

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 26th July 2017

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APPLICATION REF. NO:	17/00398/FUL
STATUTORY DECISION DATE:	3 August 2017
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Former Woodburn Nursery, Salutation Road
DESCRIPTION:	Variation of Condition 24 (approved plans) of planning permission 15/00513/FUL dated 20 October 2016 (Redevelopment of site including demolition of existing buildings and erection of 25 No dwellings and access improvements) to permit substitution of house types and minor amendments to site layout
APPLICANT:	Esh Homes Ltd

APPLICATION AND SITE DESCRIPTION

Members will recall that a planning application was granted by the Planning Applications Committee in August 2016 to redevelop this former Nursery site for residential purposes comprising 25 dwellings. The planning application was granted subject to conditions and a Section106 Agreement.

The materials for the proposed dwellings were to be imported from Sweden through the applicant's development partners, Trivselhus. However, since the previous planning permission has been issued, the applicant has advised that rising exchange rates and Brexit have resulted in an increase in supply, delivery and construction costs which would make the approved scheme unviable.

The applicant is seeking consent to substitute the previous timber framed buildings with dwellings built from traditional brick and block construction. The designs of the dwellings would generally be the same but there would be some amendments throughout the scheme. The most significant revisions are,

- Juliet balconies at the rear of the Balmoral, Kensington and Sandringham House types have been removed and replaced with a traditional window
- Balcony areas to the front elevations of the Hampton and Clarence house types have been removed;
- A continuous lean to roof has been added from ground floor level to first floor level of the Kensington house types;

- The front facing gable elevations on the Clarence house types have been widened with the roof height increased;
- The render and lining has been removed from the elevation treatments of the dwellings to be replaced by red facing bricks;

There are a other minor amendments to the various house types including the removal of ground and first floor windows; the simplification of retained window openings; alterations to soffits and external door specifications and the photovoltaic roof panels have been removed along with the installation of air source heat pumps.

The proposed layout now incorporates the gas meter house in the North West corner of the site that was approved under a separate planning permission (See Planning History). However, the site layout, landscaping scheme, the number of dwellings and their positions within the site remain unchanged.

PLANNING HISTORY

The relevant entries are:

15/00513/FUL – In October 2016 planning permission was GRANTED subject to a Section 106 Agreement for the redevelopment of the site, including the demolition of existing buildings and erection of 25 dwellings and access improvements

16/00961/FUL – In November 2016 planning permission was GRANTED for the erection of a gas meter house

15/00513/CON – In December 2016 approval was GRANTED to discharge pre-commencement planning conditions attached to planning permission reference number 15/00513/FUL

16/01244/FUL – In January 2017 planning permission was GRANTED for the erection of a gas meter house in a revised location

PLANNING POLICY BACKGROUND

The relevant local and development plan documents 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

Planning Policy Position Statement

RESULTS OF CONSULTATION AND PUBLICITY

Two letters of objection have been received and the comments can be summarised as follows:

- *I have resided at 13 Salutation Road for 30 years and I have noticed a considerable increase in both the number of cars using Salutation Road and the increased number of parked cars on either side of the road. My particular concern is the site access / egress for the planned erection of 25 new houses. At the junction of Salutation Road onto Coniscliffe Road there can be parked cars directly on the junction - making this junction a traffic hazard. Driving from Elm Ridge Garden Centre along Coniscliffe Road to make a right turn onto Salutation Road raises particular safety issues. A driver indicates right - to turn onto Salutation Road - however is the driver indicating solely to turn onto Salutation Road - or turning right & immediately right again into the new proposed housing estate?*
- *This last manoeuvre has the potential for a serious road traffic accident. I often witness cars following other cars - making this traffic turning right onto Salutation Road - cars are approaching from your left from Barnard Castle at this junction. Due to parked cars on Salutation Road - your joining Salutation Road can be abruptly stopped by an oncoming car manoeuvring between parked cars along Salutation Road. Speeding vehicles obviously exacerbate this situation. The possibility of a car being hit - trying to turn onto Salutation Road is greatly increased by the proposed site entrance. I have personally been hit by another car in perfect driving conditions - while driving onto my drive in Salutation Road - so have experience of the dangers of driving conditions along Salutation Road*
- *This is already a busy junction and I am certain that this will worsen. Is there a traffic management plan to address the issue?*
- *Is drainage both foul and surface water going into the existing system which already seems to struggle with heavy rain*
- *Are the proposed houses in keeping with the area?*
- *Isn't there a Grade II listed building there?*

A detailed letter of objection has been received from the occupier of No 298 Coniscliffe Road (Woodburn Cottage). The comments can be summarised as follows:

- *The revised scheme is trimming corners for the developer's profit. It is a speculative unremarkable project on an environmentally and historically constrained site*
- *The revised scheme does not have the eco-credentials of the first proposal. The design is nothing more than a standard housing estate design of no architectural merit with a SUDs scheme. It could easily be built elsewhere*
- *The scheme does not acknowledge, protect or enhance any of the original and special*

buildings at the front of the site which is where the significance of place is. The Quaker provenance and architectural craftsmanship skills is set out in public records and the public view;

- *The West Cemetery to the north with no significant connection at all to the development site is also an historic and environmental asset*
- *There is no traffic management plan at or outside the sites entrance. The wellbeing and safety of thousands of drivers is a priority.*
- *Has the Highways Officers and planners considered the future impact of several larger housing developments along the A67 which will add to the congestion at the pinch point (Carmel Road/Coniscliffe Road)*
- *The development undermines the Cottages right to quiet residential amenity and privacy. Intermittent traffic buzz and vibration is stressful and irritating if not mitigated. The new highway will run down the side and cut across the rear boundaries in line with rear bedroom windows. Other bedrooms will be directly impacted upon by noise and vibration of from the A167 and Salutation Road traffic, including the vehicles leaving and entering the site;*
- *Any cottage resident that has health problems or vulnerable children would be adversely affected by fumes, noise and dust;*
- *The cottages should be resected through a design for a high quality setting with adequate defensible space that does not leave them subject to the uncontrollable impact of every passer-by;*
- *The landscaping and planting schemes presented do not sustainably enhance the entrance corridor beside the listed buildings. The planting will impact on right of light and causing potential destabilization of the side/land*
- *The trees close to our building would grow to unacceptable heights at maturity*
- *To remove the stable store removes the last tangible evidence of the walled garden and the horticultural roots of the cottages. No 298 now has no ownership of a garden to the side or rear and the cottages now stand as an unbalanced pair to perhaps be delisted through no fault of their own. The public significance is being visibility denied and there is no accurate HER Recording from the developer in place*
- *We do not feel assured that all site services, infrastructure will be installed to meet the required specifications and design regulations on public safety*
- *The potential flood risk mitigation from this development is making the fabric of the cottages more vulnerable. Any surface water on the road/pavement will drain towards their established foundations which cannot be put at risk;*
- *There is no effective mitigation for No 298 that will have a highway on the south and west sides. A hedge is a visual screen not an acoustic barrier. Triple glazing will be necessary.*
- *The estates fences and walls are very basic in design*
- *The issue of closing the two openings into West Cemetery has not yet been publicly consulted upon. There have been numerous antisocial incidents via the cemetery*
- *Drains and watercourses on the site may yet have to be fully explored*
- *The developer does not have sufficient technical information for the layout of the SUDs or reassurance from the leading authorities against the potential adverse impacts in the vicinity of the Grade II listed buildings. Future dampness or flooding of the listed buildings would be catastrophic*
- *Telecommunications have not been consulted upon.*
- *If there is piling anywhere on the site, consideration must be given to the listed buildings*
- *There will be a loss of privacy and outlook and an increase in dust and noise*

- *An accurate record has not been provided for the loss of the stable building. The deposit of the poorly evidenced and misleading historical HER in a regional public archive goes against the social and cultural policies and laws to protect and uphold heritage assets;*
- *It is noted that no comment has been made to the recycled HER/Heritage Statement in the present application from the Conservation Officer*
- *The almost identical Heritage Documents in the application demonstrate that the significance of this place and its wider cultural value has not been understood by the developer at all*
- *The developer has not provided appropriate mitigation for the loss of the stable store or clearly evidenced proof that they have achieved a “neutral” design. The loss of the walled curtilage building is a substantial loss to the major assets intrinsic horticultural significance and setting*
- *The developer must be called upon to provide evidence to public scrutiny in order to show there is no other way that the development could proceed without destroying the heritage stable store and walled garden setting to the cottages;*
- *The Historic Recording is misleading and incorrect and unfit for purpose*
- *The scale of development should be in proportion to the adverse impact it will have on its footprint and surroundings. The density should be reduced and the risks and adverse impacts should be reduced*
- *A situation of conflict has developed due to the Council’s weak economic situation with social and cultural assets passed off as capital assets being offered for sale or long leases to achieve short term capital receipts*

Consultee Responses

Northern Gas Networks has no objections to the proposal

The Architectural Liaison Officer from Durham Constabulary has raised no objections

Northumbrian Water has raised no objections subject to a planning condition to ensure the development is carried out in accordance with the submitted Flood Risk Assessment

Environment Agency has advised that the proposed development falls outside of the scope of matters on which the EA is a statutory consultee.

The Flood Risk Management Team has raised no objections subject to appropriate planning conditions

Historic Environment Record Officer from Durham County Council Archaeology Section has raised no objections

The Council’s Environmental Health Officer has raised no objections to the development subject to the imposition of planning conditions

The Council’s Highways Engineer has raised no objections

The Council’s Historic Asset Officer has raised no objections

The Council’s Transport Policy Officer has raised no objections

The Council’s Ecology Officer has raised no objections

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed revised development is acceptable in the following terms:

Planning Policy

Impact on the Visual Appearance and Character of the Area

Highway Safety

Residential Amenity

Land Contamination
Drainage and Flood Risk
Impact on Heritage Assets
Impact on Trees
Landscaping
Ecology
Archaeology
Impact on the amenity of West Cemetery
Planning Obligations

Planning Policy

The Council has produced a Planning Position Statement (2016) which interprets the National Planning Policy Framework 2012 at the local level for the whole of the Borough. The site is identified in the Council's Interim Planning Position Statement as being a site that is capable of accommodating a sustainable housing development subject to the submission of an acceptable scheme in relation to other material planning considerations. The principle of developing the site is considered by the IPPS to be acceptable against the national policy criteria contained within the NPPF.

Impact on the Visual Appearance and Character of the Area

The main amendment to the overall scheme is the revision to the palette of materials and subsequent design changes to the dwellings. The previously approved dwellings were to be contemporary designed timber framed buildings constructed from a mix of red facing bricks, off white render and dark grey roof tiles.

The proposal involves the construction of the dwellings from blockwork and red facing bricks and dark grey roof tiles and they would still retain a contemporary design but simplified with more traditional materials. The use of red brick in this location would accord with the Council's Supplementary Planning Document – Design for New Development.

The amendments to the designs of the dwellings are considered to be acceptable.

The layout retains the mix of brick walls and railings to enclose the private garden areas, the central area of open space and provision for a piece of artwork in the North West corner. 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 boundary and alongside the low perimeter wall/railings on the south boundary.

The two existing access points in the North West corner of the site have been retained as they offer an attractive view from and into West Cemetery and provide a natural link between the two sites. The retention of the accesses was seen as an important aspect of the original Development Brief for the site and could be enhanced by a piece of art which would be secured by a planning condition.

The overall design and layout of the proposed development are considered to be acceptable in this location.

Highway Safety

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 subject to a planning obligation being agreed 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.

A Transport Statement was produced for the previous scheme which demonstrated that traffic generated 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. The trip rates used in the calculation were generally in the correct order of magnitude for this type of development and therefore from a traffic perspective the previously approved development was considered to be acceptable. There were no highway objections raised to the previous proposal subject to the imposition of planning conditions

The Council's Highways Engineer has advised that traffic generation from the proposed development would remain unchanged and the access arrangements, layout and parking provision across the site remain acceptable. The Highways Engineer has raised no objections to the amended development subject to the same planning conditions and Informatives being imposed on any grant of planning permission.

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

Residential Amenity

The proximity distances between the existing and proposed dwellings accord with the requirements set out in the Council's Supplementary Planning Document – Design for New Development.

The planning system is not intended to protect the outlook that existing residents might enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity. No person has a legal right to a private view. It is considered that the proposed development would not harm the outlook from the neighbouring dwellings or their gardens due to the scale of the buildings and the distances between the existing and proposed properties.

The Demolition Management Plan, the Construction Management Plan and the Dust Action plan that have been submitted with the revised application are considered to be acceptable. A planning condition would need to be imposed to secured appropriate hours of construction and deliveries.

The two accesses in the North West corner would have natural surveillance from the front elevations of the dwellings on Plots 5 to 8.

There would be no piled foundations but the developer would need to carry out ground improvement to Plots 10 to 18 in the form of vibro stone columns. This method of foundation type is being used as it is the most cost effective and most suitable for the ground conditions of

the site. Information on the noise and vibration levels associated with this type of ground improvement has been considered and accepted by Environmental Health and the Construction Management Plan includes confirmation that construction vibration levels will be subject to a watching brief with measurements taken as necessary.

It is considered appropriate to impose a planning condition that removes permitted development rights from the proposed dwellings along the south boundary of the site (plots 20 to 25). The existing dwellings on Stonehurst Drive and Stonecliffe Drive having shallow rear gardens and such a planning condition would allow the Local Planning Authority to control any future extensions or detached buildings to these new dwellings in the interest of residential amenity. The applicant is agreeable to the imposition of such a planning condition.

The noise impacts of the development on the neighbouring dwellings, especially No 298 Coniscliffe Road was previously considered by Officers and Members. The latest comments mentioned by the occupier of No 298 Coniscliffe Road have also been considered by the Council's Environmental Health Officer. Previously Environmental Health advised that a noise impact assessment would not be required for this type of application as the proposal is for a residential development to be located in a residential area. The Officer has reiterated that any noise from the development would be everyday noise associated with residential development areas and in their opinion such impacts will not have an adverse impact on the health and quality of life of residents surrounding the application site, including No 298.

Having considered the proposal and the advice from Environmental Health, it is considered that the proposed development is acceptable in residential amenity terms.

Land Contamination

A Phase 1 Desk Top Study has been provided in support of the planning application which has been considered by Environmental Health. Further work and investigations need to be carried out to the site and the existing buildings which can be secured by the imposition of appropriate planning conditions.

Drainage and Flood Risk

The proposed development must not increase the risk of surface water runoff from the site to cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the development or any existing surface water/groundwater issues on the site must be alleviated by the installation of sustainable drainage systems within the site.

The site lies within Flood Zone 1 but as the site exceeds 1 hectare a Flood Risk Assessment (FRA) was submitted to demonstrate how flood risk from all sources of flooding and flood risk to others from the development will be managed. A maintenance and management plan has been submitted to show how the drainage systems, storage tanks would be maintained by the private management company over the life of the housing development.

The Flood Risk Management Officer has considered the submitted information and has raised no objections subject to appropriate planning condition to ensure the development is carried out as in accordance with the submissions. The management and maintenance plan would also be included within a Section 106 Agreement.

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. As the drainage for the development would connect into the public sewerage system at agreed points and rates, Northumbrian Water has raised no objections to the proposal subject to a planning condition which stipulates that the development is carried out in accordance with the approved Flood Risk Assessment.

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

Impact on Heritage Assets

The impact of the development on the heritage assets was considered by the previous Conservation Officer that was in post at the time, Officers and Members when determining the original submission. However, it is deemed appropriate and necessary to consider the implications again as part of this new proposal.

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 was 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 Buildings 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 a new residential development will not be out of place in what is now a more highly residential area. The scheme is a low density development with areas of open space and

landscaping and the overall layout and the location of the nearest dwellings do not compete with the listed buildings. The choice of red brick, which is traditionally found all over the Borough would not compete with the stone listed buildings. It is considered that the development has been designed to be sympathetic with the listed buildings and their setting and significance would not be harmed and it would accord with the requirements of the National Planning Policy Framework 2012.

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 setting of this Registered Park and Garden will be impacted upon by the proposed development. However its setting is a major part of the cemetery's significance, and it is primarily found in its layout and monuments, which this proposal will not directly impact. There will remain views of trees within the cemetery from the development site.

There are sections of the west boundary wall, shared with the Cemetery that 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 and therefore the privacy that is required for persons attending the cemetery would be maintained by the fencing.

The Northumbria Gardens Trust were consulted on the original planning application and considered 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. The Trust was also consulted on this planning application and they have provided no comments but the layout and position of the buildings within the development have not been revised. It is considered this proposal will not harm the setting of this Registered Park and Garden.

Loss of Stable Buildings

The former stable building has been surveyed and structurally there are many significant defects caused by a lack of maintenance. The findings of the survey conclude that given the amount of work and costs required to restore the building and also to incorporate the building into the

layout, it would be more sensible to demolish the building allowing for the reconstruction of the boundary wall. The supporting Heritage Statement states:

Early uses of the building appear to have been in association with the former walled garden, in relation to the philanthropic Quaker horticultural venture. When the walled garden in its original form was changed, and the glass houses demolished, the original use for the Stables was also changed. It is understood that the walled garden and the area to the north that comprised Salutation field were then brought under the ownership of the Council when the site continued the horticultural work in providing plants and flower for the town and later many other towns. The stables were then used for different purposes including storage for the Council and use by those working in West Cemetery. 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 Survey and Statement were considered by the previous Conservation Officer and whilst the demolition of the remaining traditional building on the site is a loss, the level of harm that is caused was considered to be low. The building is not a listed building nor located within a conservation area and Officers consider that sufficient information had been submitted to justify the demolition of the building. However, it was considered important to ensure that prior to its demolition, the building is fully surveyed and findings and photographs were deposited with the Historic Environment Record held by Durham County Council.

The Council's current Heritage Asset Officer has reiterated her support of the previous Officer's advice on the principle of the development, its layout which has remained unchanged from the previous submission and their impact on the significance of the heritage assets and also the previous advice on the significance of the loss of the stable building.

The proposed revisions to the palette of materials and the designs of individual dwellings are also considered by the Heritage Asset Officer to be acceptable in terms of their impact on the heritage assets.

This planning application has been supported by the same Heritage Statement and photographic recording of the former stables building. It is clear from the objection letter from the occupier of No 298 Coniscliffe Road that the occupier does not agree with statements and the accuracy of the

heritage statement and photographic record that has been provided and considers that as a result the planning submission has not taken into consideration the relevant impacts on the significance of the heritage asset (the listed buildings) or the history of the site or the stable building or the justification for its removal and subsequent recording. The occupier considers the documents to be worthless and should be withdrawn as a result.

The Heritage Asset Officer has considered the comments made by the occupier of No 298 Coniscliffe Road and has advised that as the building is not listed or in a conservation area or Registered Park and Garden its significance is low. Despite the low significance of the building, the original application requested a building recording and in accordance with the NPPF, the level of detail should be proportionate to the significance of the heritage asset (low) and to the extent of any works proposed. A Level 1 Basic Visual Recording would have been reasonable for a non-designated heritage asset such as this. However, a Level 2 Recording (Descriptive Recording) as defined in “Understanding Historic Buildings – A Guide to Good Recording Practice” was carried out. This was over and above what would normally have been requested but was carried out due to the comments made about the demolition of this structure.

The applicant’s Heritage Consultant (to address this ongoing objection about the history of the site not being accurately detailed) suggested the Building Recording should be read in conjunction with the Heritage Statement submitted as part of the original submission and therefore the Council specified that the following documents should be placed on the HER.

- Heritage Statement
- Building Recording

It should also be noted that any Building Recording is predominantly a building survey and it is not intended to be a historical record of a site or building, especially when the significance of that site or building is low (as is the case here).

A Level 2 is a descriptive record, made in similar circumstances to Level 1 but when more information is needed. Both the exterior and interior of the building will be seen, described and photographed. The examination of the building will produce an analysis of its development and use and the record will include the conclusions reached, but it will not discuss in detail the evidence on which this analysis is based. A plan and sometimes other drawings may be made but the drawn record will normally not be comprehensive

The Conservation Officer has advised that the anecdotal evidence in the submitted Level 2 Record is just that. The objector has another opinion about the history of the building and neither is wrong and neither is right. Furthermore, the Building Recording has no legal weight and none of its contents have any impact on the principle of the development of this site which is an entirely separate issue. In conclusion the Conservation Officer considers that the submitted Heritage Statement and Building Recording are acceptable and should be placed on the Historic Environment Record (HER) which can be secured by a planning condition. The Officer has also advised that if the objector wishes to produce an alternative Building Recording they should also submit this to the Historic Environment Record.

Officers have taken into account the comments made by the owner of No 298 Coniscliffe Road and the specialist advice from the Heritage Asset Officer and consider that the Statement and Recording meets the criteria that is required for recording this building which has low level of significance and it can be placed on the HER Record in its current form.

Overall, it is considered that the revised development is acceptable and will not harm the surrounding heritage assets and the recording of the stable building to be removed is acceptable.

Impact on Trees

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 a tree preservation order. 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 re-submitted which shows that buildings are outside of the root protection areas of the trees to be retained or which are on the edge of the site. 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.

Landscaping

The previously approved landscaping scheme has been re-submitted. The scheme was previously amended following comments made by the occupier of No 298 Coniscliffe Road, on the position and the species of the trees that would run alongside the access road into site. The concerns over the tree planting have been raised again in the detailed objection letter to the amended scheme.

Silver Birches are to be planted along the access road and adjacent to No 298 Coniscliffe Road and have smaller leaves to allow sunlight pass through and they do not retain much moisture. The Silver Birch trees are considered an appropriate species to be planted in this location having taken account of the window openings, boundary wall and garden area of the neighbouring dwelling.

A condition will be re-imposed to restrict any planting taking place within 0.5m of the boundary walls of Nos 296 and 298 Coniscliffe Road to ensure the occupiers can maintain access to the development side of their boundary walls for repair and maintenance purposes.

The landscaping plan includes additional tree and shrub planting throughout and on the periphery of the application site. The maintenance and management of the landscaped areas and open space would be carried out by a private management company.

The Council’s Senior Arboricultural Officer previously confirmed that the landscaping scheme for the development was acceptable and it remains unchanged.

Eco-Environmental Matters

Due to the cost implications of the previous scheme, environmental features such as the photovoltaic panels and air source heat pumps have been removed. The dwellings would now comply with the standard Building Regulation requirement which is considered to be acceptable but there will be some ecological mitigation measures incorporated into the dwellings and layout (see below).

Ecology

The application has been supported by the Bat Assessment and Bat Survey that were submitted with the original planning application. 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 proposed a number of mitigation measures such as avoidance of disturbance to roost sites, provision of alternative roost sites, retention of feeding habitats and design of suitable lighting systems. Mitigation measures can be met by planning conditions that require the submission of an ecological lighting strategy which involves appropriate street lighting and controls over external floodlighting on dwellings (for example security lighting) and also by ensuring the dwellings on the north and west boundaries incorporate integrated bat boxes/bricks into their final designs.

The Survey also confirms that as the stable building will be affected by the development (demolished), 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. Whilst this is an operational matter for the developer, a planning condition can be imposed to ensure that the building cannot be demolished without the developer having a license in place.

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

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 considered that there was no need for any archaeological conditions to be placed on the development and they have advised that this position remains unchanged.

Impact on the amenity of West Cemetery

There were concerns raised at the time of the original submission over the impact that the development may have on persons attending the section of the Cemetery to the west of the site. The boundary wall would be augmented by a 1.8m high fence within the site and it is considered that the Cemetery would not be adversely harmed in terms of overlooking, any loss of privacy and noise.

Planning Obligations

The previously agreed planning obligations for the approved scheme were:

- A commuted sum for children's 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 pitches 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
- An offsite commuted sum for affordable housing to the equivalent of five units

These obligations would remain unchanged they would be secured by an Agreement under Section 106 of the Town and Country Planning Act 1990

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. It is not considered that the contents of this report have any such effect.

CONCLUSION

The redevelopment of the site for residential purposes has been established and accepted by the previous decision by Members of the Planning Applications Committee to approve the proposal subject to a Section 106 Agreement and planning conditions. The scheme has not been implemented.

The revisions to the design and choice of materials of the dwellings are acceptable and will not adversely impact on the character or appearance of the surrounding area nor raise any adverse residential amenity issues. The layout and landscaping for the site remain generally unchanged from the previous submission and it is considered acceptable in highway safety terms. The supporting information that has been submitted in relation to ecology and drainage are acceptable. There is a difference of opinion between Officers and the occupier of No 298 Coniscliffe Road over how the significance of the site and the stable building (and its recording) have been presented. However, Officers consider that the proposed development will not harm the significance of the relevant heritage assets and that the significance of the loss of the stable building is proportionately considered by the submitted Heritage Statement and Recording. The revised proposal would accord with the relevant national and local development plan policies.

RECOMMENDATION

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

- 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 PITCHES 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) (England) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plots 20 to 25, 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. The proposed demolition works shall not be carried out otherwise than in complete accordance with the approved documents entitled “Demolition Management Plan – Revision 03” dated 16 September 2016 and produced by TM Ward (Darlington) Limited and “Method Statement – Revision 03” dated 16 September 2016 and produced by TM Ward (Darlington) Limited
REASON: In the interests of the amenity of the area
4. Following the demolition of any existing buildings and prior to the commencement of any site investigate works, a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a “suitably competent person(s)” in accordance with published technical guidance (e.g. BS10175 and CLR11) and submitted to and agreed in writing with the Local Planning Authority, unless the LPA dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development
5. A Phase 2 Site Investigation works shall be conducted, supervised and documented by a “suitably competent person(s)” and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a “suitably competent person(s)”, in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

6. Following the completion of the works required by condition 6 a Phase 3 Remediation and Verification Strategy shall be prepared by a “suitably competent person(s)” to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a “suitably competent person(s)” and in accordance with the approved Phase 3 Remediation and Verification Strategy.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection
7. Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection
8. A Phase 4 Verification and Completion Report shall be compiled and reported by a “suitably competent person(s)”, documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection
9. The development shall not be carried out otherwise than in complete accordance with the approved document entitled “Construction Environmental Management Plan” Revision C dated 2 August 2016 produced by Esh Property Management unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of highway safety and residential amenity

10. 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
11. The development shall not be carried out otherwise than in complete accordance with the Dust Mitigation Measures outlined in the document entitled "Dunelm Property Services. Esh Property Services. Site Address – Salutation Road, Darlington" unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of residential amenity
12. The proposed development shall not be carried out otherwise than in complete accordance with the following documents entitled unless otherwise agreed in writing by the Local Planning Authority:
- a) Structural Damages – Particle Velocity Criterion produced by Balfour Beatty Ground Engineering
 - b) Procedural Steps. GE – Dry Bottom Feed Vibro Stone Columns produced by Balfour Beatty Ground Engineering. Ref No BBGE-PC-4301 dated 13 October 2014
 - c) Reference Materials. GE – GIMP Noise and Vibration Control on Construction Sites produced by Balfour Beatty Ground Engineering. Ref No BBGE-RM-4305 dated 9 December 2015

REASON: In the interests of residential amenity

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the following approved plans:
- a) Exceedance Flood Route Plan 100yrs - QD1073-03-02 Revision P3
 - b) Section 104 Plan - QD1073-17-01 Revision P2
 - c) Engineering Layout - QD1073-04-01 Revision P19
 - d) External Works - QD1073-03-01 Revision P19
 - e) Land Conveyance Plan – LCP/Man Revision B
 - f) Maintenance Agreement: ESH-G 23/01/17 Rev D

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, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the approved document entitled "Flood Risk Assessment" dated May 2025 and produced by Queensberry Design Limited. The drainage scheme shall ensure that foul flows discharge to the foul sewer at Manhole 2602 and ensure that surface water discharges to the surface water sewer at manhole 2603. The surface water discharge rate shall not exceed the available capacity of 8.21l/sec that has been identified in this sewer.
REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

15. Prior to the demolition of the building (known as Building 1 in the document entitled Bat Roost Surveys dated July 2015 and produced by Penn Associates), the developer must have a European Protected Species bat mitigation licence in place. The licence must be obtained prior to any works being undertaken which could impact on bats or their roost.
REASON: In the interests of protected species and their habitats
16. The dwellings on the north and west boundaries of the site (Plots 1 to 8 and 13 to 16) shall incorporate an integrated bat roost within their design, as recommended in Bat Roost Survey Report (e.g. Habibat type). The habitat bat roosts shall be positioned in an optimum location within the dwelling, as informed by a Suitably Qualified Ecologist and the details of the roosts shall be submitted to and approved by the Local Planning Authority prior to the completion of the first dwelling on the aforementioned plots.
REASON: In the interests of protected species and their habitats
17. Prior to the completion of the first dwelling, an ecological lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the street lighting and external floodlighting on the dwellings and the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed within the prior consent of the Local Planning Authority
REASON: In the interests of protected species and their habitats
18. 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
19. Prior to the development being occupied, a copy of the reports entitled “ A Photographic Recording of the Former Stables Building at Woodburn Nursery, Salutation Road, Darlington” dated May 2015 and produced by Sarah Dyer and “Heritage Statement - Impact of the Proposed Housing Development at Woodburn Nursery, Salutation Road” dated May 2015 and produced by Dunelm Homes 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
20. 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” - Revision B produced by All About Trees dated 9th May 2016 unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of the visual amenity of the site and surrounding areas

21. The development hereby approved shall be carried out in complete accordance with submitted landscaping scheme (Drawing Nos 2197 01 Rev K and 2197 02 Rev K dated May 2015). All new trees within the landscaping scheme shall be containerised or air potted and any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping maintained for a period of five years following the completion of the planting scheme to the satisfaction of the Local Planning Authority.
REASON: To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
22. E8 Tree Surgery (TPO Trees)
23. No planting shall take place within 0.5m of the boundary walls of Nos 296 and 298 Coniscliffe Road unless otherwise agreed in writing the Local Planning Authority.
REASON: In order to ensure that access to the boundary walls for repairs and maintenance is provided.
24. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
- a) Drawing Number SAL-SS-01 Revision B – Street Scene
 - b) Drawing Number SAL-SS-02 Revision D- Street Scene
 - c) Drawing Number 15001 – 04 – AG – Proposed Site and Block Plan
 - d) Drawing Number BALM-02 – Balmoral House Type Elevations
 - e) Drawing Number BALM-01 Revision B – Balmoral House Type Floor Plans
 - f) Drawing Number CLAR-02 – Clarence House Type Elevations
 - g) Drawing Number CLAR-01 Revision B – Clarence House Type Floor Plans
 - h) Drawing Number HAMP-02 Hampton House Type Elevations
 - i) Drawing Number HAMP-01 Revision B Hampton House Type Floor Plans
 - j) Drawing Number KENS-02 – Kensington House Type Elevations
 - k) Drawing Number KENS-01 Revision B – Kensington House Type Floor Plans
 - l) Drawing Number SAND-02 Sandringham House Type Elevations
 - m) Drawing Number SAND-01 Revision B – Sandringham House Type Floor Plans
 - n) Drawing Number WIN- 02 Windsor House Type Elevations
 - o) Drawing Number WIN-01 Revision B – Windsor House Types Floor Plans
 - p) Drawing Number 01 K – Landscape Layout
 - q) Drawing Number 02 K – Landscape Layout
 - r) Drawing Number QD1073-03-01 Revision P19 – Engineering Layout
 - s) Drawing Number QD1073-40-01 Revision P4 – Refuse Vehicle Tracking
 - t) Drawing Number QD1073-04-01 P19 – External Works
 - u) Drawing Number 1073 – Wall Rebuild Detail
 - v) Drawing Number 15001 06 Revision B – Enclosure Details
 - w) Drawing Number QD1073-17-01 Revision P2 – Section 104 Plan
 - x) Drawing Number LCP/Man Revision B – Land Conveyance Plan
 - y) Drawing Number ED-Misc SRD Revision F Fence to Southern Boundary
 - z) Drawing Number ED-Misc SRD2 Revision E Fence of Southern Boundary

REASON – To ensure the development is carried out in accordance with the planning permission

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

Interim Planning Position Statement