

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

COMMITTEE DATE: 5 August 2015

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<b>APPLICATION REF. NO:</b>	<b>14/01304/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>24 March 2015</b>
<b>WARD/PARISH:</b>	<b>COLLEGE</b>
<b>LOCATION:</b>	<b>96 Carmel Road North</b>
<b>DESCRIPTION:</b>	<b>Demolition of existing buildings and erection of 35 no. retirement apartments with associated landscaping and parking (additional information received 23 March 2015 and additional bat survey received 10 July 2015)</b>
<b>APPLICANT:</b>	<b>MCCARTHY AND STONE RETIREMENT LIFESTYLES LTD</b>

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**APPLICATION AND SITE DESCRIPTION**

This application seeks planning permission for the erection of 35 no. one and two bedroom retirement apartments with associated access, landscaping and parking on the site of the former Raventhorpe School following the demolition of existing buildings. The development would comprise a total of 3 blocks positioned in an L-shape located in the centre and adjacent to the east boundary of the site. They would be constructed of a palette of brick, render panels under pitched tiled roofs. The blocks would range from 2, 3 and 4 storeys in height taking account in level changes across the site. Access to the site would be via the existing access in the north-west corner of the site off Carmel Road North. A new access would also be formed off Cleveland Terrace serving a small parking area in the south east corner of the site. A total of 37 no. car parking spaces are to be provided, 30 no. in the north west corner and 7 no. in the south east corner off the proposed Cleveland Terrace access.

The planning statement submitted with the application advises that the proposed apartments will be McCarthy and Stone's Ortus Homes retirement apartments, restricted to over-55s and providing accommodation with 24 hour careline links available in case of an emergency.

The details of each block are as follows:

- **Block 1**  
A part three-storey/part four-storey building located in the north east corner of the site facing the east site boundary, which will provide a total of 17 no. apartments. The building will have a maximum width of approximately 30 metres and will be approximately 21 metres deep. The four-storey element, located centrally within the block, would accommodate 2 no. apartments within the roofspace, and would have a ridge height of approximately 13.2 metres. The three-storey elements either side would have a

ridge height of approximately 10.4 metres. There would be balconies on east and west elevations.

- **Block 2**

Block 2 is a two storey L-shaped building adjoining the southern end of block 1, containing 6 no. apartments. It is to measure approximately 23.8 metres wide by 15.8 metres deep, reducing to 11.1 metres at its eastern end and will have a maximum ridge height of approximately 9.2 metres taking into account the level difference across this part of the site. There would be balconies on the south and east elevations.

- **Block 3**

Block 3 is a detached L-shaped building located immediately to the west of block 2, partially occupying the footprint of the main school building. It will provide 12 no. apartments over 3 storeys and would measure approximately 23.5 metres wide with a maximum depth of 21 metres at its western end reducing to 9 metres at its east end. It will have a height to ridge level of approximately 11 metres.

The application site is the former Raventhorpe School site located on the corner of Carmel Road North and Cleveland Terrace, which extends to approximately 1.65 hectares. The site is now vacant following the transfer of pupils to Yarm School in 2013. The site comprises the main school building and outbuildings which are located centrally within the site and the playground to the east which would be demolished to make way for the proposed development. The site is bounded by Carmel Road North to the west and by Abbey Infants School and grounds to the north and east. Two dwellings at 126 and 134 Cleveland Terrace are located to the south and south-east of the property respectively, with Cleveland Terrace bounding the remainder of the site to the south.

The site is enclosed on all boundaries by mature trees and the site is covered by a Group Tree Preservation Order 1959 No. 1. A Tree Report has been submitted with the application. The school building is not listed and lies just outside of the West End Conservation Area boundary. The site is however considered to be a non-designated heritage asset and a heritage statement has been submitted with the application. The following additional information has been submitted in support of the application:

- Planning Statement;
- Design and Access Statement;
- Phase 1 and 2 Site Investigation Reports;
- Transport Assessment;
- Ecology Report including further bat surveys;
- Drainage Assessment;
- Viability Assessment;
- House and Care Needs Report;
- Statement of Community Involvement.

## **PLANNING HISTORY**

There is no recent planning history relevant to this application.

## PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

### **Saved Policies of the Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E13 – Tree Preservation Orders
- H19 – Special Care Accommodation

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

- CS1 – Darlington’s Sub Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

Revised Design of New Development Supplementary Planning Document 2011

National Planning Policy Framework

## RESULTS OF CONSULTATION AND PUBLICITY

**Highway Engineer** – The Transport Statement (TS) summarises the key points and demonstrates that the proposed use would generate less traffic than if the school were to reopen with associated parent car trips picking up/dropping off children, especially around the AM and PM peak periods. The peak period for this type of over 55s development is generally 11am – 12 noon which coincides with marginally lighter traffic flows on the surrounding highway network than during morning and afternoon peaks. It has been shown that based on 35 no. retirement flats that in a 12 hour period around 66 vehicle trips (33 in and 33 out) would be associated with the development with a maximum of 8 vehicles in a 1 hour peak period. This therefore show that the application would not pose a detrimental impact to the highway network. The Tees Valley Design Guide does not include a category for over 55 retirement flats, therefore external data has been used from existing country wide surveys at similar developments and this shows a worst case scenario requires 1 parking space per flat. 37 parking spaces have been provided for 35 flats which seems to be a reasonable provision. Works will be required within the adopted highway to construct new vehicle access points and block up redundant accesses. Any damage to the adopted footway should be made good as part of the development and should be secured by condition. Therefore raise no highway objection to the proposal, subject to conditions requiring the submission of a construction management plan and details of a retaining wall to secure a landslip on Cleveland Terrace.

**Transport Policy** – The site has limited accessibility with only 2 bus routes serving the area. Therefore expect a public transport contribution as set out in the Planning Obligations SPD. The TS also identifies there are good cycling infrastructure links from the development. As such

sufficient cycle storage facilities should be provided for residents. The footway to the south of the Carmel Road North entrance should also be designed as a shared use cycle/footway in order to give residents direct off-road access to the Toucan crossing on Carmel Road North and the Hummersknott cycle route. Also request sight of the Green Travel Plan.

**Environmental Health Officer** – Recommends that standard land contamination condition be attached, together with conditions requiring the submission of a demolition and construction management plan, a scheme to protect the properties from road traffic noise and noise from plant and machinery, details of any external lighting and details of piled foundations, if they are to be used.

**Northumbrian Water** – No issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted ‘Drainage Evaluation’ dated December 2014. Would therefore request that the drainage evaluation forms part of the approved documents as part of any approval and the development to be implemented in accordance with this document.

**Lead Local Flood Authority** – The proposed development is in Flood Zone 1 and is at low risk from flooding. The Environment Agency’s Surface Water Flood map indicates that the site is not at risk from surface water flooding. This is a brownfield site and NWL have agreed discharge rates in to their foul and surface water drainage systems. The proposed development will not increase the existing impermeable surface area. NWL have limited the discharge rate into their system to 11l/sec this equates to a reduction of two thirds of the existing discharge rate. Due to the restricted discharge rates storage will be required to ensure surface water runoff is contained within the drainage system up to the 1 in 30 year storm event and surface water runoff must be contained within boundaries of the proposed development for all subsequent storms up to and including the 1 in 100 year storm event. Details of the surface water management plan have not been provided by the applicant therefore request a condition to address this issue.

**Northern Gas Networks** – No objections to the proposals.

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

- *This application will undoubtedly create a good deal of traffic at and near the site. Concerned that there will possibly be inconsiderate parking in Carmel Gardens that could restrict access for residents and for emergency vehicles. Many of the residents are elderly and therefore at risk;*
- *Not against residential development of the site but consider the villa should be converted not demolished;*
- *Vehemently against any plans to provide vehicular access off Carmel Road North. This is against Council policy to allow any more vehicle access of Carmel Road North;*
- *I know what it is like to drive in/out of my property. Why not have the vehicular access of Cleveland Terrace to ‘dilute’ the traffic and pedestrian access off Carmel Road.*

A letter of objection has been received from Councillor Charles Johnson the main points of which are summarised below:

- *Strong objections in respect of vehicular access and demolition of the existing building.*

A letter of representation has been received from Councillor Ian Galletley the main points of which are summarised below:

- *As Ward Councillor support the redevelopment of the site and the ever-welcome arrival of more varied housing;*
- *Most commonly expressed criticism by ward residents of the proposal is the apparent insensitivity to local concern about road safety;*
- *The main danger of the proposals would be that caused by vehicles crossing lanes to turn right out of the development or right when going north and turning into it;*
- *Suggested to the developers that alternative access arrangements would end all local opposition, but the well-attended consultation meetings at Elm Ridge do not seem to have led to any appreciable change;*
- *Failure to acquire the contiguous bungalow on Cleveland Terrace and to utilise the existing access beside that property for cars has limited the possibilities to an unfortunate extent.*

## **PLANNING ISSUES**

The main issues relevant to consideration of this application are as follows:

- Planning Policy
- Loss of Non-Designated Heritage Asset
- Visual and Residential Amenity
- Access and Highway Issues
- Trees
- Ecology
- Contaminated Land
- Drainage
- Statement of Community Involvement

### **Planning Policy**

The site lies within the development limits of the urban area of Darlington, as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997 and in terms of its location complies with Saved Policy E2 (Development Limits) and Core Strategy Policies CS1 (Darlington Sub Regional Role and Locational Strategy) and CS10 (New Housing Development).

The proposed apartments would be for sale on the open market with occupation restricted to persons 55 and over, to be controlled by planning condition. The apartments are all self-contained and there is no significant element of care provided, although the apartments would be connected to a 24-hour Careline alarm facility in case of an emergency. There would be a concierge on call and an officer facility on site, with regular visits, in addition to an entrance lobby and a CCTV entry system. These units would clearly fall within Use Class C3 (dwelling houses). While this is likely to have an impact on the parking demand within the site, which will be considered later in this report, irrespective of the use class the principle of the proposed development is considered to be acceptable in this location.

Given the scale of the development proposed, contributions towards affordable housing, sustainable transport and greenspace would be required in accordance with the Core Strategy

Policy CS3 (Promoting Renewable Energy) requires that for schemes of 10 dwellings or more at least 10% of predicted energy supply will be provided on site unless it can be shown that it is not feasible or viable to do so. Where it can be demonstrated that the required percentage of renewable energy supply cannot be delivered on site, a contribution to a carbon management fund will be required to be invested in off-site renewable energy and/or energy efficiency projects in the Borough.

Policy CS4 (Developer Contributions) and the Planning Obligations Supplementary Planning Document (SPD). A development appraisal has been undertaken and submitted with the application which identifies that the proposed scheme cannot make any contribution towards the provision of affordable housing or any other financial contributions which may be sought without affecting the financial viability of the scheme. This has been independently verified and the viability assessment carried out agrees with the findings of the development appraisal and concludes that the proposed development is '*insufficiently profitable to enable any contribution to be made towards affordable housing or any other planning obligations*'.

### **Loss of Non-Designated Heritage Asset**

The former school building is not listed and lies outside of the adjacent West End Conservation Area boundary. Paragraph 135 of the National Planning Policy Framework (NPPF) however requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. Non-designated heritage assets are Darlington's locally significant buildings, monuments, sites, places, areas or landscapes identified by the Council as Local Planning Authority. The Council does not have a Local List although has an agreed set of criteria which has been guided by English Heritage guidance and criteria used by other Local Planning Authorities. Based on these criteria, Raventhorpe is considered to be a non-designated heritage asset on the basis of its age, understood to be mid-Victorian built between 1860 and 1890 and being the only Victoria villa on Carmel Road that remains with its original curtilage almost intact; it is representative of Victorian villages along Carmel Road North, including Thornlea, Greystones, Osborne Villa and Danesmoor and its historical association with owner and resident Charles Dixon, founder of the Cleveland Car Company in 1898, the first such business in the Borough.

Whilst the NPPF does not promote substantial protection for non-designated heritage assets, they are a material consideration in determining planning applications. Paragraph 135 of the NPPF continues that '*in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*'. The proposal would result in the loss of this non-designated heritage asset. The Heritage Statement submitted with the application argues that the building is not a non-designated heritage asset, because it is not old enough and because it does not feature on a Local List. While the Council does not have a Local List, it does have an agreed set of criteria upon which to identify non-designated heritage assets. The Heritage Statement does however conclude that if the building were deemed to be a non-designated heritage asset the building has low heritage significance due to its age, its lack of any distinguishing or original design or architectural features and the extent of alterations that have taken place to the building which have eroded its original character.

Further information has been received which advises that consideration was given to the conversion and extension of the existing building, however due to the constraints of the site this would have limited the number of units on the site to 23 no. which would not be commercially viable. Furthermore, the existing building could not easily be converted to provide level access

and would need to incorporate a lift shaft which would be cost prohibitive for the number of flats proposed and would also need to penetrate the roof. Additional internal alterations to the layout and to widen stairs and corridors to provide the older-persons housing would also be cost-prohibitive.

While the conversion of the building which would ensure the retention and re-use of the building would be welcome, in this instance it is accepted that the building is of limited significance due to the extent of alterations that have been made to it and the contribution it makes to the character and appearance of the surrounding area. Furthermore, the agent has confirmed that conversion of the building was considered but the extent of alterations proposed to provide older persons' accommodation would render the proposal economically unviable. Taking a balanced view as paragraph 135 of the NPPF requires, it is not considered that the loss of the building in this instance would conflict with the aims of NPPF.

### **Visual and Residential Amenity**

Policy CS2 (Achieving High Quality, Sustainable Design) states that high quality, safe, sustainable design will be promoted in all new development, specifically reflecting or enhancing Darlington's distinctive, natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. Policy CS14 (Promoting Local Character and Distinctiveness) requires that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced. The Council's Revised Design of New Development Supplementary Planning Document (Design SPD) also provides guidance for the design and layout of new development including proximity distance between existing and proposed dwellings. While Policy CS2 and the Design SPD require that new dwellings be constructed to Code for Sustainable Homes Level 3, this was abolished by the Coalition Government in March 2015 and no longer applies.

The application site is well enclosed on all boundaries by mature trees, the majority of which are to be retained as part of the development. The main school building is an attractive two and a half storey brick and tile hung building, under a slate roof, located centrally within the site, with associated brick built outbuildings and other temporary structures within the grounds. Due to the enclosed nature of the site views of the buildings from outside of the site are, however, limited. The surrounding area is characterised by a variety of different building styles and materials, with a modern school building located to the east with the residential area beyond being characterised by a mix of modern and older housing stock of predominantly brick and render construction.

The proposed apartment blocks are to be constructed predominantly of brick with some additions such as balconies and render panels to break up the elevations, under pitched tiled roofs. The design of the proposed apartment blocks has been revised prior to the submission of the application in response to concerns that the previous scheme did not respect the character and appearance of the buildings which they are to replace or that of the wider surrounding area in terms of its contemporary design, form, massing and use of materials in this suburban location. Although the proposed apartment blocks would not be readily visible from views outside of the site, the current proposal is considered acceptable in terms of its design and use of materials better reflecting the building they are to replace, the character and appearance of the surrounding area and reinforcing local distinctiveness.

For the purposes of the Design SPD the site is located in Zone 3 (Inner Suburban). The SPD advises that three storey development is acceptable within the area. Blocks 2 and 3 are to be two and three storeys in height respectively. The submitted drawings show that Block 3, which is to be partially located on the footprint of the main school building, will be comparable in height to the existing building. Although Block 1, which is to be located adjacent to the east boundary of the site, will be part three-storey and part four-storey in height, this building is to be sited on a lower part of the site with 2 no. apartments within the roofspace and further apartments accommodated within a lower ground floor, set into the ground. The four storey element would be limited to a central section of this building, which will not be unduly prominent in the surrounding area. As such it is not considered that this element will have an unacceptable impact on the character and appearance of the surrounding area.

The site is bounded by school playing fields and grounds to the north and east and by Carmel Road North to the west and Cleveland Terrace to the south. There are however two existing dwellings at 134 and 126 Cleveland Terrace to the south east of the site that could be affected by the proposed development. Block 2, a 2-storey development, will be sited directly to the north (rear) of the existing property at 134 Cleveland Terrace at a separation distance of approximately 18 metres. The proximity distance guidelines between existing and proposed dwellings are contained within the Design SPD and states that there should be a minimum distance of 21 metres between habitable rooms and 12.5 metres between habitable rooms and non-habitable rooms (or black gable ends). These distances have been adopted to ensure the amenities of the neighbouring properties are not affected from loss of privacy or overlooking.

Block 2 would be sited approximately 1 metre above the lowest part of the property at 134 Cleveland Terrace, a bungalow, at a separation distance of approximately 18 metres. The south elevation of Block 2 contains kitchen windows, a ground floor entrance door and a first floor stairwell window above. There are also two balconies, one each at ground and first floor, which would have an oblique relationship with the existing dwelling at 134 Cleveland Terrace. As kitchen windows are not considered to be habitable rooms then the separation distance of 18 metres would comfortably exceed the 12.5 metre separation distance between principal and non-principal elevations, taking into account the slight level difference between the two properties. Block 2 would be sufficiently distant from 126 Cleveland Terrace so as not to be affected by this property in terms of overlooking or loss of light or outlook.

The proposed new access would run between the existing dwellings at 134 and 126 Cleveland Terrace on the site of a former pedestrian access to the school. Although the proposed new access will introduce additional noise and activity which could potentially result in disturbance to these properties, given that this will serve a small parking area of 7 no. spaces it is not considered that this would have such a harmful impact upon the amenities of these properties so as to recommend refusal of the application on this basis.

The layout of the apartment blocks is such that there will be no direct overlooking between the proposed apartments. Communal gardens are to be provided within the grounds to serve the apartment and as such there will be no private garden areas created. A communal refuse storage area would be created within the main car park serving the development.

Due to the proximity of the site to surrounding residential properties the Environmental Health Officer has requested that a condition be attached requiring the submission of a construction management plan to provide a dust assessment report, methods for controlling construction noise and proposed hours of construction for approval prior to the commencement of development.



As the proposed apartments are to be located near to a main road a condition is also attached requiring the submission of a scheme for the protection of the apartments and the communal garden area from road traffic noise. A condition limiting noise from any plant or machinery, such as air conditioning units is also attached to protect the amenities of future residents of the development. The agent has confirmed that there will be no lighting attached to the building, low level bollard lighting will be installed to limit the effect of light spill both on the surrounding area and to protect bats.

### **Access and Highway Issues**

The existing access off Carmel Road North in the north-west corner of the site is to be upgraded to provide the main access to the development. It is to be 6 metres wide with footways linking into the surrounding pedestrian infrastructure and has been designed to cater for larger refuse and delivery and service vehicles. It will also provide access to a total of 30 car parking spaces centrally within the site. A new access is also to be created on Cleveland Terrace to the south which will provide access and parking for a total of 7 cars, making a total parking provision on site for 37 vehicles.

A Transport Statement (TS) has been submitted with the application which reviews the potential impact of the development on the local highway network. The TS demonstrates that the proposed use would generate less traffic than if the school were to reopen with associated parent car trips picking up/dropping off children, especially in the AM and PM peak periods. The peak period for this type of over 55s development is generally 11am-12noon which coincides with marginally lighter traffic flows on the surrounding highway network than during morning and afternoon peaks. The TS shows that this type of development would generate around 66 vehicle trips (33 in and 33 out) over a 12 hour period, with a maximum of 8 vehicles in a 1 hour peak period. As such it is not considered that the application would pose a detrimental impact on the highway network.

In terms of car parking, the Tees Valley Design Guide does not include a category for over 55s retirement flats, therefore external data has been used from existing country-wide data for similar development which shows a worst case scenario of 1 parking space per flat. On the basis that the application proposes a total of 37 spaces for 35 flats, this is considered to be an acceptable provision.

The Highway Engineer accepts the finding of the TS and subject to conditions requiring the submission of a construction management plan, the submission of details of works to the two accesses and the installation of a retaining wall to contain a landslip on Cleveland Terrace, no highway objection is raised.

The Council's Transport Policy Officer has requested a contribution towards sustainable transport and towards the upgrading of the footway to the south of the Carmel Road North access to a shared cycleway/footway. The viability assessment submitted with the application however advises that the proposal is not sufficiently profitable to make any contributions under Section 106 Agreement. Conditions requiring the submission of a Travel Plan and for the provision of secure cycle parking on the site are however attached.

### **Trees**

Trees on the site are protected by a Group Tree Preservation Order 1959 No. 1 (A2). A Tree Report has been submitted with the application. Core Strategy Policy CS15 (Protecting and

Enhancing Biodiversity and Geodiversity) states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered by protecting and enhancing healthy ancient woodland, mature trees, street trees, hedgerows and community forest. Saved Local Plan Policy E12 (Trees and Development) also requires that new development proposals take full account of trees, woodlands and hedgerows on and adjacent to sites, avoiding where possible the need to remove trees.

It will be necessary to remove a number of trees from the site to make way for the proposed development, particularly around the access off Carmel Road North to accommodate the widened access and to achieve the appropriate visibility splays and also to accommodate the new development within the site. The proposed new access off Cleveland Terrace would also be within the root protection area (RPA) of trees within the curtilage of the neighbouring property at 134 Cleveland Terrace which are protected by the same Group Tree Preservation Order.

The main amenity value of trees on the site lies in those trees around the periphery of the site which are readily visible and therefore contribute to the character and appearance of the surrounding area. Trees within the site are generally considered to have a lesser amenity value due to their limited visibility in the wider area. The removal of trees around the periphery of the site will be limited to those around the access area and the tree report identifies that the majority of these trees are of moderate and low quality. A further 10 trees would be removed from within the site; a total of 5 trees centrally within the site to make way for blocks 1 and 2 and 5 adjacent to the east boundary to make way for the proposed residents car park. These trees are identified as being of moderate quality.

Subject to conditions requiring the submission of a landscaping condition and details of tree protection measures it is not considered that the loss of trees to accommodate the proposed development would adversely affect the amenity of the surrounding area or be contrary to the requirements of Policy CS15 or Saved Local Plan Policy E12.

### **Ecology**

An extended Phase 1 Habitat Survey has been carried out and submitted with the application and further bat presence surveys of all those buildings to be demolished have also been undertaken. Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) seeks to ensure that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development.

The bat presence surveys confirm that two bat roosts were discovered, one in the former school building and one in the two storey outbuilding to the rear. A potential third roost was also identified in a chimney breast in the former school building. A number of nesting pigeons were also discovered in the buildings. On the basis of this information, the survey recommends that a European Protected Species licence will be required from Natural England to demolish the buildings in which the bat roosts have been discovered. In addition bat boxes will be placed on mature trees to be retained within the development to reduce the impact of the development by providing alternative roost locations within the site. Bird boxes will also be included within the development to offset the loss of bird nesting opportunities within the buildings and building and vegetation removal will take place outside of the bird nesting season. Subject to a condition requiring these mitigation measures to be carried out in full, the proposal is considered to comply with the requirements of Policy CS15.

**Contaminated Land**

A Phase 1 and 2 Site Investigation has been submitted with the application. The Environmental Health Officer has recommended that the standard land contamination condition be attached requiring that the site be subject to further intrusive investigation and remediation. A further condition is attached requiring the submission of details for approval if piled foundations are to be used.

**Drainage**

A Drainage Assessment has been submitted with the application which advises that foul sewage and surface water will be discharged to the public sewer, with surface water restricted to a discharge rate of 11 litres per second by the installation of a surface water attenuation tank within the site. Northumbrian Water has no objection to the application on the basis that the development is carried out in strict accordance with the Drainage Evaluation.

As the site is located in Flood Zone 1 and is greater than 1 hectare the Environment Agency's Standing Advice requires that a Flood Risk Assessment be submitted with the application. The Standing Advice does not however require the EA to be consulted on such applications although advises that major development proposals should be referred to the local flood authority. The Lead Local Flood Authority has advised that the site is at low risk from flooding and is not at risk from surface water flooding. The proposed development will not increase the existing impermeable surface water area. A condition requiring the submission of a surface water management plan is attached.

**Statement of Community Involvement**

Pre-application consultation has been undertaken by the applicants prior to the submission, in accordance with the guidelines set out in the Council's Statement of Community Involvement document. The findings of this consultation event have been set out in the Statement of Community Involvement submitted with this application. Overall the feedback was generally positive with concerns being raised regarding access to the site. The SCI advises that the Transport Statement addresses issues regarding access and parking.

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

The proposed development has been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. The proposed development does not give rise to crime and disorder issues.

**CONCLUSION**

The site is considered to be suitable for residential development given its location within development limits for the urban area of Darlington and its compliance with locational policies Saved Local Plan Policy E2 (Development Limits) and Core Strategy Policies CS1 (Darlington's Sub Regional Role and Locational Strategy) and CS10 (New Housing Development). Although the proposal will result in the loss of a non-designated heritage asset, the applicant has advised that the conversion of the building would not be economically viable. Furthermore, the significance of the asset in terms of its age, the extent of alterations that have been made to the building and the contribution it makes to the character and appearance of the surrounding area is considered to be limited, such that the loss of the building would not conflict with the aims of paragraph 135 of the NPPF.

The site is located within an existing residential area and the proposed development is considered to be compatible with the character and appearance of that area in terms of its scale, density and design without adversely impacting upon the living conditions of those existing dwellings. Similarly appropriate standards of residential amenity can be achieved for the proposed dwellings. The Highway Engineer has raised no highway objection to the proposal in terms of access and parking arrangements. Subject to conditions the proposed development is also considered acceptable in terms of all other issues of development management.

### **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. B5 (Development in accordance with approved plans)
4. B9 (Means of enclosure)
5. The apartments hereby approved shall not be occupied by persons other than persons aged 55 years or over.

REASON – To ensure that the apartments are occupied in accordance with their C3 (dwelling house) classification.

6. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interest of residential amenity.

7. J2 (Land contamination)
8. Prior to the commencement of the development hereby permitted, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
  - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place. The Dust Assessment Report should follow the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014 and associated guidance where appropriate, and other relevant guidance if required;
  - (b) Methods for controlling noise and vibration during the demolition and construction phases and should follow guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009 and other relevant guidance if required;
  - (c) The proposed hours of working;

(d) Wheel washing facilities;

(e) Vehicle routes for construction traffic, road maintenance and signage.

Thereafter the development shall be carried out in complete accordance with these details as approved.

REASON – In the interest of residential amenity and highway safety.

9. Prior to the development hereby approved being commenced, a scheme for the protection of the proposed residential accommodation from excessive road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings of a noise impact assessment undertaken at the site and shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55 dB(A) LAeq (or as close to this value in garden areas as reasonably practicable), in garden areas and individual noise events not to exceed 45 dB LAFmax in bedrooms. Any works which form part of such a scheme shall be completed in accordance with the approved scheme prior to any part of the development being first occupied or used.

REASON – In the interest of residential amenity.

10. The Rating Level, as defined by BS4142:2014, for new mechanical services associated with the development should be at least 5dB below the daytime and night time background noise levels at any surrounding residential property unless otherwise agreed in writing by the Local Planning Authority. If necessary, the day time and night time background noise levels shall be measured by a person or company suitably qualified and experienced in the assessment of environmental noise, to be appointed by the applicant, and the results submitted to and agreed in writing with the Local Planning Authority. Details shall be submitted to show that this noise standard will be achieved.

REASON – In the interest of residential amenity.

11. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – To avoid any contamination of groundwater and in the interest of residential amenity.

12. Prior to the commencement of the development, precise details of works within the public highway on Carmel Road North and Cleveland Terrace shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of new access junctions, dropped kerbs, tactile paving, visibility splays and the blocking up of existing access junctions and making good of the footway. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety.

13. Prior to occupation of the development a retaining wall should be installed to prevent the internal ground falling away onto the adopted highway of Cleveland Terrace near to the

junction of Carmel Road North due to the difference in ground levels between the internal and external site. Any damage to the existing footway should be made good and approved by the Local Planning Authority.

REASON – In the interest of highway safety.

14. Prior to occupation of the development hereby approved secure covered cycle parking shall be provided in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking shall remain available to serve the development.

REASON – In order to ensure that the development is accessible by means of transport other than the private car.

15. Prior to occupation of the development hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the Travel Plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

REASON – In order to deliver sustainable transport objectives.

16. E11 (Tree Protection)

17. E3 (Implementation of submitted landscaping scheme)

18. The development hereby permitted shall be implemented in full in accordance with the recommendations in the Drainage Evaluation by Howarth Associates dated December 2014.

REASON – To reduce the risk of flooding to the proposed development.

19. Surface water discharges from the site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Final details of an appropriate surface water drainage solution shall be submitted to and approved by the Local Planning Authority before development commences and the development shall be completed in accordance with the approved scheme. Discharge rates from the site will be restricted to 11l/sec which have been previously agreed with Northumbrian Water. There should be sufficient storage within the system to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or a watercourse. Micro Drainage design files are required to be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event should also be provided.

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area.

20. The development shall be undertaken in accordance with the mitigation measures set out in the 'Bat Presence/Absence Survey' dated 10 July 2015.

REASON – In the interest of protected species which are present on the site.

### **INFORMATIVES**

The applicant is advised that works are required within the public highway to construct new vehicular accesses and block up an existing access and contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Brannan 01325 406663) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute these works.

The applicant is advised that contact must be made with the Assistant Director – Highways, Design and Projects (contact Ms P Goodwill 01325 406651) to discuss naming and numbering of the development.

### **THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:**

#### **Saved Policies of the Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E13 – Tree Preservation Orders
- H19 – Special Care Accommodation

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

- CS1 – Darlington's Sub Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

Revised Design of New Development Supplementary Planning Document 2011

National Planning Policy Framework 2012