

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27 July 2016**

**Page**

---

<b>APPLICATION REF. NO:</b>	15/00513/FUL
<b>STATUTORY DECISION DATE:</b>	30 September 2015
<b>WARD/PARISH:</b>	HUMMERSKNOTT
<b>LOCATION:</b>	Woodburn Nursery, Salutation Road
<b>DESCRIPTION:</b>	Redevelopment of site including demolition of existing buildings and erection of 25 No dwellings and access improvements (amended description) (Amended and Additional Plans and Documents Received 7 May 2016, 12 May 2016, 6 July 2016 and 2 August 2016)
<b>APPLICANT:</b>	ESH Group

---

**CONTEXT**

Members will recall that this planning application was placed before the Planning Applications Committee in September 2015 and was minded to approve subject to a Section106 Agreement and subsequent planning conditions. The Section106 Agreement was to secure the following planning obligations but it has yet to be signed and therefore the planning application has not been determined and no approval has been issued:

- On site affordable housing (four units)
- Off site contribution for affordable housing to the equivalent of one unit
- A commuted sum for children's play equipment in the south west area of Darlington
- A commuted sum for a contribution for primary school places in Darlington
- A commuted sum for expanding, maintaining playing pitches in the south west area of Darlington
- A commuted sum towards the cost of bus shelters at the Elm Ridge Garden centre bus stops on Coniscliffe Road
- A commuted sum for a replacement tree

As the planning application is still undetermined, amended plans have been submitted by the applicant to seek approval for some revisions to the previous proposal. **The revisions are:**

- The Rockpanel exterior cladding boards on the house types has been replaced with facing brick and render treatments and brick slips have been replaced with a solid brickwork external leaf;

- The dwellings on Plots 11, 19, 20 and 22 have been handed to allow better use of drives, access and daylighting;
- The size of the dwelling on Plot 1 has been reduced due to an existing gas main having to be re-aligned to the adjacent Crematorium;
- The dwelling on Plot 20 has been repositioned further north within the Plot and the number of south facing windows have been reduced;
- The garage to Plot 19 has been moved forward two metres to avoid a tree root protection zone
- The garages on Plots 2, 3, 4, 5, 14 and 15 have been increased in size to ensure they meet the relevant dimensions set out in the Tees Valley Design Guide and Specification

It is also proposed to remove the four onsite affordable housing units in the North West corner of the site and offer the Council an offsite financial contribution to the equivalent of five units. The four affordable units have been replaced by two new dwellings (Plots 4 and 5) and therefore the overall number of units in the development has been reduced from 27 to 25.

The applicant has also taken this opportunity to submit the information that would have been requested by the various pre-commencement planning conditions that were to be imposed on the original planning permission. The aim is to remove the “pre-commencement” requirement of the planning conditions to allow for an earlier start on site if the planning application is approved subject to a revised Section 106 Agreement.

The principle of redeveloping the site for residential purposes has been established by the granting of planning permission for the previous scheme. Therefore Members are being asked to consider the revisions to the scheme, the acceptability of an offsite contribution for affordable housing and the information that has been submitted that would have been previously secured by pre-commencement planning conditions.

### **APPLICATION AND SITE DESCRIPTION**

The application site measures approximately 1.83 hectares and was last used as an operational nursery and base for the cemetery grounds maintenance, grave diggers and arboreal teams of Darlington Borough Council. The site contained a number of greenhouses, polytunnels and associated structures and offices along with an outbuilding (former stables building) that forms part of the west boundary wall of the site.

Residential dwellings lie to the east and south of the site and West Cemetery, which is a Registered Park and Garden, forms the north and west boundaries. The access to the site is off Salutation Road and two Grade II listed buildings (Nos 296 and 298 Coniscliffe Road) are located adjacent to the entrance.

The site is bounded with the cemetery by a brick wall, with the dwellings to the east by a mix of fencing and trees and with the dwellings to the south by a wall with railings above. The boundary with the listed buildings consists of fencing, a wall and the rear of an outbuilding.

There are some trees within the site and also along the east and north boundaries (in West Cemetery) which are not covered by a tree preservation order.

The proposal is to redevelop the site for residential purposes comprising 25 dwellings with access off Salutation Road utilising and improving the existing access point. The dwellings are two storey and contemporary in design with individual parking spaces. The side and front

gardens are enclosed by 1.1m high railings and brick walls. An area of landscaped open space would be centrally located within the development which would be augmented by further landscaping throughout and on the periphery of the scheme. The existing walls that form the boundaries with West Cemetery (north and west) would be retained and repaired where necessary and augmented by new 1.8m timber fencing which would also be erected on the eastern boundary and alongside the low perimeter wall/railings on the south boundary.

### **PLANNING HISTORY**

The site has a planning history that relates to its use as a Garden Nursery which are not considered to be relevant to this planning application

### **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

#### **National Planning Policy Framework 2012**

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

E2 - Development Limits

E3 - Protection of Open Land

E12 - Trees and Developments

E14 - Landscaping of Development

E20 - Sites of Nature Conservation Areas

##### **Darlington Core Strategy Development Plan Document 2011**

Policy CS1: Darlington's Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS3: Promoting Renewable Energy

Policy CS4: Developer Contributions

Policy CS10: New Housing Development

Policy CS11: Meeting Housing Needs

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16: Protecting Environmental Resources, Human Health and Safety

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

#### **Other Documents**

Supplementary Planning Document – Design for New Development

Supplementary Planning Document – Planning Obligations

### **RESULTS OF CONSULTATION AND PUBLICITY**

Eight letters of objection were received in relation to the original submission and the comments were considered by Officers and Members at the Planning Applications Committee in September 2015. The objections related to:

*Design of the dwellings;*

*Loss of Privacy;*

*Antisocial behaviour;*

*The retention of the wall and railings on the south boundary;*

*Removal of permitted development rights;*

*Highway Safety;*

*Boundary maintenance;*  
*Noise and disruption during the construction phase*  
*Scale and Layout;*  
*Light pollution;*  
*Social and cultural implications*  
*Impact upon the significance of the site and associate buildings*  
*Drainage*  
*Environmental implications*

The Council carried out a further consultation exercise on the revised plans and two letters of objection have been received. One of the objections states:

- *My house (No 21 Carmel Road North) has now become the only house with no trees remaining at the end of the property due to all the trees being removed by the applicant. In addition, the new property will be moved northwards to be in direct alignment behind my property such that both parties will have no trees between both gardens providing visual privacy. Therefore due to this northwards movement I request the applicant reconsider removal of said trees or plant alternative similar height new good trees to provide adequate visual privacy for both parties.*

A detailed letter of objection has been submitted by the occupier of No 298 Coniscliffe Road which has been considered by Officers. The matters that have been raised can summarised as follows:

- *The Heritage Statement to support the demolition of the stable building is incorrect and fails to assess the impact that demolition work will have on the historical significance of the site*
- *The dwellings would have an overbearing impact on the Nos 296 and 298 Coniscliffe Road which are listed buildings*
- *The development will reduce the garden curtilage of No 296 Coniscliffe Road*
- *No 296 Coniscliffe Road will look over three public roads (north, south and west)*
- *The high walls of No 6 Salutation Road and Woodburn Cottage would amplify noise with waves of sound bouncing off through the gap between the two buildings and even down the chimney flue. It is unreasonable to calculate environmental impact of noise over the day in its totality since it is intermittent uncontrolled noise when the ambient level is low that is the most harmful. Noise from each road rises towards the upper windows. Access would be with 2/3 metres of the west fenestrated elevation and the north facing fenestrated elevation of the Cottage. We do not see any positive control or removal of noise/headlights/privacy impacts near the entrance beside us. A hedge will not do.*
- *There will be an additional 110 days per year of vehicle impacts (noise and headlights) around the Cottage.*
- *The number of houses must be controlled in favour the listed buildings*
- *The urban pressure of 25 dwellings would make No 298 Coniscliffe Road unviable as the characterful and unique small residence would be affected. The Cottage was not built to be part of a visually dominant housing estate*
- *Highway considerations should also include the safety of pedestrians. The entrance will meet three public roads. Details of traffic management need to be determined. Speed cushions should not be situated near the 5 windows of Woodburn Cottage*
- *Passing motor vehicles will affect all our habitable windows which will be especially harmful to sleep and future residents in terms of noise and vibration*

- *The hedge and trees must not be allowed to block the only source of light into the side facing living rooms. For our well being and right to light there is no reason for a hedge to be planted higher than the present boundary fence (1.8m high).*
- *The hedge will not serve to reduce the additional noise impacts from the third roadway. A protective solid fence/wall of 1.5/1.8m as close as possible to the roadway and running northwards parallel with the house is the best practicable solution*
- *The proposed siting of the equipment for noisy power washing of the wheels to construction vehicles in the entrance corridor alongside the living rooms of No 298 Coniscliffe Road is unacceptable and should be moved further away*
- *Can a condition be imposed on how long the construction work can go on for? It would be unreasonable for us to take all of the impact of construction vehicles for more than 2 – 3 years*
- *There should be no deep excavation within 6 metres of any of Woodburn Cottages foundations to avoid ground settlement and subsidence of the building*
- *There should be no building up of land temporary or permanent or piling on the road verges that will cause negative impacts on Woodburn Cottage*
- *We would like to see more drainage details. We would like to see more surface water evaporation/recycling measures incorporated into the overall design*
- *Plans have not been submitted for street lighting*
- *Plans for any telecommunications have not been provided*
- *The landscaping list does not enhance the Victorian setting of the Cottage. The ground conditions behind the Cottage are generally heavy clay and acid. Land at the rear is polluted*
- *The fencing/brick wall options would not compliment the pair of cottages*
- *It is essential that Woodburn Cottage retains a clear boundary for maintenance purposes of the boundary walls and to ensure the walls are not damaged*
- *Woodburn Cottage does not need any 6m high trees near to its windows or walls. Shadowing, leaf fall, seedlings and root spread will be problematic*
- *It would be difficult to know who is a genuine resident or a visitor to this ungated site that would also have service workers in and out. The cemetery gates are never closed. We foresee that there will be opportunists day and night*
- *The development is causing us considerable expense of time, trouble and money*
- *Only a higher quality more imaginative regenerating development scheme in the south west sector of this site can bring benefits to all*
- *Both listed cottages are harmed by the irreversible loss of their heritage setting. Both will be environmentally harmed to varied degrees by the acoustic, light pollution, loss of privacy impacts particularly in the early mornings*
- *If the Council or developer are unwilling to resource a higher quality landscaping and fencing scheme than this proposal illustrates then the parcel of land to the side and rear of the Cottage should be given back.*
- *Windows in No 298 Coniscliffe Road can only be upgraded as far as is technically practicable. The owners are prevented from installing triple glazing as it would alter the appearance and character of the building. There are 5 windows overlooking the highway. We are already in the process of expensively replacing the rear double bedroom window facing north towards the site because of previously experienced noise and privacy impact towards the window*

A second detailed letter has been received from the occupier of No 298 Coniscliffe Road which reaffirms concerns over the loss of the stable building, how it has been inaccurately recorded and the impact of the development upon the historical significance of the site.

The objectors were consulted on amended plans that were submitted in July 2016 in response to the previous comments made by the objectors. The occupier of No 298 Coniscliffe Road submitted further detailed comments which have been considered by Officers and are summarised as follows:

- *The protection of the pair of cottagers from social, cultural and environmental harm (enhancing their presence and significance to the site) has yet to be acknowledged within any plan or condition;*
- *The historic stable buildings are not being accurately recorded or acknowledged;*
- *Darlington has no local plan or local heritage list and therefore all heritage assets are at risk and the planners cannot defend any developer challenge;*
- *Woodburn Cottage has been singularly marginalised and demeaned. It is clearly the only building with little effective potential for defence against the impact of surrounding traffic flows. It is the most severely impacted upon home in any of the locality*
- *Over time the Council Estates Section has taken absolute control of all open land for economic reasons including the Cottage's former garden curtilage so it is the Council that is effectively putting local and national heritage at risk*
- *Speeding traffic and reduced visibility at the junction of the A67 and Coniscliffe Road are an ever present hazard. There have been several recent collisions and near misses. There is reduced visibility (bend) between Elm Ridge and Woodburn Road bus stops if alighting from town. The opening for future residents manoeuvres onto Salutation Road and the established right to manoeuvre in and out of our driveway has been compromised.*
- *It is inconsiderate for future residents to drive so close to our windows with no effective acoustic mitigation*
- *We do not want speed cushions next to our windows*
- *We strongly resent the demeaning by the develop of the entire walled garden and its historic relationship to the listed cottages*
- *The Council and the developer should restore the previously tenanted perimeter curtilage of the Cottage that they have in their ownership and the general public have had subsequent benefit in land value and use.*
- *We are unconvinced that the surface water drainage methods put forward will be guaranteed to be totally effective*
- *We note with dismay the 6m tall street lighting columns which will affect all bedroom windows and open space*
- *The poorly maintained hedge on our boundary will not be an effective screen from noise, fumes, dust, traffic, headlights*
- *The proposed landscaping will give a sense of overpowering enclosure and shadowing. The close setting of trees higher than the original perimeter walls will harm the fabric, character and enjoyment of the listed building. The trees will obscure daylight through all windows from noon to dusk, shadowing the building and the small front garden*
- *The building's sandstone will be harmed through shading, moisture retention, weathering and the reduced opportunity for the building's necessary evaporation. The trees will eventually undermine the foundations of the vulnerable stone walls*

- *The 50cm gap to be left on the perimeter of the stone walls is inadequate for erecting scaffolding or ladders and planks necessary for periodical maintenance of the walls and outhouse roofs*
- *We are waiting until the telephone post is finally removed from its too close position against the wall and to be able to reinstate areas of loose pointing and to repoint or replace the coping stones on the west side of the outhouse.*

Further amended plans and information have been submitted on matters such as drainage, the Construction Management Plan, revisions to the dwelling on Plot 20, revised garage details and ground works. This is the subject of a further consultation exercise with local residents. Any comments that have been received following the completion of this Report will be mentioned verbally at the Planning Application Committee. The comments that have been received so far can be summarised as follows:

- *The garden of 30 Salutation Road floods in wet weather, also the gardens of 28, 26 and 24 flood to my knowledge. I do not know how far this continues along the street. What effect will the removal of the current open drainage area of Woodburn Nursery have on the water table? How will the introduction of submerged barriers such as foundations affect the drainage and water table on the North side of Salutation Road? How will the increased runoff from the paved areas of the new development affect the current flooding? Please bear in mind that the ground surface to the south side of the cemetery wall is considerably lower to that on the north side in this area of Salutation Road.*

### **Consultee Responses**

These are the responses that have been received relating to the amended plans only:

The Council's Contaminated Land Officer has raised no objections

The Council's Conservation Officer has raised no objections

The Council's Highways Engineer has raised no objections

The Council's Senior Arboricultural Officer has raised no objections

The Council's Environmental Health Team has raised no objections

The Lead Flood Authority Officers have not objected to the principle of the revised drainage proposals for the development but they have requested the imposition of a planning condition to secure precise details of a scheme for surface water run off.

The Durham County Council Archaeology Team has raised no objections

Northumbrian Water has raised no objections to the proposal

The Architectural Liaison Officer has once again raised a concern over the footpath link between the site and the adjacent cemetery

### **PLANNING ISSUES**

#### **Planning Policy**

The main change that has occurred in planning policy terms since the application was last heard by Members is that the Council has issued a Planning Policy Position Statement (2016) which interprets the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development at the local level for the whole of the Borough. It takes account of up to date local evidence and makes use of much of the work done while the Making and Growing Places DPD such as reflecting the latest changes to national planning policy and considering consultation responses and the findings of sustainability appraisal. The Statement can be given

some weight in determining planning applications. The site is identified within the Statement as being a Sustainable Housing Location and therefore the redevelopment of the site for residential purposes is considered to be in accordance with the NPPF and local development policy as previously advised by Officers.

### **Revisions to the Previous Scheme**

The proposed revisions to the choice of materials of the some of the dwellings are acceptable and the introduction of more facing brick and render into the development is welcomed. The dwellings would retain their contemporary feel but the palette of materials reflects the existing dwellings in the local area.

Handing some of the dwellings does not raise any residential amenity issues as the proximity distance requirements between the existing and proposed dwellings contained within the Supplementary Design Document - Design for New Development would still be met having also taken into account the need to raise the ground level of the site by between 500mm/600mm and 800mm in order to achieve a suitable drainage scheme. The dwellings would not be overbearing or domineering when viewed from the existing dwellings or their associated outdoor areas.

It is still considered appropriate to impose a planning condition that removes permitted development rights from the dwellings on the south boundary of the site (plots 20 to 25) due to the existing dwellings on Stonehurst Drive and Stonecliffe Drive having shallow rear gardens.

The introduction of two contemporary designed dwellings in North West corner of the site to replace the four affordable units would be in keeping with the character and design of the wider development.

The revisions to the garages on various plots and the reduction in size of the dwelling on Plot 1 are acceptable in design and amenity terms.

### **Affordable Housing**

The original proposal involved four affordable units on site and a financial off site contribution to the equivalent of one further unit secured by a legal agreement. However, the applicant has provided evidence that there has been a lack of interest from Registered Social Landlords to manage the units and therefore the applicant is requesting that an off site financial contribution is made to the equivalent of five units. Such a request would accord with the Council's adopted Supplementary Planning Document - Planning Obligations (SPD) in such circumstances.

The formula for calculating off site contributions is contained within the SPD and the formula submitted by the applicant has been independently reviewed by the District Valuation Team. The DV Team have confirmed to Officers that the commuted sum being offered is based on sound evidence, is in accordance with the SPD and should be accepted by the Council. The contribution would be a total £228,000 and any new Section 106 Agreement would be revised to include this contribution. The monies would be spent on other affordable housing initiatives elsewhere in the Borough.

All of the other previously agreed planning obligations would still be secured by the new Section 106 Agreement.

### **Planning Conditions**

The previous submission was minded to be approved subject to a number of pre-commencement conditions. The applicant has taken this opportunity to submit the information that would have



been requested by the pre-commencement conditions in order to be able to commence work on the site at the earliest opportunity.

#### *Details of Materials*

The dwellings would be constructed from a mixture of Ibstock Grainger Antique (red) and off white render with Sandtoft Calderdale (grey) roof slates. The brick walled enclosures throughout the site would also be constructed from red facing bricks to match the dwellings. All windows would be triple glazed with grey aluminium frames and the doors would be dark grey. This choice of materials is considered to be acceptable.

#### *Land Contamination*

A Phase 1 Desk Top Study has been provided in support of the planning application which has been considered by Environmental Health. Further work and investigations need to be carried out to the site and the existing buildings which can be secured by the imposition of appropriate planning conditions.

#### *Piling*

There would be no piled foundations but the developer would need to carry out ground improvement to Plots 10 to 18 in the form of vibro stone columns. This method of foundation type is being used as it is the most cost effective and most suitable for the ground conditions of the site. Information on the noise and vibration levels associated with this type of ground improvement has been considered and accepted by Environmental Health and the Construction Management Plan includes confirmation that construction vibration levels will be subject to a watching brief with measurements taken as necessary.

#### *Construction Management Plan and Dust Action Plan*

A Construction Management Plan has been received and considered by the Council's Environmental Health Officer and the Highways Engineer. The position of the wheel washing facility for the construction vehicles has been amended so that it is located further away from No 298 Coniscliffe Road which was one of the concerns raised by the occupier of this neighbouring property. The method for wheel washing is a portable pressure washer with a separate water tank until a water supply is present on site.

In conjunction with the wheel washing facility the entrance to the site will be formed in well compacted stone to ensure a hard wearing surface to minimise the transfer of earth and stone from the site onto the public highway.

The Construction Management Plan is considered to be acceptable in both highway safety and residential terms.

A separate Dust Action Plan has been submitted and is also considered to be acceptable.

A separate planning condition has been imposed to restrict the hours of construction and deliveries.

#### *Sustainability Implications*

The properties include an enhanced "fabric first" energy strategy which will achieve significant reductions in CO2 emissions when measured against current building regulation standards. A high performance 240mm closed timber frame panel system provides significant benefits over a standard 140mm frame due to:

- Factory manufactured timber frame panels ensure joints between building sections are air tight;
- There is less wastage through precision factory manufacturing
- Service conduits are embedded into the build at the factory stage maintaining the integrity of the building fabric;
- 240mm mineral wool insulation is built into the closed panels at factory stage to provide a highly insulated layer (warm in winter/cool in summer);
- Triple glazed argon filled windows are fitted as standard

The energy performance of the structural components of the building are further enhanced by a focus on mechanical, electrical and water conservation such as:

- The buildings utilise an air source heat pump with underfloor heating and solar photovoltaic panels which offset energy bills in the dwellings by 50% in the first 12 months;
- Installation of 100% energy efficient lights;
- Independently controlled time and temperature zones which enable savings of approximately 30%;
- Installation of fittings which promote water conservation.

These methods would demonstrate the dwellings would comply with and exceed current Building Regulations in terms of energy and water conservation and will provide savings on energy costs for the homeowner.

The proposal would meet the requirements of at least 10% of the predicted energy supply being secured from the on-site provision of decentralised and renewable or low carbon sources in accordance with the Design SPD and the Planning Obligations SPD. A condition would be imposed to ensure that the development is carried out in accordance with submitted document entitled "Sustainability & Energy Statement – Proposed Residential Development. Former Woodburn Nursery Site, Salutation Road, Darlington" produced by Trivselhus dated April 2015.

#### *Disposal of Surface Water and Foul Water*

The proposed development must not increase the risk of surface water runoff from the site to cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the development or any existing surface water/groundwater issues on the site must be alleviated by the installation of sustainable drainage systems within the site.

The site lies within Flood Zone 1 but as the site exceeds 1 hectare a Flood Risk Assessment (FRA) was submitted to demonstrate how flood risk from all sources of flooding and flood risk to others from the development will be managed. The FRA indicates that the surface water from the development will be disposed of via an existing sewer network and will be contained in oversized pipes for the 1 in 30 year event and for events above the 1 in 30 year event up to the 1 in 100 year event plus climate change will be attenuated in storage pipes located within the area of open space.

The Flood Risk Officers have advised that there are no objections to the principle of the methods of disposing surface and foul water but a condition will need to be imposed to secure further technical details on the scheme, such as the detailed design of the surface water management system, adoption responsibilities and a Management Plan for the Surface Water Drainage System and any maintenance and funding arrangements.

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. As the drainage for the development would connect into the public sewerage system at agreed points and rates Northumbrian Water has raised no objections to the proposal.

The proposal falls outside of the scope of matters on which the Environment Agency is a statutory consultee.

*Impact on Heritage Assets and the Photographic Survey of the Stable Building*

The justification for the proposed demolition of the former stable building on the site, the design and layout of the development and its impact on the listed buildings and the retention of the boundary walls with the cemetery has been previously accepted by Officers and Members when the application was last heard at the Planning Applications Committee. To reiterate the previous considerations, whilst the demolition of the traditional building is a loss, the level of harm that is caused is low as the building is not listed nor located within a conservation area.

It was also considered that the design and layout of the proposed development would not harm the character or significance of the two listed Cottages at the entrance to the site.

Furthermore, the Northumbria Gardens Trust previously expressed that the proposal would not affect the setting of the historic landscape of the cemetery as it is well screened by a wall and the existing trees.

The proposal would accord with the relevant national and local development planning policy on preserving and enhancing the significance of heritage assets.

Two planning conditions were to be imposed. One condition was to ensure that a full photographic survey (a Building Recording) of the former stable building is carried out prior to its demolition and a second condition that before the occupation of the development the Report is deposited on the Historic Environment Record.

A Report has been submitted and one of the main issues that have been raised by the occupier of No 298 Coniscliffe Road relates to the level and accuracy of the detail that has been provided within that Report to document the history of the usage of the building and its significance to the local area.

The Council's Conservation Officer considers that the Heritage Consultant acting on behalf of the applicant has followed the guidance contained in the "Understanding Historic Buildings – A Guide to Good Recording Practice" 2006. As mentioned above, the former stable building is not a listed building but it is identified as being "of local interest" which resulted in the request for a Level 1 basic visual record prior to its demolition. A Level 2 "descriptive record" is the highest level necessary when the building is a non-designated local heritage asset and the applicant has confirmed that the report has been undertaken by an appropriately qualified person and that it was carried out in accordance with Level 2 of the 2006 practice guide.

The Local Planning Authority accepts the Report and a condition would be imposed to ensure that prior to the occupation of the development a copy of the Report is placed on the Historic Environment Record.

### *Highway Works*

A Transport Statement has been produced that demonstrates that traffic generated from the development would not have a detrimental impact on the surrounding highway networks with 29 two way trips in the AM peak and 21 two way trips in the PM peak. This is equated to one car movement every two minutes during the peak hour. The trip rates used in the calculation are generally in the correct order of magnitude for this type of development and therefore from a traffic perspective this development would be acceptable.

An accident study has also been provided as part of the assessment which shows that there was only 1 accident within the last 5 years of data in the study area and this happened remote to the proposed access junction at the Coniscliffe Road/Carmel Road Roundabout. This data has been verified with the Police accident statistics held by Darlington Borough Council.

The site would be accessed via a new simple T junction off Salutation Road which is an appropriate form of access given the traffic volumes. The proposed visibility splays, footway crossings, and tactile paving are acceptable.

The car parking provision across the site generally accords with the parking levels set out in the Tees Valley Design Guidance. The garages on Plots 2 to 5 and 14 and 15 have been enlarged so their internal dimensions accord with the Design Guidance.

Autotracks have been provided to ensure the proposed layout can be adequately accessed by emergency vehicles, delivery vehicles and refuse vehicles.

The internal access roads, footways and shared areas have been designed to an adoptable standard.

The access roads should be subject to a 20mph speed limit and have suitable traffic calming features employed to reduce vehicle speeds. During the previous Planning Applications Committee meeting concerns were raised by the owner of No 298 Coniscliffe Road about the proximity of a speed cushion to the side of their dwelling. The latest guidance states that a speed cushion must be within 50m of the 20mph speed limit zone and it has been possible to relocate the speed cushion past the end of the owner's property where it may cause less of a concern. Speed cushions are usually provided at around 60 - 70m spacing's however this can be reviewed during the Section 38 process and discussions regarding the implementation of the 20mph speed limit.

There are no highway objections to the proposed development.

### *Means of Enclosure*

The existing walls that form the boundaries with West Cemetery (north and west) would be retained and repaired where necessary and augmented by new 1.8m timber fencing which would also be erected on the eastern boundary and alongside the low perimeter wall/railings on the south boundary. The boundary treatment on the south boundary has been amended so that 1.8m fencing runs alongside the existing boundary wall and railings which would be retained. This form of means of enclosure is deemed to be acceptable.

### *Piece of Artwork*

The Durham Constabulary Architectural Liaison Officer (ALO) has repeated his previous advice that the current crime risk assessment for the area is low but has highlighted a concern over the proposed pedestrian accesses in the North West corner of the site and the potential for them to increase crime risk to both the application site and the Cemetery. The ALO has commented that currently there are no crime or anti-social behaviour issues in West Cemetery where access is restricted unlike at North Cemetery which does attract anti-social behaviour. The ALO states that the need for cemeteries to be protected is recognised by Section 18 of the Local Authorities Cemeteries Order 1977 which provides the Council with powers to restrict access and ban games and he considers that it would be difficult to implement these restrictions if access is opened and the general public are invited in. The ALO considers providing a footpath into the cemetery would undermine its security and give the impression it is open for dog walkers and other recreational purposes likely to increase the crime risk.

Officers have considered the comments from the ALO and these two existing access points are considered to offer an attractive view from and into the West Cemetery worthy of protection and enhancement. The development has been designed so that the two access points would have natural surveillance from the proposed dwelling on Plot 5 and as the area is slightly higher than the remainder of the site these vistas could be enhanced by a piece of public art which would add value to the development as a whole. The proposal does indicate that a piece of art would be sited in this area but the precise details of the art work would need to be secured by a planning condition.

### *Tree Works*

There are trees and hedges within and on the edge of the site and a Tree Survey which supports the application states the trees are of varying quality with the majority classified as being “moderate quality”. None of the trees are covered by a tree preservation order. A total of eighteen trees, three hedges and a group of 6 trees would need to be removed to facilitate the development.

An arboricultural method statement (AMS) has been submitted which shows that the proposed dwellings would be located outside of the root protection areas of the retained trees and the garage to Plot 19 has been moved forward two metres to avoid a tree root protection zone. The statement also highlights where the protective fencing will be erected around the retained trees.

In order to achieve the necessary visibility splay at the junction, an existing street tree (a Lime tree) would need to be removed. There would be a planning obligation secured via a Section 106 Agreement to fund the planting of a replacement tree.

The Council’s Senior Arboricultural Officer has raised no objections to the proposed tree works and a planning condition stating the development must be carried out in accordance with the AMS has been imposed.

### *Landscaping*

A landscaping scheme has been submitted and following comments made by the occupier of No 298 Coniscliffe Road, the position and type of species of the trees that would run alongside the access road have been amended. Silver Birches are to be planted and have smaller leaves to allow sunlight pass through and they do not retain much moisture. The Silver Birch trees are considered an appropriate species to be planted in this location having taken account of the window openings, boundary wall and garden area of the neighbouring dwelling.

A condition has been imposed to restrict any planting taking place within 0.5m of the boundary walls of Nos 296 and 298 Coniscliffe Road to ensure the occupiers can maintain access to the development side of their boundary walls for repair and maintenance purposes.

The landscaping plan includes additional tree and shrub planting throughout and on the periphery of the application site. Following comments made by the resident on Carmel Road South further planting has occurred on the eastern boundary of the site.

The Council's Senior Arboricultural Officer has confirmed that the revised landscaping scheme for the development is acceptable.

### *Ecology*

The application has been supported by a Bat Assessment and a further Bat Survey. The results of the Bat Survey identified one transient night roost in the former stables building and during one of the surveys one single common piperstrelle was seen to emerge from the building and a maximum of three common piperstrelles were observed overall. The Survey considers that the bat activity on the site was low. The majority of recordings were of single common piperstrelles foraging repeatedly around the boundary between the nursery and West Cemetery.

The Survey proposes a number of mitigation measures such as avoidance of disturbance to roost sites, provision of alternative roosts sites, retention of feeding habitats and design of suitable lighting systems.

The Survey also confirms that as the Stable building will be affected by the development, a European Protected Species bat mitigation license will need to be obtained prior to any works being undertaken to the building and such licenses can only be applied for once planning permission has been granted.

A condition would need to be imposed to ensure that the development is carried out in complete accordance with the submitted Bat Survey.

### *Archaeology*

The archaeological evaluation involved sampling the site with 7 randomly located trenches. Five of the northern most trenches did not reveal any archaeological features of interest. The two south eastern trenches revealed furrows and a probable field boundary ditch. Some fragments of medieval pottery were recovered from these features. On the balance of considerations, based on the assessment of the site and the results of the evaluation, it does not appear that there is any potential for buried archaeological features to be disturbed by the proposed development. The Durham County Archaeology Team consider there is no need for any archaeological conditions to be placed on the development

## **Other Matters**

### *Noise*

The impact that the development would have in terms of noise impacts on the neighbouring dwellings was previously considered by Officers and Members. However, the concern has been raised and it has been considered again by Environmental Health. A noise impact assessment would not be required for this type of application as the proposal is for a residential development to be located in a residential area and as such no significant noise sources are being introduced given this context. Noise from estate traffic and lighting from car headlights associated with the introduction of the proposed dwellings would be everyday noise/lighting associated with

residential areas, and they will not have an adverse impact on the health and quality of life of residents of surrounding residential properties.

#### *Impact on the West Cemetery*

Two of the affordable housing units have been replaced by one detached dwelling in the north west corner where the cemetery wall is at its lowest height. There were concerns raised at the time of the original submission over the impact that the affordable dwellings may have on persons attending this section of the Cemetery as they were the closest to the western boundary wall. The boundary wall would be augmented by a 1.8m high fence in this location and it is the side elevation of the dwelling (with no habitable window openings) that would face the adjacent Cemetery rather than the front or rear elevation which will prevent overlooking. The ground level upon which this dwelling would be built would be raised approximately 0.55m but it is still considered the new dwelling in this location would not be overbearing when viewed from the Cemetery.

### **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 redevelopment of the site for residential purposes has been established and accepted by the previous decision by Members of the Planning Applications Committee to be minded to approve the proposal subject to a Section 106 Agreement and planning conditions.

The revisions to the design of the dwellings and the layout of the proposal are acceptable and will not adversely impact on the character or appearance of the surrounding area nor raise any adverse residential amenity issues.

The acceptance of an off site contribution for affordable housing would accord with the requirements of the Council's Supplementary Planning Document on Planning Obligations.

The information that has been submitted to cover the matters that were mentioned in the previously agreed planning conditions are considered to be acceptable and the list of recommended planning conditions has been revised accordingly.

The proposed development would accord with the relevant national and local development plan policies.

### **RECOMMENDATION**

**THAT THE DIRECTOR OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE THE FOLLOWING:**

- OFF SITE CONTRIBUTION FOR AFFORDABLE HOUSING
- A COMMUTED SUM FOR CHILDRENS' PLAY EQUIPMENT IN THE SOUTH WEST AREA OF DARLINGTON

- A COMMUTED SUM FOR A CONTRIBUTION FOR PRIMARY SCHOOL PLACES IN DARLINGTON
- A COMMUTED SUM FOR EXPANDING, MAINTAINING PLAYING PITCHES IN THE SOUTH WEST AREA OF DARLINGTON
- A COMMUTED SUM TOWARDS THE COST OF BUS SHELTERS AT THE ELM RIDGE GARDEN CENTRE BUS STOPS ON CONISCLIFFE ROAD
- A COMMUTED SUM FOR A REPLACEMENT TREE

AND PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plots 20 to 25, 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 not to prejudice the amenities of the neighbouring properties on Stonehurst Drive and Stonecliffe Drive and in order that the Local Planning Authority is able to exercise control over future development of the site.
3. Prior to the commencement of the development and any site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a “suitably competent person(s)” and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.  
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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
4. Prior to the demolition of any existing buildings on the site, a Demolition Management Plan shall be submitted to the Local Planning Authority. The Plan shall include measures for the identification and removal of hazardous materials including asbestos, details of the hours of demolition, methods for controlling dust and vibration and the demolition works shall not be carried out in complete accordance with the approved plan.  
REASON: In the interests of the amenity of the area
5. Following the demolition of any existing buildings and prior to the commencement of any site investigate works, a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a “suitably competent person(s)” in accordance with published technical guidance (e.g. BS10175 and CLR11) and submitted to and agreed in writing with the Local Planning Authority, unless the LPA dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated



works shall be carried out without the prior written agreement of the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development

6. A Phase 2 Site Investigation works shall be conducted, supervised and documented by a “suitably competent person(s)” and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a “suitably competent person(s)”, in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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

7. Following the completion of the works required by condition 6 a Phase 3 Remediation and Verification Strategy shall be prepared by a “suitably competent person(s)” to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a “suitably competent person(s)” and in accordance with the approved Phase 3 Remediation and Verification Strategy.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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

8. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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

9. A Phase 4 Verification and Completion Report shall be compiled and reported by a “suitably competent person(s)”, documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and

agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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

10. The development shall not be carried out otherwise than in complete accordance with the approved document entitled "Construction Environmental Management Plan" Revision C dated 2 August 2016 produced by Esh Property Management unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of highway safety and residential amenity

11. Construction and demolition work, including deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14:00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority

REASON: In the interests of residential amenity

12. The development shall not be carried out otherwise than in complete accordance with the Dust Mitigation Measures outlined in the document entitled "Dunelm Property Services. Esh Property Services. Site Address – Salutation Road, Darlington" unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of residential amenity

13. The proposed development shall not be carried out otherwise than in complete accordance with the following documents entitled unless otherwise agreed in writing by the Local Planning Authority:

- a) Structural Damages – Particle Velocity Criterion produced by Balfour Beatty Ground Engineering
- b) Procedural Steps. GE – Dry Bottom Feed Vibro Stone Columns produced by Balfour Beatty Ground Engineering. Ref No BBGE-PC-4301 dated 13 October 2014
- c) Reference Materials. GE – GIMP Noise and Vibration Control on Construction Sites produced by Balfour Beatty Ground Engineering. Ref No BBGE-RM-4305 dated 9 December 2015

REASON: In the interests of residential amenity

14. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details;

- a) Detailed design of the surface water management system;
- b) Details of adoption responsibilities;
- c) Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework

15. The development hereby approved shall not be carried out otherwise than in complete accordance with the drainage scheme contained within the submitted document entitled "Engineering Layout" (Drawing No QD1073-03-01 Rev P12) dated July 2015. The drainage scheme shall ensure that foul discharge at Manhole 2602 and ensure that surface water discharges at manhole 2603 at a restricted rate of 8.21l/sec

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

16. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Sustainability & Energy Statement – Proposed Residential Development. Former Woodburn Nursery Site, Salutation Road, Darlington" produced by Trivselhus dated April 2015 unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of promoting sustainable development.

17. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Bat Roost Surveys" produced by Penn Associates dated July 2015 unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the protected Species and their habitats

18. Prior to the occupation of the development, precise details of a piece of art or craft work shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include an agreed timescale for the erection of the piece of art or craft work and the development shall not be completed otherwise than in complete accordance with the approved details

REASON: In the interests of the appearance and character of the site

19. Prior to the development being occupied, a copy of the reports entitled "A Photographic Recording of the Former Stables Building at Woodburn Nursery, Salutation Road, Darlington" dated May 2015 and produced by Sarah Dyer and "Heritage Statement - Impact of the Proposed Housing Development at Woodburn Nursery, Salutation Road" dated May 2015 and produced by Dunelm Homes shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

REASON: To comply with paragraph 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible

20. The development shall not be carried out otherwise than in complete accordance with the document entitled “Arboricultural Method Statement For Trees at the Former Council Nursery, Salutation Road, Darlington” - Revision B produced by All About Trees dated 9<sup>th</sup> May 2016 unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of the visual amenity of the site and surrounding areas

21. The development hereby approved shall be carried out in complete accordance with submitted landscaping scheme (Drawing Nos 2197 01 Rev I and 2197 02 Rev I dated May 2015). All new trees within the landscaping scheme shall be containerised or air potted and any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping maintained for a period of five years following the completion of the planting scheme to the satisfaction of the Local Planning Authority.

REASON: To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

22. E8 Tree Surgery (TPO Trees)

23. No planting shall take place within 0.5m of the boundary walls of Nos 296 and 298 Coniscliffe Road unless otherwise agreed in writing the Local Planning Authority.

REASON: In order to ensure that access to the boundary walls for repairs and maintenance is provided.

24. B5 – Detailed Drawings (Accordance with Plan)

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

### **National Planning Policy Framework 2012**

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

E2 - Development Limits

E3 - Protection of Open Land

E12 - Trees and Developments

E14 - Landscaping of Development

E20 - Sites of Nature Conservation Areas

#### **Darlington Core Strategy Development Plan Document 2011**

Policy CS1: Darlington’s Sub Regional Role and Locational Strategy

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS3: Promoting Renewable Energy

Policy CS4: Developer Contributions

Policy CS10: New Housing Development

Policy CS11: Meeting Housing Needs

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16: Protecting Environmental Resources, Human Health and Safety

Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

## **Planning Position Statement 2016**

### **Other Documents**

Supplementary Planning Document – Design for New Development

Supplementary Planning Document – Planning Obligations

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

### **Highways**

The Developer is required to submit detailed drawings of the proposed highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 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 406663) to discuss this matter.

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs P > McGuckin 01325 406651) to discuss naming and numbering of the development.

The applicant is advised to contact the Assistant Director: Highways, Design and Projects (contact Mrs. Brenda Bowles 01325 406708) to discuss the introduction of a 20mph zone.

An appropriate street lighting scheme and design to cover the proposed amendments should be discussed with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652).

### **Environmental Health**

The Local Planning Authority provides further advice and information to assist in complying with the requirements of the land contamination planning condition(s) in Technical Guidance for Developers, Landowners and Consultants:

- YAHPAC "Development of Land Affected by Contamination
- YAHPAC "Verification Requirements for Cover Systems"
- YAHPAC "Verification Requirements for Gas Protection Systems"

The latest edition of each guidance can be found on the Council's website at the following link:  
<http://www.darlington.gov.uk/contlandplanningguidance>