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**LOCAL PLAN: MAKING AND GROWING PLACES  
CONSULTATION RESPONSES TO PROPOSED  
RESIDENTIAL DEVELOPMENT AT BLACKWELL**

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**Responsible Cabinet Member – Councillor Chris McEwan,  
Economy and Regeneration Portfolio**

**Responsible Director – Ian Williams, Director of Economic Growth**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To seek members approval to allocate land for residential development, in the Blackwell area, into the Local Plan: Making and Growing Places Development Plan Document, including approval to the numbers and types of dwellings, approval to restore and enhance the parkland and approval to sell the development land for housing.
2. Subject to the allocation of land for residential development, to seek Members' approval to declare the land in question surplus to the Council's requirements and for the Director of Economic Growth in consultation with the Portfolio Holder to negotiate and conclude the sale of the land and any ancillary agreements.

**Summary**

3. As part of preparing the Local Plan, consultations were carried out on Draft Revised Housing Proposals for Blackwell from 17 July to 28 August 2015. Almost 175 written responses were received, and comments were also made by about 100 people who attended the drop-in event at Blackwell Grange Hotel on 22 July. The consultation was widely publicised, and responses were received from the public, local interest groups, and statutory consultees, among others.
4. The responses covered a variety of planning (and non-planning) issues. A summary list of all the comments received and the officer responses to the issues raised is set out in **Appendix 1**. Residents' responses ranged from opposition to any form of residential development on the Blackwell Grange parkland to support for the various development scenarios. Although the reasons vary in detail between sites, there are common threads around the potential impact on the setting of the grade II\* listed building (Blackwell Grange Hotel), local traffic, access difficulties, impact on the local amenity of adjacent properties, impact on wildlife levels, flooding and surface water drainage issues, loss of recreational open space, loss of views and impact on property values (although the latter two are not

planning reasons). Perhaps the largest number of objections was to the luxury apartments proposed along part of Blackwell Lane. Local residents also questioned the use of greenfield land for new housing while brownfield land lies vacant.

5. He4 is within the Blackwell Neighbourhood Area, where a Neighbourhood Forum is seeking to develop a Neighbourhood Plan which would become part of the Borough's Development Plan. A draft Neighbourhood Plan has not yet been produced or consulted on. However, discussions have centred on delivering accommodation for elderly people, providing community facilities and building at a higher density than that proposed by the Council. Given this early stage of preparation, and the importance of having a plan led approach to development in the area, the Council is continuing to plan for He4 until such a time that the Neighbourhood Plan has developed sufficiently to take over. A significant number of residents in the Blackwell Neighbourhood Area have expressed concerns about the content of the neighbourhood plan and the neighbourhood planning process, generally stating that they prefer the Council's proposals for low density executive housing.
6. The ability of existing community services, such as schools, GPs and hospitals to cope with the additional needs arising from new housing were also raised as concerns, with several respondents feeling that existing services were already overstretched.
7. There was widespread support for the proposals to restore and enhance the parkland and create new wildlife habitats.
8. Historic England received a request to have the land around the Hotel added to the Register of Parks and Gardens of Special Historic Interest in England, but declined to do so. Historic England has also been consulted on the revised proposals and responded with a qualified agreement in principle to the allocations, subject to the design, massing, density, and mitigation, which could be determined later, and also subject to the restoration/enhancement of the remaining parkland and sufficient public benefits.
9. The proposals to allocate land for residential development were considered by a Special Place Scrutiny Committee meeting on 17 September 2015. Members generally accepted the allocations but requested Officers to:
  - (a) undertake further research to ascertain the market requirements for luxury apartments suitable for older people and,
  - (b) give further consideration to the number and locations of allocated dwellings on He3.

## **Recommendation**

10. It is recommended that:-
  - (a) Members agree to the allocation of sites He1, He1(a), extended sites He2 and He3 and site He4 (located in Blackwell and Blackwell Grange) into the Local Plan: Making and Growing Places Development Plan Document.

- (b) Members agree that site He1 will comprise approximately 5 top-end executive houses and is likely to be accessed from Blackwell Lane via the existing rear access to the Blackwell Grange Hotel.
- (c) Members agree that, subject to further work to demonstrate that apartments are an appropriate design solution site He1(a) should comprise approximately 48 luxury apartments suitable for older people and is likely to be accessed from Blackwell Lane via the existing rear access to the Blackwell Grange Hotel.
- (d) Members agree that extended site He2 will comprise approximately 50 apartments suitable for older people, but this figure may be reduced if no acceptable solution to the Hotel car parking can be found and this site is likely to be accessed from Blackwell Lane via the existing rear access to the Hotel.
- (e) Members agree that extended site He3 will comprise approximately 22 dwellings in a mix of top-end executive housing and high quality housing and this site is likely to be accessed directly from Carmel Road South through an existing access.
- (f) Members agree that, until considerable weight can be attached to the Blackwell Neighbourhood Plan, site He4 will comprise approximately 55 dwellings in a mix of top-end executive housing and high quality housing and the site is likely to be accessed from Carmel Road South.
- (g) Members agree to the restoration and enhancement of the remaining parkland, the creation of new wildlife habitats and to increased public access.
- (h) Members agree that subject to the land identified in the report being allocated for residential development, the land be declared surplus to requirements and the Director of Economic Growth in consultation with the Portfolio Holder be authorised to negotiate and conclude the sale of the land and enter into any ancillary agreements.

## **Reasons**

11. The recommendations are supported by the following reasons:-

- (a) To offer high quality housing in a high quality environment.
- (b) To add clarity to the residential proposals.
- (c) To ensure that these important public benefits are not lost.
- (d) To achieve a Capital receipt and also provide funding for the restoration, enhancement and future maintenance of the remaining parkland.

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

## **Background Papers**

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

Bryan Huntley: Extension 6294

S17 Crime and Disorder	The Local Plan has a role in reducing crime through the design and location of development.
Health and Well Being	A key objective of Local Plan policies is to improve people's health and wellbeing by protecting and improving the economic, social and environmental conditions in the Borough.
Carbon Impact	A Sustainability Appraisal was carried out on the MGP Preferred Options. Achieving sustainable development is a fundamental objective of the Local Plan.
Diversity	An Equalities Impact Assessment was carried out on the MGPPPO.
Wards Affected	Park West
Groups Affected	All
Budget and Policy Framework	The land proposed for residential development is owned by the Council. Therefore, there is a potential capital receipt reflecting residential land values. However, this is not a material consideration in planning terms. The decisions made by Cabinet in relation to these sites will inform the Planning Policy Framework.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	The Local Plan reflects the spatial implications of the overarching aims of One Darlington: Perfectly Placed and the proposals for Blackwell accord with the adopted Core Strategy.
Efficiency	Not Applicable

## MAIN REPORT

### Information and Analysis

12. The Council has a statutory duty to prepare a Local Plan which should:-

- (a) translate national planning policy into local planning policy;
- (b) adopt a positive approach to considering development proposals to deliver sustainable development, particularly those that improve economic, social and environmental conditions.

13. The Council already has an adopted Local Development Framework Core Strategy which fulfils some of this, but to complete the local plan, it still needs to translate the strategic planning policies contained in the Core Strategy into more detailed policies for developers and local people.

14. To this end, the Council produced, and consulted on the Making and Growing Places Preferred Options document in the summer of 2013 which:

- (a) set out proposals for where new housing, businesses, shops, schools, sports facilities, roads and open space will be located in the Borough to 2026;
  - (b) set out which land, such as parks and playing fields, will be protected from development; and
  - (c) identified the different matters the Council will consider when determining planning applications.
15. The Preferred Options document also included proposals for 52 dwellings for top-end executive housing on the former Blackwell Grange Golf Course (sites He1-He4 shown on **Appendix 2**). The Core Strategy defines top-end executive housing as “housing set in its own grounds at a density of no more than 6 dwellings per hectare. It has four or more bedrooms, above average levels of garaging, security and privacy and individual, high quality designs and finishings. It comprises both new and older period homes.”
16. Following the 2013 consultation on these residential proposals, the planning objections to the proposed development mainly related to:-
- (a) The impact on the parkland setting of the grade II\* listed building (Blackwell Grange Hotel);
  - (b) The impact on wildlife, protected species and trees, and;
  - (c) Highways and access issues.
17. The Council gave a commitment to further consult on the development options for the site. Following the responses from residents, statutory consultees and house builders, a number of studies were undertaken to understand the site and its surroundings better. These studies covered the following topics:-
- (a) Topography
  - (b) Trees
  - (c) Wildlife
  - (d) Utilities
  - (e) Hydrology
  - (f) Highways and Access
  - (g) Noise and Contamination
18. These studies supplemented a previously published study on the significance of the setting of the Listed Building.
19. In addition, since the Preferred Options consultation, the Blackwell Neighbourhood Forum has been established and started work on a Neighbourhood Development

Plan for Blackwell. The Neighbourhood Plan area includes site He4 (see Map1). The Blackwell Neighbourhood Forum has indicated that they were interested in higher density development on He4 together with community facilities and housing for the elderly. In the Local Plan consultation, an opportunity was taken to put forward two alternative proposals on He4 (one at 30 dwellings and one at 55 dwellings) and proposed accommodation for the elderly on sites He1(a) and He2.

## **Community and Stakeholder Consultation**

20. On 15th July 2015, the studies were published along with two alternative master plans illustrating what could be developed on the former Golf Course, and land to the rear of the Hotel.

### **Key changes**

21. The key changes from the 2013 consultation to the 2015 consultation are:-

- (a) Land between He1 and He2 [He1(a)] is proposed for high quality, luxury apartments, some or all of which could be suitable for older people;
- (b) Site He2 has been extended into the walled garden behind the Hotel and is proposed for high quality, luxury apartments suitable for older people;
- (c) Site He3 has been enlarged at both ends, to make full use of the topography, and could include some dwellings at a higher density (12 per hectare rather than 6 per hectare);
- (d) Proposals for site He4 have been revised to include high quality semi-detached dwellings as well as the top-end executive housing. This would increase the numbers from 30 to 55 dwellings. The Council's proposals would be brought forward if the Neighbourhood Forum's proposals for higher density residential development stall, or fail to be accepted by local residents.

22. The revised proposals are illustrated on **Appendices 3a and 3b**.

### **What we did:**

23. Consultations were carried out on the revised proposals from 17 July to 28 August 2015. Prior to the start of the consultation, over 500 individual notification letters were sent to local residents. These were followed up by reminder letters which included a leaflet outlining the revised proposals. In addition, over 600 letters and 550 e-mails went out to statutory bodies, interested organisations and agencies who previously commented on the Local Plan, to notify them about the consultation. Site notices, referring to an exhibition event, were posted on the streets around the area. An exhibition was held between 14:30 and 18:30 on 22 July 2015, presenting the revised proposals and relevant extracts from the various studies. This exhibition was attended by Council Officers and by representatives from the consultants who undertook some of the studies to answer questions from local residents. A representative from the Blackwell Neighbourhood Forum was available to explain their proposals.

24. Items about the consultation and the planning issues covered in it were carried in The Northern Echo, before and during the consultation period. The consultation was also advertised in the Ward Councillors' newsletter. The documents and comments forms were available on the Council's website, at the exhibition event and at the Town Hall.
25. All letters, e-mails and publicity provided details of how to view the information and make comments, and included contact details to request hard copies.

### **Who got involved and what they said:**

#### **Local residents**

26. Almost 175 email/written responses were received and over 100 people attended the exhibition. The majority of responses were from local residents concerned about the impact of the potential housing on:-
- (a) Their homes/views/amenity;
  - (b) The local road network;
  - (c) The historic parkland;
  - (d) The protected trees;
  - (e) Nature and wildlife.
  - (f) Drainage
27. More detail and discussion on each of these appears at paragraphs 52-68 of this report. Responses were received in respect of all of the areas He1 to He4, and about the proposals overall and other general matters, such as the principle of development.
28. In relation to the land to the east of Carmel Road South, a significant number of residents object to any housing within the parkland setting of the grade II\* listed building, Blackwell Grange Hotel. They want to see the parkland preserved and restored for the enjoyment of future generations. A few weeks before the consultation period commenced, an application was submitted to Historic England to have the land around the Hotel added to the Register of Parks and Gardens of Special Historic Interest in England. Historic England has considered the application and has decided not to add the grounds of Blackwell Grange to the Register. Many respondents referred to the Archaeo-Environment Report, commissioned by the Council, on the significance of the setting of the Listed Building. This Report identified three zones of sensitivity. Zone 3 covers the area of the 17<sup>th</sup> Century, designed parkland. The Report states: "This area is most sensitive to change and no development should be pursued". Zone 3 also covers He1, He1(a) and the northern half of extended He3 (behind Grangeside). Residents were angry and upset that the Consultant's advice had been ignored or disregarded.

29. There was a significant level of adverse comment about the proposed apartments on He1(a) and on He2, questioning:
- (a) The appropriateness of this form of development in this location, given existing dwellings types and heights in the area;
  - (b) The evidence of need/demand for assisted living and elderly person's dwellings, with some suggesting that the need/demand for elderly accommodation was for bungalows instead. There was also some support for older persons' accommodation in apartment form, although it was pointed out that the elderly are unlikely to bring businesses to the area which was the original reason for the top-end executive housing proposals on this site. Some residents felt that the inclusion of apartments would be detrimental to the vision for 'high end executive housing' and will put off some 'high end' purchasers;
  - (c) The visual impact, particularly in winter, and potential for overlooking and overshadowing of 3 storey blocks;
  - (d) The capacity of Blackwell Lane and safety of any junction onto it, given the likely traffic generated. While several residents supported the use of the existing access to the rear of the Hotel, on Blackwell Lane, others thought that the proposed apartments would generate too much traffic for the one access.

Some respondents suggested alternatives, such as reducing the height to two storeys, or locating them differently within the site e.g. on the Grange Road side of the site adjacent to the Hotel's main entrance, and suggesting that there needed to be more than one access to the apartments' area.

30. In relation to He4 to the west of Carmel Road South, the responses received revealed divergent views. A few residents were against any development, but there were a significant number of responses that expressed a preference for the Council's proposals over those that were emerging through the neighbourhood planning process. Of those who supported the Council's proposals, the vast majority (61 residents) expressed a preference for the top-end executive option of 30 dwellings rather than the 55 dwelling option.

### **Statutory Consultees**

31. Responses have also been received from statutory consultees, Historic England, Highways England, Natural England and the Environment Agency.
32. Historic England advised that: "In summary the remaining parkland has historic and visual significance, but this contribution is markedly less than if it had survived intact or nearly so". HE advised that: "The greatest surviving contribution is the openness of land to the south, west and east of the Grange bordered for the most part with the traditional shelter belt that would have provided privacy and a sense of status. HE went on to say that: "The further erosion of the parkland through housing allocations does in no way support the setting of the Grange but it does reinforce an existing situation. Consequently the dis-benefits to the setting of the Grange should be considered alongside the potential benefits that could be gained by restoring the quality of the remaining landscape, and opening it up to the public."



33. Historic England advised that: “The nearer housing gets to the Grange the greater the negative impact upon setting and the more work done to its parkland the greater the potential benefit. Considering this, housing allocation He1 [including Site He1(a)] has the strongest impact on setting because the remaining parkland narrows in area here. Housing in He2 to the rear of the Grange needs to be viewed in the context of existing modern hotel extensions and the former walled garden. Design and density are perhaps the key aspects to consider here as well as preserving the small woodland walk, respecting its ephemeral character but using it to improve the amenity of the area. He3 provides the greatest distance from the Grange with sufficient landscape left to soften its impact.”
34. Historic England also advised that the boundary between housing and parkland is an important consideration and recommend that a softer transition between private garden and open parkland could markedly improve the quality of both and add to the marketability of the houses. Historic England pointed out that: “Paragraph 137 of the National Planning Policy Framework (NPPF) asks that local planning authorities consider opportunities to enhance the significance of heritage assets through the planning process. The opportunity definitely exists here and will need to be taken if the impact of the housing is to be lessened.”
35. Highways England’s concerns relate to the potential impact of the proposed residential development on the Strategic Road Network (A66 and Bland’s Corner Roundabout). The Council has commissioned a Transport Assessment and until that is complete Highways England cannot provide any advice other than that the network is already at capacity at the Roundabout, so the impact of the proposed residential development will require mitigation. Three potential housing densities (low, medium and high) have been assessed across the development sites with the main impact being from He4 and it is likely that the medium and high density build out rates would require a financial contribution to off-site highway works. The final off site highway works will be agreed in consultation with Highways England and Darlington Borough Council.
36. Natural England pointed out that: “The proposed housing sites are within (He2, He3 and He4) or adjacent (He1) to Blackwell Grange Golf Course Local Wildlife Site. Paragraph 17 of the National Planning Policy Framework states that “allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this framework.” The master plan for Blackwell should therefore seek to avoid significant harm to the wildlife site by directing development away from the most sensitive areas with mitigation considered only when this is not possible.” Natural England note that there is BAP Priority Habitat adjacent to the boundary of some proposed housing sites. The value of these areas and their contribution to the ecological network of local, national and internationally protected sites should be considered when locating new development. The Local Plan should, in accordance with paragraph 17 of the NPPF, encourage the preservation, enhancement and creation of priority habitats where these opportunities exist. He1, He2 and He3 are adjacent to BAP Priority Habitat.” Natural England stressed the importance of conserving and managing soils which should be valued as a finite and multi-functional resource. “Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver...”

Natural England pointed out that: “Proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.”

37. The Environment Agency confirmed that the site is located within Flood Zone 1 and is therefore at low risk of flooding. The Agency recommended that the existing ponds are retained for biodiversity purposes and additional ponds should be constructed for attenuation and designed to be beneficial for wildlife, particularly protected species found in the vicinity. The Agency also pointed out that development on this site could support the River Tees Rediscovered Project which seeks to reconnect people with the River Tees. The project aims to highlight the importance of the waterway as a national feature which has had a key role in moulding the physical and cultural development of the area.
38. The Durham Branch of the Campaign to Protect Rural England responded as follows: “The points we wish to make are:
  - (a) Whilst we would prefer all the land to remain as parkland we appreciate there must be some housing. However, we would prefer it if only some and not all the sites be allocated for housing.
  - (b) If there is to be housing it is preferred it is low density, low lying, high quality, executive housing in keeping with the parkland environment. It is noted that there is a Neighbourhood Plan in preparation concerning one of the sites and this process should carry great weight for that site.
  - (c) Currently the southern approach to Darlington along the A66 is very open and we would not wish to see this change. The closeness of the countryside to the town centre in the south is one of Darlington’s strengths.”
39. All the above comments refer to the general principle of development. However, some comments are specific to each site and these are described below. All comments, whether general or specific, have been recorded. **Appendix 1** provides a summary of the comments received, and an officer response to the issues raised. A full schedule of comments received is available on the Council’s website. <http://www.darlington.gov.uk/environment-and-planning/planning/planning-and-environmental-policy/making-and-growing-places/proposed-new-housing-for-blackwell-consultation/>

## Site-specific Comments

### Site He1

40. No additional comments to the general points described in paragraph 25 (a-f) were made on this site. Although not strictly related to the residential proposals on He1, a local resident expressed concerns about the impact of overflow parking on Blackwell Lane and Grange Road should Darlington Football Club be based at Blackwell Meadows.

## **Site He1(a)**

41. In addition to the general points described in paragraph 25 (a-f), comments were made specifically about the proposed apartments. These are mentioned in paragraph 28 above. Several residents suggested any housing here should be at no more than 6 dwellings per hectare.

## **Extended Site He2**

42. In addition to the general points described in paragraph 25 (a-f), comments were made specifically about apartments. These are mentioned in paragraph 28 above. Residents' other concerns included the long term impact of development on the Hotel's attractiveness/viability that would arise from the loss of car parking and the fitness centre that would be needed to deliver the Hotel's assisted living proposal. Concerns were also raised about where the displaced car parking from the walled garden would be located within the parkland.
43. The Hotel operators submitted representations in support of their proposals for assisted living apartments. The representation included the following points.
  - (a) An extra care/sheltered housing facility at He2 would help meet housing need (including Use Class C2), stimulate the housing market, provide facilities for the wider community and facilitate the long term retention of the Hotel.
  - (b) The area to the West of the hotel is considered to be the least sensitive and the statement of significance highlights the scope for the walled garden and former orchard to be brought back into use, including for residential use. Allocating He2 would bring heritage benefits by facilitating improvements to the listed buildings and removing unsympathetic developments in the walled garden.
  - (c) Impact on amenity would be limited due to screening, use of existing accesses and the 'extra care' proposal being a low traffic generator.
  - (d) The existing rear access to the Hotel would adequately serve the development of He2.
  - (e) The site compares favourably to others in terms of impact on ecology, specifically great crested newts.

## **Extended Site He3**

44. In addition to the general points described in paragraph 25 (a-f), residents also made the following points specifically in relation to extended site He3.
  - (a) None of the proposed access points received universal support. The objections either related to proximity to their house or adding to existing problems of congestion and access onto Carmel Road South.
  - (b) Concerns were raised about the impact on doctors' services and school places.

## Site He4

45. In addition to the general points described in paragraph 25 (a-f), residents also made the following points specifically in relation to extended site He4.
- (a) Non Forum members supported the Council's proposals for top-end executive housing, subject to adequate separation distances between the existing and new houses.
  - (b) The majority of those residents who expressed a preference between the two options put forward by the Council (30 top-end executive dwellings or 55 general housing dwellings), preferred 30 dwellings.
  - (c) While most residents supported top-end executive housing there was some support for bungalows and a suggestion that a mix of semi's, bungalows and detached would vary the scene to complement the Blackwell area.
  - (d) Briar Walk should not be used as a vehicular access to He4 but as a pedestrian access.
  - (e) The masterplan for option 1 (55 dwellings) should be reversed so that the cul-de-sacs would lie close to Carmel Road South, leaving fewer houses and roads near to Briar Walk and Briar Close so less crowded.
  - (f) There should be a green buffer between the existing houses on Briar Walk/Briar Close and the proposed new housing.
  - (g) Opening up the land to the public raised concerns about security to existing houses, anti-social behaviour and potential safety of young children having access to the existing pond.
46. He4 is included within the Blackwell Neighbourhood area, where a Neighbourhood Plan is being prepared by the Blackwell Neighbourhood Forum. The Council must support the Neighbourhood Forum in producing their Neighbourhood Plan and once the Neighbourhood Plan is 'made' it will form part of the Development Plan and must be used to help determine applications for planning permission for the area.
47. A draft Neighbourhood Plan has not yet been produced or consulted on. However, discussions have centred on delivering accommodation for elderly people, providing community facilities and building at a significantly higher density than that proposed by the Council. Due to the Blackwell Neighbourhood Plan's early stage of preparation and the importance of having a plan led approach to development in the area, the Council is continuing to plan for HE4 until such a time that the Neighbourhood Plan has developed sufficiently to take over. Representatives of the Neighbourhood Forum attended the Council's exhibition on 22 July 2015.
48. As part of the Council's consultation on development options at Blackwell, a significant number of communications from residents in the Blackwell Neighbourhood Area, expressed concern about various aspects of the Neighbourhood Planning process. Concerns were raised regarding the Forum's

proposals themselves, but also the way in which community engagement had been undertaken and the processes which have been used to reach and communicate decisions. Officers have raised these issues with the Forum's Steering Group and will continue to support the Neighbourhood Forum to ensure that the local community are engaged in the neighbourhood planning process in such a way that they feel informed and able to influence decisions on new proposals and appropriate governance arrangements are in place for decision making.

### **Parkland Restoration**

49. In addition to the general points described in paragraph 25 (a-f), residents also made the following points specifically in relation to the restoration of the parkland.
- (a) There was general support for the restoration and enhancement of the parkland, for the creation of new wildlife habitats and for increased public access.
  - (b) Alternative ways of funding the parkland proposals should be found which does not involve residential development.

### **Officer Comments**

50. **General Principle:** Although there remains substantial opposition from local residents to the principle of any residential development in the setting of the Listed Building, there appears to be a qualified acceptance of residential development on site He4, providing it reflected the Council's proposals and not the Neighbourhood Forum's proposals.
51. All of the statutory consultees who responded accepted the principle of residential development providing the impact of the development is minimised and mitigated. These included Historic England, Natural England and Highways England.
52. Most of the representations made raised detailed concerns which can be addressed through a Planning and Design Brief and/or at the planning application stage when more details are provided.
53. **The Local Road Network:** The findings of a Transport Assessment for all the proposed housing sites are still awaited. This document will review the impacts of the proposed residential developments under three scenarios – low, medium and high density.
54. In terms of access, highway and transport officer advice is that the existing access to the rear of the hotel could accommodate the proposed development on sites He1, He1(a) and He2 providing footways and a suitable pedestrian crossing are included. Although several residents were concerned about speeding on Blackwell Lane, the 85th percentile speeds at this point taken from recent DBC speed surveys is around 35mph which equates to a stopping sight distance of around 55m which can be achieved at this access.
55. In terms of access to He3, two alternative accesses were proposed as part of the consultation, one off The Spinney and one directly off Carmel Road South.

Following the consultation, the preferred access is directly off Carmel Road South through an existing access and across a Council owned depot (currently used for the storage of wheelie bins). The access point is currently within the 60mph speed limit. Therefore, any future access to a housing development would require the 30mph speed limit being extended to cover the new access point for highway safety reasons. Visibility to the south from this access is suitable for a 30mph limit. However, to the north, visibility is restricted by vegetation and would require the removal of some mature trees. Given the existing BT apparatus on the western side of Carmel Road South, the risk of discovering additional third party apparatus is high.

56. Access to He4 could be achieved from Carmel Road South. This preferred access provides adequate visibility. The access point is currently within the 60mph speed limit. Therefore, the 30mph speed limit would have to be extended to cover the new access point for highway safety reasons. Given the existing BT apparatus on the western side of Carmel Road South, the risk of discovering additional third party apparatus is high. The form of junction would need to be a Ghost Island T junction.
57. In terms of impacts on the local road network, this will be determined through the Transport Assessment. However, with minor improvements to existing accesses and a suitably designed new access to He4, all the sites are capable of being accessed to the required standards.
58. **The Historic Parkland:** The restoration and enhancement of the remaining parkland, the creation of new wildlife habitats and increased public access are crucial elements of the proposals for residential development. The restoration/enhancements will be paid for either through planning obligations attached to the planning permissions or from the capital receipts from the sale of the land for development. The revenue required to maintain the restored landscape and local nature reserve will come from an annual levy on each new dwelling, as successfully applied to dwellings at West Park. The restored and enhanced parkland will continue to provide the setting for the Listed Building. In addition, it will provide an attractive environment for the high quality dwellings proposed, create significant public open space and increase bio-diversity.
59. Alternative sources of funding have been investigated. However, either the parkland fails to meet the criteria for funding and/or the funding organisation requires a 5% contribution for schemes below £1 million or 10% for schemes above £1 million. In addition, revenue funding is time limited after which the scheme is required to be self-financing. Therefore, at present, the proposed residential development plus the levy from new residents is the only mechanism to guarantee funding for the restoration and enhancement of the remaining parkland, the creation of new wildlife habitats and increased public access. This is the best way, at the moment, of ensuring that the remaining parkland is enjoyed by future generations. However, if new opportunities emerge, alternative ways of funding the restoration and enhancement of the parkland should be considered, particularly to support ongoing maintenance and management that may otherwise fall short of target revenues if development does not progress as quickly or in the amounts being planned for.

60. **The Protected Trees:** Some residents were concerned that the existing trees located within the proposed development sites would be removed or damaged. The majority of the protected trees are located on the borders of the parkland and these will remain. However, Tree Preservation Orders are not intended to prevent felling forever. There are circumstances where felling a protected tree is acceptable, e.g. dead or dying trees in danger of falling down. However, any planning permission given would override any existing TPO's if their retention was incompatible with the permission granted. The TPO legislation does not limit planning, but is considered when looking at any application - and if removal of a tree is considered acceptable in the balance of the situation, authorisation can be given. However, there are a great many trees within the site that will not be subject to TPO's but are still high value trees. When assessing the trees generally on site, extra consideration is not given to TPO'd trees per se but every tree is assessed with regards its retention value both presently and in the future within a potentially different surrounding. Every tree from 6cm stem diameter and up is considered as a material consideration and all trees retained must be offered the same minimum of protection as recommended within BS5837 - whether Category A or Category C. The number of trees to be felled will be kept to an absolute minimum and remaining trees, including their root systems, will be protected during construction. It is illegal to cut down, top, lop, uproot, cut roots, wilfully damage or wilfully destroy a protected tree without the local planning authority's written consent.
61. It is recognised that the existing trees are a very important element of the area. The vast majority will be retained. The number felled will be kept to an absolute minimum and they will be protected from damage during construction. Any planning application for residential development will be assessed on this basis, together with all other planning considerations.
62. **Nature and Wildlife:** Residents were concerned that the residential development would destroy wildlife and/or their habitats, particularly those protected species found on site. The majority of the former golf course lies within an area at high risk of great crested newts and the remainder lies within a medium risk area. This does not prohibit development. However, future developers would have to obtain a licence from Natural England before development started. Developers would also have to submit a Phase II Habitat Survey with any planning application for development. The Phase II Survey aims to establish the size of populations of the protected species, to maintain conservation status and ensure that no statutory offence is committed during site development.
63. Natural England has set out specific requirements within its response and will maintain a watchful eye over the proposals for residential development. It can also exercise control at the planning application stage, not only as a consultee but also through the issuing or non-issuing of licences. With appropriately designed development and protection of wildlife during the construction phase, the impact on wildlife can be minimised. The proposals to create new wildlife habitats and increase public access will provide opportunities to enhance the character and local distinctiveness of the surrounding natural environment and bring benefits for the local community through access to and contact with nature.
64. **Homes/Views/Amenity:** Some residents were concerned about the loss in value of their homes. This is not a planning matter, and in any event, research

undertaken by London School of Economics found that prices of existing houses sometimes fell while construction was going on but once the developments were completed, the local areas generally moved with the market. Researchers could find no evidence of longer-term negative impacts.

65. Impact on a person's view is not a planning matter, though impact on an individual's amenity and the amenity of an area is. The residential amenity of existing and future residents will be considered as part of any detailed design and layout, at the planning application stage.
66. In response to residents' concerns regarding the apartments proposed on site He1(a), these are located approximately 40-45 metres away from the existing houses on Blackwell Lane and are separated by existing front gardens, the Lane itself and a belt of mature trees which will remain. This separation distance is twice the minimum of 21 metres normally required. The apartments would be a maximum of two and a half storeys which, at this separation distance is not going to create problems of overlooking or overbearing.
67. Leaving aside the impact on the parkland, it is generally accepted that putting high quality residential development next to existing housing will not detrimentally affect the amenity of existing residents. While the proposed apartments would change the views for existing residents, they would be far enough away not to cause problems with overlooking or overbearing.
68. **Drainage:** Environment Agency information shows that there is no flood risk affecting any of the development sites. However, there is some land that experiences surface water drainage problems. This is not a constraint to development, as maintaining greenfield rates of surface water runoff would be conditioned through the planning process. There is also a strong probability that the residential development would actually resolve the drainage problems as this would affect the saleability of the new house.
69. The Drainage Study demonstrates that there are several drainage solutions, including the opportunity to incorporate a sustainable drainage scheme (SuDS) within the remaining parkland; the latter would have the added benefit of providing additional habitat for the great crested newts and other species. Therefore, drainage is not an insurmountable problem and could actually be improved for existing residents through the new development.

### **Site He1**

70. There were very no specific points raised regarding site He1 and the general points have been covered in paragraphs 50-69 above. Therefore, there are no planning reasons why He1 should not be allocated for top-end executive housing in the Making and Growing Places Development Plan Document, subject to Historic England's agreement to a detailed scheme.

### **Site He1(a)**

71. The apartments proposed for this site will be at a height of 2.5 storeys, with units accommodated in the roof space, to reflect the heights of the existing houses on



Blackwell Lane. At this height and with the distance separating the proposed apartments from the existing dwellings, there will be no problems associated with overlooking or overbearing. This height will also keep the top of the apartments below the height of the tree belt between the existing houses on Blackwell Lane and the proposed apartments and result in them being effectively screened from the Listed Building by the existing trees between the two. In terms of the need for accommodation for older people, Darlington has an aging population and the Council's Supported Housing Strategy calculates that by 2025 there will be a requirement for an additional 163 Extra Care for sale units and an additional 981 Sheltered for sale units for people aged over 75. These figures do not include the needs of people below the age of 75. The clear message is there is a shortage of choice for people who want to purchase specialist elderly accommodation. In terms of traffic impact on Blackwell Lane, the existing access will need to be widened, including the cutting back of some trees and the removal of others. Early indications are that the traffic generated by the proposed development will not cause capacity problems on Blackwell Lane. However, the Transport Assessment will address this in detail.

72. There are no planning reasons why He1(a) should not be allocated for apartments in the Making and Growing Places Development Plan Document, subject to Historic England's agreement to a detailed scheme.

### **Extended Site He2**

73. Aside from the comments made by Historic England regarding design and density which would be addressed at the planning application stage, the main planning issue with the proposed development of extended site He2 is where to locate the displaced car parking from the walled garden. In terms of traffic impact on Blackwell Lane, early indications are that the traffic generated by the proposed development on He1, He1(a) and on this site, will not cause capacity problems on Blackwell Lane. However, the Transport Assessment will address this in detail.

74. There are no planning reasons why He2 should not be allocated for apartments in the Making and Growing Places Development Plan Document, subject to Historic England's agreement to a detailed scheme and subject to finding a satisfactory solution to the displaced Hotel parking.

### **Extended Site He3**

75. The illustrative proposals plan indicated two alternative preferred accesses to this site (one through the Spinney onto Carmel Road South and one directly off Carmel Road South. Neither drew universal support. However, following further consideration, the direct access off Carmel Road South will not affect existing residents from gaining access onto Carmel Road South and is more likely to be able to accommodate a distinctive entrance in keeping with the high quality of the proposed development.
76. There are no planning reasons why extended He3 should not be allocated for high quality housing, including top-end executive housing, in the Making and Growing Places Development Plan Document, subject to Historic England's agreement to a detailed scheme and any appropriate mitigation on Blands Corner Roundabout.

## Site He4

77. Although the majority of residents who commented on He4, expressed a preference for the Council's proposals, Members should note that these proposals are only put forward as a backstop should the Neighbourhood Plan be rejected or make insufficient progress. In terms of separation distances between existing and new houses, these will have to meet or exceed the adopted standards. As to the mix of dwelling types, the potential use of green buffers, pedestrian access from Briar Walk and the detailed layout, these would be addressed at the planning application stage. The majority of residents, who expressed a preference between the alternative layouts, preferred the 30 dwelling option. However, there are no planning reasons why the 55 dwelling option could not be developed.
78. There are no planning reasons why He4 should not be allocated for high quality housing, including top-end executive housing, in the Making and Growing Places Development Plan Document, subject to any appropriate mitigation on Blands Corner Roundabout.

## Special Place Scrutiny Committee

79. The proposals to allocate land for residential development were considered by a Special Place Scrutiny Committee meeting on 17 September 2015. Several residents spoke at the meeting. Three residents, representing the recently formed Blackwell Parklands Association, spoke against any residential development within the parkland setting of the Listed Building. Particular references were made to the strength of residents' opposition to development, the importance of Blackwell Grange Parkland as a major heritage asset for Darlington, a Statement of Significance of Blackwell Grange produced in 2012, the full site assessment of the parkland undertaken by Historic England, apartment blocks not being suitable for the area, car parking provision, flooding risks on Site He3 behind Grangeside, overstretched local services, residents' concerns not being listened to, and lack of sound evidence to demonstrate that development was the only way to secure future of heritage assets.
80. Friends of the Earth raised concerns over the loss of green spaces when there were sufficient brownfield site areas available for development.
81. A resident of Blackwell Lane raised concerns of Site He1(a) regarding the proximity of the proposed development to current premises, the loss of views if the development went ahead, lack of bus services in Blackwell Lane, Learner Drivers and Bikeability using the area, availability of alternative brownfield sites for development and the high density of the proposals.
82. Two residents, representing the newly formed group Blackwell Residents West, spoke against the proposal for 55 dwellings on He4 but supported the proposal for 30 dwellings. However, concerns were raised relating to increased traffic and pollution which could impact on the safety of the elderly and young children, local schools already being over-subscribed, GP Surgeries and Dental Practices struggling to cope with increased numbers, the character of Blackwell changing and questioned the need for apartments when there was 400 uninhabited apartments in

the Borough.

83. Members resolved:

- (a) That the consultation comments received and related Officer responses be noted.
- (b) That the following recommendations of Place Scrutiny Committee be forwarded to Cabinet when agreement will be sought to the site allocations, dwelling types for the Blackwell area and restoration and enhancement of the remaining parkland.
  - (i) That, in relation to Site He1, Place Scrutiny Committee endorses the allocation of top-end executive housing in the Making and Growing Places Development Plan Document, subject to Historic England's agreement to a detailed scheme;
  - (ii) That, in relation to Site He1a, Place Scrutiny Committee requests that further research be undertaken to ascertain the market requirements on the type of development for this site;
  - (iii) That, in relation to Site He2, Place Scrutiny Committee accepted the principle of older persons' apartments, subject to a satisfactory solution to the displaced Blackwell Grange Hotel car parking.
  - (iv) That, in relation to Site He3, Place Scrutiny Committee endorses a mix of top-end executive housing and quality housing but requests that Officers give further consideration to the number and locations of allocated dwellings; and
  - (v) That, in relation to Site He4, Place Scrutiny Committee endorses a density of between 30 and 55 high-end and executive housing.
- (c) That Place Scrutiny Committee welcomes the restoration and enhancement of the Parkland for increased public access and creation of new wildlife habitats for newts and bats.
- (d) That Place Scrutiny Committee notes that a Transport Assessment is to be undertaken to determine impact on the local road network but accepts that all sites are capable of being accessed to required standards.

84. The above resolution is subject to ratification when the draft minutes are presented to the next Place Scrutiny Committee meeting on 22 October 2015.

## **Conclusion**

85. This consultation attracted a lot of local interest, reflected in the volume of responses and the range of issues raised. In taking matters forward, the key messages that officers have taken from this consultation are:

- (a) A significant number of Blackwell residents do not want any development. As this consultation was to inform emerging local plan work, there will be an opportunity for those residents to state that view and make their case at a Public Examination of the local plan in due course. It is intended that a report to November Cabinet will outline the proposed local plan preparation timetable.
- (b) The comments received from Historic England, Natural England, Highways England, and the Environment Agency all accept the principle of development, subject to appropriate safeguards and mitigation. However, officers should be instructed to prepare a Planning and Design Brief to achieve high quality development appropriate to this setting and deliver the restoration and wildlife habitat improvements to the remaining parkland.
- (c) Strategic highway issues will be determined through the Transport Assessment which will also identify the likely improvements required to Bland's Corner Roundabout.
- (d) In terms of impacts on the local road network, this will be determined through the Transport Assessment. However, with minor improvements to existing accesses and a suitably designed new access to He4, all the sites are capable of being accessed to the required standards.
- (e) It is proposed that site He1 will comprise a maximum of 5 top-end executive houses and it is likely to be accessed from the existing access to the rear of the Hotel.
- (f) In relation to site He1(a), further work needs to be undertaken to demonstrate to Historic England that the apartments are an appropriate design solution which will have less of an impact on the setting of the Listed Building than top-end executive housing. It is proposed that site He1(a) will comprise approximately 48 apartments suitable for older people and is likely to be accessed from the existing access to the rear of the Hotel.
- (g) In relation to extended site He2, the principle of older persons' apartments is accepted, subject to there being an acceptable solution to the Hotel car parking. It is proposed that the extended site He2 will comprise approximately 50 apartments suitable for older people, but this figure may be reduced if no acceptable solution to the Hotel car parking can be found. This site is likely to be accessed from the existing access to the rear of the Hotel.
- (h) It is proposed that extended site He3 will comprise approximately 22 dwellings in a mix of top-end executive housing and high quality housing. This site is likely to be accessed directly from Carmel Road South through an existing access.
- (i) In relation to site He4, the Council will continue to support the Neighbourhood Forum to bring forward the Neighbourhood Plan in a timely manner, while also addressing residents' concerns regarding community engagement, communication and the proposals themselves. However, due to the Blackwell Neighbourhood Plan's early stage of preparation and the importance of having a plan led approach to development in the area, the Council is continuing to

plan for He4 until such a time that the Neighbourhood Plan has developed sufficiently to take over. Until then, it is proposed that the site will comprise approximately 55 dwellings in a mix of top-end executive housing and high quality housing. The site is likely to be accessed from Carmel Road South.

- (j) General support for the restoration and enhancement of the parkland, for the creation of new wildlife habitats and for increased public access should be noted and welcomed.
- (k) If new opportunities emerge, alternative ways of funding the restoration and enhancement of the parkland should be considered, particularly to support ongoing maintenance and management that may otherwise fall short of target revenues if development does not progress as quickly or in the amounts being planned for.

### **Financial Implications**

86. The land proposed for residential development is owned by the Council. Therefore, there is a potential capital receipt reflecting residential land values. However, this is not a material consideration in planning terms and Members should not take this into account in considering whether or not to allocate the land for residential development in the Making and Growing Places Development Plan Document.