

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 September 2015

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| APPLICATION REF. NO: | 15/00513/FUL |
| STATUTORY DECISION DATE: | 30 September 2015 |
| WARD/PARISH: | HUMMERSKNOTT |
| LOCATION: | Woodburn Nursery, Salutation Road |
| DESCRIPTION: | Redevelopment of site including demolition of existing buildings and erection of 27 No dwellings and access improvements (Amended and Additional Plans Received 5 August 2015) |
| APPLICANT: | ESH Group |

APPLICATION AND SITE DESCRIPTION

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

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

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

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

The proposal involves the redevelopment of the site for the erection of 27 dwellings (including 4 affordable units) with access off Salutation Road utilising the existing access point. The design of the proposed two storey dwellings are contemporary with car parking provided to the rear of each property by detached garages, integral garages or spaces. The dwellings would be constructed from a timber frame kit and the finishes would be a mix of cladding and red brickwork with grey concrete interlocking roof tiles.

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

A public consultation exercise was undertaken by the applicant in February 2015 in accordance with the Council's guidelines contained within Statement of Community Involvement document (2010).

PLANNING HISTORY

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

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

- E2 - Development Limits
- E3 - Protection of Open Land
- E12 - Trees and Developments
- E14 - Landscaping of Development
- E20 - Sites of Nature Conservation Areas

Darlington Core Strategy Development Plan Document 2011

- Policy CS1: Darlington's Sub Regional Role and Locational Strategy
- Policy CS2: Achieving High Quality, Sustainable Design
- Policy CS3: Promoting Renewable Energy
- Policy CS4: Developer Contributions
- Policy CS10: New Housing Development
- Policy CS11: Meeting Housing Needs
- Policy CS14: Promoting Local Character and Distinctiveness
- Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity
- Policy CS16: Protecting Environmental Resources, Human Health and Safety
- Policy CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

Other Documents

- Supplementary Planning Document – Design for New Development
- Supplementary Planning Document – Planning Obligations

RESULTS OF CONSULTATION AND PUBLICITY

The Local Planning Authority issued 159 consultation letters to local residents and Site Notices were erected in the locality. An advert was placed in the Darlington and Stockton Times. Eight letters of objection were received about the original submission and the concerns can be summarised as follows:

- *I don't think that the volume of housing proposed is suitable for that particular area. I would much rather it was used for an extension of the cemetery in conjunction with other projects which support and sustain the local environment and wildlife. Aren't we going to have enough new "local" homes when the former Blackwell golf club is developed?*
- *The scheme does not take account of privacy and tranquillity of the cemetery. The existing wall near the public gate is only about 4ft whereas the wall on the development side is approximately 6ft. Existing wall from No 2 Salutation Road to No 76 Salutation Road is 8ft and has trees which allow for privacy to cemetery users and householders. Also there is no bus service from Coniscliffe Road to Baydale Road due to parking problems in Salutation Road*
- *As our living, kitchen and bedrooms are adjacent to the boundary we object that the land immediately to the north of the boundary is given change of use to building land due to the potential for noisy and even antisocial activities from the future householders immediately on the far side of our northern boundary. Therefore unless some satisfactory assurances as to the future of a margin of, say 5m, are received then this alone makes the whole development proposal unacceptable*
- *It appears that the location of the houses to the north of ourselves (Stonehurst Drive) is less than the required 21m window to window separation with our rear upstairs bedroom window.*
- *The southern boundary wall to the site is a substantial brick and iron railing structure of some 2.5m in height and it appears to have been constructed by the developers of Stonehurst and Stonecliffe Drives in the 1930s. This wall is a major feature of our property yet no plans for its retention in a form to our satisfaction have been presented by the developer. We believe that this wall forms part of our property and for the last 22 years have made use of this wall for the attachment of garden structures and shrubs without any restrictions or reservations from the Nursery owners.*
- *To avoid future buildings being erected even closer to ourselves we require the removal of permitted development rights to the proposed properties immediately to our north*
- *To prevent damage to the foundation of our property we require that a restriction is imposed on future property owners that no trees or shrubs which could develop damaging root systems can be planted within 12.5m of our property*
- *The proposed dwellings are completely and absolutely inappropriate in style and conception to the rest of this area. We are now very concerned and appalled to find that the proposals are going one stage further and we must object most strongly to any thought that these industrial style dwellings are in anyway suitable to this area or indeed any area in Darlington. These dwellings are totally out of character to this most traditional area and will be a complete eyesore to the houses already in place that will face or overlook them as our own house will. No developments in Darlington in recent years have been obviously alien to an area as these most definitely are. No decision in support should be made so therefore we must reiterate our strong objections to this housing proposal*
- *The use of this land to build 27 new houses will have a major impact on an already extremely congested road at rush hour. If you anticipate that every house has 2 cars then this will be extra plus 54 cars using the road every day. Normal rush hour traffic leads to tail backs on Coniscliffe road and Salutation road. Therefore cars coming out*

of Woodburn nursery would contribute more congestion along this main road into and out of Darlington. Even with current traffic volumes it is dangerous pulling out of my drive onto the road, this risk will only increase with the increased traffic flow and vehicle manoeuvres that will take place in order to gain entry into the development. From the plans there is only one single entry / exit point into the new development. I feel that this is too narrow for high sided vehicles in addition to the expected traffic volumes. The access point would be awkward due to it being at the cross roads of Salutation / Coniscliffe road. Therefore vehicles turning right into the development (coming from town) could cause traffic jams that would back up on to Coniscliffe Road with traffic trying to turn right down Salutation road. Coniscliffe road is already a hard road to cross for pedestrians due to volume of traffic, speed to vehicles using the road and no adequate pedestrian crossing points. An increase in traffic due to the site and an additional road access this will only get worse. I can often wait 10 minutes to cross the road with the pushchair. As a mother of a young child I am aware of the limited school places available in this area. Therefore this development will make competition even more aggressive for school admission places. The houses directly next to the nursery entry are historic listed buildings and the actual nursery is based on a historical site. The Council has a statutory duty to protect listed buildings. The site has a Quaker Heritage with it being associated with the Pease family and should be safeguarded.

- *Currently on the north side of my property (Stonehurst Drive) the existing boundary line comprises of a brick wall and iron rail construction (approx. 2.2m high running the entire length of my and neighbouring gardens. I believe it has been the Council's responsibility to maintain this fence. However, no maintenance has ever been undertaken in the last 12 years and the iron railing is now in a state of disrepair. In its current condition it is becoming unsafe and will afford no state of privacy for any residence on either side and will undoubtedly be an eyesore and out of keeping on the edge of a new development of expensive houses. I do not believe the residents should be left with this unsatisfactory boundary to maintain. This is the opportune moment to replace it with something more appropriate.*
- *Our house is located next door but one to the proposed site access, and also backs on to the site, so we are in very close proximity, and are extremely concerned about one or two issues relating to the application. The first comment we wish to make relates to the obvious considerable disruption and noise that will be created during the construction period, and then the permanent disruption and increased noise levels that will inevitably ensue from the traffic generated by the presence of 27 new dwellings on this currently, largely undeveloped site. The second objection, and certainly the more important, relates to highway issues and the increased traffic in and out of the site both during construction and on a permanent basis post construction. The access to the site is virtually on top of the already congested and dangerous junction where Salutation Road meets Coniscliffe Road. This junction is already congested and chaotic during the morning rush hour period. We feel it would be dangerous to have potentially 27 to 50 cars trying to access and egress from the subject site during these busy times when traffic already backs up well beyond the aforementioned junction during the peak morning period: both up Coniscliffe Road and Salutation Road. We have first-hand experience of the existing dangers at this junction from trying to access and exit our own property at this time of day! Hence, we strongly feel the access to this site is far too close to the junction and will be a danger to the public if*

this application is granted consent. In conclusion, and considering our objections above, we would ask the Planning Committee to reject this application.

A detailed objection letter has been submitted by the occupiers of Woodburn Cottage, 298 Coniscliffe Road which has been considered by the Local Planning Authority. The letter raised objections on the following headings and it also includes a Noise Assessment from Blue Tree Acoustics relating to potential noise impacts which may be caused by the proposed residential development:

- *Design*
- *The scale and layout and materials*
- *Impact upon their property in terms of noise and disturbance and light pollution*
- *Social and Cultural Implications*
- *Impact upon the significance of the Site and associated buildings*
- *Highway Safety*
- *Economic/Heritage Implications*
- *Drainage*
- *Environmental Implications*

Following the submission of the amended and additional plans, all local residents were reconsulted requesting the submission of any comments by 27 August 2015.

One further letter has been received from a resident of Stonehurst Drive which questions whether the proposed boundary treatment to be erected along the south boundary can actually be physically and legally implemented.

Members will be advised verbally at the Planning Applications Committee of any further letters that are received.

Consultee Responses

The Council's Senior Environmental Officer has raised no objections to the scheme subject to a condition being imposed to secure a Construction Management Plan, controls over hours of construction and deliveries and details of any piling methods if required.

The Council's Contaminated Land Officer has raised no objections subject to a planning condition being imposed to secure the submission of further contaminated land studies

The Council's Senior Arboricultural Officer has raised no objections to the scheme subject to appropriate planning conditions

The Council's Highways Engineer has raised no objections subject to appropriate planning conditions

The Council's Green Economy Officer has raised no objections to the scheme

The Durham County Archaeology Team has raised no objections to the proposal.

The Flood Risk Management Officer has raised no objections to the scheme subject to a condition being imposed to secure an appropriate scheme for surface water drainage

Northumbrian Water has raised no objections to the scheme subject to the imposition of a condition relating to a scheme for surface and foul water drainage.

The Durham Constabulary Architectural Liaison Officer has raised concerns over the retention of the proposed accesses at the north west corner of the site which lead into West Cemetery. The ALO considers that it would likely lead to an increase in crime risk.

The Northumbrian Gardens Trust has raised no objections to the proposal.

The Environment Agency confirmed that the proposal falls outside the scope of matters that they considered and therefore they have made no comments.

Northern Gas Networks has no objections to the proposal

Northern Powergrid has raised no objections to the proposal

PLANNING ISSUES

The main issues to consider are whether or not the proposal is acceptable in the following terms

Planning Policy
Character and Appearance of the Surrounding Area
Residential Amenity
Highway Safety and Car Parking
Sustainability Implications
Ecology
Flood Risk and Drainage
Heritage Assets
Contaminated Land
Trees and Landscaping
Archaeology
Affordable Housing
Planning Obligations

Planning Policy

The site is within the limits of development as designated by the Proposals Map of the Borough of Darlington Local Plan 1997 and therefore the redevelopment of this site, which is in a sustainable location, would accord with the general principle of the Saved Policy E2 of the Local Plan 1997 and CS1 of the Darlington Core Strategy Development Plan Document 2011.

Saved Policy E3 of the Local Plan also designates the site as part of the Borough's wider Open Land Network. The policy requires the Council, in considering proposals to develop such land, to maintain its usefulness and enhance the appearance and nature conservation interest of the open space system as a whole, in addition to the interconnections between its elements. The site is currently used as an operational nursery containing a number of

structures and hardstanding areas with limited public access, nature conservation and wildlife interest. The redevelopment of the site for residential purposes would not harm the overall network of open land within the Borough and it is not afforded any protection through the Darlington Open Spaces Strategy 2007 – 2017.

The site could be considered as a “quasi brownfield” site and therefore this is an opportunity to redevelop and reuse previously developed land in accordance with the NPPF.

The principle of residential development on the site is acceptable in general planning policy terms and the remainder of this report will consider the development management issues.

Character and Appearance of the Surrounding Area

Under the provisions of the Council’s Supplementary Planning Document – Design for New Development the site lies within Character Zone 4 (Outer Suburbs). The dwellings in the area are a mix of semi-detached traditional two storey dwellings and single storey bungalows and dormer bungalows with dormer extensions in the roofs. The dwellings are constructed from a variety of materials including brick, render, stone and hanging tiles.

The Design SPD permits developments of between 1 and 2.5 storeys within Zone 4 and the proposal would accord with this guidance.

The layout of the development seeks to follow a modern “garden village” theme with contemporary designed dwellings. The dwellings are constructed from timber frame kits, featuring external cladding to offer a modern appearance but also incorporating pitched roofs, elements of red brickwork and render to reflect the traditional character of the existing dwellings in the area. The roofs would be finished with grey coloured concrete interlocking roof tiles with light grey aluminium fascias, soffits and dark grey rainwater goods. The proposed layout incorporates good design features such as gaps between the dwellings of 1.5m to 2m in many places and enclosed front gardens with a minimum depth of 3 metres.

Red brick enclosures would feature heavily throughout the development along with estate style fencing which provide the enclosures for the front gardens.

Following the further comments from an occupier of Stonehurst Drive, it is considered that precise details of the means of enclosures around the boundaries of the site would best be secured by a planning condition to ensure that the design is acceptable and also to ensure that they can be implemented in accordance with any submitted plans.

The National Planning Policy Framework 2012 (NPPF) considers that decisions should not attempt to impose architectural styles or particular tastes or stifle innovation, originality or innovation whilst acknowledging that scale, massing, materials etc of the local surroundings should be responded to and reflected upon within a new development.

It is acknowledged that the design of the new dwellings is not a precise match of the existing neighbouring properties, but they have been designed with a careful balance and mix of modern and traditional materials and design features which will link this secluded site to the wider surrounding area. It is considered that the design of the proposed dwellings is acceptable and would not significantly harm the character and appearance of the surrounding area.

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

Officers have considered the comments from the ALO and these two existing access points are considered to offer an attractive view from and into the West Cemetery worthy of protection and enhancement. The development has been designed so that the two access points would have natural surveillance from the proposed dwellings (Plots 6, 7 and 8) and as the area is slightly higher than the remainder of the site these vistas could be enhanced by a piece of public art which would add value to the development as a whole. The proposal does indicate that a piece of art would be sited in this area but the precise details of the art work would need to be secured by a planning condition.

Overall it is considered that the response to this site is both modern and traditional with design linkages with the surrounding locality in terms of roof designs and materials. The layout of this low density development considered to be acceptable and it accords with the requirements of both national and local development plan policy.

Residential Amenity

The proximity distance requirements that need to be met between existing and proposed developments to ensure that dwellings are adequately spaced to prevent adverse loss of privacy are contained within the Council's Supplementary Planning Document – Design for New Development.

The existing site is relatively even in topography with no significant level changes. The general direction of fall across the site is from the northern boundary to the south, at a gradient of approximately 1:50. Levels gradually fall from the western to eastern boundary, at notably flatter gradient of approximately 1:200 to the north with levels indicating a flatter topography as you progress south through the site.

However, to obtain suitable cover for a water storage pipe within the highway and to provide a connection for the private surface water drainage this has necessitated the raising of the finished floor levels of the new dwellings by up to between 600mm and 800mm from existing ground levels.

Having assessed the proposal against the SPD, officers can confirm that the development would accord with the adopted proximity distance requirements taking into account the changes to the finished floor levels between the existing and proposed dwellings.

It is considered that the new dwellings would not be overbearing or dominant when viewed from the neighbouring dwellings or their outdoor areas. The proposed boundary treatments to the east and south along with the existing tree coverage on the east boundary would provide adequate screening between the neighbouring dwellings and the application site.

The dwellings on Stonehurst Drive and Stonecliffe Drive that share the south boundary with the application site have very shallow rear gardens. It is considered appropriate that the “permitted development rights” for the dwellings on Plots 22 to 27 are removed by the imposition of a planning condition to protect the future amenities of the occupiers of the existing dwellings to the south. The applicant has agreed to the imposition of such a condition.

The concerns that have been raised by objectors about the development phase impacting upon the amenities of the existing dwellings has been noted and it is considered appropriate to impose a planning condition to secure the submission of a Construction Management Plan which would confirm details such as the hours of construction and deliveries and methods for controlling noise and dust. A separate condition would be imposed to control any piling methods, if they are required.

The findings of the Noise Impact Assessment by Blue Tree Acoustics carried out on behalf of the objector from Woodburn Cottage concludes that night-time noise impact is the primary concern.

Whilst it is considered that vehicle movements during the day might increase noise levels over short periods, when taking the day in its entirety it is considered that the noise climate would most likely not degenerate significantly.

The Assessment has been considered by Environmental Health officers and their comments will be outlined verbally at the Planning Applications Committee, however, there is not considered likely to be anything unusual in noise terms caused by the physical relationship between existing and proposed dwellings. Noise from estate traffic, people coming and going from their premises, street lighting and lighting from car headlights will not have an adverse impact on the health and quality of life of residents of surrounding residential properties. This is everyday noise and lighting that is associated with residential areas. Environmental Health consider that an acoustic fence on the access road will have no noticeable benefit due to the low number and speed of vehicles and will not block the line of sight to first floor windows..

It is considered that the proposed development would not harm the amenities of the existing dwellings and it would accord with Policy CS16 of the Core Strategy.

Highway Safety and Car Parking

The site is in acceptable proximity to existing bus stops on Coniscliffe Road which are served by a half hourly bus service. The applicant has agreed to a commuted sum to provide shelters at both Elm Ridge Garden Centre bus stops which would be secured by a Section 106 Agreement.

A Transport Statement has been produced that demonstrates that generated traffic from the development would not have a detrimental impact on the surrounding highway networks with 29 two way trips in the AM peak and 21 two way trips in the PM peak. This is equated to

one car movement every two minutes during the peak hour. An accident study has also been provided as part of the assessment which shows that there was only 1 accident within the last 5 years in the study area and this happened remote to the proposed access junction at the Coniscliffe Road/Carmel Road Roundabout. The relevant data has been verified with the Police accident statistics held by the Council.

The site is accessed via a new simple T junction off Salutation Road which is an appropriate form of access given the traffic volumes. An existing street tree would need to be removed to the west of the access in order to achieve the required visibility splays of 2.4m x 43m and this has been agreed and is subject to a planning obligation to secure funding for the planting of a replacement tree. Footway crossings of the access roads will be required to include drop crossing facilities and tactile paving where appropriate.

There would be a total of 84 parking spaces taking the form of integral garages, parking bays, detached garages and shared parking bays. Parking provision across the site generally accords with the parking levels set out in the Tees Valley Design Guidance.

A Swept Path Analysis plan demonstrates that the turning facilities within the internal highway layout can accommodate delivery vehicles, refuse vehicles and emergency vehicles.

The internal access roads have been designed to adoptable standards of 4.8m wide running carriageway and a 2m wide footway provision (measured between restraints) on both sides of the access road. There is a private shared drive to the North West corner of the site that has been redesigned so that it is consistent with the design guidance definition and a turning facility for Plot 21 has been revised following advice from the Council's Highways Engineer.

The access roads should be subject to a 20mph speed limit with suitable traffic calming features employed to reduce vehicle speeds. Traffic calming would be required along the main access road to keep speeds down to 20mph with indicative locations shown on the layout drawing. Speed cushions are usually provided at around 60 - 70m spacing's however this can be reviewed during the Section 38 process and discussions regarding the implementation of the 20mph speed limit.

A Construction Management Plan for the proposal would also request details on highway safety related matters such as wheel washing measures, construction traffic routes etc.

There are no highway objections to the proposal.

Sustainability Implications

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

- Factory manufactured timber frame panels ensure joints between building sections are air tight;
- There is less wastage through precision factory manufacturing
- Service conduits are embedded into the build at the factory stage maintaining the integrity of the building fabric;

- 240mm mineral wool insulation is built into the closed panels at factory stage to provide a highly insulated layer (warm in winter/cool in summer);
- Triple glazed argon filled windows are fitted as standard

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

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

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

The Council's Green Economy Officer has advised that the proposal would meet the requirements of at least 10% of the predicted energy supply being secured from the on-site provision of decentralised and renewable or low carbon sources in accordance with the Design SPD and the Planning Obligations SPD.

Ecology

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

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

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

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

Flood Risk and Drainage

The site lies within Flood Zone 1 but as the site exceeds 1 hectare a Flood Risk Assessment (FRA) has been submitted to demonstrate how flood risk from all sources of flooding and flood risk to others from the development will be managed. The FRA concludes that there is a

low risk of flooding and an appropriate drainage system would be installed in accordance with Building Regulations H3. Foul drainage would discharge into the existing foul sewer system.

As stated, the ground levels within the site would need to be raised. NWL have confirmed through the development enquiry process that a sewer connection can be made to the Ex 375mm diameter surface water sewer at manhole 2603 (approx. 2.00m deep) with a restricted surface water flow of 8.2 l/s. Due to the restriction imposed for surface water run-off from the site and with the limited available space within the scheme and ground conditions not being suitable for traditional SuDS techniques such as soakaways, swales & ponds this has resulted in the need for approximately 250m of 1050mm diameter storage. To obtain suitable cover for the storage pipe within the highway and provide a gravity connection for the private surface water drainage this has necessitated the raising of the floor levels of the new houses by up to 800mm from existing ground level.

Northumbrian Water has raised no objections to the proposal subject to a planning condition being imposed that requests the submission of precise details of a scheme for the disposal of surface and foul water.

The Flood Risk Management Officer from Stockton Borough Council, who provides advice to officers on flood risk matters, has advised that a separate condition needs to be imposed to deal with drainage matters that lie outside the NWL remit.

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

Heritage Assets

Policy CS14 of the Darlington Core Strategy seeks to promote local character and distinctiveness, including designated heritage and their settings. Paragraph 131 of the National Planning Policy Framework (the NPPF) advises Local Planning Authorities to take account of the desirability of *sustaining and enhancing the significance of heritage assets...and...new development making a positive contribution to local character and distinctiveness.*

Impact upon Grade II Listed Buildings

Nos. 296-298 Coniscliffe Road is Grade II Listed and lies immediately to the south of the development site. Its List Entry describes a pair of cottages of 1873, designated at Grade II for the following principal reasons:

- *a well preserved example of high quality and well executed later C19 domestic architecture*
- *a handsome composition with external detailing including decorative eaves cornices, chamfered stone mullioned windows and buttressed porches*
- *there is good survival of original internal features including doors, fitted cupboards and a pair of bespoke staircases, all with well detailed joinery which echoes that of the external stonework*
- *as a Quaker horticultural venture, these cottages are an important survival in a town dominated by Quaker families who funded a large number of civic and public buildings*

- *they were designed by the regionally significant architect G G Hoskins, who trained under Waterhouse and executed a number of commissions for prominent Quaker families*

The setting of this Listed Building will be impacted upon by the proposed development. The setting of the Listed Building has changed a number of times over the years from its original use, when the garden and building were in use to support Woodburn and later when the site has been in use as a Council nursery. It lost some of its immediate setting to the east to Stonehurst Drive, an early twentieth century cul-de-sac of semi-detached dwellings. There is a clear Quaker and horticultural connection between both the Listed Building and the site itself, including the former stables, so this makes it vital that the proposed development sustains or enhances this significance.

The principle of new residential development will not be out of place in what has become a more highly residential area. A successful scheme can be achieved by low density development (allowing for space between the Listed Building and new development), green space that reflects in some way the original use of the site, and design and materials that reflect those found elsewhere in the area, but do not attempt to compete with the Listed Building.

The contemporary approach to this development is considered acceptable and the use of red brick, which is a traditionally found all over the Borough, is welcomed and will not compete with the stone Listed Building.

It is considered that this low density development has been designed to be sympathetic with the listed buildings and their settings and it would not harm buildings in accordance with the relevant national and local development plan policies.

Impact upon West Cemetery

West Cemetery is a Grade II Registered Park and Garden. It lies on the northern boundary of the application site. The National Heritage List for England describes it as being designated for the following reasons:

- *A good example of an early High Victorian (1856-58) public cemetery for a provincial town in formal grid-pattern style complimented by later C19 extensions in similar style.*
- *The chapels and lodge were designed by the Darlington architect, J P Pritchett and the grounds laid out by Mr Joseph Bowker of Scarborough.*
- *Pritchett designed the buildings and layout at York Cemetery (qv) in 1836-7, and St Andrew's, Newcastle (qv), 1855-57 and for a time worked in partnership with his son-in-law, John Middleton. From the mid-1850s his practice, Pritchett and Sons, became established nationally in the field of public cemetery design.*
- *The conjoined Gothic chapels form a focal point in the design offset from the main axis, to enliven a level site.*
- *A crematorium has been inserted into the landscape.*
- *Social interest is expressed in a variety of C19 monuments, most of which are relatively modest.*
- *The cemetery layout and structures survive intact, together with exceptional planting including much from the C19.*

The key part of the cemetery's setting and significance, is found in its layout and monuments as referred to above. This will not be affected by the proposed development. There will remain views of trees within the cemetery from the development site and it is considered this proposal will not harm the setting of this Registered Park and Garden.

The timber cladding proposed is not commonly found on buildings in the area, but would not feature excessively alongside brick and render, and could be argued to be a visual link to the site's historic horticultural use and the trees in the neighbouring Registered Park and Garden

Part of the west boundary wall, shared with the Cemetery becomes quite low as it heads towards the North West corner. It is the applicant's intention to repair the walls where necessary and to erect 1.8m high fencing on the inside of both the west and north cemetery walls to help protect the privacy of persons attending the cemetery..

The Northumbria Gardens Trust consider that the proposal would not affect the setting of the historic landscape of the Cemetery as it is so well screened by the boundary walls and trees.

Loss of Stable Buildings

The former stable building has been surveyed and structurally there are many significant defects caused by lack of maintenance.

The findings state that "To stabilise the building the entire rear elevation would need to be rebuilt due to the amount of deterioration in the masonry. The rear elevation also forms the boundary wall which is retaining about 1m of the cemetery side so this would need to be rebuilt with suitable waterproofing and foundations. The position of the new retaining wall will have to be within the development site to avoid disturbing the cemetery side, further impacting on the size of any rebuilt structure. The rebuilding of the back wall will then necessitate the removal of the roof which is also needed to allow the building to be re-roofed to a suitable standard. The floor slabs of the building will have to be completely replaced with the introduction of suitable DPC. Any retained walls will need to be entirely re-pointed and a suitable DPC introduced although this will depend on the condition of the below ground masonry.

The slate roofs are in poor condition with many repairs evident, the ridge, edge and hip tiles are present but also have signs of repair. The lowest part of the building has been over felted presumably to repair and reduce maintenance requirements. The roof structure varies through the three blocks simple rafter in the lowest block; trusses, purlins and rafters for the high level single storey and hip trusses rafters for the two storey area.

Original windows have been bricked up and it would appear the large double door is a later addition to the building. Little remains of any internal fittings and although the internal wall layout would appear to be original. The external masonry to the nursery side is in fair condition but the cemetery elevation is in very poor condition, due to water damage from poorly maintained guttering, there is extensive washout of the joints and deterioration of the bricks. No DPC could be determined. The existing foundations have not been exposed but it is unlikely that they consist of anything more than a shallow exposure of the clay with a thickening of the masonry.

The suggested re-uses of the building is as a garage or residential; as a garage the dimensions of the building do not suit this without major modification to the end elevation. It would also be a substantial structure with a large volume of wasted space. Conversion to residential will be equally problematical as the footprint of the building will produce small badly proportioned rooms in an awkward layout”

The findings conclude that given the amount of work and costs required to restore the building to a structure with any extended life and the problems in modifying the layout it would appear to be more sensible to demolish the building allowing for the reconstruction of the boundary wall.

The Heritage Asset Statement states that *“Since its use has changed, the Stable has experienced a number of modifications such as blocking up existing openings, change to original doors. Its condition is rapidly deteriorating, particularly bricks in the rear wall, and would require substantial work to repair. The existing structural condition is set out in the attached report by Queensbury. The applicant has investigated the options to re-use the Stable as the Council have stated this would be preferable. Options considered have been either to adapt the Stable block into another dwelling, however this would be a very small unit, given the size and nature of the existing rooms after fitting out to modern thermal standards. The applicant has considered that in their experience this would create a unit that would not be sellable and therefore would be uneconomically viable given in the financial outlay, as set out in their attached statement by Esh Developments.*

The other option that has been considered is whether the structure could be used as garage(s). This option has been discounted because the building would have to undergo significant change to be able to accommodate modern sized cars and any special character would not be retained in this scenario.

It is proposed, due to a number of issues including the condition and its viability that the stable block will not be suitable for conversion and therefore the submitted proposal is for its demolition. The balance of benefits that can be weighed against the loss of the non-designated heritage assets are considerable. They include bringing the whole site into viable use making a contribution to the housing supply within Darlington. The low energy style of house by Trivselhus will also help to mitigate against the effects of climate change and contribute to the diversity of energy sources by the use of air source heat pumps and solar panels.”

Whilst demolition of the only remaining traditional building on the site is a loss, the level of harm caused is low because the building has little protection through the planning system (it is not Listed nor within a Conservation Area). Officers are satisfied that this application includes sufficient information to justify the demolition of the former stable building and comply with planning policy. However appropriate conditions will be need to be imposed to ensure that the building is fully surveyed and findings/photographs are deposited with the Historic Environment Record held by Durham County Council.

Contaminated Land

Council records indicate that the site has not been identified as “Potentially Contaminated Land” under Part 2A of the Environmental Protection act 1990 or in accordance with DEFRA Statutory Guidance (2012) and the Council’s Contaminated Land Inspection Strategy (2014).

However the possibility that the site operated a heating boiler, used for the storage and use of agrochemicals (i.e. pesticides/herbicides and fertilizers) and may be impacted with residual broken glass and asbestos materials cannot be discounted.

Based on the available information and in light of the size and nature of the proposed development the Environmental Health section requests that as a minimum a Phase 1 Desktop Study should be prepared and submitted to the Council for review and approval and this would be secured by the appropriate planning condition.

Trees and Landscaping

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

An arboricultural method statement (AMS) has been submitted which shows that the proposed dwellings would be located outside of the root protection areas of the retained trees and the statement also highlights where the protective fencing will be erected around the retained trees.

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

A landscaping scheme for the site has been submitted and the scheme includes a mix of hedges, shrubs and tree planting throughout the layout of the development.

The Council’s Senior Arboricultural Officer has raised no objections to the proposal and considers that the landscaping scheme is acceptable but he has advised that the replacement trees should be containerised or air potted, which can be secured by a planning condition along with a further condition stating the development must be carried out in accordance with the AMS.

Archaeology

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

Affordable Housing

On sites delivering more than 15 units (in the urban area) 20% of the total units provided should be affordable units. Four affordable dwellings have been provided within the site and the off-site financial equivalent of one further dwelling (based on the calculations in the

Council's SPD on Planning Obligations) would be secured as part of the Section 106 Agreement.

Planning Obligations

As well as securing the aforementioned affordable housing provision (on and off site), the applicant has agreed to the planning obligations that are outlined in the Recommendation below.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

The Durham Constabulary Architectural Liaison has expressed concern over the retention of the pedestrian accesses in the north west corner of the site however it is considered that the development would allow for adequate surveillance of surrounding areas such as not to promote anti-social behaviour.

CONCLUSION

The application site lies within development limits identified in the development plan. The design of the dwellings are contemporary but they do incorporate features to reflect the more traditional existing dwellings that bound the site and layout of the development accords with the relevant policies in the development plan. The proposal would meet and exceed the standard environmental and sustainable objectives of Building Regulations and the local development plan and Officers consider that the sustainable nature of the dwellings must be given significant weight when assessing the design of the development. The development respects the amenities of the neighbouring dwellings and accords with the guidelines contained within the Supplementary Planning Document – Design for New Development. The application is not considered to raise any issues in relation to car parking provision and highway safety. The proposal accords with the relevant policies in the National Planning Policy Framework and local development plan.

RECOMMENDATION

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

- ON SITE AFFORDABLE HOUSING (4 UNITS)
- OFF SITE CONTRIBUTION FOR AFFORDABLE HOUSING
- A COMMUTED SUM FOR CHILDRENS' PLAY EQUIPMENT IN THE SOUTH WEST AREA OF DARLINGTON
- A COMMUTED SUM FOR A CONTRIBUTION FOR PRIMARY SCHOOL PLACES IN DARLINGTON
- A COMMUTED SUM FOR EXPANDING, MAINTAINING PLAYING PITHCES IN THE SOUTH WEST AREA OF DARLINGTON
- A COMMUTED SUM TOWARDS THE COST OF BUS SHELTERS AT THE ELM RIDGE GARDEN CENTRE BUS STOPS ON CONISCLIFFE ROAD

- A COMMUTED SUM FOR A REPLACEMENT TREE

AND PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plots 22 to 27, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the neighbouring properties on Stonehurst Drive and Stonecliffe Drive and in order that the Local Planning Authority is able to exercise control over future development of the site.

3. J2 - Contamination
4. Prior to the commencement of the development, a Construction Management Plan shall be submitted 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 shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
 - c) Site compound details and location
 - d) Details of Parking for the Show Houses
 - e) Construction Traffic Routes.
 - f) Details of wheel washing.
 - g) Road Maintenance.
 - h) Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

REASON: In the interests of residential amenity and highway safety

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

6. If piled foundations are proposed, prior to the development commencing 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 Plan
REASON: In the interests of residential amenity
7. Prior to the commencement of the development a detailed scheme for the disposal of surface water and foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012
8. Surface water discharges from this 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. The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value) with 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 plus 30% climate change surcharging the drainage can be stored on site without risk to people or property and without overflowing into drains or watercourse. Micro Drainage design files (mdx 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 site or surrounding area
9. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Sustainability & Energy Statement – Proposed Residential Development. Former Woodburn Nursery Site, Salutation Road, Darlington" produced by Trivselhus dated April 2015 unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of promoting sustainable development.
10. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Bat Roost Surveys" produced by Penn Associates dated July 2015 unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of the protected Species and their habitats
11. Prior to the occupation of the development, precise details of a piece of art or craft work shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include an agreed timescale for the erection of the piece of art or craft

work and the development shall not be completed otherwise than in complete accordance with the approved details

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

12. Prior to commencement, a full photographic survey shall be undertaken of the former stable building hereby approved to be demolished. The photographic survey shall be carried out using a high quality digital camera producing TIFF and / or RAW files. Prints of selected images to be printed on archival quality paper using archival stable inks. Selected digital files to be archived with OASIS EASY IMAGES.

REASON: To comply with Policy CS14 (E) of the Borough of Darlington Core Strategy Document (2011) to record the historic features of this traditional building.

13. Prior to the development being beneficially occupied, a copy of the report on any analysis, and/or publication about the former stable building shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

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

14. Prior to the commencement of the development precise details of works to be carried out within the existing public highway including the formation of the access junction and removal of the existing bus stop shall be submitted to and approved in writing by the Local Planning Authority. There are proposals for works to be submitted for adoption including new internal access roads, and these will be subject to a Section 38 Agreement under the Highways Act 1980 and details should be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety

15. The development shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Method Statement For Trees at the Former Council Nursery, Salutation Road, Darlington" produced by All About Trees dated 3rd August 2015 unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the visual amenity of the site and surrounding areas

16. Notwithstanding the details shown on the approved landscaping scheme (Drawing Nos 2197 01 Rev B and 2197 02 Rev B dated May 2015) all new trees shall be containerised or air potted unless otherwise agreed in writing by the Local Planning Authority.

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

17. E8 Tree Surgery (TPO Trees)

18. Notwithstanding the details shown on the approved plans, precise details of the means of enclosure on the all boundaries of the development site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the

development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of residential amenity and the visual appearance of the development.

19. B5 – Detailed Drawings (Accordance with Plan)

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

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 - Development Limits

E3 - Protection of Open Land

E12 - Trees and Developments

E14 - Landscaping of Development

E20 - Sites of Nature Conservation Areas

Darlington Core Strategy Development Plan Document 2011

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

Policy CS2: Achieving High Quality, Sustainable Design

Policy CS3: Promoting Renewable Energy

Policy CS4: Developer Contributions

Policy CS10: New Housing Development

Policy CS11: Meeting Housing Needs

Policy CS14: Promoting Local Character and Distinctiveness

Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity

Policy CS16: Protecting Environmental Resources, Human Health and Safety

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

Other Documents

Supplementary Planning Document – Design for New Development

Supplementary Planning Document – Planning Obligations

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

Highways

The Developer is required to submit detailed drawings of the proposed highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.

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

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

An appropriate street lighting scheme and design to cover the proposed amendments should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter.