed for the funding of the route and is considered an appropriate contribution once more;
- **Maintenance costs for the balancing pond/wildlife area** – A financial contribution of £70,000 for the maintenance of this area for a period of 10 years was previously agreed and is considered an appropriate contribution once more.

### **Other Matters Raised by Objectors**

The objection raised by Sport England is on a non-statutory basis. Officers have considered the comments raised by Sport England, with specific regard to the request for a contribution towards investment on sports facilities in the area, which is not considered justified in this instance on the basis of the non-statutory objection.

Concern has been expressed that there are bats present on the site. The Arboricultural Implications Assessment (AIA) advises that there were no visual signs found to indicate the presence of bats in the surveyed trees. Furthermore as there are no buildings remaining of the site then it is unlikely that the proposed development would affect bats.

The application plans show a pair of gates at the southern end of Donaldson Drive, potentially restricting access to the land to the south of the application site, which remains in the Council's ownership. An objector has expressed concern that this land is currently used by members of the public for dog walking and recreation and would not like to see access to this area prevented. The applicant has confirmed that the Council would have control over access to this land for informal recreation; this control would not be retained by the developer. In addition there is alternative access to this area via Bates Avenue and along West Beck.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

### **CONCLUSION**

This is a revised application for residential development on this former school site, which lies within the development limit for the urban area as defined by the Borough of Darlington Local Plan 1997. Planning permission was previously granted, subject to a Section 106 Agreement, for a similar scheme in September 2009 which remains extant (08/00397/FUL). The layout and design of the proposed dwellings have been amended to meet the requirements of the Design of New Development Supplementary Planning Document and as such are considered to be acceptable in terms of their impact on the character and appearance of the surrounding area. Appropriate standards of residential amenity can be achieved in respect of both the proposed and existing dwellings adjacent to the application site. Concerns regarding the impact of the additional traffic arising from the proposed development on highway and pedestrian safety have been considered, however the Highway Engineer advises that the findings of the Transport Statement (TS) and the proposed access and parking arrangements are considered acceptable in this instance. The proposal is therefore considered to accord with the relevant development plan policies set out below:

#### **Borough of Darlington Local Plan 1997**

- E2 Development Limits
- E3 Protection of Open land
- E11 Conservation of Trees, Woodlands and Hedgerows
- E12 Trees and Development
- E14 Landscaping of Development
- E15 Open Land in New Development
- E23 Nature and Development
- E24 Conservation of Land and Other Resources

E25	Energy Conservation
E46	Safety and Security
H3	Locations for New Housing Development
H9	Meeting Affordable Housing Needs
H11	Design and Layout of New Housing Development
H14	Accessible Housing
R1	Designing For All
R13	Recreation Routes and New Development
T12	New Development – Road Capacity
T13	New Development – Standards
T24	Parking and Servicing Requirements for New Developments
T31	New Development and Public Transport
T37	Cycle Routes in New Development
T39	Conditions for Pedestrians

### **Darlington Open Space Strategy 2007 - 2017**

Policy 6	Overall Standards of Provision
Policy 19	Open Space Provision associated with New Development
Policy 20	Securing appropriate Open Spaces and Their Maintenance
Policy 22	Design of Open Spaces

### **Supplementary Guidance Notes and Documents**

Commuted Sums from New Housing Developments for Existing Equipped Play Areas  
(September 2001)

Affordable Housing (April 2007)

The Design of New Development (July 2009)

### **RECOMMENDATION**

THAT THE ASSISTANT CHIEF EXECUTIVE (REGENERATION) BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:

1. Affordable housing in perpetuity in accordance with supplementary planning guidance;
2. A financial contribution towards the upgrading and maintenance of an off site area of open space in accordance with the Open Space Strategy;
3. A financial contribution towards the upgrading and maintenance of an off-site equipped play area in accordance with supplementary planning guidance;
4. A financial contribution towards the provision of a new cycleway and footpath; and
5. A financial contribution towards maintenance costs for the balancing pond wildlife area including alterations to allotment fencing.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)

3. B5 – Development in accordance with approved plans
4. J2 – Contamination
5. Prior to the commencement of the development, a Dust Action Plan shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON - In the interests of residential amenity.
6. Notwithstanding the details shown on the approved plans, the following details shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Thereafter the development shall not be carried out otherwise than in complete accordance with the approved details:
  - (a) Details for the resurfacing of Leach Grove and School Street;
  - (b) Details for improvements to the existing flagged footways;
  - (c) Details of tactile paving and dropped crossings;
  - (d) Details of measures to ensure a 20mph zone for the development, including traffic calming works to reflect the new 20mph zone.REASON – In the interests of pedestrian and highway safety.
7. Prior to the commencement of the development, a Building Management Plan, including details of a Dust Action Plan, the phasing of development; hours of construction, construction vehicle movements, shall be submitted to and approved by the Local Planning Authority. The development shall not be completed otherwise than in complete accordance with the approved details  
REASON: In the interest of residential amenity.
8. Prior to the commencement of the development, precise details of the cycleway and footway shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON - In the interests of the highway safety and to ensure that the existing access to the allotments remains unaffected.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by Patrick Parson in August 2010 and the following mitigation measures detailed within the FRA:
  - (i) A scheme for the provision and implementation of surface water shall be submitted to the Local Planning Authority for their approval prior to any works commencing on site;
  - (ii) No development shall take place within areas at risk of flooding as shown on the Environment Agency Flood Map, in accordance with drawing 2023-D-00-102 ‘Site Layout’ included in the FRA.REASON – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent any loss of floodplain and to prevent any increase in flood risk to nearby properties.
10. There shall be no ground raising within the land that is at risk of flooding on the site, as shown on the Environment Agency Flood Map.  
REASON – To prevent any displacement of floodwater and any loss of floodplain.
11. No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees in and adjacent to the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.  
REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.

12. Prior to the commencement of the development, details on the formation and construction of the parking bays shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON: To ensure the retention of the trees located close to the parking bays and their protection from damage, in the interests of visual amenity.
13. E2 - Landscaping (Submission).
14. Notwithstanding the details shown on the approved plans, precise details of the balancing ponds and wildlife habitat area, including landscaping, sustainable drainage details, topography details shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details.  
REASON: In the increase the biodiversity associated with the development site and in the interests of the visual amenity of the area.
15. The development hereby approved shall not be commenced until sectional details showing existing and approved ground levels for the proposed buildings and the neighbouring gardens and dwellings have been submitted to and agreed in writing with the Local Planning Authority.  
REASON: In order to ensure a satisfactory form of development.
16. Unless otherwise agreed in writing by the Local Planning Authority, the dwellings shall be built to Code for Sustainable Homes Level 3. Details of how this will be achieved shall be submitted to and approved by the local planning authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing by the local planning authority.  
REASON - To promote a sustainable development in accordance with planning policy.

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

This is a revised application for residential development on this former school site, which lies within the development limit for the urban area as defined by the Borough of Darlington Local Plan 1997. Planning permission was previously granted, subject to a Section 106 Agreement, for a similar scheme in September 2009 which remains extant (08/00397/FUL). The layout and design of the proposed dwellings have been amended to meet the requirements of the Design of New Development Supplementary Planning Document and as such are considered to be acceptable in terms of their impact on the character and appearance of the surrounding area. Appropriate standards of residential amenity can be achieved in respect of both the proposed and existing dwellings adjacent to the application site. Concerns regarding the impact of the additional traffic arising from the proposed development on highway and pedestrian safety have been considered, however the Highway Engineer advises that the findings of the Transport Statement (TS) and the proposed access and parking arrangements are considered acceptable in this instance. The proposal is therefore considered to accord with the relevant development plan policies set out below:

#### **Borough of Darlington Local Plan 1997**

- E2 Development Limits
- E3 Protection of Open land
- E11 Conservation of Trees, Woodlands and Hedgerows
- E12 Trees and Development
- E14 Landscaping of Development
- E15 Open Land in New Development
- E23 Nature and Development

- E24 Conservation of Land and Other Resources
- E25 Energy Conservation
- E46 Safety and Security
- H3 Locations for New Housing Development
- H9 Meeting Affordable Housing Needs
- H11 Design and Layout of New Housing Development
- H14 Accessible Housing
- R1 Designing For All
- R13 Recreation Routes and New Development
- T12 New Development – Road Capacity
- T13 New Development – Standards
- T24 Parking and Servicing Requirements for New Developments
- T31 New Development and Public Transport
- T37 Cycle Routes in New Development
- T39 Conditions for Pedestrians

### **Darlington Open Space Strategy 2007 - 2017**

- Policy 6 Overall Standards of Provision
- Policy 19 Open Space Provision associated with New Development
- Policy 20 Securing appropriate Open Spaces and Their Maintenance
- Policy 22 Design of Open Spaces

### **Supplementary Guidance Notes and Documents**

- Commuted Sums from New Housing Developments for Existing Equipped Play Areas (September 2001)
- Affordable Housing (April 2007)
- The Design of New Development (July 2009)

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

The applicant is advised that the highway works will be subject to an agreement under Section 38/278 of 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 Ms. P. Goodwill 01325 388760) to discuss naming and numbering of the development.

The applicant is advised that contact must be made with the Assistant Director; Highways and Engineering (contact Mrs. B. Bowles 01325 388774) to discuss introduction of the 20mph zone.