

**YIEWSLEY MANOR HOUSING DEVELOPMENT**

**REDEVELOPMENT OF FORMER MOWDEN RUFC SITE FOR ERECTION OF 67  
DWELLINGS AND ASSOCIATED LANDSCAPING AND OPEN SPACE AT  
CLUBHOUSE & GROUNDS, 22 YIEWSLEY DRIVE, DARLINGTON**

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report seeks approval for a variation to the Heads of Terms of the Section 106 Agreement negotiated as part of the above development to permit a financial contribution to be made to the Council in lieu of the developer (Bellway Homes) constructing a footpath link. The financial contribution would then be spent on public transport improvements within the locality of the site.

**Summary**

2. Members will recall that planning permission was granted for the demolition of the existing clubhouse and construction of residential development (67 dwellings) on 3.24ha and landscaping of existing and new open space on the site of the former Mowden Park RUFC site in Yiewsley Drive in March 2006 (01/00560/FUL). Planning permission was granted subject to a Section 106 Agreement which secured financial contributions towards the construction and maintenance of footpath links, the enhancement of an existing equipped play area and improvements to bus services. The Club also covenanted to secure replacement rugby facilities for Mowden RUFC prior to the construction of any dwellings on the site.
3. A further planning application was approved in March 2011 (10/00715/FUL), following the purchase of the site by Bellway Homes, which allowed a variation to the approved house types. A revised Section 106 Agreement was entered into by Bellway Homes which sought the same financial contributions.
4. A footpath link between Clarence Drive, at the northern end of the site, and Parkland Grove was secured as part of the original permission, to provide residents of the new development with access to bus stops on Edgecombe Drive/Barnes Road to ensure that the development complied with the Council's requirement that new residential development be located within 400m of a bus stop. This contribution was paid, along with all financial contributions secured by the Section 106 Agreement, in February 2013 prior to the development starting.
5. This link was not shown on all of the plans approved as part of the subsequent planning application (10/00715/FUL) which is now being implemented (development of the site is nearing completion) and Bellway Homes agreed to submit a planning application for the footpath link (14/00904/FUL) which was received in September 2014.

6. During the course of the application it has been necessary to amend the design of the direct route of the footpath to ensure it is compliant with the Disability Discrimination Act (DDA). This has resulted in the footpath taking a significant amount of open space between Clarence Drive and Parkland Grove in order to achieve the appropriate gradients over the sloping site, the visual impact of which is likely to be significant. The consultation exercise undertaken as part of the application also revealed that there was a number of people who were opposed to the footpath and a number who were supportive of the proposals.
7. As an alternative it is proposed to redirect the financial contribution of the equivalent amount (circa £31,500) to be spent on public transport improvements in the locality (a breakdown of the work will be set out in the main body of the report) and to extend the existing dolomite path at the northern end of Clarence drive linking up with the footpath which runs through the woodland to the north west of the site.
8. A public meeting, organised by local ward members (Cllrs Culley and Stenson), was held on 1 October 2015 to seek the views of local residents on this matter prior to any decisions being taken. The meeting revealed once more that opinion on the matter was divided, however in light of the difficulties in providing the footpath as set out above, it is proposed that the Council will accept the financial contribution in lieu of providing the footpath, to be secured by a variation to the original Section 106 Agreement and the current planning application will be withdrawn. Local residents have been consulted once more on this proposal and any comments received will be reported verbally at the meeting.

### **Recommendation**

9. It is recommended that Members approve the variation to the Section 106 Agreement which will secure a financial contribution in lieu of providing the footpath link and that the developer extends the existing dolomite path.

**Ian Williams**  
**Director of Growth**

### **Background Papers**

No background papers were used in the preparation of this report.

Lisa Hutchinson : Extension 6487

## MAIN REPORT

### Information and Analysis

10. Consideration of the planning application (14/00904/FUL) to construct a footpath link between Clarence Drive and Parkland Grove has resulted in the need to amend the scheme to ensure that it is DDA compliant. The original proposal for a direct link across the area of open space between the two sites has been replaced with a scheme with a 'zig-zagged' appearance, incorporating handrails, landing areas and street lighting, taking up a significant amount of open space in order to achieve the necessary gradients across this sloping site.
11. A total of 21 responses to the planning application were received, with 7 residents objecting to the application and 14 in support showing that opinion on the proposal was divided. The objections to the proposal can be summarised as follows:
  - *Visual impact*
  - *Potential for anti-social behaviour and use by motorbikes*
  - *Footpath unnecessary and money better spent on play areas*
  - *Create an unwelcome thoroughfare through Clarence Drive*
  - *Encourage more dog walkers to park in Parkland Grove*

Support for the application can be summarised as follows:

- *Easy access to local amenities, shops and schools especially for wheelchairs and pushchairs*
  - *Access to open space/nearby countryside*
  - *Footpath shown on plans when purchased property.*
12. Officers consider the visual impact of such a proposal in its amended form, on an important area of open space on the edge of the urban area to be significant, having a harmful impact on the character and appearance of the area. Furthermore, it is considered that the majority of users of the path would not use the path in its entire length, taking the most direct route across the grass.
  13. Notwithstanding the purpose of the footpath, to ensure that the development is located within 400m of a bus stop, and the potential for the path to provide easier access to the green space and other local amenities, it is not considered that this would outweigh the significant harm to the visual amenity of the locality.
  14. As an alternative it is proposed to redirect the financial contribution of the equivalent amount (circa £31,500) to be spent on public transport improvements in the locality and to extend the existing dolomite path at the northern end of Clarence Drive linking up with the footpath which runs through the woodland to the north west of the site. Bellway Homes would construct this path themselves. The proposed improvements would include:
    - Dropped kerbs on Yiewsley Drive/Fulthorpe Avenue/Barnes Road/Edgecombe Drive,
    - New bus shelter at the outbound Mowden Shops bus stop and an NEDL connection for lighting of the shelter.
  15. A public meeting held on 1 October 2015 at Mowden Junior School, was organised by local ward members, Councillors Culley and Stenson, to seek local residents on this matter prior to any decision being taken. Although the meeting revealed that opinion on the matter was divided, in light of the difficulties in providing the footpath and the significant visual impact that is likely to occur as a result, on balance it is considered that the equivalent financial contribution to be spent of public transport improvements in the locality would be an

acceptable alternative in this instance. The extension of the existing dolomite path would provide access from Clarence Drive out onto the open space.

16. It is therefore proposed that the current application be withdrawn and that Members approve the variation to the Section 106 Agreement which will secure a financial contribution in lieu of providing the footpath link. Local residents have been consulted once more on this proposal and any comments received will be reported verbally at the meeting.