

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 13 December 2017**

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<b>APPLICATION REF. NO:</b>	17/00818/FUL
<b>STATUTORY DECISION DATE:</b>	30 December 2017
<b>WARD/PARISH:</b>	PARK WEST
<b>LOCATION:</b>	Land At Carmel Road South
<b>DESCRIPTION:</b>	Residential development consisting of 59 executive dwellings with associated landscaping and infrastructure (as amended by plans received 14 and 23 November 2017)
<b>APPLICANT:</b>	Story Homes

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**APPLICATION AND SITE DESCRIPTION**

The application site is the former Blackwell Golf Course owned by Darlington Borough Council. The site is bound to the north and west by existing dwellings; another fairway of the former Blackwell Golf Course lies to the east; and car dealerships to the south.

The tees, some of them raised, the fairways, the bunkers and the greens remain visible on the site and the boundaries with Carmel Road South and Bridge Road contain mature trees and hedgerows and a wooden post and rail fence. Where the site bounds residential dwellings, the shared boundary comprises a mix of trees, hedges, close boarded fencing and metal post and railing fencing. Some boundaries treatments to the rear of the dwellings have been removed and their gardens are open to the site.

The site extends 9.9 hectares and contains two ponds, both of which provide a habitat for Great Crested Newts. The land generally slopes down from north to south but there are undulations and ridges and furrows. There are trees on the periphery and within the site which are covered by tree preservation orders dated 1951 and 1963.

The Council undertook consultations on this site's inclusion within the Local Plan in 2014 and 2015 which culminated in the production of a Development Brief for the site. The Brief set out the site's context and constraints in detail to potential developers who expressed an interest in the site. The Brief was prepared following consultation with statutory consultees, local residents and the Blackwell Neighbourhood Forum and the site was identified as being appropriate for high quality housing, including top-end executive housing. The Council's Core Strategy (2011) acknowledged the sub-regional need for small numbers of top-end executive dwellings and noted that the Borough would continue to contribute to meeting this need. The Core Strategy defined 'top end executive' as 'set in its own grounds at a density of no more than 6 dwellings per

hectare. It has 4 or more bedrooms, above average levels of garaging, security, privacy and individual high quality designs and finishings’.

The proposal involves the redevelopment of the site for residential purposes comprising 59 four and five bedroom dwellings with large gardens and parking provision for each unit. Following responses from local residents and consultees on the original proposal, the layout of the scheme has been revised and the amendments include:

- a) The relocation of two dwellings from the north of the site to the south of the site;
- b) An additional third footpath link has been introduced from the site connecting the north eastern part of the site to Carmel Road South;
- c) The internal road network has been revised in terms of the width of the carriageway; the removal of visitor parking spaces;
- d) The retention of additional high quality Category A trees due to the amendments to the layout.

There would be one vehicular access and egress to the site off Carmel Road South through the creation of a new junction and there will also be pedestrian accesses from the site onto Carmel Road South and Bridge Road. The two existing ponds would be retained and a wildlife corridor would run centrally through the site linking two areas of open space at the northern and southern ends.

A Sustainable Urban Drainage (SUDS) scheme will be incorporated into the proposal to reduce the risk of flooding, reduce surface water flows and provide opportunities for natural play and recreation areas. Where possible, the layout has been devised to retain landscape features including mature trees and planting but the proposal will lead to the loss of some of the existing trees.

The applicant is prepared to enter into a Section 106 Agreement to secure planning obligations towards

- Improving walking and cycling connections in the local area;
- Securing sufficient school places to meet the needs of the development.
- Improvements to existing bus stops on the vicinity of the site;
- Ensuring sufficient primary school places to meet the needs of the new development
- Highway Improvements to the Blands Corner/A66 Roundabout
- Employment Skills and Training
- Provision, maintenance and management of open spaces and wildlife areas

### **Affordable Housing**

In normal circumstances, 20% of the site would be required to be affordable housing. However, as the proposal is for predominately top-end executive housing it has been agreed that the applicant will make a financial contribution in-lieu of on-site provision. This is in accordance with the provisions of the Development Brief for the site.

### **Environmental Impact Assessment Requirements**

The proposed development has been assessed against the criteria and thresholds set out in the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and consider that an Environmental Impact Assessment is not required to support the application.

**Application documents, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.**

### **PLANNING HISTORY**

There are no relevant entries for the planning application site however in August 2015 planning permission (ref no 15/00030/FUL) was GRANTED for the demolition of the existing clubhouse and for the erection of three detached dwellings. This development is currently under construction and to the north west of this development site.

### **PLANNING POLICY BACKGROUND**

The relevant local and national development plan policies are as follows:

#### **Borough of Darlington Local Plan 1997**

E2 Development Limits  
E3 Protection of Open Land  
E12 Trees and Development  
E14 Landscaping and Development  
H7 Areas of Housing Restraint (parts out of date)

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

CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)  
CS2 Achieving High Quality, Sustainable Design  
CS4 Developer Contributions  
CS10 New Housing Development (parts out of date)  
CS11 Meeting Housing Needs  
CS14 Promoting Local Character and Distinctiveness  
CS15 Protecting and Enhancing Biodiversity and Geodiversity  
CS16 Protecting Environmental Resources, Human Health and Safety  
CS17 Delivering a Multifunctional Green Infrastructure Network  
CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

#### **National Planning Policy Framework 2012**

#### **Other Documents**

Supplementary Planning Document – Planning Documents  
Supplementary Planning Document – Design for New Development  
Planning and Design Brief – Land At Carmel Road South, Darlington  
Interim Planning Position Statement

### **RESULTS OF CONSULTATION AND PUBLICITY**

The Local Planning Authority issued 194 consultation letters to local residents, erected five Site Notices and placed an advertisement in the local press as part of the overall consultation scheme on the original submission. A total of 17 letters of objection have been received and the comments can be summarised as follows:

#### **Residential Amenity**

- *The existing dwellings on Blackwell Grove and Briar Close will be impacted by the proposed two storey dwellings in terms of loss of privacy and overbearingness*
- *The bungalows on Blackwell Grove will be overlooked by two storey dwellings*
- *There are four plots overlooking No 3 Blackwell Grove*

- *The dwelling and garage on Plot 38 is too close to Nos 18 and 19 Briar Walk which presents a loss of privacy*
- *The garage on Plot 38 is too close and will cause noise pollution from car engines and general comings and goings and air pollution*
- *What are the ground levels where the new dwellings will be built?*
- *Dwellings on Plots 54, 55 and 56 will encroach on the outlook of neighbouring dwellings*
- *The dwellings on Plot 35 will be too close to 16 Briar Walk leading to an invasion of privacy with my amenity rooms and main bedroom being in the line of sight of the proposed plot and vice versa*
- *We are concerned about the level of noise and dirt pollution that we are going to have to put up with. Will we be compensated? We certainly could not sell our houses during this period*
- *All the dwellings on Blackwell Grove, Briar Walk and Briar Close are going to be affected by the dwellings on the west boundary as there is no variation in the building line and they would be very dominant, blocky, tightly spaced and giving a visually closed outlook.*
- *Plots 50 to 54 would overlook 5 Blackwell Grove*
- *No 4 Blackwell Grove would be overlooked and depending on finished ground levels the new housing will engulf my home and rear garden with no privacy*
- *By cramming two houses into a small space at the rear of Briar Walk, the quality of life we have enjoyed with reasonable privacy is greatly diminished*
- *Plots 35 and 38 should be reconsidered as these two closely about existing houses in terms of distance. Rotating these plots through 90 degrees would bring them in line with the other housing to the benefit of current neighbouring properties and the prospective purchasers*

### **The Layout and Design of the Development**

- *There are no bungalows in the layout which was mentioned within the Development Brief*
- *There are too many houses*
- *There are more houses being proposed (59) than previously agreed (55)*
- *The dwellings on Plots 54 to 56 were not shown within the Development Brief*
- *What are the boundary treatments?*
- *The amount of public open space has been reduced and the central wildlife corridor has been narrowed*
- *The north section should be kept clear of houses to make open space more usable*
- *The scheme would benefit from a footway in the north east corner of the site providing a quicker access to the shop/post office*
- *There is still and to the south that could be developed rather than dwellings on the north section*
- *Increasing the distance between existing and proposed housing and squeezing the green space in the middle would deliver the same amount of green space but distribute it more fairly*
- *What would the means of enclosure be for the open space to the south of the site?*

### **Ecology Matters**

- *The dwellings on Plots 54 to 56 and the shared drive are too close to Great Crested Newt pond causing harm to the habitat and the newts*
- *Some territorial habitat used by the GCNs will be lost during the construction phase in the absence of mitigation*

- *The central strip had been reduced and the SUDs drainage pond in the north east corner will reduce the territorial area for the foraging wildlife near woodland cover. This removes a pathway access to the green space from the northerly point*
- *There is inadequate buffer around the northern pond*
- *The site is used by a large variety of wildlife within the grassland and hedges*
- *Removing the dwellings on Plots 54 to 56 would make the open space more usable*
- *The removal of Plots 33, 34 and 35 would make the southern area of open space more usable*

### **Impact on Trees**

- *Too many TPO trees are being removed*
- *If the dwellings on Plots 54 to 56 were removed it means that two TPO trees can be retained*
- *If the tree at Plots 39 and 40 is to be removed why can't the tree be replaced elsewhere and the dwellings repositioned*
- *How are the root systems going to be protected of the retained trees?*

### **Planning Obligations**

- *Where will the children go to school? The two local schools of Abbey Road and Mowden are already oversubscribed*
- *We question whether spending the sustainable transport obligation on raised platforms at bus stops is the best way to encourage more use of buses. The main bus stops for the development are on Bridge Road but the main thing that stops people using them is the dangerous nature of crossing the A66 to and from the bus stop on the south side of Bridge Road particularly the disabled, elderly and those with children. A safe crossing area would be the answer but as this road is the responsibility of Highways England, I am not sure how much scope there is for a crossing. A seat or a bus shelter on the north side of the road would be preferable.*
- *The Planning Obligations document makes no reference to the bus stop in Blackwell near the junction with Carmel Road South. For the residents of the development this would be a more accessible bus stop*

### **Highway Matters**

- *The development will cause traffic congestion on one of the main roads leading in and out of town. It is already very difficult to turn right into Carmel Road at peak times of the day*
- *The access will create a very serious traffic problem. Traffic is backed up to the Elm Ridge roundabout early on an morning and at the end of the working day*

### **Flood Risk and Drainage**

- *We have many issues on Blackwell Grove and Briar Walk with flooding and the bottom of the gardens have flooded on many occasions*
- *It is not clear how the SUDs system will deal with drainage in the west of the site as the ponds are located in the north east and south east corners*

**Campaign for the Protection of Rural England** has objected to the planning application. The comments can be summarised as follows:

- *The site is allocated as parkland, not housing, in the current planning policy documentation for Darlington and the proposal is contrary to the current Local Plan*
- *The site has many historical features which will be threatened by the proposals*
- *The recent publication by DCLG calls into question the figures for housing need in Darlington. It is appreciated that this is just a consultation and it is not yet known what weight will be applied to the proposals. However, the difference between the basic calculation as per the proposed methodology and the figure being used by the Council is so dramatic (177 dwellings per year as opposed to 446 units per year) it does call into question the whole premise of the number of dwellings required in the Borough and the necessity for these houses*

**Councillor H Scott, as Ward Councillor,** has objected to the planning application for the following reasons:

- *The original brief agreed by the residents group was for 55 dwellings which has now been increased to 59 and the extra dwellings have all been concentrated behind Blackwell Grove which is a cul-de-sac of bungalows*
- *The developers have taken the easy option so why could the extra dwellings not have been distributed around the site and the also the overbearing appearance to the bungalows is not acceptable*
- *The residents would prefer bungalows and the extra buildings are encroaching the land around the pond*

Following the Submission of the amended plans, the Local Planning received nine further letters of objection and the comments can be summarised as follows:

### **Ecology Matters**

- *I am dismayed that the dwelling on Plot 54 (now 56) has not been removed. This is now a larger dwelling which is closer to the pond and has an extremely large footprint, taking up a greater amount of the open space almost up to the west of the pond. This area is used by great crested newts to access the gardens on the northern fringe*

### **Design and Layout**

- *The Development Brief stated that they hoped to retain 4 – 5 hectares of open space and this has been reduced*
- *The removal of Plot 56 would follow the line of the built up area which was supported by residents and the Blackwell Neighbourhood Forum and free up a large area of open space.*
- *The area between the fence of Plot 56 is vulnerable for criminal activity*
- *The removal of Plot 56 will open up views for Plots 20 and 57*
- *Again it is disappointing that consideration has not been given for the inclusion of bungalows being built on the Northern Fringe which would be more in keeping with the existing character of the area and homes. Bungalows are much needed in this area*
- *Plot 56 should be removed as it was allocated as open space on the original DBC Design Brief. It is neither cohesive to the present open space and looks like an “add on”*
- *The extent of open space is not good quality, multifunctional or well planned*
- *Plots 34 and 35 should be removed to provide more green space and potential wildlife habitat. This would reduce the overall number of units to 56 which is closer to the original 55 in the agreed Design Brief*

- *The amended plan doesn't seem to offer as much open and green space as the Brief and there are too many properties being squeezed in.*
- *With regard to the dwellings that back onto Blackwell Grove, the continuous inward curve of the line of new properties looks closed and unwelcoming.*

### **Residential Amenity**

- *The orientation of Plots 40 and 41 has not been changed and therefore the buildings are still too close to the boundaries of the properties in Briar Walk. There is no good reason why the building line of the new development should be allowed to come as close to existing properties at one particular point. The number of properties could be retained without this if the orientation of the two plots was aligned with plots adjacent to them*
- *What are the level differences between the site and existing houses?*
- *How will the new boundary fences be maintained?*
- *The wall of two storey dwellings to the rear of Blackwell Grove is intimidating and boring to look at. The spacing and positioning should be varied*
- *The plans show a free standing pitched roof double garage and a large house in short distance to our house (No 19 Briar Walk). Although north facing the property would overlook our terrace and garden, affecting our health and privacy. We understand that these distances are within legal guidelines but they are much closer than the other planned houses to the north and south.*
- *I consider that the houses to the rear of my property (No 18 Briar Walk) will be built on land elevated from my property thus being extremely overbearing on my house and garden.*
- *Would it be possible to re-orientate the houses on Plots 40 and 41, remove the road between the dwellings, and replace them with bungalows or a smaller house type?*
- *We feel Plot 56 is still too near our home (No 74 Blackwell) and the neighbouring dwellings along Blackwell Grove*

### **Ecology**

- *Habitat around the southern pond will be lost and where are the mitigation measures*
- *The amount of attention on the landscaping retention, loss and improvement is reassuring but turning this into reality will be the challenge and I have little faith*
- *Whilst it is pleasing that two houses have been removed from the north end of the site near the pond, I still feel that Plot 56 is too large and near the pond and will disturb the newts*

### **Consultee Responses**

The **Council's Highways Engineer** has raised no objections to the proposed development subject to appropriate planning conditions

The **Council's Environmental Health Officer (Contamination)** has advised that no remediation is required.

The **Council's Environmental Health Officer** has raised no objections subject to planning conditions relating to noise mitigation measures

The **Council's Ecology Officer** has suggested that the landscaping scheme could be improved in ecological terms which can be considered as part of the Management Plan for the site that would be secured under the Section 106 Agreement.

The **Flood Risk Management Team** has requested the imposition of planning conditions

The **Sustainable Transport Officer** has raised no objections to the scheme

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

The **Childrens and Adult Services Officer** has advised that a planning obligation should be requested in accordance with the Council's adopted Supplementary Planning Document towards school provision in the local area

**Durham County Council Archaeology Team** has advised that there are no matters of archaeological significance relating to the site and no objections are raised

The **Environment Agency** has advised that the proposed development falls outside of their remit and therefore have provided no comments

**Sport England** has confirmed that the proposed development does not fall within either their statutory or non-statutory remit and therefore they have provided no detailed comments

**Highways England** has raised no objections to the planning application

**Northern Gas Networks** has raised no objections

The **Architectural Liaison Officer from Durham Constabulary** has provided some general advice on the layout from a Crime Prevention through Environmental Design perspective. The ALO has also confirmed that the revised layout is acceptable.

**Northumbrian Water** has raised no objections subject to a condition for a scheme to dispose of foul and surface water

## **PLANNING ISSUES**

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

- Principle of the Development
- Loss of green space and Impact on Character and Appearance of the Area
- Impact on non-designated Heritage Assets (Archaeology)
- Highway and sustainable transport issues
- Surface water and flood risk
- Land contamination
- Design and layout
- Residential Amenity
- School Places
- Ecology and Landscaping
- Impact on Trees
- Affordable Housing
- Developer Contributions
- Delivery

### **Principle of the Development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Saved Policy E2 (Development Limits) of the Local Plan states that most new development will be located inside the development limits. The site is located within the development limits.

The NPPF at paragraph 47 sets out a requirement for local planning authorities to significantly boost the supply and delivery of housing. This includes a requirement to identify and update



annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Recent case law has established that in these circumstances, only policies that relate strictly to the supply of housing should be considered out of date. The Council cannot currently demonstrate a five-year supply of suitable, available and deliverable housing land and consequently planning policies relating to the supply of housing land cannot be considered up to date meaning that parts of Core Strategy policies CS1, CS10 and Local Plan policy H7 must also be considered out of date when determining this planning application.

In these circumstances, this application should be considered with regard to the presumption in favour of sustainable development and the "tilted balance" as set out in Paragraph 14 of the NPPF. Paragraph 14 states, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted.

The Council recognised the potential for this situation (lack of a 5 year supply) in Core Strategy Policy CS10, supporting windfall housing development in appropriate locations at the Urban Fringe and within or adjacent to larger villages if housing delivery fell below projected rates. This part of Policy CS10 continues to be relevant to determining applications. However, in order to continue to plan positively for housing development to meet the needs of our population, applications for planning permission for residential development in all areas of the Borough should be considered with regard to the presumption in favour of sustainable development set out in the National Planning Policy Framework, paragraph 14. Saved Local Plan policies and all other Core Strategy policies continue to be relevant in terms of assessing whether a development can be considered 'sustainable' and for determining site specific issues

The site was identified in the Council's Interim Planning Position Statement (2016) as capable of accommodating a sustainable housing development, subject to the submission of an acceptable scheme in relation to other material considerations including the National Planning Policy Framework. Whilst the Interim Planning Position Statement is not part of the Development Plan, it should be considered a material consideration when determining the application. The IPPS states that owing to the rigorous site assessment process already undertaken the site was capable of accommodating a sustainable housing development, subject to the submission of an acceptable scheme in relation to other material considerations, and being deemed acceptable against national policy criteria.

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development; social, economic and environmental, and outlines the number of roles that the planning system performs. These include contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and, contributing to

protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, and using natural resources prudently.

In this particular case, the proposal is considered to contribute towards the three dimensions of sustainable development.

*Social Benefits* – The proposed development will make an important contribution to the supply of “executive” housing in the Borough that has been identified by the Core Strategy 2011. The occupiers of the development will make use of the local facilities. The developer has agreed to make a financial contribution towards school provision and off site affordable housing.

*Economic Benefits* – The construction of the development will generate short term construction jobs and will benefit other companies in the housing supply “chain” that would provide materials etc. The occupiers of the development will contribute to an increase in expenditure on goods and services from local businesses and new dwellings can support economic growth across the Borough by providing homes to support an expanding skilled labour supply.

*Environmental* – Whilst the proposal will result in the loss of existing trees on the edge and within the site, the landscaping scheme will provide additional planting to enhance the potential for the site to support wildlife. The scheme has been designed to take account of the two Great Crested Newt ponds and the protected species within the site and the development will include measures that will enhance the ecological nature of the site. The local shop and post office are accessible by foot and cycle and public transport services are available in close proximity which will assist in minimising the use of private cars. New building standards will ensure that the homes will be very efficient with respect to the energy needed for power and for heating.

The development site is within the development limits are identified by the Borough of Darlington Local Plan Proposals Map. However, as it is part of the open land network within the Borough, the proposal falls within the scope of ‘development that should be restricted’ as outlined in the NPPF. The impact of the proposed development will have on the open land network is therefore the first consideration.

### **Loss of green space and Impact on Character and Appearance of the Area**

Policy E3 (Protection of Open Land) of the Local Plan states that when considering proposals to develop any area of open land within the development limits, the council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole and to supplement the interconnections between its elements. It states that permission will not be granted for development which inflicts material net harm on; the visual relief afforded by the system in built-up areas; the character and appearance of the locality through loss of openness and greenery; facilities for organised sport and other informal recreation or for horticulture; the internal continuity of the system, or its linkages with the open countryside; or, areas recognised for their nature conservation or wildlife interest:

*Visual relief:* The application site is well screened from the north and west by existing dwellings. The site is screened to the east and south by mature trees and hedges although there are views across the site at certain points through the vegetation. The visual relief of the site in this semi built up area is limited. This will remain the case as a limited number of trees will be removed on the east and south boundary of the site except in order to facilitate the access and sewer easement.

*Openness and Greenery:* The proposal will result in the loss of openness and greenery within the site. However, the proposal does incorporate areas of open space, a green corridor and the extent of green space in the northern section of the site has been improved by the revised layout which has removed two dwellings from this area.

*Meeting the open space standards/Facilities available for other recreation and leisure activities, for informal recreation:* The existing golf course facility has been transferred to the Stressholme Golf Course which is in close proximity to the application site.

*Continuity of the system:* The proposal includes areas of open space and a wildlife corridor which can be used by all members of the public unlike the previous use of the site as a golf course. The areas of open space and the retained tree belts, which will provide valuable connections with the remainder of the Network in the wider area and Borough.

*Nature conservation:* The two existing ponds on the site will be retained and the proposed development has been designed to be sympathetic to existing protected species and their habitats.

Policy CS17 (Delivering a Multifunctional Green Infrastructure Network) of the Core Strategy seeks to protect, enhance the green infrastructure network in the Borough including Green Wedges at Blackwell. The Policy states that the loss of any part of the green infrastructure network will only be considered in exceptional circumstances where:

*It is for essential infrastructure*

Not applicable.

*The site no longer has any value to the community in terms of access and use*

The previous use of the site was as a golf course which was not accessible for all and the open space and wildlife corridor that are incorporated into the scheme would be publicly accessible for all.

*Is not required to provide an alternative green infrastructure function*

The proposed development will still have a green infrastructure function due to the presence of the open spaces and wildlife areas.

*It is not required to meet a shortfall in the provision of that or any other open space type*

This is not applicable.

*An alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available*

The previous sporting use has been transferred elsewhere and the site will be developed so that it retain its quality, functionality as a green space, albeit in an alternative way, and it will have increased public accessibility to its previous use. The green nature of this part of the Borough wide green infrastructure will not be completely lost as a result of this proposed development and there are opportunities for enhancements within the development site.

One of the core planning principles of the NPPF is that planning should take account of the different roles and character or different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements.

It is evident that the proposal does represent a major development which will have an impact on the character and appearance of the area but this impact has to be balanced against the need to provide deliverable housing sites in the Borough. It is considered that, in general design and visual terms, the proposed development will not have an adverse impact on the appearance of the surrounding area on the very edge urban area of the Borough. The impacts that the proposed development may have on the character and appearance of the area have been mitigated by an appropriate design, layout and landscaping scheme. The impacts of this development would not significantly and demonstrably outweigh the benefits that the scheme would bring in terms of contributing towards the need for new housing in the Borough and the identified need for executive housing in the Borough.

### **Impact on non-designated Heritage Assets (Archaeology)**

Paragraph 135 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be taken into account in the determination of planning applications. It states that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 141 of the NPPF requires that Local Planning Authorities make information about the significance of the historic environment gathered as part of plan making or development management publicly accessible. It states that they should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

An Archaeological Evaluation Report has been submitted which confirms that the site survey comprised 21 trenches excavated across the site and no features of archaeological significance were identified and no artefacts recovered. The Archaeology Section from Durham County Council agrees with the conclusions of the Report and confirms that no further work on site is necessary.

### **Highway and Sustainable Transport Issues**

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy states that new developments should provide vehicular access and parking provision suitable for its use and location.

A Transport Assessment in support of the planning application shows that the development would not create a severe impact on the local highway network. The Assessment shows that the development generates 37 two way trips in the AP peak and 42 two way trips in the PM peak and the distribution shows an approximate split of 30% northbound along Carmel Road South and 70% southbound along Carmel Road South from the proposed site access, which is in the form of a ghost island T junction. The access has been assessed for capacity and it is demonstrated that it is suitable for the amount of traffic that will be generated by the proposed development.

A Personal Injury Collision assessment has been undertaken and it concludes that whilst traffic flows will increase on the local road network, the development traffic will not have a material impact on road safety.

Carmel Road South is an adopted highway and subject to a 60mph speed limit. It has been suggested that the speed limit is lowered to take account of the new development and further discussions with the Police would be required to gain any such approval. An access junction and ghost island with visibility splays suitable to the speed limit of the adjoining carriageway has been submitted as part of the development proposals.

The car parking provision is acceptable for the type of dwellings that are being proposed and as there is no requirement for visitor bays on adopted highways, they have been removed from the layout. The internal layout has been amended to provide a 5.5m wide running carriageway, with 2m footways on each side along the main access route and appropriate traffic calming measures have also been included in the internal road network. Autotracks have been carried out which show the site can be accessed by 11m vehicles.

It is considered that the proposed development is acceptable in terms of its impact on the local highway network and general highway/parking requirements.

A new footpath would be created at the vehicle access point heading north to connect into the existing footpath network on Carmel Road South and a new internal footpath has been added in the north east corner of the site which results in there being three footpath links in and out of the site. These footpath links will provide excellent connectivity with the surrounding area with short and safe routes for pedestrians. A planning obligation would be secured in order to improve walking and cycling routes in the vicinity of the site. There is a long term objective to create a traffic free path along Bridge Road that is suitable for cyclists.

There is a requirements that 80% of a development is within 400m of a bus stop and in this instance, the nearest stops are on Bridge Road, immediately to the south of the development. Blackwell House bus stops are also within this distance and are served by a frequent 20 minute service Monday to Saturday and the site is served hourly on an evening and on Sundays. A variable service stops on Blackwell at Briar Walk and Blackwell Post Office five times a day. A planning obligation has been agreed to improve the bus stops in the vicinity of the site and the bus stop improvements would be prioritised dependent on the extent of funding that is secured.

All dwellings would have garages that will include provision for cycle parking. This will provide convenient locations which are secure and designed for easy access.

The Council's Sustainable Transport Officer welcomes the additional footpath link in the north east section of the development along with the use of chicane barriers at the entrance. The Residential Travel Plan submitted in support of the application is acceptable.

The Transport Assessment states that if this proposed development was the only potential development coming forward in this area then its highway impact on the Strategic Road Network would not trigger the need for any junction improvements to the Blands Corner roundabout. However, as this proposal is the first part of further developments on the remainder of the Golf Course, it has been agreed between the Council, Highways England and the applicant that this proposal will make a financial contribution towards improvements to the roundabout which would be secured as part of the Section 106 Agreement.

**Surface Water and Flood Risk**

Policy CS16 of the Core Strategy states that new development will be focussed on areas of low flood risk. The site is within Flood Zone 1 and a Flood Risk Assessment has been submitted which demonstrates that the development will have a low to very low risk of flooding from surrounding watercourse, surface water, sewers and groundwater.

Surface Water would be discharged to a public sewer network via two surface water detention basins in the North West and south east of the site (SuDs scheme). Foul water drainage would discharge via existing manholes or via a mix of existing manholes and a foul water pumping station.

The Flood Risk Management has advised that insufficient information has been submitted regarding the management of surface water runoff and they have requested the imposition of a number of planning conditions.

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

**Land contamination**

The two supporting reports summarised the previous land uses of the site as agricultural land up to 1939 and then the development of the golf course. The preliminary assessment identified the possible presence of localised thin made ground i.e. reworked soils from cut and fill for landscaping purposes and the creation of the two existing ponds in the 1950's. In addition there was the possible previous use of soil improvers for agricultural purposes and the associated presence of heavy metals. No landfills were identified within 250 metres which may have posed a risk of ground gas migration affecting the site.

A Phase 2 Ground Investigation was carried out with the aim of determining the extent and general contamination levels in any made ground present and the natural soils encountered. The site investigation concluded that there was no evidence of visual and olfactory contamination and no made ground was present on site. Soil samples were taken from the shallow ground and analysed, the results showing they were below the site specific assessment criteria for residential with private gardens and no asbestos was detected.

Environmental Health is satisfied that the site is suitable for its intended end use and no remediation is required. There is no need for any land contamination conditions should planning permission be granted.

**Design and layout**

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network

Policy E14 (Landscaping of Development) of the Local Plan states the new development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species and which enhances the appearance of the development and its setting.

The site lies within Zone 4 (Outer Suburbs) of the adopted Design for New Development Supplementary Planning Document.

The layout would contain various two storey house types constructed from a mix of brick types, vertical tiling and roof tiles. Each dwelling would have front and rear gardens and parking is provided via a mix of detached and integral garages and driveways. The means of enclosure within the site comprises low railings around some of the front gardens, 1.8m high timber fencing between rear gardens; 2m high acoustic fencing/walling around the gardens of dwellings on the east and south boundaries in appropriate locations and a 1.8m high feature screen wall with tile crease and dog tooth detail between banding course around the dwellings that back onto open spaces and the internal road network. The enclosures with the existing dwellings would consist of 1.8m close boarded fencing.

It is acknowledged that the planning application does differ from the Development Brief and its associated Illustrative Master Plan that was put together and distributed to interested parties for this site. The Illustrative Masterplan shows an internal road network which dissects the central open space once rather than in two places as proposed and dwellings are being proposed to the north and south of the site outside of the “Proposed Housing Areas” shown on the Masterplan. The Brief also recommends the use of bungalows in the north west corner where there are existing bungalows on Blackwell Grove.

A number of the comments made by the local residents highlight that the site was considered to be appropriate for 55 dwellings. The Development Brief states that “the Council, through the Local Plan, was proposing a mix of residential development for approximately 55 dwellings” and the proposal is for the erection of 59 dwellings

The Brief was produced in order to form the basis of discussions and dialogue between the Council and prospective developers regarding the sale of the land and to form a framework for the material considerations of a planning application for development. Notwithstanding the guidance within the Brief, Officers and Members are being requested to consider the acceptability of the layout and design of the proposal that has been submitted against national and local development plan policy.

The proposal provides a wildlife and habitat corridor between the two existing ponds on site and includes areas of open space for public access, recreation and amenity. The buildings provide natural surveillance over the open space areas due to their orientation and appropriate means of enclosure.

The layout has been amended as a result of some of the comments from local residents and consultees resulting in two dwellings being repositioned to the southern end of the site (Plots 34 and 35) and the inclusion of an additional footpath in the north east corner to improve the accessibility of the site to the Post Office and bus stops.

The open spaces, SUDs scheme and wildlife areas would be managed and maintained by a private company which would form part of the Section 106 Agreement.

It is considered that the proposed layout and house types are acceptable and would accord with the local development plan policy and the guidance contained within the Design SPD.

**Residential Amenity**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes the NPPF.

The surrounding area is typically made up of residential properties that are either detached or semi detached and between one and two and a half storeys in height. The existing shared boundary with the existing dwellings to the north and west is a mix of trees, hedges, fencing and metal post and rail fencing. Some of the rear enclosures to the existing dwellings have been removed and the gardens are open to the site and some dwellings are better screened by the vegetation than others. As stated above, the new boundary treatment to the north and west edge of the site between the proposed development and the existing dwellings will take the form of 1.8m high timber fencing.

The proximity distances that must be met between existing and proposed dwellings in order to minimise loss of privacy and overlooking between dwellings are contained within the Design SPD. The minimum distance between habitable openings must be 21m and the distance between habitable and non-habitable openings is 12.5m with any differences in finished floor levels increasing each distance.

Objections have been raised with regard to the impact of the new housing on the existing housing and in particular towards two sections of the proposed development and these are between the new dwellings and the existing bungalows on Blackwell Grove and the new dwelling and garage on Plot 40 and Nos 18 and 19 Briar Walk.

The dwellings on Blackwell Grove are single storey bungalows and the separation distance between their rear elevations and the rear elevations of the new two storey dwellings would be between 39m and 47m which exceed the requirements set out in the Design SPD. As a result, the proposed development would not have an adverse impact on the existing dwellings in terms of loss of privacy and overlooking.

The rear elevation of Nos 18 Briar Walk would face onto the side elevation of the two storey dwelling on Plot 40 and the rear elevation of its associated detached garage. The shared boundary between the existing and proposed properties would be a 1.8m high timber fence. The side elevation of the dwelling contains a door at ground floor and a bathroom window at first floor level and therefore it does not contain any habitable openings. The distance between the existing property and the side elevation of new dwelling would be 21.8m which is in excess of the requirement set out in the Design SPD (12.5m) and the openings in the side elevation are not habitable openings (it would be expected that the bathroom window will be fitted with obscure glazing although it openable).

As this new dwelling is orientated to be north facing, there would be an indirect view from the new dwelling across the rear elevation and garden of No 19 Briar Walk. However, due to the indirect angled nature of the view, it is not so adverse to have a significant impact on the amenities of the neighbouring dwelling. The garage for Plot 40 is detached and has an overall height of 4.5m under a dual pitched roof that slopes away from the boundary with No 19. The garage would be approximately 4m from the new 1.8m high boundary fence between the properties and 19m from the rear elevation of No 19. It is considered that the new garage would not be overbearing when viewed from the neighbouring dwelling and any noise or activities that



are associated with its use would not be a justification to resite the garage within the Plot or remove it.

The relationship between the new dwellings and the rest of the existing dwellings including those that are currently under construction on the former golf club house site (planning permission 15/00030/FUL) are acceptable and comply with guidance and the application should not be refused on the grounds of loss of privacy or overlooking.

The applicant has not been able to provide sectional drawings through the site as part of the planning application. The level changes between the proposed finished floor levels (FFLs) and the site boundaries for a number of plots where concerns have been expressed have been reviewed by the applicant and they have advised as follows:

*The greatest difference in levels is at Plot 34 where the FFL is 1.38m higher than at the boundary and the lowest is at Plot 38 where the FFL is 0.50m higher than at the boundary. The separation distance between the rear elevation of Plot 34 and the existing property at Bridge House is 36.28m and therefore would not result in an unacceptably elevated dwelling in relation to the existing property. Overall, it is considered that the levels of the proposed dwellings would not result in detrimental impacts to the amenity of existing adjacent residents.*

Taking into consideration the above, the distances between the existing and proposed dwellings, and the fact that the dwellings will be detached (rather than semi detached or terraced), it is considered that the new dwellings will not be overbearing when viewed from the existing dwellings and their outdoor areas but in the interests of surety a planning condition has been imposed to request the submission of sectional plans prior to the commencement of any work on site.

Some of the dwellings that bound the open space and wildlife corridor have been orientated to allow natural surveillance over such areas and the means of enclosure that front onto the same have also been designed to allow surveillance and to prevent an undesirable corralling of the central corridor. The footpath connections to Carmel Road South and to Bridge Road will have chicane type barriers at the entrance to deter the misuse of off road motorbikes which was an issue highlighted by the Architectural Liaisons Officer from Durham Constabulary. The ALO has advised that the revised layout is an improvement on the original proposal in relation to the orientation of houses and the green space and the additional footpath link.

Planning conditions would be imposed to secure the submission of a Construction Management Plan for the proposed scheme and to control the hours of construction and deliveries. The applicant has confirmed that no piling will be required based on the ground conditions but a planning condition has been imposed in the event that this is changed.

An Air Quality Assessment has been submitted and considered by Environmental Health. The conclusions of the Assessment that dust from the construction phase can be controlled via the Construction Management Plan and that the impact of dust from surrounding road traffic will not have an adverse impact on the future occupants of the development have been accepted. Air quality does not merit any further consideration.

An updated Noise Assessment has been submitted and considered by Environmental Health. Overall, the Noise Assessment has shown that the site is suitable for residential development with appropriate mitigation measures in place. These measures include a 2m high acoustic fencing to the rear gardens of the dwellings that are located on the eastern boundary and also the

dwelling that is closest to the A66 at the south end of the site. Appropriate glazing standards will be met for the dwellings depending upon the position within the site and the A66 and A67 and some of the dwellings will require alternative ventilation systems to account for differences in noise levels when windows are open. These matters can be secured by appropriate planning conditions.

It is considered that the proposed development is acceptable in terms of its impact on the amenities of the existing dwellings and also the future occupants of the development.

### **Ecology and Landscaping**

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The site is not subject to an internationally to nationally significant nature conservation designation and the construction and operational phases of this development will not have any adverse impacts on any such designated sites in the local area.

The site is within the Blackwell Grange Golf Course Local Wildlife Site boundary which is designated for great crested newts. The site includes a range of habitats that are of both low and high ecological quality and some will be lost to accommodate the development and some will be retained and incorporated into a landscaping scheme. The scheme does include the retention of the two existing breeding ponds, two SUDs ponds and three linear ponds.

An Ecological Assessment for the site highlights mitigation measures for the scheme such as no work commencing onsite until a Natural England great crested newt development license has been secured; trees are felled according to a working method statement for bat inspections; the inclusion of bat boxes on suitable buildings and/or trees; the retention of exiting trees and shrubs wherever possible; vegetation clearance taking place outside of bird breeding season and the use of an ecological lighting scheme. A planning condition would be imposed to ensure the development is carried out in accordance with the mitigations measures.

The applicant's ecologist has advised that the development should not impact on the great crested newt population as the level of car use on the internal road network once the site is operational should be light on an evening which is when great crested newts are likely to be most mobile. The use of fully dropped kerbs on the access road is an appropriate solution to maintaining connectivity between the two existing breeding ponds. The ecologist will continue to liaise with Natural England through the process of preparing the great crested newt license

application and they have advised that the proposed mitigation measures are acceptable and the applicant will be successful in obtaining a license.

A landscaping scheme has been submitted with the planning application but Officers consider that further improvements could be made and these discussions are ongoing. The final landscaping scheme can be agreed and included within the Section 106 Agreement as this Agreement will include the insertion of landscaping plans and a Management Plan. This should also assist the applicant obtaining a great crested newt license from Natural England

Whilst having a second link road through the central wildlife/open space corridor is not a desirable outcome, it is not considered to be so injurious to the connectivity of the site in ecological or usability terms.

The original layout included three dwellings and their shared drive in close proximity to the northern breeding pond within the site. Two of the dwellings have been omitted along with the shared driveway to be replaced with one dwelling and a repositioned driveway and the Council's Ecology Officer has advised that this revision is a desirable change from the great crested newt perspective and improves the quality of the open space in this area.

### **Impact on Trees**

Policy E12 (Trees and Development) of the Local Plan seeks to ensure that new development takes full account of trees and hedgerows on and adjacent to the development site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and to provide their successful retention and protection during development.

There are trees on the periphery and within the site which are covered by tree preservation orders dated 1951 and 1963. A survey of the existing trees on the site has been carried out as part of a survey for the whole of the former golf course site.

A number of trees and hedges on the east boundary would need to be removed to facilitate the vehicular access; the sewer easement in the north east corner; the dwellings, roads etc and an easement around the drainage around the southern SUDs pond. The development would result in the loss of 6 individual trees of high quality; 27 individual trees of moderate quality; 42 individual trees of low quality, 7 tree groups of moderate quality; 4 tree groups of low quality and four trees that require removal as good arboreal practice.

An Arboricultural Impact Assessment states that there are some garages, access roads and parking bays that would encroach the root protection areas of trees but the extent of the encroachment would not cause structural damage to the trees and they can be retained, which includes a high value Oak tree in a small area of open space adjacent to Plots 41 and 42.

The paths and pedestrian links that run through the site would be generally informal in design and their precise locations and specifications would be detailed within an Arboricultural Method Statement and Tree Protection Plan where they are in close proximity to any retained trees and hedges, and this would be secured by a planning condition.

The scheme has been designed to allow the retention and protection of all of the dense mature trees to the south of the site and much of the visually important mature tree coverage along the east boundary with Carmel Road South. The majority of tree removal is of smaller trees and groups of trees that were part of the golf course layout. The revisions to the layout has now

facilitated the retention of three Category A trees (two in the north section of the site and once adjacent to Plots 41 and 42) that would have lost under the original proposed layout.

The landscaping scheme to be secured by the Section106 Agreement will include tree planting to compensate for the trees that will have to be lost to facilitate the proposal.

### **Affordable Housing**

The Supplementary Planning Document on Planning Obligations sets out a requirement that 20% of a housing development of more than 15 dwellings in the urban area should be affordable units. However, through the Development Brief process, it was agreed that contributions to off-site affordable housing would be acceptable.

This site has been marketed to meet a need for “executive” housing which was identified through the Council’s adopted Core Strategy and when preparing the Development Brief, the Council consulted with Local Registered Providers (RSLs) and it was established that it was unlikely that units on this site would be attractive to RSLs or practical for them to administer. It was concluded that a financial contribution to offsite affordable housing would be more effective in meeting both the need for executive housing on this site and affordable housing need elsewhere.

### **Developer Contributions**

Planning obligations are a legal agreement negotiated between the Council and a developer/landowner as part of a planning application. They will only be used to secure site related and/or community infrastructure required by new development where they are:

- Necessary to make the development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and kind to the development

The Draft Heads of Terms for the proposed development accord with the Development Brief for the site are as follows:

- ***Sustainable Transport***  
A financial contribution will be made towards supporting the provision of connections and access to support walking and cycling, connecting the existing network outside the site. A financial contribution would be made towards improvements existing bus stops in the vicinity of the site.
- ***Education Provision***  
A financial contribution towards securing sufficient primary school places to meet the needs of the new development. This contribution has been requested due to the local schools having less than 5% capacity in them. The capital contribution collected will be used to part or fully fund works at the appropriate schools depending on where the pressures are at the time the homes become occupied
- ***Off Site Highway Improvements***  
A financial contribution towards highway improvements on the Blands Corner/A66 roundabout
- ***Employment Skills and Training***

The applicant will use reasonable endeavours to achieve a minimum of 10% of the construction workforce to be delivered by new entrant trainees and/or apprenticeships

- ***Open Space Provision, Maintenance and Management***

Whilst this is to be undertaken by a private management company, the details of provisions and the Agreements would need to form part of the Section 106 Agreement.

### **Delivery**

As detailed earlier in this report, one of the aims set out in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified by the Council. The applicant has recognised this objective and has agreed to reduce the implementation period of any approval from three years to two years.

### **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**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

The proposed development is considered to comply with the relevant policies of the local plan and whilst the site is within the limits of development as identified by the Borough of Darlington Local Plan, the scheme and been assessed against the three dimensions of sustainable development set out in the National Planning Policy Framework 2012. The site has been the subject of a Development Brief and the proposed development generally accords with the guidance contained therein although it is recognised that there are some differences in terms of the location of dwellings, the road layout and approximate overall number of dwellings.

The impact on the open land network and green infrastructure within the Borough is a significant factor that has been taken into account in the decision making process.

The impact on character and appearance of the local surrounding area and the impact on nature conservation and wildlife has been taken into account in the decision making process. Overall, it is considered that the proposal is acceptable in such terms, subject to appropriate planning conditions.

The size and siting of the proposed dwellings would be such that no significant detrimental impacts in terms of light, outlook or overlooking issues would be raised. The proposal is considered acceptable in respect of its impact on highway safety.

Planning conditions are required in relation to matters such as noise, surface water drainage and ecology.

The above issues have been considered in the context of the sites impact on landscape character and the fact that the Council cannot currently demonstrate a five-year supply of suitable, available and deliverable housing land, and in the face of a requirement for local authorities to significantly boost the supply and delivery of housing. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report and the proposal can be supported subject to a Section 106 Agreement and planning conditions.

### **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT WITHIN SIX MONTHS TO SECURE THE FOLLOWING**

- a) A financial contribution will be made towards supporting the provision of connections and access to support walking and cycling, connecting the existing network outside the site.
- b) A financial contribution would be made towards improvements bus stops in the vicinity of the application site
- c) A financial contribution towards securing sufficient primary school places to meet the needs of the new development.
- d) A financial contribution towards highway improvements on the Blands Corner/A66 roundabout
- e) The applicant to use reasonable endeavours to achieve a minimum of 10% of the construction workforce to be delivered by new entrant trainees and/or apprenticeships
- f) Details of the provision, management and maintenance of public open space and wildlife areas

**SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE.**

**AND THE FOLLOWING PLANNING CONDITIONS:**

1. The development hereby permitted shall be commenced not later than the expiration of two years from the date of this permission  
REASON: In the interests of achieving an improved rate of housing delivery in the Borough
2. B4 – Details of Materials (Samples)
3. Notwithstanding the details shown the approved plans, a chicane barrier shall be erected on the entrances to the footpath links onto Carmel Road South and Bridge Road prior to the completion of the associated footpaths connecting to the roads  
REASON: In the interests of the highway and pedestrian safety
4. Notwithstanding the details shown on the approved plans, precise details of the means of enclosure for the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the materials, colour and elevations of the enclosures

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

REASON: In the interests of the visual appearance of the development

5. Prior to the commencement of the development precise details of the internal highways layout and site access junction shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the provision of a partial footway along Carmel Road South across the northern and southern frontage of the development, connecting into the surrounding pedestrian infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway safety

6. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON: In the interests of highway safety

7. Prior to the commencement of the development, an Arboricultural Method Statement and Tree Protection Plan shall be submitted and approved in writing by the Local Planning Authority. The scheme to protect the trees to be retained shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment or an agreed immovable alternative. The scheme of protection shall be in place before the commencement of any development, including demolition operations. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees, unless provided for specifically in the specification:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

8. The development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter 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

9. The development hereby approved shall not be commenced on site, until a scheme of "Surface Water Drainage Management" for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved

in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details:

- a) Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- b) A detailed hydraulic assessment of existing overland flow paths and the watercourse including the culvert under the railway; the risk of blockage at the railway culvert; and existing overland flow paths should flows exceed the capacity of the watercourse and/or railway culvert;
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- d) Details of adoption responsibilities
- e) Management plan for the Surface Water Drainage Scheme

The building hereby approved shall not be brought into use until the approved "Surface Water Drainage Scheme" has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with the guidance within Darlington Core Strategy Development Plan Document 2011 (Policy CS10) and the National Planning Policy Framework 2012

10. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy (N17182 – Revision 2 dated August 2017) and the following mitigation measures detailed in the FRA

- a) Limiting the surface water runoff generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off site. This will be achieved in accordance with Section 5 – Drainage Strategy and calculations within the Appendix J stating a  $Q_{bar}$  of 9.2l/s

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the Local Planning Authority

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants

11. No dwellings should be occupied until the surface water management system for the development or any phase of development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority

REASON: To reduce the flood risk and ensure satisfactory long term maintenance for the lifetime of the development



12. Prior to the commencement of the development, plans showing finished floor levels through points of the site (Sectional Plans), to be agreed, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of residential amenity
13. The proposed development shall be not be carried out otherwise than in complete accordance with “Potential Impacts and Recommendations” (Section 4) of the submitted document entitled “Ecological Assessment – Proposed Residential Development, Blackwell Grange, Darlington” dated 10 November 2017 and produced by BSG Ecology. Notwithstanding the requirements of the approved document, precise details of the integrated bat boxes and lighting strategy to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and all the agreed mitigation measures shall be implemented prior to the completion of the development  
REASON: In the interests of protected species and their habitats
14. 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 during the construction phase of the development. 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) Construction Traffic Routes, including parking areas for staff and visitors.
  - d) Details of vehicle cleaning.
  - e) Road Maintenance.
  - f) 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

15. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and 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

16. If piled foundations are proposed, prior to the commencement of the development 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
17. The mitigation measures outlined in the Noise Assessment by Wardell Armstrong LLP dated November 2017 (Job Number: NT13272 Report Number: 0002) submitted with this application shall be implemented in full prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development  
REASON: To protect the amenities of the future occupiers of the development
18. Notwithstanding the mitigation measures outlined within the Noise Assessment by Wardell Armstrong LLP dated November 2017 (Job Number: NT13272 Report Number: 0002), precise details of the acoustic barrier to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings above damp proof course. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the specific acoustic barrier relating to each dwelling affected by noise (as stated in the Noise Assessment) shall be fully installed prior to the occupation of each of those dwellings, and thereafter shall be retained and maintained for the life of the development  
REASON: To protect the amenities of the future occupiers of the development
19. Notwithstanding the mitigation measures outlined within the Noise Assessment by Wardell Armstrong LLP dated November 2017 (Job Number: NT13272 Report Number: 0002), precise details of the glazing specifications for windows (including details on the  $R_w+C_{tr}$  values) and acoustic ventilation strategy (including associated sound attenuation properties) for habitable rooms on the façades of the properties shown in blue in Drawing Number: NT13272/002 included within the assessment 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 and the measures shall be implemented prior to the first occupation of each of the dwellings requiring mitigation, and thereafter shall be retained and maintained for the life of the development  
REASON: To protect the amenities of the future occupiers of the development
20. The development shall not be carried out otherwise than in complete accordance with the document entitled Residential Travel Plan, Blackwell Grange” dated November 2017 and prepared by TPS Transport Consultants Ltd unless otherwise agreed in writing by the Local Planning Authority  
REASON: In order to encourage the use of sustainable methods of transport
21. The development shall not be carried out otherwise than in complete accordance with the plans listed below:
- a) Red Line Plan – CPT-241 PL-01
  - b) Site Plan – CPT-241 PL-02 Rev F

- c) Site Plan Sheet 1 – CPT-241 PL-03 Rev F
- d) Site Plan Sheet 2 – CPT 241 PL-04 Rev F
- e) Masterplan CPT-241 PL06 Rev E
- f) Site Plan – Tree Retention/Removal Plan - CPT-241 PL-10 Rev F
- g) Boundary Treatment - CPT-241 PL-08 Rev F
- h) The Carnoustie House Type - CRN-PLP1 & CRN-PLE1/1
- i) The Sandhills House Type - SDH-PLP1 & SDH-PLE1/1 Rev A
- j) The Sunningdale House Type - SUN-PLP1 & SUN-PLE1/1
- k) The Troon House Type TRN - PLP1 & TRN-PLE1/1 Rev A
- l) The Turnberry House Type - TUR-PLP1 & TUR-PLE1/1 Rev A
- m) The Fairhaven House Type - FHN-PLP1 & FHN- PLE1/1
- n) The Galloway House Type - GAL-PLP1 & GAL-PLE1/1
- o) The Sheringham House Type - SHM-PLP1 & SHM-PLE1/1
- p) The Wentworth House Type - WNT-PLP1 & WNT-PLE1/1
- q) Garage Elevations, Plan & Section - 6 DG4 v3-EPS6
- r) Section Location Plan - CPT-241 PL-13
- s) Materials Plan - CPT-241 PL-07 Rev E
- t) Engineering Appraisal Sheet 1 – N17182-900 Rev P4
- u) Engineering Appraisal Sheet 2
- v) Pumping Station – General Arrangement RE220/DRG/M/04
- w) Swept Plan Analysis Refuse Vehicle – JN1421-Dwg-0001F

REASON: To ensure the development is carried out in complete accordance with the planning permission.

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

**Borough of Darlington Local Plan 1997**

- E2 Development Limits
- E3 Protection of Open Land
- E12 Trees and Development
- E14 Landscaping and Development
- H7 Areas of Housing Restraint (parts out of date)

**Darlington Core Strategy Development Plan 2011**

- CS1 Darlington's Sub Regional Role and Location Strategy (parts out of date)
- CS2 Achieving High Quality, Sustainable Design
- CS3 Promoting Renewable Energy
- CS4 Developer Contributions
- CS10 New Housing Development (parts out of date)
- CS11 Meeting Housing Needs
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure Network
- CS19 Improving Transport Infrastructure and Creating Sustainable Transport Network

**National Planning Policy Framework 2012**

**Other Documents**

Supplementary Planning Document – Planning Documents  
Supplementary Planning Document – Design for New Development  
Planning and Design Brief – Land At Carmel Road South, Darlington

**INFORMATIVES****Highways**

The Developer is required to submit detailed drawings of the proposed internal highway and off site 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 Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

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.

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Engineering (contact Mr. C. Easby 01325 406707) to discuss the amended 60mph limit and introduction of Traffic regulation Orders in connection to a 20mph zone.