

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 July 2015

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APPLICATION REF. NO:	15/00030/FUL
STATUTORY DECISION DATE:	27 March 2015
WARD/PARISH:	PARK WEST
LOCATION:	Site of Former Blackwell Grange Golf Club, Briar Close
DESCRIPTION:	Demolition of existing golf clubhouse and erection of 3 no. detached dwellings (additional ground gas assessment report received 2 March 2015)
APPLICANT:	MR JOHN LEE

APPLICATION AND SITE DESCRIPTION

This is a detailed application which seeks planning permission for the erection of 3 no. detached dwellings, access and garages on the site of the former Blackwell Grange Golf Club following demolition of the clubhouse and adjacent bungalow. One dwelling (plot 1) would be built in the north west corner of the application site infilling a gap between existing buildings on Blackwell with access to this dwelling taken off Blackwell. The remaining two dwellings (plots 2 and 3) would be built roughly on the site of the former club house and bungalow facing east across the former golf course. Access to these two properties would be taken from Briar Close to the south of the site.

The details of each of the proposed dwellings are as follows; the details of Plot 1 have been amended since the application was submitted to take into account the concerns of the Highway Engineer regarding manoeuvring within the site:

- **Plot 1**
A four-bedroom, detached dwelling to be accessed off Blackwell with a parking and turning area to the front of the dwelling. The proposed dwelling would be constructed of brick and tiles and would measure approximately 12 metres wide with a maximum depth of 13 metres, incorporating an integral double garage and bedroom above, reducing to approximately 8.5 metres for the remainder of the dwelling. It would have a hipped roof, approximately 9.1 metres in height.
- **Plot 2**
A four-bedroom, detached dwelling and detached double garage accessed off Briar Close. The proposed dwelling would measure approximately 13.4 metres wide by 19.3 metres deep, incorporating a two-storey projecting gable, reducing to 11.2 metres at its southern end. The dwelling would be constructed of brick, under a hipped tiled roof, approximately

9.3 metres in height reducing to 7.2 metres, over the projecting gable. The proposed garage would measure approximately 6.8 metres wide by 6.6 metres deep.

- **Plot 3**

A six-bedroom, detached dwelling and detached double garage also accessed off Briar Close. The proposed dwelling would measure approximately 19.3 metres wide by 14.7 metres deep, under a hipped roof approximately 10.5 metres in height. The detached garage would measure approximately 6.8 metres wide by 6.6 metres deep. Both the garage and dwelling would be built of brick and tiles.

The application site comprises the former Blackwell Grange Golf Club clubhouse and bungalow which are now vacant which occupy the centre of the site and car park to the east. The site includes the two vehicular accesses to the site off Blackwell in the north west corner and off Briar Close to the south of the site. An electricity substation is located in the south west corner of the site close to the former clubhouse. The site is bounded by existing housing on Blackwell Grove, Briar Close and Blackwell to its north, south and west sides respectively and by the former golf course to the east. The golf course itself is located outside of the application site. The golf course and clubhouse closed in 2013 following the relocation of Blackwell Grange Golf Club to the former Stressholme Golf Course on Snipe Lane. The former clubhouse and car park were listed as an Asset of Community Value in September 2013.

The site is bounded by existing residential properties on Blackwell to the north and west of the site and on Blackwell Grove and the former golf course to the east. Dwellings on Briar Close bound the site to the south. There are three trees adjacent to the east boundary of the application site, within the former golf course, immediately to the north of the application site, which are protected by Tree Preservation Order (No. 2) 1963, T1, T28 and T27 respectively. None of the trees fall within the application site however an Arboricultural Impact Assessment has been submitted with the application. The assessment also considers other non-protected trees within the vicinity of the application site. In addition, a bat survey of the former clubhouse and site investigation have also been undertaken and submitted with the application.

PLANNING HISTORY

No recent planning history relevant to consideration of this application.

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Borough of Darlington Local Plan 1997

- Saved Policy E2 – Development Limits
- Saved Policy E12 - Trees and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS9 - District and Local Centres and Local Shops and Services
- CS10 – New Housing Development

- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a Multifunctional Green Infrastructure Network
- CS18 – Promoting Quality, Accessible Sport and Recreation Facilities

Revised Design of New Development Supplementary Planning Document 2011

National Planning Policy Framework

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – The application site splits the site with 2 no. dwellings served from Briar Close and 1 single dwelling off Blackwell. The proposed development off Briar Close is unlikely to generate a significant increase in traffic and the proposed car parking provision is acceptable. There is an adopted section of highway to the south of the red line boundary off Briar Close that forms an existing turning facility which has been lost and this should be reinstated to adoptable standards as part of any planning approval. A vehicle crossing leading to the private drive should be constructed. The single dwelling served off Blackwell utilises the existing access point on the inside of a bend with restricted visibility in the order of 10 – 12 m. An access of this type should ideally have visibility splays of a minimum of 2.4m x 25m for safety reasons. Given that the access point would only serve one dwelling, a reduction in standard would be acceptable in this instance; however there should be adequate space within the curtilage of the site to cater for 3 no. vehicles in accordance with the Tees Valley Design Guidance for the size of dwelling proposed, with space to turn the vehicles around and exit onto Blackwell in forward gear for safety reasons. An amended plan and swept path analysis confirm that this can take place. Given the width of Briar Close and the potential disruption during construction, would request that the majority of construction traffic access the site from the access off Blackwell. As this has restricted visibility adequate advance warning signage should be in place warning motorists of the construction access and details should be provided for approval. Would raise no highway objection to the proposal subject to conditions requiring the submission of details of the vehicular turning facility and private vehicle crossing at the end of Briar Close and the submission of a Construction Management Plan.

Environmental Health Officer – Recommend that a condition requiring that a demolition and construction management plan is attached to any permission granted. In addition the Phase 2 ground investigation report indicates that piled foundations are an option at this site, hence a condition requiring details of the piling method be submitted for approval. A low level hum was detected from the electricity substation on the site within a few metres of the unit/ It was noted that there is a tall wall surrounding the substation, however there is an opening with a gate facing the proposed development to allow access. The nearest existing residential property is approximately 12 metres away. In order to minimise noise emissions from the substation would wish to see the gap in the wall closed and a wall/barrier in place which breaks any line of sight between the substation equipment and the first floor bedroom windows. The applicant should submit a scheme to show that this will be achieved. The applicant will need to consult the electrical power supplier in charge of the substation to agree these changes. In order to ensure that this issue is addressed, would suggest that a planning condition is attached which requires details of a noise reduction scheme associated with the electricity substation to be submitted and agreed with the local planning authority and thereafter to be implemented and retained.

Countryside Access Officer – There are no rights of way in the development area but a local group made a Definitive Map Modification Order claim for a footpath through the development area last year. This was turned down on the grounds there was insufficient evidence provided to process the claim.

Durham County Archaeology – No comments to make.

Northern Powergrid – Provide details of the approximate location of known apparatus in the area.

Northumbrian Water – Having assessed the proposed development can confirm that at this stage have no comments to make in terms of the impact of the proposed development on our assets and the capacity of NWL's network to accommodate and treat the anticipated flows arising from the development. There are separate foul and surface water systems running under the main road through Blackwell. Both the foul and surface water sewers are 225mm in diameter with the foul sewer shown on our records as being closest to the site entrance. We recommend that these separate systems are utilised for discharging the foul and surface water flows from the site.

Northern Gas Networks – No objections to the proposals.

Blackwell Neighbourhood Forum - A letter from Urban Vision Enterprise has been submitted on behalf of the Forum objecting to the proposal for the following reasons:

- The proposal is contrary to a number of policies in the adopted Darlington Core Strategy, specifically policies CS9, CS17 and CS18. The proposal involves the demolition of the former clubhouse, which was often hired out to community groups for meetings and events, and is a valued community asset. The building has been listed as an 'Asset of Community Value' which by its very nature means that the building should be retained for community use, unless that use is provided by alternative means. One of the key policies of the emerging Blackwell Neighbourhood Plan seeks to build on Policy CS17 through the creation of links to the strategic corridors identified in the Tees Valley Green Infrastructure Strategy. The proposal has emerged as a result of the merger of two local golf clubs, which will free up sites for development. It is considered that the Needs Assessment which justified the merger and the release of the sites was flawed, in that it simply considered golf and did not consider other sports or recreational uses. It is considered therefore that the proposal fails to accord with policy CS18.
- In nominating the site as an Asset of Community Value Blackwell Neighbourhood Forum (BNF) propose to 'help recreate and reinforce Blackwell as a village with a distinct centre/focal point'. BNF has carried out a Community Needs Assessment which overwhelmingly points to retention of the former clubhouse as a facility to sporting and recreational pursuits, using the opportunity to provide access and to impose a permanent right of way through the current site. The proposal therefore conflicts with and compromises the emerging themes in the Blackwell Neighbourhood Plan;
- The proposal is contrary to National Policy, specifically Sections 69, 70, 73, 74, 75 and 76 of the NPPF;
- It is considered that the proposed access arrangements to the proposed development are deficient. The site access onto Blackwell is located on a bend in the road and the presence

of trees and shrubbery on the corners of the access would cause 'blind spots' and create potential road safety issues;

- If the clubhouse is to be demolished and replaced by three private dwellings, it will cease to be an asset of community value. This listing is a material consideration in determining the planning application. If the application is approved, it is considered that the Council should seek replacement community facilities or a contribution to replacement community facilities, via negotiation;
- The emerging Blackwell Neighbourhood Plan sets out a vision for Blackwell and how the neighbourhood should develop over the coming years. It is considered that the proposal conflicts with this vision, will prevent the comprehensive planning of this part of the village and achievement of key policy objectives.

In addition, a separate letter from the Chair of the Forum has been submitted which raises the following issues:

- Blackwell Village, prior to being incorporated into the Borough of Darlington in 1976, the village was self-governing with a distinct local identity and until recently the village retained a strong sense of community cohesion. The former Blackwell Grange Golf Club (BGGC) made a contribution to our community by providing us with our sole leisure, social and sporting facility. Residents appreciated the focal point, sense of identity and social, leisure and sporting role the club provided;
- BGGC closed in July 2013 following which an inaugural meeting of the Blackwell Neighbourhood Forum took place. We voted to use the 2011 Localism Act to nominate the former BGGC clubhouse and car parks as an 'Asset of Community Value' in recognition that these premises could continue to provide a social, leisure and sporting facility even though it would not be possible to play golf;
- It is the express wish of the Forum that we would create a neighbourhood plan to develop the entire site of the former BGGC to recreate Blackwell Village fit for the 21st century with mixed housing development suitable for families and elderly residents with a village green in the centre. Envisage that the former club house will be geographically close to the new village centre and propose to provide pedestrian links between the new village centre, village green and the new community centre with the Teesdale Way footpath. The essential link is on land presently occupied by the former golf clubhouse. If the site is developed as proposed it will not be possible to link the proposed village centre with Blackwell;
- Believe that our aims are not only legitimate and laudable, but will soon come to assume legal force. So far the Forum has proceeded correctly and intends to comply with all relevant national and local planning policies. We have carried out a community needs assessment, as required by the Localism Act. By agreeing to separate the former clubhouse from the golf course land, without a community needs assessment, DBC is in breach of the Localism Act and is running counter to local and national planning policy;
- Trust that DBC will work with Blackwell Neighbourhood Forum in a constructive partnership to produce a flagship, innovative neighbourhood plan that will be in everyone's interests. For such a partnership to develop it is an essential prerequisite that this planning application be refused.

A further letter from the Forum has been submitted in response to the letter of representation:

- We are the designated body with recognition for the Blackwell Area for all residents not merely those that are members;

- We currently have 74 members from all areas in Blackwell which would put us at 30% and the highest representation of any Forum in England;
- As to support of the silent majority we are going through due process and have approval along with our consultant to complete our draft plan and submit to DBC by the end of May with a full plan and supporting documents by September 2015;
- As there are no further letters of support and I have zero adverse comments to the website opened in February www.blackwellneighbourhoodforum.co.uk from any non-member living in Blackwell or negative response to a flyer announcing the website containing our Vision and Aims and project timetable. Categorically refute any claims of being less than 100% minus 1 representative of Blackwell.

30 letters of objection to the scheme have been received which raise the following issues:

- *The application is contrary to Local and National Policy, conflicting Blackwell Neighbourhood Forum's emerging plan for the area, involving the loss of local community facilities, the existing golf club on the land being an asset of community value. The proposal would prevent the effective, comprehensive planning of the area.*
- *The proposed access arrangements are considered to be deficient, as this is on a bend in the road and already has road safety issues;*
- *Fencing of the site has closed direct access to friends in Briar Walk from Blackwell Grove;*
- *The clubhouse was easily accessible for my disabled husband to visit. Baydale is too far away and mobile scooter routes to Blackwell Grange Hotel mean crossing a main road without a pedestrian crossing'*
- *Blackwell (the road) is designated as an 'advisory route' and provides a link between Blackwell cycle route and Bridge Road. On street/pavement parking restricts road width and pushes cyclists into the main traffic lane;*
- *There is no other parking, equivalent to that at Broken Scar for those wishing to use the Teesdale Way accessed at a dangerous bend on Blackwell;*
- *If the use of this site to be considered in tandem with the overall development of the former golf course, something beneficial to all aspects of the environment and community could be achieved. Without such a joined-up approach a great opportunity for DBC to fulfil some of its Core Strategies will be missed;*
- *Agree with the objections set out in the letter from Urban Vision submitted on behalf of Blackwell Neighbourhood Forum;*
- *My home lies within a few yards of the site and I am concerned that I will be overlooked (particularly our front garden) if the development takes place;*
- *Consider the site should be used to provide a central community building which can cater for the recreational, social and leisure needs of our community with a village green and lots of open space;*
- *It is the demonstrated will of local residents, based upon a community needs assessment that we wish to maintain and re-establish Blackwell Village with its registered asset of community value at its heart. These are the explicit aims and objectives of the Blackwell Neighbourhood Forum;*
- *It the application is approved it will not be possible for our emerging neighbourhood plan to provide a footpath between the proposed village green/centre and the Teesdale Way footpath, Blackwell (the road) as well as the post-office;*
- *Blackwell Neighbourhood Forum's proposals are informed by a community needs assessment and will conform to national and local planning policies whereas this application does not;*

- *Some individuals at DBC are under the misapprehension that being on the register of Community Assets does not mean that its status as a Community Asset is a material planning consideration. This is incorrect. Successive Councils in deliberating this issue have come to the conclusion that it is a material planning consideration and this has been established by recent case law;*
- *The first the neighbourhood knew of the imminent loss of Blackwell's only sporting, social and leisure outlet was when fences were erected in mid-July 2013. That we had organised and established a prospective neighbourhood forum by 14 August demonstrates the strength of feeling against the decision and its consequences. The site was subsequently nominated as an asset of community value (ACV) in November 2013;*
- *Request that the Officer who made the decision against our claim for a public right of way through the site revisit the decision. It appears that they are acting contrary to their job responsibilities by failing to be proactive in taking the opportunity provided by development to facilitate improved access by the imposition of the right of way as claimed and the opportunity to establish a visitor car park for the Teesdale Way 'river walk' and the link to Stressholme and the additional opportunity to improve linkages to the next part of the Teesdale Way, the only National Trail in Darlington;*
- *The site layout appears to encroach onto land BNF feel entitled to on the basis of club house and car park statements as to dimension limitations. This is a direct result of the applicant trying to demonstrate that the natural position of the access road is as shown. It isn't because there is a sub-station to the left of the corner of the club house which requires vehicular access and would continue along the boundary with the existing houses, of which one is mine, and provide safe access and egress to the dwelling proposed on the rear car park. This dwelling does not appear to be 2 metres away from each boundary, particularly the one bordering 10 Blackwell Grove;*
- *It would be appropriate for any development on the site occupied by the former clubhouse to be an integral part of the Neighbourhood Plan, currently being prepared by Blackwell Neighbourhood Forum, and not a standalone development based on the wishes of a private developer;*
- *Directly adjacent to this site is another private housing development which presents as a blight on the landscape of Blackwell. Two houses of dubious aesthetic appeal are in the final stages of build whilst the remainder of the site is in receivership and presents as an unattractive, and potentially dangerous, hazard to the community. Another similar development is not required;*
- *The old clubhouse is of historic importance to the heritage of Blackwell. Blackwell Hall was demolished in the early 1960s to make way for the houses on Blackwell Grove. However, the stables, which were separate from the Hall and part of an earlier manor house, still remain as the dining section of the old clubhouse. The main part of the clubhouse still has an interesting provenance. The whole structure was fully refurbished in 1995 at a cost of over £0.5m and would be better redeveloped than demolished;*
- *Stanley Robinson is a man of visionary eminence within Darlington's heritage. Through his philanthropy, Blackwell Grange Golf Club was created as an asset to the community. Whilst I can understand the relocation of golf to Stressholme, urge the Planning Committee to look at the big picture for Blackwell and retain the old clubhouse for future development as a community asset within the context of a Neighbourhood Plan;*
- *One of the suggested access points from Briar Close is entirely inadequate as it includes a sharp 90 degree turn in the very tight corner of Briar Walk where it turns into Briar Close. This route is only just wide enough for one small vehicle and no room for*

passing. I have witnessed the difficulty larger lorries face trying to access the area from that point;

- *As well as road safety issues, concerned about damage to the pavement and adjacent fencing and walls caused by an increase in traffic and the jams that would be caused every morning and evening as vehicles queue to get in and out;*
- *Damage has already been done to the verges by vehicles using this road to erect 3 Briar Close. Two houses, 24 Briar Walk and the bungalow in Briar Close are in very close proximity to this little road and might be damaged by constant heavy traffic. Should the development be approved it would be preferable to use the former car parking space off Blackwell as the access point. This would also offer parking spaces to those working on the site so that the current parking problems in Blackwell and Briar Walk are not aggravated;*
- *If this development were to go ahead special road safety precautions should be demanded of builders on this dangerous bend;*

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

- *Support the application. Have been a resident in Blackwell for over 20 years and a member of Blackwell Grange Golf Club for a longer period. In 2012, acting on behalf of the golf club made an approach to the Council through the One Stop Shop for consideration of residential development for 5 detached dwellings. On receipt of a positive response from the One Stop Shop, the buildings and site were placed on the market for sale;*
- *Residential development on this site is compatible with the precedent of only residential development being granted in Blackwell in the last 50 years i.e. Farrholme and Blackwell, other than the Adventist Church. This present application reduces the traffic flow from the site from its current 62 parking spaces to approximately 6 and removed the noise and nuisance of social activities;*
- *Within the immediate Blackwell area there are approximately 132 properties supporting approximately 250 residents. The Blackwell Neighbourhood Forum who represent approximately 16% of the Blackwell residents are the principal objectors to this application and have circulated residents to attract greater support. Their objection is in respect of their desire to retain the site and buildings, to further their ideals for an Asset of Community Value for which full details have not been provided, approved or accepted by the possible 80% majority of Blackwell residents.*
- *Myself and a number of neighbours who back onto the site have spoken at length regarding the site and would support the building on the land and on the old golf club. Obviously, appropriate housing taking into consideration the privacy of existing residents;*
- *Find it bemusing that the Blackwell Neighbourhood Forum has targeted so few houses in our area to form a Community Village. Also that many of the said homes do not back onto the Golf Course and would not be affected by the Community Plan. There seems to be little consideration by the group as to the direct effect it will have on those who have homes backing onto the land and close to the old Golf Course;*
- *There are so many already in our area. We have South Park and Green Park close by. The Town Centre is only a short walk way. We have the Millennium Hall, Ravensdale Road and Elm Ridge Church Hall only minutes away where plenty of community based activities are available;*

- *When the clubhouse was open it was open to persons in the area and was unfortunately rarely used by anyone, other than golfers living in the area;*
- *As a resident whom any future plans will have a direct impact on, I am against a community based area. There are many anti-social issues which come with areas open to the public. Only a number of the community will be left to deal with those issues.*

PLANNING ISSUES

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

- Planning Policy
- Asset of Community Value
- Visual and Residential Amenity
- Access and Highway Issues
- Contaminated Land
- Trees
- Ecology

Planning Policy

The application site lies within development limits for 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) of the Borough of Darlington Local Plan 1997 and Core Strategy Policies CS1 (Darlington's Sub Regional Role and Locational Strategy) and CS10 (New Housing Development). As such the residential redevelopment of the site is acceptable in the context of these planning policies, subject to assessment of the proposal against other policies and material considerations.

As the application site has a site area of greater than 0.1 hectare, contributions towards education facilities and green infrastructure would be required in accordance with Core Strategy Policy CS4 (Developer Contributions) and the Planning Obligations Supplementary Planning Document (SPD). A recent change to national guidance set out in the Planning Practice Guidance advises that affordable housing or tariff-style contributions should not be sought from developments of 10-units or less and which have a maximum combined gross floorspace of no more than 1000 sq m (gross internal area). In addition the Council's People's Services Department has advised that the three dwellings proposed would not impact upon demand for primary school places within the local area. On this basis no contributions would be sought through a Section 106 Agreement.

The Blackwell Neighbourhood Forum has expressed an intention to prepare the Blackwell Neighbourhood Plan, within which planning policies would maintain the club house and car park in a similar use to provide a community facility which would create a focal point for the recreation of Blackwell village. Reference has also been made to delivering a right of way through the site, linking new residential development to the east with local facilities in Blackwell Village, as well as linking in with other national paths and trails.

Like the Local Plan the Neighbourhood Plan can be given some weight as a material consideration in decision making while it is being prepared, in accordance with paragraph 216 of the NPPF. The National Planning Policy Guidance (NPPG) provides further detail on how emerging Neighbourhood Plans should be taken into account, which includes the stage of

preparation of the plan and the extent to which there are unresolved objections to relevant policies. A referendum ensures that the community has the final say on whether the neighbourhood plan comes into force; however decision makers should respect evidence of local support prior to the referendum when seeking to apply weight to an emerging neighbourhood plan.

Once the plan is made it will form part of the development plan and its policies will be used to determine planning applications in the area, however the plan is currently at a relatively early stage of development and there has been limited formal consultation or publicity beyond the designation of the Neighbourhood Forum and Neighbourhood Area. The Neighbourhood Forum's vision and aims have been drawn up and some community engagement has taken place however a draft plan has not been produced, nor has the formal 6 week consultation period been undertaken. Accordingly little weight can be given to the emerging Blackwell Neighbourhood Plan at this stage.

The objection to the application submitted by Urban Vision on behalf of Blackwell Neighbourhood Forum, which is supported by a number of local residents, considers the proposal to be premature and would prevent the comprehensive planning of the area. The NPPG also provides guidance on prematurity arguments and states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or on the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Given the very early stages of the neighbourhood plan, this is not considered to be a reason to refuse planning permission.

Concern is expressed that the proposal would be contrary to Policies CS17 (Delivering a Multifunctional Green Infrastructure Network) and Policy CS18 (Promoting Quality, Accessible Sport and Recreation Facilities). Policy CS17 states that the green infrastructure network will be protected and where appropriate enhanced and extended. In this instance, the application site does not include the former golf course. The proposed development would take place entirely on the site of the former clubhouse, bungalow and car park and there would be no loss of the former golf course itself. While the development may ultimately limit access to the former golf course, the Council's Countryside Access Officer has advised that a local group made a Definitive Map Modification Order claim for a footpath through the development area last year, however this was turned down on the grounds there was insufficient evidence provided to process the claim.

Policy CS18 seeks to protect and enhance Darlington's sport and recreation facilities and states that the loss of sports and recreation facilities will only be permitted in exceptional circumstances. The golf club relocated from the site in 2013 to the former Stressholme Golf Club Site which provided a direct replacement of the facilities offered at Blackwell. The relocation of the club took place in advance of this application being submitted and as such the proposed development will not result in the loss of any existing sports and recreation facilities at the site.

The Council is currently undertaking a consultation exercise on residential development potential within the wider Blackwell area. The determination of this application would not be prejudicial to this exercise.

Asset of Community Value

The former Blackwell Grange Golf Clubhouse and car park were listed as an Asset of Community Value (ACV) under provisions contained in the Localism Act 2011 in December 2013. The site was nominated by a group of local residents working as an unincorporated public body (Blackwell Neighbourhood Forum) while it was being offered for sale by Blackwell Grange Golf Club. It was listed on the basis that the club was considered to further the social wellbeing and interests of the local community and it was realistic that there could be another community use there in the next 5 years.

The impact of the building or land being nominated as an ACV is that it cannot then be disposed of (there are exceptions) without the passing of a moratorium period allowing community groups to bid for the asset, the purpose of the legislation being to strengthen the ability of the local community to retain and protect a local asset that has social value.

In this case because the property was offered for sale at the time of the nomination the moratorium provisions came into effect almost immediately. Whilst the Blackwell Neighbourhood Forum expressed an intention to bid for the site no bid was forthcoming by the end of the moratorium period in May 2014. A second moratorium period is currently in force and the Forum has indicated that they intend to make a bid to purchase the asset by 11 November 2015 deadline. However it should be noted that this position does not prevent the planning application from being determined.

Whilst ultimately this listing cannot prevent the owner selling the asset to whomever they want, at whatever price they want, it does offer an opportunity for community groups to make a bid for the asset in advance of any agreement to sell to a third party. The Council has no role in the sale of the property; the owner simply has to notify the Council of its intention to sell and the Council must notify any interested group and publicise it in the locality. The Council must also notify the owner of any intentions to bid and any extensions to the moratorium period.

The Department for Communities and Local Government (DCLG) has produced non-statutory guidance of the Community Right to Bid. Paragraph 2.20 sets out that *'the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case'*.

The DCLG guidance identifies the primacy of planning policy in determining uses for a site. This appears to be directed at encouraging Local Authorities to consider the ACV process as part of an assessment of community buildings under local policies, which in this case is Policy CS9 (District and Local Centres and Local Shops and Services). The ACV listing is therefore a material consideration to be taken into account alongside assessment of impact of the loss of the former clubhouse and car park in the context of Policy CS9.

Core Strategy Policy CS9 (District and Local Centres and Local Shops and Services) states that individual local shops, leisure uses (including public houses and social clubs) and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents without the need to use a car will be protected and promoted. Paragraph 70 of the NPPF also seeks to guard against the unnecessary loss of valued facilities and services, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The golf course and clubhouse closed in 2013 following the relocation of Blackwell Grange Golf Club to the former Stressholme Golf Course on Snipe Lane. The golf club continues to provide an 18-hole golf course, driving range and clubhouse and function room, which are also open to non-members. While the relocated golf club is approximately 1.3 kms (by road) away from its former site, it is considered that appropriate replacement facilities have been made following the relocation of the golf club from Briar Close, such that the demolition of the former club house and the redevelopment of the site for residential purposes would not be contrary to the requirements of Policy CS9 or paragraph 70 of the NPPF.

While the intention of the Blackwell Neighbourhood Forum to prepare a Neighbourhood Plan for the Blackwell area is noted, the proposed development complies with an up to date development plan and is located in a sustainable location within the urban area of Darlington. In accordance with paragraph 14 of the NPPF; that development proposals that accord with the development plan should be approved without delay, it is not considered that the weight attached to the former clubhouse and car park being listed as an ACV is sufficient to set aside the policy presumption in favour of the development.

Visual and Residential Amenity

Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design) states that high quality, safe, sustainable and inclusive design will be promoted in all new development, specifically reflecting and enhancing Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. 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 distances 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 predominant character of the surrounding area is of bungalows and two storey dwellings, set on fairly spacious plots interspersed with trees and shrubs. The proposed scheme, of three, two-storey detached dwellings is considered to be consistent with the grain and density of the surrounding area. Existing trees on the site would be retained as part of the development proposals. There is a mix of both brick and render finished properties within the vicinity of the site and the proposed dwellings are to be constructed of brick, which subject to agreement of an appropriate brick type is considered to be appropriate in this location.

The properties surrounding the application site are a mixture of modern, dormer bungalows and dwellings to the north and south at Blackwell Grove and Briar Close respectively with older properties, with a render finish, fronting Blackwell to the west. For the purposes of the Design SPD the site is located in Zone 4 'Outer Suburbs' and the guidance contained within the SPD states that development of up to 2.5 storeys is acceptable in this location. The guidance also recommends that the minimum width between detached dwellings should be 2 metres to the edge of the plot.

The proposed dwellings are all individually designed, of an Arts and Crafts-style design. While plots 2 and 3 (accessed off Briar Close) are larger than surrounding properties in terms of their footprint, given their relatively secluded location at the end of Briar Close, overlooking the former golf course, it is not considered that this would have an unacceptable impact upon the character and appearance of the surrounding area, while still maintaining a less dense form of development.

Plot 1 (accessed off Blackwell) is considered to be commensurate in terms of its scale and design with the existing properties either side. Plots 1 and 2 would have a ridge height of approximately 9.1 metres and 9.3 metres respectively which is broadly comparable with the ridge height of other two storey dwellings within the vicinity which typically range from between 8.5 – 9 metres in height. Plot 3 is a substantial 6-bedroom dwelling with a ridge height of approximately 10.5 metres in the context of the substantial former clubhouse building.

The proximity distance guidelines between existing and proposed dwellings are contained with the Council's adopted Supplementary Planning Document – Design for New Development. The guidelines state 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 blank gable ends). These distances have been adopted to ensure the amenities of the neighbouring properties are not affected from loss of privacy and overlooking.

The application site is a relatively flat site, although there is a slight reduction in levels to the north-west of the site towards Blackwell. The appropriate separation distance of 21 metres between each of the proposed dwellings on plots 2 and 3 and those existing dwellings to the rear at 50 and 52 Blackwell respectively can be achieved. The relationship of these proposed dwellings with the neighbouring properties at 7 and 8 Blackwell Grove and 5 Briar Close respectively is considered to be acceptable in terms of meeting appropriate separation distances and maintaining existing privacy standards to these properties and their garden areas. While the dwelling on plot 3 will be sited adjacent to an existing bungalow at 8 Blackwell Grove, it is to be sited sufficiently distant from the common boundary so as not to result in an unacceptable loss of light to or be overbearing when viewed from the rear of this property. The existing clubhouse and outbuildings are in very close proximity to this property and their removal will improve living conditions to this property, including providing a rear garden area to the property. As such the erection of a substantial two-storey dwelling in this location will not significantly worsen the existing conditions for this property.

The existing property to the rear of the proposed dwelling on plot 1 at 9 Blackwell Grove is sited at an oblique angle to the rear of this proposed dwelling. The siting of this dwelling has been amended in order to address the concerns of the Highway Engineer with regard to access and parking to the front of this property and as a consequence would now be approximately 13.1 metres from the nearest part of this property, increasing to approximately 19.5 metres at its furthest point. The west side elevation of this property contains a single window which would appear to serve a bathroom, and as such is not considered to be a habitable room. As such the 12.5 metre separation distance would be acceptable in this instance. There is an area of side garden to the west side of this property however this is already overlooked, albeit at an oblique angle from the rear of the nearest property at 56 Blackwell. Furthermore there is a row of substantial conifers along the common boundary between plot 1 and 9 Blackwell Grove which will limit views into this site from the rear of the proposed dwelling. As such it is not considered that the proposed dwelling would result in such a reduction in privacy levels to such a degree so as to warrant refusal of the application on this basis.

The Design SPD recommends that the minimum width between detached dwellings should be 2 metres to the edge of the plot. The proposed dwelling at Plot 1 would be built up to the common boundary with 10 Blackwell Grove and would be approximately 0.9 metres from the boundary with 56 Blackwell. This advice is intended to ensure that there is sufficient separation distance between detached dwellings to maintain the character of an area however these spaces are

frequently in filled by garages and extensions. In this instance it is not considered that the scale of the proposed dwelling or its relationship with the neighbouring properties either side would be out of keeping with the character and appearance of the surrounding area so as to warrant refusal of the application on this basis. Furthermore the siting of the proposed dwelling in this location will not have any unacceptable impact upon the amenities of the properties either side due to loss of light, outlook or privacy. A condition is attached requiring the en-suite bathroom windows in the south side elevation of the property to be obscure glazed. An amended plan has been requested omitting the bedroom window from this south elevation.

Due to the proximity of the site to existing residential properties, the Council's Environmental Health Officer has recommended that a condition be attached requiring the submission of a Demolition and Construction Management Plan addressing issues including dust control, methods for controlling noise and vibration during demolition and construction phases and the proposed hours of working. There is also an electricity substation on the site which would be located within the garden area for Plot 2 and accessed via the rear garden. The Environmental Health Officer has advised that in order to minimise noise emissions from the substation to the proposed development a noise reduction scheme should be submitted for approval, to be secured by an appropriate planning condition, which is likely to involve the erection of an acoustic fence around the substation.

Access and Highway Issues

Plot 1 is to be accessed off Blackwell with the remaining dwellings on Plot 2 and 3 to be accessed from Briar Close to the south. The Highway Engineer has advised that the proposed development off Briar Close (Plots 2 and 3) is unlikely to generate a significant increase in traffic and the proposed car parking arrangements are acceptable, subject to a condition requiring that a vehicular turning facility and private vehicle crossing at the end of Briar Close being reinstated. Indeed the proposal will result in a reduction in traffic volumes when compared to the former golf club use of the site. Given the width of Briar Close and the potential for disruption during construction, it is recommended that construction traffic accesses the site off Blackwell. Although this access has restricted visibility advance warning signage should be placed warning motorists of the construction access, details of which should be approved as part of a condition requiring the submission of a construction management plan.

The single dwelling served off Blackwell (Plot 1) utilised the existing access point on the inside of a bend with restrictive visibility in the order of 10 – 12 metres. The Highway Engineer has advised that an access of this type should ideally have visibility splays of a minimum of 2.4 metres by 25 metres. Given that this access point would only serve one dwelling, a reduction in this standard would be acceptable in this instance however there should be adequate space within the curtilage of the site to provide for the parking of 3 no. vehicles in accordance with the Tees Valley Design Guidance for a dwelling of this size. There should also be space within the site for vehicles to turn and exit onto Blackwell in a forward gear.

Amended plans have been provided which show the dwelling set approximately 700mm further back into the site to increase the turning space to the front of the dwelling. In addition, the proposed garage has been widened by approximately 400mm to provide usable parking spaces for 2 no. dwellings. A swept path analysis, showing how vehicles would manoeuvre to the front of the dwelling to exit the site in a forward gear, has also been provided and the Highway Engineer is satisfied that this arrangement is acceptable. On the basis of the conditions outlined above, the Highway Engineer raises no highway objection to the application.

Contaminated Land

A Phase 1 and 2 Site Investigation and a Ground Gas Assessment report have 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. As the Phase 2 report also identifies piled foundations as an option for this site, a further condition is attached requiring the submission of details for approval if piled foundations are to be used.

Trees

There are a number of trees adjacent to the east boundary of the application site protected by Tree Preservation Order (No. 2) 1963 and other non-protected trees around, and adjacent to, the periphery of the site which may be affected by the proposed development. 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 forestry. 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.

An Arboricultural Implications Assessment has been submitted with the application which concludes that it will not be necessary to remove any trees due to the proposed design and layout of the dwellings. The proposals show access roads as being within the root protection area (RPA) of some retained trees within the site however the locations of the proposed driveways and other areas of hard surfacing are already covered with hard surfacing. Due to the previous use of the site and the volume of traffic experienced, it should not be necessary for the newly constructed access drives to exceed the current depth of the compacted sub-base which will be re-used. The standard tree protection condition should ensure that the trees are further protected during the construction phase.

Ecology

A protected species survey has been submitted, which specifically considers the presence of bats, birds and great crested newts of the site. 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.

Bat emergence surveys of the former clubhouse and bungalow, which are to be demolished to make way for the proposed development, were undertaken and confirmed no active roosts. A thorough inspection of the buildings recorded no evidence of bats although a number of potential crevice roosting opportunities were identified. The commuting and foraging habitats for bats surrounding the buildings is of high quality. The survey considers the main clubhouse building to be of moderate risk of bats roosting and the single storey extensions to be of low to negligible risk.

The report identifies that the building provides limited opportunities for nest birds given that it is generally well sealed. No evidence of old or new nests under the eaves or soffit boxes were found.

The presence of great crested newts within 200 metres of the site was confirmed in 2007 although the population size was not established. Given that habitats on the site are of sub-optimal quality, with the majority of the site comprising hard standing, further detailed survey work has not been undertaken. Solid wooden fencing surrounds the site which will likely preclude dispersing newts should any be present in the surrounding area.

The report concludes that the proposed development would cause low risk of harm to any of these protected species, subject to a list of mitigation measures. Subject to a condition requiring the mitigation measures to be carried out in full, the proposal is considered to comply with the requirements of Policy CS16.

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). 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. Subject to conditions the proposed development is also considered acceptable in terms of all other issues of development management.

The former clubhouse and car park closed in 2013 following the relocation of the club to the former Stressholme Golf Club Site some 1.3kms away where replacement facilities both in terms of the golf course and clubhouse have been provided. As such it is not considered that the proposed development would result in any unacceptable loss of a community facility or existing sports facility since the replacement was provided for at the time the club relocated in 2013. In this regard the proposed development is considered to comply with Core Strategy Policies CS9 (District and Local Centres and Local Shops and Services) and CS18 (Promoting Quality, Accessible Sport and Recreation Facilities).

The site is listed as an Asset of Community Value (ACV) by the Council, which DCLG guidance indicates can be a material consideration to be taken into account in consideration of the application, although it is up to the Local Planning Authority to attach appropriate weight to this taking into account all circumstances of the case.

While the intention of the Blackwell Neighbourhood Forum to prepare a Neighbourhood Plan for the Blackwell area is noted, the proposed development complies with an up to date development plan and is located in a sustainable location within the urban area of Darlington. In accordance with paragraph 14 of the NPPF; that development proposals that accord with the development plan should be approved without delay, it is not considered that the limited weight

attached to the former clubhouse and car park being listed as an ACV is sufficient to set aside the policy presumption in favour of the development.

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. The first floor windows formed in the south elevation of Plot 1 shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON – To prevent overlooking of the nearby premises.

4. B9 (Means of enclosure)
5. C5 (Removal of permitted development rights)
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. 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.

10. Prior to the commencement of the development hereby permitted details of a noise reduction scheme associated with the electricity sub-station shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the approved mitigation measures shall be carried out in full and thereafter be so maintained.

REASON – In the interest of residential amenity.

11. Prior to the commencement of development precise details showing the vehicular turning facility and private vehicle crossing at the end of Briar Close shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these improvement works shall be carried out in accordance with the details as approved.

REASON – In the interest of highway safety.

12. E11 (Tree Protection)

13. The development shall be undertaken in accordance with the mitigation measures set out in the ‘Bat and Great Crested Newt Risk Assessment’ dated September 2014.

REASON – In the interest of any protected species which may be present on the site.

14. B5 (Development in accordance with the approved plans)

INFORMATIVES

The layout proposal includes for works to be carried out within the existing public highway and these will be subject to a Section 278 Agreement under the Highways Act 1980. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

The applicant is advised that contact 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:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- Saved Policy E2 – Development Limits
- Saved Policy E12 - Trees and Development

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS9 - District and Local Centres and Local Shops and Services
- CS10 – New Housing Development
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a Multifunctional Green Infrastructure Network
- CS18 – Promoting Quality, Accessible Sport and Recreation Facilities

Revised Design of New Development Supplementary Planning Document 2011