

# Planning Applications Committee Agenda



**1.30 pm Wednesday, 27 June 2018  
Committee Room No. 2, Town Hall,  
Darlington. DL1 5QT**

**Members of the Public are welcome to attend this Meeting.**

1. Introduction/Attendance at Meetings
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 30 May 2018 (Pages 1 - 12)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 13 - 70)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

## **PART II**

8. Notification of Appeals - The Director of Economic Growth and Neighbourhood Services will report that :- –  
Messrs Lee, Tyers and Hartley have appealed against this Authority's decision to refuse planning permission for change of use of land for the siting of 15 no. holiday chalets, with associated access, car parking and landscaping (additional transport statement received 29 August 2017) at Land North East of Brickyard Farm, Neasham Road, Darlington (Ref. No. 17/00623/FUL).

RECOMMENDED – That the report be received.

### **PART III**

#### **EXCLUSION OF THE PUBLIC AND PRESS**

9. RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act
10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 13 June 2018 (Exclusion Paragraph No. 7) –  
Director of Economic Growth and Neighbourhood Services  
(Pages 71 - 78)
11. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
12. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 19 June 2018**

**Town Hall**  
**Darlington.**

#### **Membership**

Councillors Baldwin, Galletley, Lister, Johnson, Kelley, Knowles, Lee, Lyonette, McEwan, Storr, C Taylor, J Taylor, Tostevin and Cartwright

If you need this information in a different language or format or you have any other queries on this agenda please contact Shirley Burton, Democratic Manager, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: [shirley.burton@darlington.gov.uk](mailto:shirley.burton@darlington.gov.uk) or telephone 01325 405998

# Agenda Item 3

## PLANNING APPLICATIONS COMMITTEE

30 May 2018

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Johnson, Knowles, Lee, Lister, Lyonette, McEwan, Storr, C Taylor and J Taylor and Tostevin. (11)

**APOLOGIES** – Councillor Galletley. (1)

**ABSENT** – Councillors Cartwright and Kelley (2)

### **ALSO IN ATTENDANCE** –

**OFFICERS** – Dave Coates, Planning Development Manager, Arthur Howson, Engineer, within Services for Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (3)

**PA1. COUNCILLOR REGAN** – The Chair referred to the recent death, on 27<sup>th</sup> May, 2018, of Councillor Regan, a former Vice-Chair of this Committee and, in doing so, paid tribute to his contribution to this Committee and to local democracy within Darlington.

**RESOLVED** – That the condolences of this Committee be conveyed to the family of Councillor Regan.

**PA2. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA3. TIMES OF MEETINGS – RESOLVED** – That meetings of this Committee for the Municipal Year 2018/19, be held at 1.30pm on the dates, as agreed on the calendar of meetings by Cabinet at Minute C111/Feb/18.

**PA4. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 2 May 2018.

**RESOLVED** – That the Minutes be approved as a correct record.

**NOTE - APPLICATIONS FOR PLANNING PERMISSION** – The following standard conditions are referred to in those Minutes granting permission or consent:-

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4A	The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building. <b>Reason</b> - In the interests of maintaining the visual amenity of

	the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.
E2	A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority. <b>Reason</b> - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

## **PA5. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **(1) Planning Permission Granted**

**18/00035/FUL - Field 6500, Walworth Road Heighington.** Demolition of existing barn and erection of 75 dwellings and associated access, landscaping and engineering works (as amended by plans received 1 February 2018; amended and additional plans and information received 23 March 2018, 23 April 2018 and 3 May 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and three objectors, all of whom Members heard).

**RESOLVED** – That, subject to the completion of a Section 106 agreement within six months of the date of this Committee to secure financial contributions towards the following :-

- (a) a financial contribution towards improvements to the inbound and outbound bus stops near to the Village Hall;
- (b) a financial contribution towards improving footways and cycleways in the vicinity of the site, including improved signage;
- (c) a financial contribution towards education provision in the Village;
- (d) a financial contribution towards improvements to the playing fields in Heighington;
- (e) a financial contribution towards a scheme to increase and create parking bays within the Village; and
- (f) a Travel Plan

planning permission be granted with the following conditions :-

#### **General**

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

**Reason** - In the interests of achieving an improved rate of housing delivery in the Borough.

2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- (a) Drawing Number 15-028-001 – Site Location Plan
- (b) Drawing Number 15-028-P01 Rev C – Proposed Site Layout
- (c) Drawing Number 15-028-P02 Rev C – Boundary Treatment Plan
- (d) Drawing Number 15-028-P03 Rev C – Adoption Plan
- (e) Drawing Number 15-028-P11 – Site Sections
- (f) Drawing Number 121166/0001 Rev A Swept Path Analysis
- (g) Drawing Number A/643/v7/00/001 – Ash House Type
- (h) Drawing Number A/643/v7/00/002 – Ash House Type
- (i) Drawing Number A/802b/v7/00/01 – Birch House Type
- (j) Drawing Number A/802b/v7/00/02 – Birch House Type
- (k) Drawing Number A/01023/v7/00/01 – Argan House Type
- (l) Drawing Number A/01023/v7/00/02 – Argan House Type
- (m) Drawing Number A/1169/v7/00/01 – Hemlock House Type
- (n) Drawing Number A/1169/v7/00/02 – Hemlock House Type
- (o) Drawing Number A/1273/v6-v7/00/01 – Mulberry House Type
- (p) Drawing Number A/1273/v7/00/02 – Mulberry House Type
- (q) Drawing Number A/1278/v7/00/01 – Mahogany House Type
- (r) Drawing Number A/1278/std/00/02 – Mahogany House Type
- (s) Drawing Number A/1336/v6-v7/00/01 – Maple House Type
- (t) Drawing Number A/1336/v7/00/02 – Maple House Type
- (u) Drawing Number A/1394/v6-v7/00/01 – Lilac House Type
- (v) Drawing Number A/1394/v7/00/02 Rev A – Lilac House Type
- (w) Drawing Number A/1550/v7/00/02 Rev A – Acacia House Type
- (x) Drawing Number A/1550/v6-v7/00/01 – Acacia House Type
- (y) Drawing Number A/1701/v6-v7/00/01 Rev A – Pine House Type
- (z) Drawing Number A/1701/v7/00/02 Rev A – Pine House Type
- (aa) Drawing Number S6/D06 – 1800mm High Wall & Close Boarded Fence
- (bb) Drawing Number S6/D08 – 1800mm to 900mm Transitions Close Boarded
- (cc) Drawing Number S6/D17 – 900mm High Post and Rail Fence
- (dd) Drawing Number S6/D18 – 450mm High Trip Rail

**Reason** – To ensure the development is carried out in accordance with the planning permission.

### **Materials**

3. No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

**Reason** - In the interests of residential amenity.

### **Affordable Housing**

4. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include :

- (a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
- (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- (d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
- (e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Unless otherwise agreed by the Local Planning Authority

**Reason** - To comply with Council Housing Policy.

### **Highways**

5. Prior to the occupation of the first dwelling, precise details of works within the public highway on Walworth Road shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include dropped kerbs, tactile paving, improvement to visibility splays on Walworth Road, details of a gateway traffic calming feature and signage/road markings. The highways works shall not be carried out otherwise than in complete accordance with the approved details and be fully implemented prior to the occupation of the final dwelling.

**Reason** - In the interests of highway safety.

6. A Stage 2 Road Safety Audit shall be carried out for all the works within the public highways and the scope of the Audit shall be agreed in writing by the Local Planning Authority prior to the occupation of the first dwelling. The development shall not be carried out unless in complete accordance with the approved Audit.

**Reason** - In the interests of highway safety.

### **Landscaping**

7. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years 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.

### **Ecology**

8. There shall be no site vegetation clearance between 1st March and 31st August unless a suitably qualified ecologist has undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

**Reason** - In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

9. 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 any external lighting 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 without the prior consent of the Local Planning Authority.

**Reason** - In the interests of protected species and their habitats.

10. The development hereby approved shall not be carried out otherwise than in accordance with the mitigation measures and recommendations contained within the "Ecological Assessment – Land West of Walworth Road" dated 16 January 2018 and produced by BSG Ecology unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of protected species and their habitats.

11. Further to the mitigation measures outlined within the "Ecological Assessment – Land West of Walworth Road" dated 16 January 2018 and produced by BSG Ecology, a scheme for the inclusion of 10 integrated/internal bird boxes within the dwellings facing greenspace shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling and the development shall not be completed otherwise than in complete accordance with the approved details.

**Reason** - To increase the ecological interest in the site.

#### **Tree Protection**

12. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall be in accordance with BS 5837. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (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 well being of the trees on the site and in the interests of the visual amenities of the area.

#### **Foul Pumping Station**

13. Notwithstanding the details shown on the approved plans, the foul pumping station shall be constructed in complete accordance with the requirements contained within "Sewers for Adoption, Sixth Edition" and offered for adoption with Northumbrian Water Ltd.

**Reason** - In the interests of residential amenity.

#### **Amenity**

14. The proposed development shall not be carried out otherwise than in complete accordance with the submitted Demolition and Construction Management Plan by Bellway Homes Limited dated 30/04/2018, Rev 1 unless otherwise agreed in writing

by the Local Planning Authority.

**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 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 approval from the Local Planning Authority.

**Reason** - In the interests of the general amenity of the area.

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 the general amenity of the area.

### **Noise**

17. Prior to the commencement of any of the dwellings on Plots 1, 62, 69 – 75 as shown on Drawing Number 15-028-P01 Rev C precise details of the glazing specifications (including details on the Rw and Weighted Sound Reduction for Traffic Noise (CTR-value)) for all windows for habitable rooms on the road frontage elevation for dwellings adjacent Walworth Road shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the information in the submitted Noise Assessment by LA Environmental Ltd dated 10 January 2018 (Report No. BH/WR/001). 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 the dwellings.

**Reason** - In order to protect the amenities of the future occupiers of the proposed dwellings.

### **Flood Risk and Drainage**

18. The development hereby approved shall be implemented in complete accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy – Walworth Road Residential Development, Heighington, Darlington" - Revision 2" dated April 2018 and produced by Patrick Parsons. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7002 and ensure that surface water discharges to the surface water sewer at manhole 7901. The surface water discharge rate shall not exceed the available capacity of 7.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

**Reason** - To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012.

19. The development hereby approved shall not commence until a scheme for the implementation, maintenance and management of a Sustainable Surface Water 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 approved details. The scheme shall include but not be restricted to providing the following details:

- (a) Detailed design of the surface water management system
- (b) A build program and timetable for the provision of the critical surface water drainage infrastructure

- (c) A management plan detailing how surface water runoff from the site will be managed during construction phase
- (d) Details of adoption responsibilities
- (e) Management Plan for the Surface Water Drainage scheme and any maintenance and funding arrangement
- (f) Details of landscaping, ecological enhancements and features such as seating, footways

The buildings 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 Darlington Core Strategy Development Plan (Policy CS16) and the National Planning Policy Framework 2012.

20. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted document entitled "Flood Risk Assessment and Drainage Strategy – Walworth Road Residential Development, Heighington, Darlington" - Revision 2" dated April 2018 and produced by Patrick Parsons unless otherwise agreed in writing by the Local Planning Authority. The following mitigation measures detailed within the FRA shall be implemented:

- (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 by limiting the site to a surface water discharge rate of 7.5l/s into the NWL surface water sewer.
- (b) 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.

21. No dwellings should be occupied until the surface water management system for the development is in place and fully operational.

**Reason** - To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

22. 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 prior to the commencement of the development.

**Reason** - To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

23. Prior to the commencement of the development, the precise details and location of the pumping station shall be submitted to and approved by the Local Planning Authority. The details shall include any enclosures to be erected, the types of material in the construction of the station and locations of any openings. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** - To ensure that the impact of the pumping station is minimised on the occupants to existing and proposed residential dwellings

(b) Should the Section 106 agreement not be completed within the prescribed six month period without the 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 Applications Committee. The reason to refuse the planning application would be as follows :-

1. The proposed development would be contrary to policy CS4 (Developer Contributions) of the Darlington Core Strategy Development Plan Document 2011 as adequate provision has not been made for enhancing and improving walking and cycling routes in the vicinity of the application site; improving existing bus stops, sports provision and improvements in the Village, education provision within the Village and the creation of parking spaces within the vicinity of the application site in order to mitigate the impact of the proposed development.

**16/01256/FUL - Land adjacent Royal Oak Pub (Oak Tree Inn) off Yarm Road Middleton St George, Darlington.** Erect 12 dwellings and access roads and other infrastructure.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and one objector, both of whom Members heard).

**RESOLVED** - That planning permission be granted, subject to the following conditions and the obligations contained in the Section 106 agreement dated 3 January 2018.

1. A3 – Implementation.
2. B4 – Materials.
3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:  
Drawings 318-02 Rev C, 318 - 20, 318 – 21,  
Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.  
**Reason** - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
4. E2 – Landscaping.
5. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include:
  - (a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);

- (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
  - (d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
  - (e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.
6. Precise details of the off site highway works required to access the site and mitigate the development impact shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of the existing footway along the north-south section of Oak Tree Close to 2.0m wide, the addition of a new footway along the frontage of the development on the east-west section of Oak Tree Close at 2.0m wide (measured between restraints) connecting into the surrounding infrastructure and the new site access junction and linking footways. The development shall not be carried out otherwise than in complete accordance with the approved details.  
**Reason** – In the interests of highway safety.
7. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.  
**Reason** – In the interests of residential amenity.
8. 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 and the lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.  
**Reason** – To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of a Sustainable Surface Water 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, the scheme shall include but not be restricted to providing the following details :-
- (a) Detailed design of the surface water management system;
  - (b) A build program and timetable for the provision of the critical surface water drainage infrastructure;
  - (c) A management plan detailing how surface water run off from the site will be managed during the construction phase; and
  - (d) Details of adoption responsibilities.
- Reason** – To ensure the sited 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.
10. The building hereby approved shall not be brought into use until :-

- (a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building; and
- (b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

**Reason:** To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

## **(2) Planning Permission Refused**

**18/00190/FUL - 201 Greenbank Road, Darlington.** Change of Use of dwelling (Use Class C3) to local convenience store (Use Class A1) with living accommodation above. Erection of single storey extension to the rear to form part of shop and associated internal and external alterations (amended plan and Planning Statements received 11 April 2018 and 13 April 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and three objectors, all of whom Members heard).

**RESOLVED** – That planning permission be refused for the following reason :-

In the opinion of the Local Planning Authority, the proposed development would have an adverse impact on the amenities of the neighbouring dwellings by virtue of noise and disturbance and it has the potential to become a focal point for antisocial behaviour in an area that is known to suffer from such issues. The application site is an inappropriate location for a new retail store and the proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Planning Policy Document 2011 and the core planning principles of the National Planning Policy Framework 2012 (paragraph 17).

**PA6. NOTIFICATION OF APPEALS** – The Director of Economic Growth reported that :-

- (a) Darlington Cricket and Athletic Club had appealed against conditions attached to planning permission granted by this Planning Authority for the construction of an all-weather cricket practice area, incorporating 2 lanes, contained within cages and nets (retrospective application) at Darlington Cricket Club, South Terrace, Darlington (Ref No. 17/00282/FUL); and
- (b) Mr Antony Vassilounis had appealed against this Authority's decision to refuse permission for the demolition of existing triple garage and erection of a single-storey residential dwelling with parking area, new pedestrian access, street lighting and 1.8 m high timber close-boarded fencing and gates (revised scheme) at garages and garden to the rear of 38 Langholm Crescent, Darlington (Ref No. 17/00945/FUL).

**RESOLVED** - That the report be received.

**PA7. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA8. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 18 APRIL 2018 (EXCLUSION NO. 7)** - Pursuant to Minute PA60/May/18, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 18 May, 2018.

**RESOLVED** - That the report be noted.

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## BOROUGH OF DARLINGTON

### PLANNING APPLICATIONS COMMITTEE

Committee Date – 27 June 2018

### SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.
- 2) Letters of objection and representation from the public.

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Index of applications contained in this Schedule are as follows:-

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Page	Address/Site Location	Reference Number
1	Carmel College, The Headlands DARLINGTON	18/00232/FUL
10	Land Adjoining 21 Lady Kathryn Grove DARLINGTON DL3 0YR	18/00329/CU
14	Site Of Former Springfield Primary School Salters Lane South DARLINGTON	18/00442/FUL
31	52 Middleton Lane, MIDDLETON ST GEORGE DARLINGTON	18/00325/FUL

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

COMMITTEE DATE: 27<sup>th</sup> June 2018

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**APPLICATION REF. NO:** 18/00232/FUL

**STATUTORY DECISION DATE:** 13 July 2018

**WARD/PARISH:** HUMMERSKNOTT

**LOCATION:** Carmel College, The Headlands

**DESCRIPTION:** Variation of Condition 14 (Construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches) attached to planning permission 16/00597/FUL dated 8 September 2016 to ensure padding on perimeter backboards and goal backboards meet requirements of Condition 13 (amended Noise Assessment received 8 May 2018)

**APPLICANT:** Mrs Jennifer Moorhouse

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**APPLICATION AND SITE DESCRIPTION**

Planning permission (reference number 16/00597/FUL) was granted by Members of the Planning Applications Committee in August 2016 for the construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches. The approval was granted subject to a number of planning conditions, including Nos 13 and 14 which state:

**Condition 13**

*The noise from the use of the synthetic sand dressed turf pitch shall meet the Local Authority noise assessment criteria contained within SSDTP Sound Impact Assessment reference 4879.3 dated 28 April 2016 at all noise sensitive locations.*

*REASON - In the interests of residential amenity.*

And;

**Condition 14**

*The perimeter backboards and goal backboards surrounding the entire pitch shall be designed and lined with a suitable padding material so as to reduce the impact noise on the boards so that the L<sub>Amax</sub>(fast) does not exceed 65 dB(A) when measured at 5 metres. The perimeter backboards and goal backboards shall be maintained throughout the life of the development and to the satisfaction of the Local Planning Authority.*

*REASON - In the interests of residential amenity.*

The pitch has been constructed and is fully operational. In July 2017, the local planning authority received a complaint from local residents about the noise levels that were being generated by the playing pitch, especially during hockey practice sessions and also the extent of light spill and glare from the columns associated with the pitch.

These complaints resulted in an investigation involving site visits by the Council's Environmental Health Officer, the implementation of a further noise and lighting survey by the appropriate consultants in consultation with Environmental Health and the submission of their findings.

The findings of the noise investigation confirmed that the noise measurements contained within the condition 13) had been achieved but padding that was installed on the perimeter back boards and goal boards had not achieved compliance with the noise criteria expressed in condition 14).

This planning application has been submitted by the College in order to reword the condition 14) to read that the padding of the back boards and goal boards shall be maintained throughout the lifetime of the development and to accord with the noise criteria of condition 13).

With regard to the external lighting, the College fitted external shields/cowls to each lighting column and following the submission of an updated lighting assessment, the Council's Environmental Health Officer has advised that the lighting columns are operating in accordance with the relevant conditions (Nos 17 and 18) attached to planning permission reference number 16/00597/FUL). This part of the investigation has been satisfactorily resolved.

**Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.**

### **PLANNING HISTORY**

16/00597/FUL – In August 2016 planning permission was GRANTED for the construction of a synthetic sand dressed turf pitch, along with associated floodlighting, enclosures, acoustic fencing and re grading of existing grass pitches

### **PLANNING POLICY BACKGROUND**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document is relevant along with the National Planning Policy Framework 2012.

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

The Local Planning Authority issued a consultation letter to all the residents that submitted comments on the original scheme (a total of 127 letters) and a Site Notice was erected at the entrance to the College on The Headlands. A total of nine letters of objection have been received from eight households and the comments can be summarised as follows;

- *We believe there is still an issue, with potential breaches of the sound limits caused by the small white goals which have no padding on them. When the hockey teams are practising and during the match warm ups individual players often use these smaller goals to practice shooting which leads to an intense period of noise generation. As the back bars of these goals are not padded we believe they are generating excessive noise and that at the times when these are used, this can lead to the measurement for the average 10 loudest events in a 15 minute period exceeding 60 dB(A). Some form of*

*padding needs to be applied to the back and the internal side bars of these small goals to provide noise protection and the wording of condition 14 needs to be extended to include requirement that all equipment used on the facility needs to be adequately padded to avoid excessive noise generation*

- *It is disappointing that at the first sight of difficulty, the proposal is to change the planning condition rather than address the noise issue. I believe the original condition should be upheld and further actions are taken to encourage the noise reduction to become complaint*
- *The most annoying noise generated is the gunshot retort of the ball hitting the backboards when scoring a goal. As far as I can see the goals do not have any sound deadening material in them meaning that every time a goal is scored the annoying noise is generated*
- *The current situation is that there is excessive and intrusive noise from a hockey ball hitting the goal backboards which is like a gunshot and is worse during practice sessions. If indeed it is caused by a lack of padding or suchlike behind the goals it does not seem to be such a problem to overcome*
- *It rather feels like promises to control noise within acceptable limits have been made to secure a successful application and nice built, it is those could be cast aside by changing the conditions*
- *We are supportive of Carmel School providing high quality sports facilities for its students. However we believe that the School should do so whilst making suitable accommodation for the comfort of its neighbours. The conditions were imposed on the development after due consideration of all the evidence in this case. At the time noise and nuisance was a specific concern raised by many local objections and the School went to great lengths to assure objectors that these concerns were being taken seriously and would be addressed. It was these assurances that persuaded the Planning Committee to grant permission in its current form and subject to condition 14. There does not appear to be any evidence of efforts made to secure compliance with this condition. Measure should include fitting adequate padding to all back boards and posts, including practice goals, thereby ensuring that the noise to nearby residents arising from the facility would be maintained at the agreed level*
- *It seems unreasonable subsequently to petition for a provision which was proposed and agreed in the interests of residential amenity to be withdrawn or amended because it has proved to be inconvenient or unachievable. The noise during practice sessions seems to exceed the agreed levels and additional padding could help to the reduce the impact on neighbours*
- *The failure to provide adequate padding to backboards and goal back boards has resulted in a noise similar to that of the crack from a high powered rifle must be rectified by the College and the Council*
- *After the deluge of objections against the original application for this development, it is difficult to believe that recent testing for noise issues has not been implemented thoroughly and exhaustively. The overriding noise problem occurs mainly during pre-training matches when balls are continuously fired at the goal over an exhaustive period of time. The surface on which they ricochet is clearly not adequately insulated. Testing needs to be repeated at appropriate times to achieve an accurate picture.*
- *Given the original cost of the development, providing adequate insulation must surely be relatively cost effective*
- *The practising and shooting sessions can last continuously between 10 and 45 minutes which can mean that for up to 45 minutes (per session) the two highest sources of noise occur once every 15 – 20 seconds*

- *We do not agree that adequate testing has been carried out to conclude that condition 13 is complied with*
- *There are noise events which should have been anticipated in the original submission which have not been included, specifically the use of small white practice goals which have no padding on them but are used in both warm ups and training*
- *The noise assessment does not seem to include any assessment of two loud noise events occurring simultaneously. When a high number of people are carrying out multiple activities the likelihood of simultaneous noise events is increased which will cause an increased number of loud noise events. This facility can be used for other sports and there needs to be an evaluation of these to determine if noise assessments need to be made on their activities to ensure that none of them will generate higher noise levels*
- *The letter from Apex Acoustics does not states the condition 14 cannot be met and they have misinterpreted the purpose and scope of condition 14 which is to ensure the perimeter boards and goals are sets and sets a measure for the effectiveness of that padding. The purpose of the condition is to reduce the noise generated from the perimeter boards and goal back boards to a level where a ball striking then does not represent one of the 10 loudest events in a 15 minute period, this reducing the overall noise levels. The purposes of the 65dB measure is to ensure that eh materials used to line the boards is effective enough.*
- *We believe only a second layer of material has been applied as the padding to the perimeter boards and that this is not thick enough to achieve the required outcome. The padding needs to be improved in line with eh Sport England guidance so that the noise generated from hitting the ball is no more than 65dB when measured from 5 metres*
- *Condition 14 needs to be retained and the applicant needs to comply with it by improving the padding on the perimeter boards*
- *The second part of the condition is not being complied with as the small white practice goals do not have padding on their back boards*
- *If the goal back boards cannot comply with the condition following discussions will experts (Sport England) it may then be necessary to reword condition 14 to split the noise requirement of the perimeter back boards from that of the goal padding so that each has a separate criteria*
- *It is worrying that the same company that claimed that this facility would be complaint with the noise limits is not telling us it is not complainant*

A letter of objection has been received asking about the extent of the consultation exercise on the planning application; traffic generation and air pollution which are not material planning considerations in the determination of this planning application.

One letter of support has been received and the comments can be summarised as follows:

- *As a member of the public who frequently visits the site I am in support of the College and the amendments. I regularly watch both practice and hockey matches and have never found the sound to be offensive. I appreciate I am not living next to the site but I experience the noise at the pitch side which is surely louder*
- *The College have added additional provision for sound reduction including wooden boarding. When outside these sound is significantly reduced*
- *I would like to add that I still feel the addition of sporting facilities is extremely positive and it is lovely to see children and students exercising in the fresh air*

### Consultee Responses

The Council's Environmental Health Officer has raised no objections to the variation of the planning condition.

### PLANNING ISSUES

The main issue to be considered here is whether the rewording of condition 13) will result in the playing pitch having an adverse impact on the amenities of the neighbouring residential dwellings. Having considered the planning application, the supporting information, the letters of objection and the requirements of condition 13), the Council's Environmental Health Officer has advised as follows:

*The application seeks to vary Condition 14 of planning permission 16/00597/FUL which specifically covers the padding of the perimeter backboards and goal backboards on the new pitch at Carmel College. Conditions 13 and 14 attached to the permission both aim to protect residential amenity in relation to noise, with Condition 13 being the main condition which sets noise assessment criteria to be met from the use of the pitch in general (including noise from impacts on the backboards).*

*An argument has been put forward in the application that Condition 14 can be varied to be less prescriptive (i.e. remove reference to exact noise level to be achieved), as while it has been established that this condition is not being complied with (in relation to hockey ball impact noise – worst case with no padding in original assessment) the purpose of this was to ultimately ensure appropriate padding was put in place when the exact details were unknown/not forthcoming at the time of the determination of the original application, and to ensure compliance with Condition 13 which covers specific noise levels to be met from the use of the synthetic sand dressed turf pitch (SSDTP) as a whole. This has been expanded upon in the documentation accompanying the application, as commented on below.*

*The application has been submitted with a letter style report prepared by Apex Acoustics dated 16 November 2017. This includes results from a monitoring exercise which took place during a typical senior/adult hockey training session (understood to be worst case from comments of residents) on the evening of Tuesday 31 October 2017.*

*Measurements were taken at two positions on the college site boundary, to the north and south of the SSDTP. At each of the two locations noise was assessed for three 15 minute periods. The report details that subjectively the two highest noise sources were ball impacts on metal goal posts and stick strikes on the ball during a penalty shoot. This is in keeping with comments in the letters of objection, and are two of the noise sources also included in Tables 4 and 5 (Appendix 1) of the noise measurement results which show the 10 highest measured levels over the 15 minute periods assessed. These sources are not relevant to Condition 14.*

*Comparing the results of the monitoring with the noise assessment criteria set by Condition 13 of the planning permission it has been highlighted that (in relation to the assessment of hockey training) the first two criteria (LAeq, 15 min should not exceed the LA90, 5 min by more than 3dB and the LAeq, 15 min should not exceed 50dB at all noise sensitive locations) are being complied with. The background (LA90) noise level established in the report submitted with the original application was 44dB. This means to ensure compliance with the first criteria the noise level must be no more than 47dB. Table 2 of the report show levels between 42-44dB LAeq, 15 min at both positions. By default this ensures compliance with the second part of this condition which states the LAeq, 15 min should not exceed 50dB at all noise sensitive locations.*

*In relation to the third (last) criteria of Condition 13 (the average LAFmax should not exceed 60dB (mean logarithmic average of the 10 loudest events from at least three separate 15 minute measurement periods)) the results of the monitoring exercise included in Appendix 1 (Tables 4 and 5) of the report shows the noises which accounted for the 10 loudest events for the periods monitored and shows that the mean logarithmic average is less than 60dB LAmx. This again is in accordance with the noise assessment criteria.*

*I acknowledge the points made in the letters of objection and would respond to the main points as follows:*

- *Objections highlight uncertainty as to whether practice shooting was included in the assessment. Apex have confirmed that the monitoring exercise did include shooting practice.*
- *Objections mention that levels above 60dB were measured which depending on intensity of activity could lead to third criteria being breached. This assessment shows that the third criteria wasn't breached during what I understand was representative of a typical senior/adult hockey training session which has been described as worse case as opposed to a match. As this covered worse case I am confident that any further noise monitoring would come to the same conclusion that the noise assessment criteria is being met.*
- *Objections refer to the use of the pitch for other sports not having been considered by the noise assessment for the purpose of this variation of condition application. Complaints which lead to it being established the backboard padding criteria was not being complied with were initially about hockey (said to be worse case and main use of pitch currently). I am confident that due to the hardness of a hockey ball compared to balls used for other sports this will result in the highest noise levels.*
- *As Condition 13 remains this can be relied upon if complaints are received in the future (including about other sports).*

*I am satisfied with the information that has been submitted and Environmental Health would have no issues with Condition 14 attached to planning permission 16/00597/FUL being varied.*

The Environmental Health Officer has recommended that wording within Condition 14) should be revised to state:

***“The goal backboards and perimeter backboards shall be designed and lined with suitable padding material so as to reduce the noise from ball impacts. Mitigation shall be sufficient to ensure that the ball impact noise does not result in exceedances of the noise assessment criteria detailed in Planning Condition 13 (attached to planning permission 16/00597/FUL). The mitigation to perimeter backboards and goal backboards shall be maintained throughout the life of the development to the satisfaction of the Local Planning Authority.”***

The comments from the Environmental Health Officer continues:

*Since additional work was carried out by the College to pad the goal backboards used for hockey I am satisfied that the padding material is satisfactory in relation to the above proposed condition and compliance with the noise assessment criteria.*

*I would reiterate and can confirm the earlier point about Condition 14 being recommended when details of the padding was not forthcoming/unknown is correct. This was to ensure some padding was fitted to the backboards in looking to ensure compliance with the overarching noise level condition (Condition 13).*

*As Condition 13, which remains, sets noise assessment criteria to be met from use of the pitch as a whole, this could be relied upon if complaints were received about noise from the use of the pitch in the future (even regarding other sports), and therefore by allowing Condition 14 to be varied as proposed will in no way be to the detriment of residential amenity. Ultimately any complaints would look to be assessed in relation to the criteria set by Condition 13 anyway (as has been done in this instance).*

Objections have referred to the use of small white goals for hockey practice which appear to have no padding. Officers have contacted Carmel College and they have confirmed that the white goals are meant for football and they have assured the local planning authority that the goals will not be used in the future when the facility is being used for hockey. This is an issue for the College to monitor and manage appropriately.

Having considered the advice from the Environmental Health Officer, it is considered appropriate to revise the wording of condition 14) which would still ensure that the goals and fencing are padded throughout the lifetime of the development and the overall noise generated from the usage of the pitch still has to comply with the overarching noise requirements set out in condition 13).

### **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**

A thorough investigation has been carried out following complaints from local residents about noise generated by the playing pitch. This investigations revealed that the overarching noise criteria set out by the Noise Assessment that accompanied the original planning application and secured by condition 13) are being complied with.

However, the noise criteria contained within condition 14) (*The perimeter backboards and goal backboards surrounding the entire pitch shall be designed and lined with a suitable padding material so as to reduce the impact noise on the boards so that the LA<sub>max</sub>(fast) does not exceed 65 dB(A) when measured at 5 metres*) was not being complied with.

Having considered the advice from the Council's Environmental Health Officer, it is considered that rewording condition 14) as set out below will not harm the amenities of the neighbouring dwellings as the overarching noise criteria set out in condition 13) continues to be complied with, and can be used to investigate any other future noise complaints.

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:**

1. The goal backboards and perimeter backboards shall be designed and lined with suitable padding material so as to reduce the noise from ball impacts. Mitigation shall be sufficient to ensure that the ball impact noise does not result in exceedances of the noise assessment criteria detailed in Planning Condition 13 (attached to planning permission 16/00597/FUL). The mitigation to perimeter backboards and goal backboards shall be

maintained throughout the life of the development to the satisfaction of the Local Planning Authority.

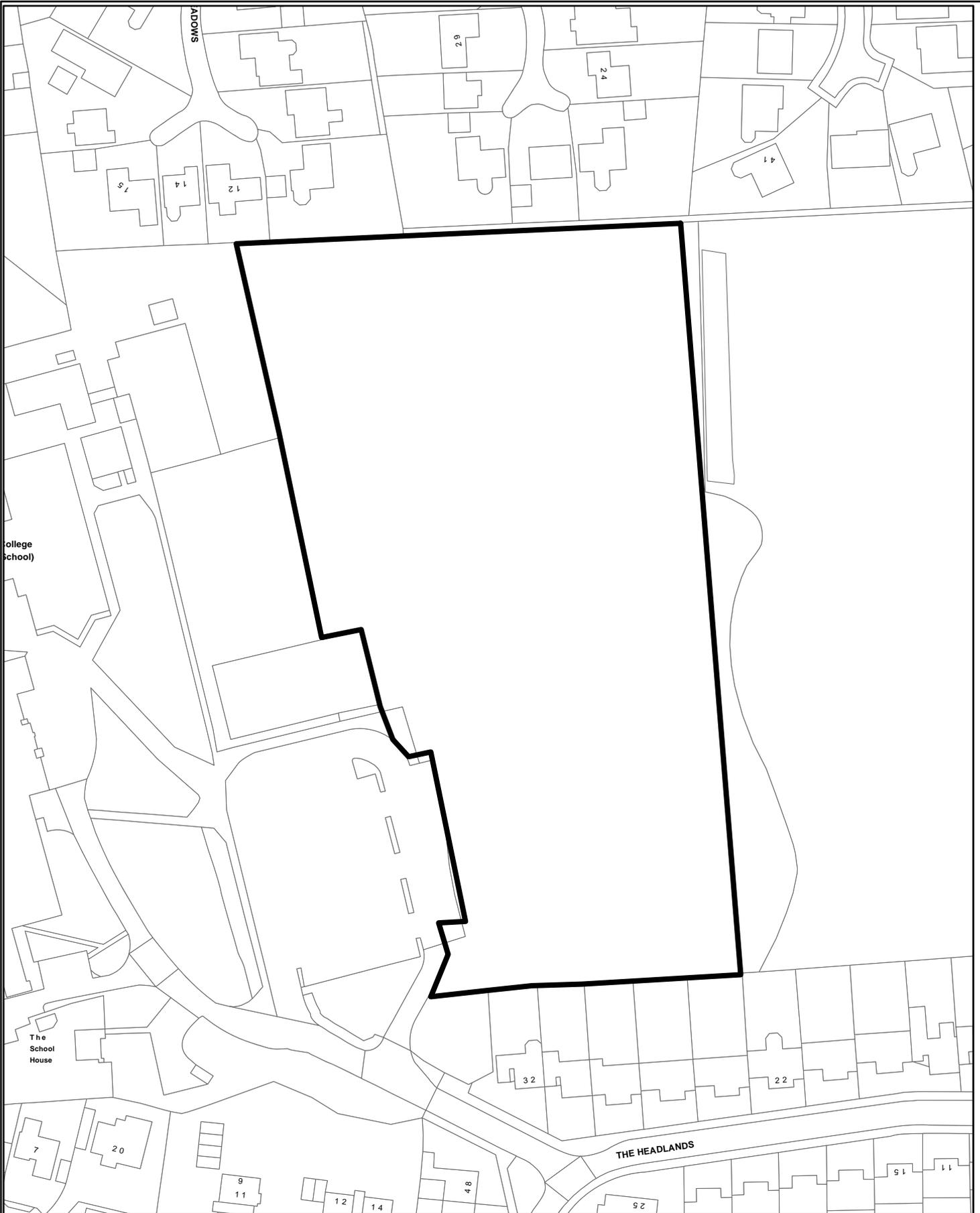
REASON: In the interests of residential amenity

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

**Darlington Core Strategy Development Plan Document 2011**

CS16 Protecting Environmental Resources, Human Health and Safety

**National Planning Policy Framework 2012**

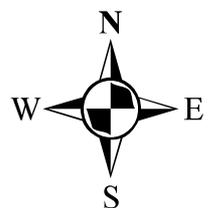


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**PLANNING REF. No. 18/00232/FUL**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

COMMITTEE DATE: 27<sup>th</sup> June 2018

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<b>APPLICATION REF. NO:</b>	<b>18/00329/CU</b>
<b>STATUTORY DECISION DATE:</b>	<b>16/06/18</b>
<b>WARD/PARISH:</b>	<b>Brinkburn and Faverdale</b>
<b>LOCATION:</b>	<b>21 Lady Kathryn Grove Darlington</b>
<b>DESCRIPTION:</b>	<b>Change of use of open space to domestic garden</b>
<b>APPLICANT:</b>	<b>A Summerson</b>

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**APPLICATION AND SITE DESCRIPTION**

This site lies within a small estate of detached houses arranged around a cul de sac which together with the nearby Brinkburn Public House were built in the early 1990s. The frontages of the properties are predominantly open without fencing and there is a “Green” area located at the head of the cul de sac.

**PLANNING HISTORY**

Nothing relevant to this application other than the original permission for the houses and pub in 1990. There were no specific planning conditions added to the permission which related directly to a requirement to retain an “open plan” arrangement to the front gardens.

**PLANNING POLICY BACKGROUND**

Darlington Borough Council Local Plan **Policy H12** relates to the alteration and extension of existing dwellings and it is this policy which has the most relevance in considering this application.

**RESULTS OF CONSULTATION AND PUBLICITY**

Local residents were consulted and responses were received from **four** residents, raising the following issues :

- Land is not owned by the applicant
- Fence is unsightly in this open plan estate
- If approved, precedent could be set for other similar proposals.
- House deeds prohibit fencing on the frontages.

The applicant has responded to the objections raising the following issues :

- This planning application is not for the fence – only the change of use of the land.
- The Council have never cut the grass – they don't own the land.
- The fence can be removed if necessary.

**Highways Engineer** – No objections.

## **PLANNING ISSUES**

This application relates to the change of use of an area of open land to domestic garden use. The existing fence on site is not part of the application as it does not require planning permission as its height is below the threshold where planning permission is required. There are no restrictive planning conditions attached to the original planning permission for the housing estate.

Whilst there may be covenants on individual house deeds restricting the erection of fencing in certain locations, there are no such restrictions in place in planning terms. This particular matter is not a planning consideration.

The main planning issue relating to this application is the visual impact that the change of use will be likely to have on the appearance and character of this locality.

The land is currently used to park a car. Other residents' cars are parked in various locations around the estate.

It is considered that the parking of a car in this particular location does not create a visual intrusion sufficient to warrant refusing planning permission in this instance. The car could be located in other locations nearby without planning permission resulting in a similar visual impact.

It is noted that the applicant does not own the land and despite endeavouring to ascertain ownership, no owner has been confirmed at the time of writing. The issue of land ownership is not one which can effect consideration of this planning application – should an owner eventually be found, then that person can decide whether the change of use of land can legally take place. Officers are satisfied that the correct ownership certification has been completed by the applicant.

## **CONCLUSION**

This application relates to the change of use of land from open space to domestic garden. Because of its location on a road frontage, planning permission would be likely to be necessary to erect any new structures or buildings.

It is likely to be used in the future to park a motor vehicle, as is now the case. The loss of open space in planning terms, in this instance is not considered to be detrimental to visual amenity as to warrant the refusal of planning permission. Motor vehicles could in any event be parked on land adjacent to the open space, with similar visual impact.

It is considered that planning permission should therefore be granted.

### **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.

### **RECOMMENDATION**

That Planning Permission be **Granted** subject to the following conditions:

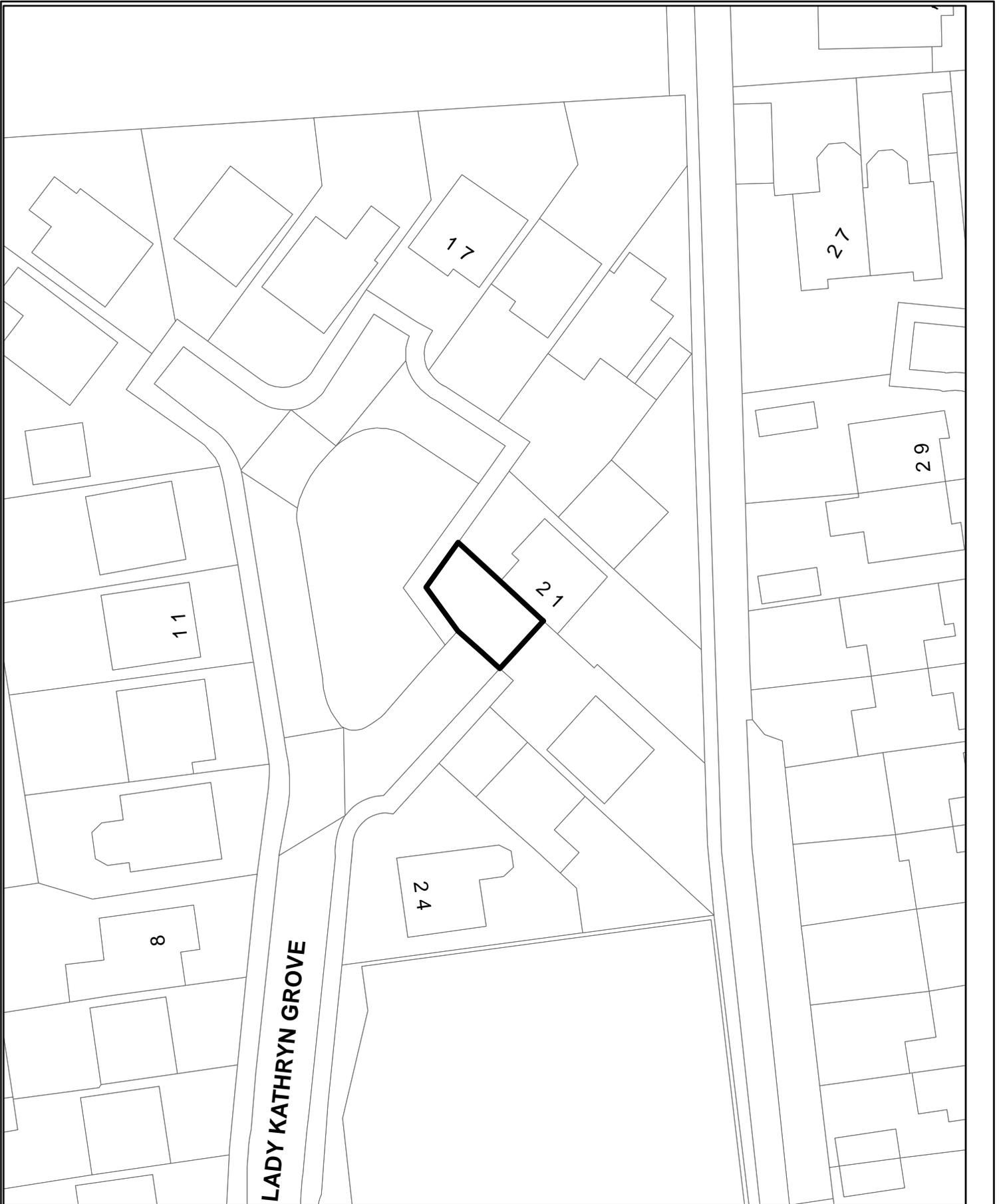
1. A3 – Implementation time limit
2. The development shall be carried out in complete accordance with the approved plan(s) and documents as detailed below:
  - The proposed block plan submitted with the application.

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

### **Reason**

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

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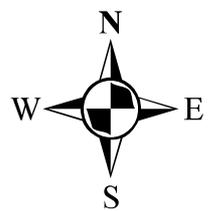


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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27 June 2018**

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**APPLICATION REF. NO: 18/00442/FUL**

**STATUTORY DECISION DATE: 23<sup>rd</sup> August 2018**

**WARD/PARISH: HAUGHTON AND SPRINGFIELD**

**LOCATION: Site of Former Springfield Primary School, Salters Lane South, Darlington**

**DESCRIPTION: Proposed residential development consisting of 80 dwellings, access and landscaping (Re-submission)**

**APPLICANT: NORR CONSULTING**

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**APPLICATION AND SITE DESCRIPTION**

Members will recall granting planning permission for 80 dwellings on the application site in March 2018, subject to conditions.

This application is an identical planning application, however is updated to include further Ecological surveys and detailed highway layout. This revised application does not change the recommendation of from the original report.

The application site measures some 2.9 hectares in area and is situated on the site of the former Springfield Primary School playing fields on the west side of Salters Lane South in a predominantly residential area and in close proximity to the Haughton Education Village and Haughton Village. The site consists of grassland with a number of mature trees.

This is a detailed application for the redevelopment of the site for housing. The scheme would consist of the following elements:

- 80 residential dwellings (comprising a mixture of two three and four bed detached, semi and terraced dwellings);
- A minimum of two in-curtilage parking spaces per dwelling;
- The formation of a new access road to the development from Salters Lane South connecting to an internal estate road leading to dwellings grouped in cul-de-sac arrangements;
- Frontage development to all principle locations;
- The provision of internal vehicular and pedestrian routes;
- The provision of a pedestrian routes to connect it to surrounding residential areas;
- The provision of associated hard and soft landscaping.

The application was submitted with a Design and Access Statement as required by the regulations.

**Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the DBC website.**

### **Environmental Impact Assessment Requirements**

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **PLANNING HISTORY**

The site has a lengthy planning history relating to various alterations and extensions to the former school buildings. None of this is relevant to this application.

07/01221/FUL - In March 2008 planning permission was granted for the residential development of land to the north of the site.

10/00017/DC – In April 2010 planning permission was granted for the residential development of land to the north of the site.

17/01191/FUL – In March 2018 planning permission was granted for the erection of 80 dwellings with associated access and landscaping.

### **PLANNING POLICY BACKGROUND**

The following policies of the Core Strategy are relevant:

- CS1 – Darlington’s Sub-regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a multi-functional Green Infrastructure Network
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The following policies of the Borough of Darlington Local Plan are relevant: -

- E3 – Protection of Open Land
- E12 - Trees and Development
- E14 - Landscaping of Development

The Council's Design of New Development Supplementary Planning Document 2011 is relevant.

The Council's Planning Obligations Supplementary Planning Document (2013) is also relevant.

The Council's Interim Planning Position Statement (2016) is also relevant.

The National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance are also relevant.

## RESULTS OF CONSULTATION AND PUBLICITY

One letter has been received through the consultation of this identical application, from Darlington Friends of the Earth, raising the following issues:

- *We believe there are a few anomalies with the applicants planning statement and their ecological appraisal dated December 2017;*
- *Has a bat survey been undertaken to properly establish the status of bats on the site and what impact this development may have on bats – further bat surveys should be undertaken and any mitigating measures agreed before planning approval is granted or at least made a condition of any planning approval;*
- *Has an amphibian and Great Crested Newt investigation been undertaken to establish exactly the status of any amphibians on site and what impact the development may have on any such species – further surveys should be undertaken and any mitigating measures agreed before planning permission is granted or at least made a condition of any approval;*
- *The planning statement indicates the council cannot identify a five year supply of housing – the council can now demonstrate this;*
- *The provision of affordable housing;*
- *The retention of trees and hedgerows where possible;*
- *Gaps in fences to allow hedgehogs to move around the site freely and the creation of a pond or ponds as part of the suds strategy is very welcome;*
- *Bird and bat boxes within this development would be very welcome and perhaps this could be extended to include nest boxes for swifts and wall cavities for starlings, fruit trees and an area of nectar rich planting for our pollinators.*

Three further representations have been received from local residents, raising the following issues:

- *I wish to bring to your attention the presence of two well established trees on the north east corner of the site – I noted on the original application a comment regarding replacement trees in this location;*
- *I feel that with this authority's current record on the protection of established trees (I'm thinking of the development at the golf course site, where trees have been felled for convenience) this site needs to be considered and monitored carefully;*
- *I walk to work and home again, from Bamburgh Place, across the field to the corner of Kielder Drive – there is an opening at each end in order for person's to be able to do this – this field was not part of the Springfield School site (that was the upper part of the field) and people have walked over this lower field for years – the route should be classed as a public right of way;*

- *I cannot see that there is any allowance for this in the way of a path between houses 49 and 50 on the new proposed site plan of this new development; Is there a path down the side of house number 46 towards Kielder Drive? – if so that would be fine;*
- *Can you please ensure that this public right of way will stay within the development or at least an alternative route is put into place;*
- *I would not like Alnwick Place to be used for access to the housing estate or by the building firm – the road is not wide enough and you cannot park two cars and get through as it is;*
- *I do not want the house to be built directly behind my house as it will be obtrusive for it to be that close to build within 20 feet of my garden; It will also block my right to light as the sun rises and sets to the back of my house and it will devalue it;*
- *You are only building two houses in the whole development this close to residents houses – you could change the position or change it to a bungalow;*
- *There are bats living in the house next door to mine's roof which are protected;*
- *There is a fox living on the field with numerous more wildlife;*
- *We have a pond and two doors away do and both have newts living in them which are protected and you can't tell me they are not present at the other side of my fence in the field.*

The Council's Highways Officer has raised no objections to the proposed development subject to conditions securing submission and agreement of further details of the internal highway layout and the proposed access road junction. There are a number of housing developments currently submitted for planning in proximity to the A167/A1150 corridor. The development traffic generated from these sites would have a detrimental impact on the local highway network unless highway improvements are carried out on the corridor. Specific improvements are proposed at the A167 Burtree Lane traffic signal controlled junction and A1150 Thompson Street East roundabout. A contribution has been agreed towards highway improvements on this corridor.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to contaminated land remediation conditions.

The Transport Policy Officer has raised no objections to the proposed development subject to conditions requiring further details of shared footway links to surrounding infrastructure and details of cycle parking and storage.

The Lead Local Flood Authority has raised no objections to the proposed development subject to planning conditions to secure submission and agreement of a scheme of surface water drainage and management, that the development is carried out in accordance with the submitted FRA and that the surface water management is in place prior to dwellings being occupied.

Northumbrian Water has raised no objections to the proposed development subject to a condition to secure a scheme for the disposal of foul and surface water from the development prior to commencement.

## **PLANNING ISSUES**

The main planning issues to be considered in the determination of this application are: -

- Planning Policy
- Loss of green space

- Impact on non-designated Heritage Assets (Archaeology)
- Design and Layout and impact on visual amenity
- Residential Amenity
- Highway and Sustainable Transport issues
- Surface water and Flood Risk
- Ecology
- Trees
- Planning Obligations
- Other matters

### **Planning Policy**

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.

Saved Policy E3 (Protection of Open Land) of the Local Plan states that in 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.

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. An update to the Strategic Housing Market Assessment was published in Oct 2017. This work indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. A 20% buffer has been applied to this figure due to previous under delivery. The Council is currently preparing a new Local Plan and an assessment of sites currently shows that a 5.86 year supply of deliverable housing land can be demonstrated. As a consequence policies relating to the supply of housing can now be given weight in the planning balance.

The site falls within the Development Limits and is considered to be a sustainable location, and its development for housing is acceptable in principle. The Council's Interim Planning Position Statement (2016) identified the site as a housing site capable of accommodating a sustainable scheme subject to an acceptable scheme coming forward.

### **Loss of green space**

One of the Core Planning Principles of the NPPF is that planning should take account of the different roles and character of 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.

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.

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.

Policy E3 (Protection of Open Land) of the Local Plan states that in 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.

The loss of green space will have minimal impact on recreation as the site is not open to the public. However it does afford some visual relief to the locality in general. Nevertheless, it is considered that the proposal retains an element of openness to the Salters Lane South frontage and will be enhanced through a landscaping scheme to be agreed by planning condition. Ecology issues are considered later in this report.

### **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 goes on to state 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 was submitted in support of the application. The survey did not show a significant archaeological resource, however shows some magnetic disturbance in the results which could have a 'masking' effect. The County Archaeologist therefore requested that the Archaeological Evaluation be tested through trial trenching. The full evaluation of the site was submitted and no archaeological remains were encountered and as a result, the County Archaeologist has raised no objections to the proposed development.

### **Design and Layout and impact on visual amenity**

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.

It is considered that the form, scale and layout of the development is acceptable and has had regard to the character of its surroundings. In particular the scheme is sensitive to the character of the main frontage along Salters Lane South, and provides an attractive internal street scene.

The surrounding area is not one of strong architectural character, and the development does not seek to replicate or follow any particular element of architecture in the immediate vicinity of the site, however it is considered that the proposal shows sensitivity to its surroundings and provides a variety of buildings with architectural detailing such as dormer windows, varied roof heights, gables and varied fenestration to break these up, create interest and complement the sites surroundings. Details of external materials have been provided and these are considered to be acceptable.

Careful consideration should be given to landscaping in order to soften, complement and provide some screening for the development. The issue of retaining existing tree cover is considered in more detail later in this report. Overall, the proposal is considered to be acceptable in respect of its impact on the visual amenities of the locality and responds satisfactorily to the particularities of the site and the surrounding area, as required by local and national policy and guidance.

### **Residential Amenity**

The proposal is considered to be acceptable in respect of its impact on the residential amenities of existing properties and meets the generally accepted separation distances as set out in the Design SPD in all instances. Internally, the layout of the development is considered to provide an acceptable residential environment for the future occupiers of the proposed scheme.

A Phase 1 Desk Top Study report and a Phase 2 Ground Investigation Report, both prepared by Arc Environmental (2013) were submitted with the planning application. Although the reports established that due to the previous use of the site, there is little contamination, it has identified some hotspot issues of contamination such as an area where bonfires have taken places, asbestos fibres detected in some soil samples in the north east corner of the site, and two areas of bitumen contamination. Further information which documents the result of a further series of trial pits investigations at the site, which supplement the previous desk top study and site investigation into ground conditions, has since been submitted, which includes a brief remediation plan for the site. Subject to a planning condition to secure a remediation and verification strategy, to be submitted before or at the same time as the verification and completion report, the Environmental Health Officer has raised no objections to the proposed development.

A Construction Management Plan has been submitted and is considered to be acceptable. A planning condition is recommended to ensure compliance with the plan throughout the implementation of the development.

Overall, it is considered that the proposed application is acceptable in respect of its impact on the residential amenities currently enjoyed by existing residents, and those to be provided for the future occupiers of the proposed scheme.

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

The Council's Highways Officer has been consulted and has raised no objections to the proposed development. Due to the position of the existing bus stop, and the limited options for its

relocation, the alignment of the access road at Salters Lane South has been amended. At the time of writing, although preliminary drawings have been undertaken and the Highways Officer is satisfied on this basis that the appropriate visibility splays can be achieved, the final plans for this realignment have not yet been completed, and this final detail should be required by planning condition.

A number of details regarding the internal highways layout have also be requested by the Highways Officer, who has agreed that these can all be agreed through a planning condition requiring further details prior to commencement. Since the first application, a number of these have now been resolved and this is reflected in a revised condition.

The site has good accessibility to public transport and a number of potential walking links to the existing surrounding areas. The Transport Policy Officer has raised no objections to the proposed development subject to details regarding the proposed footpath / cycle link which connects to Kielder Drive to the south. To improve accessibility a footpath link to Bamburgh Place to the south west and Alnwick Place to the west is also required, together with the provision of cycle parking for the dwellings and submission and agreement of the detail of these can be required by planning condition.

Discussions at the March Planning Committee resulted in a planning condition which required details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place, Alnwick Place) to be submitted following the completion of the 20<sup>th</sup> house, to enable a consultation exercise to be undertaken with local residents, by local members, to establish the need for footpath provision within the area. This condition is replicated within the recommendations of this report.

Members should note that offsite highway improvements are proposed to the B1150 and A167 corridor to mitigate the impacts of additional traffic impacting on this part of the network. In this particular case the development would contribute to an enhanced roundabout at the Thompson Street junction on the B1150 to increase its capacity and flows.

### **Surface Water and Flood Risk**

The proposed development is situated within Flood Zone 1.

A Flood Risk Assessment and Drainage Strategy (January 2018) undertaken by Portland Consulting was submitted in support of the application. This demonstrates that the proposed development will have a very low risk of flooding from surrounding watercourse, surface water, sewers and groundwater, and proposes a strategy for the disposal of surface water from the development.

Stockton Borough Council, who acts as the Council's technical advisors for SuDs, has assessed the level of information submitted with this application. They do not raise concerns to the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site that must include detailed design of the surface water management system, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance and that the development is in accordance with the submitted Flood Risk Assessment.

### **Ecology**

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.

Saved Policy E21 (Wildlife Corridors) states that development which would materials harm the wildlife habitat value of linear features providing corridors within which wildlife can move and live, including the open land network within the urban area where it forms continuous corridors, rivers and streams, road and rail corridors, woodlands, hedgerows and green lanes will not be permitted. It goes on to state that harm will be assessed according to the impact of development on the value of the feature in terms of its continuity and ecological structure and diversity; and that the landscaping of new development within or adjacent to wildlife should, where appropriate, incorporate semi-natural habitats which contribute to maintaining the wildlife value of the corridor.

This is in general accord with paragraph 109 of the NPPF, which 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.

Paragraph 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

A Preliminary Ecological Appraisal (June 2018) undertaken by E3 Ecology Limited, was submitted with the planning application, together with specific Great Crested Newt and Bat Surveys (E3 Ecology, June 2018). The report makes a number of observations including the following:

- A. That the site comprises a mixture of amenity and semi-improved grassland, semi-improved neutral grassland and scattered trees and hedgerows ranging from low to parish value for the habitat it supports;
- B. Survey recorded habitats on site that are predominantly of low suitability for foraging and commuting bats;
- C. Three trees are of moderate suitability for roosting bats, two of which are considered to have the potential to be impacted upon by the development;
- D. The site is not considered to be of value to ground nesting birds;
- E. Hedgerow, scattered trees and scrub habitats on site are likely to be of greatest value to nesting garden and woodland bird species;
- F. Two ponds were identified within 500m of the site and habitats on site are currently moderately suited to Great Crested Newts;
- G. Hedgehog are considered likely to forage and potentially breed on the site and the common toad may also be present depending on the status of local potential breeding ponds;

The specific Great Crested Newt Survey identified:

- Nearby ponds are considered of good and excellent suitability for great crested newts;
- Survey found no evidence of great crested newts within either of the ponds and as such it is considered that the species is likely to be absent from the site;
- High numbers of smooth newt were recorded within Pond one and small numbers in pond two;
- Moderate numbers of common frog were recorded in both ponds and small numbers of common toad, a national priority species, were also recorded within both ponds;
- The site is likely to provide only limited terrestrial habitat opportunities to local amphibian populations due to the sub optimal nature of some of the onsite habitats and severance from breeding points by existing development and roads;
- Overall the site is considered to be of no more than local value for the amphibian assemblage;
- The value of the site to great crested newt populations in the local area is considered to be low;

The Bat Survey identified:

- Habitats on site are predominately of low suitability for foraging and commuting bats;
- Three trees were initially considered to be of moderate suitability for roosting bats;
- Transect survey May 2018 recorded low levels of common pipistrelle activity, mainly around site margins where trees are present;
- Remote monitoring in May recorded small numbers of common pipistrelle and noctule passes and one soprano pipistrelle pass;
- June transect and remote monitoring data was similar, with fewer noctule and soprano passes;
- First and last bat records, in relate to sunset / sunrise times, did not suggest that a roost was nearby;
- An aerial survey of the two trees in May recorded no bats or bat field signs;
- The suitability of the mature Sycamore tree was subsequently downgraded to low suitability following aerial assessment of potential roosting features;
- The remaining moderate risk tree was surveyed by two observers and filmed with an infra-red camera, at dawn and dusk, with no evidence of roosts being present;
- The site is concluded to be unlikely to support roosting bats and is considered to be of local conservation value.

As a result, the report makes a number of recommendations to mitigate the development which include:

- a. Vegetation clearance / tree felling to be undertaken outside of the bird nesting season;
- b. Protection of retained trees;
- c. Retained hedgerows to be enhanced with supplementary hedgerow planting;
- d. Appropriate boundary treatments;
- e. Works on site to be undertaken in accordance with a precautionary amphibian method statement;
- f. Trees to be resurveyed though aerial survey before felling to confirm that bats are absent;
- g. Bat boxes will be provided on retained trees prior to the start of works;
- h. New planting will be designed to promote wildlife with native trees and shrubs, wildflower grassland and SuDs;

- i. Street lighting will be designed to minimise light spill into areas of green infrastructure to less than 10 lux 5m beyond the footway.

The Ecology Officer has been consulted and has confirmed that the reports are suitable, subject to compliance with all of the recommendations proposed within the reports which can be required by planning condition. The Ecology Officer has recommended that the SuDs and Landscape proposals should have ecologist input to ensure maximum biodiversity benefit throughout. Subject to these conditions, it is considered that the proposed development will conserve and enhance the natural environment.

### **Trees**

Saved Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

The proposal would necessitate the removal of a number of trees. An Arboricultural Implications Assessment undertaken by Elliot Consultancy Limited (February 2018) has been submitted with this revised application. This confirms that the overall tree loss amounts to the loss of five category A trees of high quality, 22 category B trees of reasonable quality, 14 trees of lesser quality and two trees that would require removal regardless of the proposals. The arboricultural impact of the proposal is considered to be moderate to high from a visual perspective within the site, however from a wider landscape perspective the impact is much reduced due to the retained tree cover (particularly on the eastern boundary) and with regards the removed trees being generally semi-mature and lacking overall stature in the landscape. Tree planting within the scheme will assist to compensate for this loss of canopy cover. A detailed soft landscaping scheme is required to show the location and specification of compensatory planting and it is recommended that a planning condition be attached to any approval to secure submission and agreement of this.

### **Planning Obligations**

The application triggers a requirement for developer contributions in line with the requirements of the Planning Obligations SPD.

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

The applicant has agreed to pay the following contributions:

- i) £62,500 for Transport;
- ii) £80,000 for Highway Improvements (Thompson Street East Roundabout);
- iii) 20% Affordable Housing to be provided on-site.

The above figures were agreed with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these meet the tests set out above,

are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The financial contributions were collected by the Council through the Contract of Sale, negating the need for Section 106 Agreements to be prepared.

Further information has been submitted in connection with the provision of affordable housing on the site, which will consist of a mix of affordable rent and rent to buy models. This states that the majority of the scheme will be affordable units with only twenty five percent of the scheme to be market housing. The market housing is spread throughout the development and as such, most of the affordable housing units will be constructed before the sale of the market housing. The applicant has agreed not to sell more than 80% of the market sale units until at least 50% of the affordable units have been constructed. The 16 No. affordable rent units will remain available for future owners and tenants in perpetuity. Overall, the proposed Affordable Housing, as set out in an Affordable Housing Statement, is considered to be acceptable.

### **Conclusion**

The application site lies within development limits identified in the development plan. The scale, design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

### **RECOMMENDATION**

Subject to the S106 financial contributions being collected through the land sale arrangements planning permission be GRANTED subject to the following conditions:

#### **General**

1. A3 Implementation Limit (3 years)
2. Details of soft landscaping shall be submitted to, and approved by the Local Planning Authority, prior to the first occupation of the development hereby approved. Such landscaping shall be provided either within the first planting season after completion of the development, or any individual phase thereof, or prior to the buildings being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally approved and planted.

REASON – To ensure satisfactory appearance of the site and to improve the visual appearance of the locality.

3. PL (Accordance with Plans)
4. Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

5. Construction work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no working on a Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

6. E5 (Boundary Treatment Submission)

### **Contaminated land**

7. CL4 Phase 3 Remediation and Verification Strategy
8. CL5 Construction / Remediation Works
9. CL6 Phase 4 Verification and Completion Report

### **Trees**

10. The development shall not be carried out otherwise than in accordance with the Arboricultural Implications Assessment (Elliott Consultancy Limited, February 2018) and in particular the measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
  - a) The raising or lowering of levels in relation to 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 a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

### **Affordable Housing**

11. The affordable housing shall be provided in complete accordance with the approved scheme as set out in the Affordable Housing Statement (Karbon Homes, May 2018) unless otherwise agreed in writing with the Local Planning Authority.

REASON – To comply with Council Housing Policy.

### **Flood Risk and Drainage**

12. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and 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. The scheme shall include, but not be restricted to providing the following details;

- I. Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities;

The buildings 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 site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 23rd January 2018 and the following mitigation measures detailed in the FRA.
  - Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Section 5.02 stating a Qbar of 12.0 l/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.

14. No dwellings should be occupied until the surface water management system for the development or any phase of the 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 by the Local Planning Authority prior to the commencement of the development.

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

15. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

### **Highways**

16. The development shall not be carried out otherwise than in complete accordance with the actions set out in the Construction Management Plan (Construction Phase Health and Safety Plan, Gus Robinson Developments Limited) dated March 2018 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity and highway safety

17. Prior to the first occupation of the development hereby approved, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON- In the interests of highway safety.

18. Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:

- a) Internal highways layout;

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use or in such other time as may be agreed by the Local Planning Authority.

REASON – In the interests of highway safety.

19. Details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place, Alnwick Place) shall be submitted following the completion of the 20<sup>th</sup> house, and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To enable a consultation exercise to be undertaken with local residents, by local members, to establish the need for footpath provision within the area.

### **Ecology**

20. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Preliminary Ecological Appraisal Former Springfield School, Darlington (E3 Ecology, June 2018 Final), the Great Crested Newt Survey Former Springfield School, Darlington (E3 Ecology, June 2018 Final); and the Bat Survey Former Springfield School, Darlington (E3 Ecology, June 2018) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

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 must 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 development should be submitted to 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 Chris Easby 01325 406707) to discuss introduction of Traffic Regulation Orders in connection with a 20mph zone.

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27 June 2018**

**Page**

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**APPLICATION REF. NO: 18/00442/FUL**

**STATUTORY DECISION DATE: 23<sup>rd</sup> August 2018**

**WARD/PARISH: HAUGHTON AND SPRINGFIELD**

**LOCATION: Site of Former Springfield Primary School, Salters Lane South, Darlington**

**DESCRIPTION: Proposed residential development consisting of 80 dwellings, access and landscaping (Re-submission)**

**APPLICANT: NORR CONSULTING**

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**APPLICATION AND SITE DESCRIPTION**

Members will recall granting planning permission for 80 dwellings on the application site in March 2018, subject to conditions.

This application is an identical planning application, however is updated to include further Ecological surveys and detailed highway layout. This revised application does not change the recommendation of from the original report.

The application site measures some 2.9 hectares in area and is situated on the site of the former Springfield Primary School playing fields on the west side of Salters Lane South in a predominantly residential area and in close proximity to the Haughton Education Village and Haughton Village. The site consists of grassland with a number of mature trees.

This is a detailed application for the redevelopment of the site for housing. The scheme would consist of the following elements:

- 80 residential dwellings (comprising a mixture of two three and four bed detached, semi and terraced dwellings);
- A minimum of two in-curtilage parking spaces per dwelling;
- The formation of a new access road to the development from Salters Lane South connecting to an internal estate road leading to dwellings grouped in cul-de-sac arrangements;
- Frontage development to all principle locations;
- The provision of internal vehicular and pedestrian routes;
- The provision of a pedestrian routes to connect it to surrounding residential areas;
- The provision of associated hard and soft landscaping.

The application was submitted with a Design and Access Statement as required by the regulations.

**Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the DBC website.**

### **Environmental Impact Assessment Requirements**

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **PLANNING HISTORY**

The site has a lengthy planning history relating to various alterations and extensions to the former school buildings. None of this is relevant to this application.

07/01221/FUL - In March 2008 planning permission was granted for the residential development of land to the north of the site.

10/00017/DC – In April 2010 planning permission was granted for the residential development of land to the north of the site.

17/01191/FUL – In March 2018 planning permission was granted for the erection of 80 dwellings with associated access and landscaping.

### **PLANNING POLICY BACKGROUND**

The following policies of the Core Strategy are relevant:

- CS1 – Darlington’s Sub-regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a multi-functional Green Infrastructure Network
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

The following policies of the Borough of Darlington Local Plan are relevant: -

- E3 – Protection of Open Land
- E12 - Trees and Development
- E14 - Landscaping of Development

The Council's Design of New Development Supplementary Planning Document 2011 is relevant.

The Council's Planning Obligations Supplementary Planning Document (2013) is also relevant.

The Council's Interim Planning Position Statement (2016) is also relevant.

The National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance are also relevant.

## RESULTS OF CONSULTATION AND PUBLICITY

One letter has been received through the consultation of this identical application, from Darlington Friends of the Earth, raising the following issues:

- *We believe there are a few anomalies with the applicants planning statement and their ecological appraisal dated December 2017;*
- *Has a bat survey been undertaken to properly establish the status of bats on the site and what impact this development may have on bats – further bat surveys should be undertaken and any mitigating measures agreed before planning approval is granted or at least made a condition of any planning approval;*
- *Has an amphibian and Great Crested Newt investigation been undertaken to establish exactly the status of any amphibians on site and what impact the development may have on any such species – further surveys should be undertaken and any mitigating measures agreed before planning permission is granted or at least made a condition of any approval;*
- *The planning statement indicates the council cannot identify a five year supply of housing – the council can now demonstrate this;*
- *The provision of affordable housing;*
- *The retention of trees and hedgerows where possible;*
- *Gaps in fences to allow hedgehogs to move around the site freely and the creation of a pond or ponds as part of the suds strategy is very welcome;*
- *Bird and bat boxes within this development would be very welcome and perhaps this could be extended to include nest boxes for swifts and wall cavities for starlings, fruit trees and an area of nectar rich planting for our pollinators.*

Three further representations have been received from local residents, raising the following issues:

- *I wish to bring to your attention the presence of two well established trees on the north east corner of the site – I noted on the original application a comment regarding replacement trees in this location;*
- *I feel that with this authority's current record on the protection of established trees (I'm thinking of the development at the golf course site, where trees have been felled for convenience) this site needs to be considered and monitored carefully;*
- *I walk to work and home again, from Bamburgh Place, across the field to the corner of Kielder Drive – there is an opening at each end in order for person's to be able to do this – this field was not part of the Springfield School site (that was the upper part of the field) and people have walked over this lower field for years – the route should be classed as a public right of way;*

- *I cannot see that there is any allowance for this in the way of a path between houses 49 and 50 on the new proposed site plan of this new development; Is there a path down the side of house number 46 towards Kielder Drive? – if so that would be fine;*
- *Can you please ensure that this public right of way will stay within the development or at least an alternative route is put into place;*
- *I would not like Alnwick Place to be used for access to the housing estate or by the building firm – the road is not wide enough and you cannot park two cars and get through as it is;*
- *I do not want the house to be built directly behind my house as it will be obtrusive for it to be that close to build within 20 feet of my garden; It will also block my right to light as the sun rises and sets to the back of my house and it will devalue it;*
- *You are only building two houses in the whole development this close to residents houses – you could change the position or change it to a bungalow;*
- *There are bats living in the house next door to mine's roof which are protected;*
- *There is a fox living on the field with numerous more wildlife;*
- *We have a pond and two doors away do and both have newts living in them which are protected and you can't tell me they are not present at the other side of my fence in the field.*

The Council's Highways Officer has raised no objections to the proposed development subject to conditions securing submission and agreement of further details of the internal highway layout and the proposed access road junction. There are a number of housing developments currently submitted for planning in proximity to the A167/A1150 corridor. The development traffic generated from these sites would have a detrimental impact on the local highway network unless highway improvements are carried out on the corridor. Specific improvements are proposed at the A167 Burtree Lane traffic signal controlled junction and A1150 Thompson Street East roundabout. A contribution has been agreed towards highway improvements on this corridor.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to contaminated land remediation conditions.

The Transport Policy Officer has raised no objections to the proposed development subject to conditions requiring further details of shared footway links to surrounding infrastructure and details of cycle parking and storage.

The Lead Local Flood Authority has raised no objections to the proposed development subject to planning conditions to secure submission and agreement of a scheme of surface water drainage and management, that the development is carried out in accordance with the submitted FRA and that the surface water management is in place prior to dwellings being occupied.

Northumbrian Water has raised no objections to the proposed development subject to a condition to secure a scheme for the disposal of foul and surface water from the development prior to commencement.

## **PLANNING ISSUES**

The main planning issues to be considered in the determination of this application are: -

- Planning Policy
- Loss of green space

- Impact on non-designated Heritage Assets (Archaeology)
- Design and Layout and impact on visual amenity
- Residential Amenity
- Highway and Sustainable Transport issues
- Surface water and Flood Risk
- Ecology
- Trees
- Planning Obligations
- Other matters

### **Planning Policy**

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.

Saved Policy E3 (Protection of Open Land) of the Local Plan states that in 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.

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. An update to the Strategic Housing Market Assessment was published in Oct 2017. This work indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. A 20% buffer has been applied to this figure due to previous under delivery. The Council is currently preparing a new Local Plan and an assessment of sites currently shows that a 5.86 year supply of deliverable housing land can be demonstrated. As a consequence policies relating to the supply of housing can now be given weight in the planning balance.

The site falls within the Development Limits and is considered to be a sustainable location, and its development for housing is acceptable in principle. The Council's Interim Planning Position Statement (2016) identified the site as a housing site capable of accommodating a sustainable scheme subject to an acceptable scheme coming forward.

### **Loss of green space**

One of the Core Planning Principles of the NPPF is that planning should take account of the different roles and character of 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.

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.

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.

Policy E3 (Protection of Open Land) of the Local Plan states that in 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.

The loss of green space will have minimal impact on recreation as the site is not open to the public. However it does afford some visual relief to the locality in general. Nevertheless, it is considered that the proposal retains an element of openness to the Salters Lane South frontage and will be enhanced through a landscaping scheme to be agreed by planning condition. Ecology issues are considered later in this report.

### **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 goes on to state 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 was submitted in support of the application. The survey did not show a significant archaeological resource, however shows some magnetic disturbance in the results which could have a 'masking' effect. The County Archaeologist therefore requested that the Archaeological Evaluation be tested through trial trenching. The full evaluation of the site was submitted and no archaeological remains were encountered and as a result, the County Archaeologist has raised no objections to the proposed development.

### **Design and Layout and impact on visual amenity**

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.

It is considered that the form, scale and layout of the development is acceptable and has had regard to the character of its surroundings. In particular the scheme is sensitive to the character of the main frontage along Salters Lane South, and provides an attractive internal street scene.

The surrounding area is not one of strong architectural character, and the development does not seek to replicate or follow any particular element of architecture in the immediate vicinity of the site, however it is considered that the proposal shows sensitivity to its surroundings and provides a variety of buildings with architectural detailing such as dormer windows, varied roof heights, gables and varied fenestration to break these up, create interest and complement the sites surroundings. Details of external materials have been provided and these are considered to be acceptable.

Careful consideration should be given to landscaping in order to soften, complement and provide some screening for the development. The issue of retaining existing tree cover is considered in more detail later in this report. Overall, the proposal is considered to be acceptable in respect of its impact on the visual amenities of the locality and responds satisfactorily to the particularities of the site and the surrounding area, as required by local and national policy and guidance.

### **Residential Amenity**

The proposal is considered to be acceptable in respect of its impact on the residential amenities of existing properties and meets the generally accepted separation distances as set out in the Design SPD in all instances. Internally, the layout of the development is considered to provide an acceptable residential environment for the future occupiers of the proposed scheme.

A Phase 1 Desk Top Study report and a Phase 2 Ground Investigation Report, both prepared by Arc Environmental (2013) were submitted with the planning application. Although the reports established that due to the previous use of the site, there is little contamination, it has identified some hotspot issues of contamination such as an area where bonfires have taken places, asbestos fibres detected in some soil samples in the north east corner of the site, and two areas of bitumen contamination. Further information which documents the result of a further series of trial pits investigations at the site, which supplement the previous desk top study and site investigation into ground conditions, has since been submitted, which includes a brief remediation plan for the site. Subject to a planning condition to secure a remediation and verification strategy, to be submitted before or at the same time as the verification and completion report, the Environmental Health Officer has raised no objections to the proposed development.

A Construction Management Plan has been submitted and is considered to be acceptable. A planning condition is recommended to ensure compliance with the plan throughout the implementation of the development.

Overall, it is considered that the proposed application is acceptable in respect of its impact on the residential amenities currently enjoyed by existing residents, and those to be provided for the future occupiers of the proposed scheme.

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

The Council's Highways Officer has been consulted and has raised no objections to the proposed development. Due to the position of the existing bus stop, and the limited options for its

relocation, the alignment of the access road at Salters Lane South has been amended. At the time of writing, although preliminary drawings have been undertaken and the Highways Officer is satisfied on this basis that the appropriate visibility splays can be achieved, the final plans for this realignment have not yet been completed, and this final detail should be required by planning condition.

A number of details regarding the internal highways layout have also be requested by the Highways Officer, who has agreed that these can all be agreed through a planning condition requiring further details prior to commencement. Since the first application, a number of these have now been resolved and this is reflected in a revised condition.

The site has good accessibility to public transport and a number of potential walking links to the existing surrounding areas. The Transport Policy Officer has raised no objections to the proposed development subject to details regarding the proposed footpath / cycle link which connects to Kielder Drive to the south. To improve accessibility a footpath link to Bamburgh Place to the south west and Alnwick Place to the west is also required, together with the provision of cycle parking for the dwellings and submission and agreement of the detail of these can be required by planning condition.

Discussions at the March Planning Committee resulted in a planning condition which required details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place, Alnwick Place) to be submitted following the completion of the 20<sup>th</sup> house, to enable a consultation exercise to be undertaken with local residents, by local members, to establish the need for footpath provision within the area. This condition is replicated within the recommendations of this report.

Members should note that offsite highway improvements are proposed to the B1150 and A167 corridor to mitigate the impacts of additional traffic impacting on this part of the network. In this particular case the development would contribute to an enhanced roundabout at the Thompson Street junction on the B1150 to increase its capacity and flows.

### **Surface Water and Flood Risk**

The proposed development is situated within Flood Zone 1.

A Flood Risk Assessment and Drainage Strategy (January 2018) undertaken by Portland Consulting was submitted in support of the application. This demonstrates that the proposed development will have a very low risk of flooding from surrounding watercourse, surface water, sewers and groundwater, and proposes a strategy for the disposal of surface water from the development.

Stockton Borough Council, who acts as the Council's technical advisors for SuDs, has assessed the level of information submitted with this application. They do not raise concerns to the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site that must include detailed design of the surface water management system, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance and that the development is in accordance with the submitted Flood Risk Assessment.

### **Ecology**

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.

Saved Policy E21 (Wildlife Corridors) states that development which would materials harm the wildlife habitat value of linear features providing corridors within which wildlife can move and live, including the open land network within the urban area where it forms continuous corridors, rivers and streams, road and rail corridors, woodlands, hedgerows and green lanes will not be permitted. It goes on to state that harm will be assessed according to the impact of development on the value of the feature in terms of its continuity and ecological structure and diversity; and that the landscaping of new development within or adjacent to wildlife should, where appropriate, incorporate semi-natural habitats which contribute to maintaining the wildlife value of the corridor.

This is in general accord with paragraph 109 of the NPPF, which 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.

Paragraph 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

A Preliminary Ecological Appraisal (June 2018) undertaken by E3 Ecology Limited, was submitted with the planning application, together with specific Great Crested Newt and Bat Surveys (E3 Ecology, June 2018). The report makes a number of observations including the following:

- A. That the site comprises a mixture of amenity and semi-improved grassland, semi-improved neutral grassland and scattered trees and hedgerows ranging from low to parish value for the habitat it supports;
- B. Survey recorded habitats on site that are predominantly of low suitability for foraging and commuting bats;
- C. Three trees are of moderate suitability for roosting bats, two of which are considered to have the potential to be impacted upon by the development;
- D. The site is not considered to be of value to ground nesting birds;
- E. Hedgerow, scattered trees and scrub habitats on site are likely to be of greatest value to nesting garden and woodland bird species;
- F. Two ponds were identified within 500m of the site and habitats on site are currently moderately suited to Great Crested Newts;
- G. Hedgehog are considered likely to forage and potentially breed on the site and the common toad may also be present depending on the status of local potential breeding ponds;

The specific Great Crested Newt Survey identified:

- Nearby ponds are considered of good and excellent suitability for great crested newts;
- Survey found no evidence of great crested newts within either of the ponds and as such it is considered that the species is likely to be absent from the site;
- High numbers of smooth newt were recorded within Pond one and small numbers in pond two;
- Moderate numbers of common frog were recorded in both ponds and small numbers of common toad, a national priority species, were also recorded within both ponds;
- The site is likely to provide only limited terrestrial habitat opportunities to local amphibian populations due to the sub optimal nature of some of the onsite habitats and severance from breeding points by existing development and roads;
- Overall the site is considered to be of no more than local value for the amphibian assemblage;
- The value of the site to great crested newt populations in the local area is considered to be low;

The Bat Survey identified:

- Habitats on site are predominately of low suitability for foraging and commuting bats;
- Three trees were initially considered to be of moderate suitability for roosting bats;
- Transect survey May 2018 recorded low levels of common pipistrelle activity, mainly around site margins where trees are present;
- Remote monitoring in May recorded small numbers of common pipistrelle and noctule passes and one soprano pipistrelle pass;
- June transect and remote monitoring data was similar, with fewer noctule and soprano passes;
- First and last bat records, in relate to sunset / sunrise times, did not suggest that a roost was nearby;
- An aerial survey of the two trees in May recorded no bats or bat field signs;
- The suitability of the mature Sycamore tree was subsequently downgraded to low suitability following aerial assessment of potential roosting features;
- The remaining moderate risk tree was surveyed by two observers and filmed with an infra-red camera, at dawn and dusk, with no evidence of roosts being present;
- The site is concluded to be unlikely to support roosting bats and is considered to be of local conservation value.

As a result, the report makes a number of recommendations to mitigate the development which include:

- a. Vegetation clearance / tree felling to be undertaken outside of the bird nesting season;
- b. Protection of retained trees;
- c. Retained hedgerows to be enhanced with supplementary hedgerow planting;
- d. Appropriate boundary treatments;
- e. Works on site to be undertaken in accordance with a precautionary amphibian method statement;
- f. Trees to be resurveyed though aerial survey before felling to confirm that bats are absent;
- g. Bat boxes will be provided on retained trees prior to the start of works;
- h. New planting will be designed to promote wildlife with native trees and shrubs, wildflower grassland and SuDs;

- i. Street lighting will be designed to minimise light spill into areas of green infrastructure to less than 10 lux 5m beyond the footway.

The Ecology Officer has been consulted and has confirmed that the reports are suitable, subject to compliance with all of the recommendations proposed within the reports which can be required by planning condition. The Ecology Officer has recommended that the SuDs and Landscape proposals should have ecologist input to ensure maximum biodiversity benefit throughout. Subject to these conditions, it is considered that the proposed development will conserve and enhance the natural environment.

### **Trees**

Saved Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

The proposal would necessitate the removal of a number of trees. An Arboricultural Implications Assessment undertaken by Elliot Consultancy Limited (February 2018) has been submitted with this revised application. This confirms that the overall tree loss amounts to the loss of five category A trees of high quality, 22 category B trees of reasonable quality, 14 trees of lesser quality and two trees that would require removal regardless of the proposals. The arboricultural impact of the proposal is considered to be moderate to high from a visual perspective within the site, however from a wider landscape perspective the impact is much reduced due to the retained tree cover (particularly on the eastern boundary) and with regards the removed trees being generally semi-mature and lacking overall stature in the landscape. Tree planting within the scheme will assist to compensate for this loss of canopy cover. A detailed soft landscaping scheme is required to show the location and specification of compensatory planting and it is recommended that a planning condition be attached to any approval to secure submission and agreement of this.

### **Planning Obligations**

The application triggers a requirement for developer contributions in line with the requirements of the Planning Obligations SPD.

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

The applicant has agreed to pay the following contributions:

- i) £62,500 for Transport;
- ii) £80,000 for Highway Improvements (Thompson Street East Roundabout);
- iii) 20% Affordable Housing to be provided on-site.

The above figures were agreed with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these meet the tests set out above,

are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

The financial contributions were collected by the Council through the Contract of Sale, negating the need for Section 106 Agreements to be prepared.

Further information has been submitted in connection with the provision of affordable housing on the site, which will consist of a mix of affordable rent and rent to buy models. This states that the majority of the scheme will be affordable units with only twenty five percent of the scheme to be market housing. The market housing is spread throughout the development and as such, most of the affordable housing units will be constructed before the sale of the market housing. The applicant has agreed not to sell more than 80% of the market sale units until at least 50% of the affordable units have been constructed. The 16 No. affordable rent units will remain available for future owners and tenants in perpetuity. Overall, the proposed Affordable Housing, as set out in an Affordable Housing Statement, is considered to be acceptable.

### **Conclusion**

The application site lies within development limits identified in the development plan. The scale, design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

### **RECOMMENDATION**

Subject to the S106 financial contributions being collected through the land sale arrangements planning permission be GRANTED subject to the following conditions:

#### **General**

1. A3 Implementation Limit (3 years)
2. Details of soft landscaping shall be submitted to, and approved by the Local Planning Authority, prior to the first occupation of the development hereby approved. Such landscaping shall be provided either within the first planting season after completion of the development, or any individual phase thereof, or prior to the buildings being occupied and thereafter permanently maintained. Any trees or shrubs removed, dying, severely damaged or becoming seriously diseased within five years of planting, shall be replaced by trees of similar size and species to those originally approved and planted.

REASON – To ensure satisfactory appearance of the site and to improve the visual appearance of the locality.

3. PL (Accordance with Plans)
4. Prior to the commencement of the development hereby approved, including any site clearance, further details shall be submitted of the finished floor levels of the proposed dwellings on site and the development implemented in accordance with those approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

5. Construction work shall not take place outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 Saturday with no working on a Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

6. E5 (Boundary Treatment Submission)

### **Contaminated land**

7. CL4 Phase 3 Remediation and Verification Strategy
8. CL5 Construction / Remediation Works
9. CL6 Phase 4 Verification and Completion Report

### **Trees**

10. The development shall not be carried out otherwise than in accordance with the Arboricultural Implications Assessment (Elliott Consultancy Limited, February 2018) and in particular the measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
  - a) The raising or lowering of levels in relation to 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 a maximum level of protection in order to safeguard the well-being of the trees on the site and in the interest of the visual amenities of the area.

### **Affordable Housing**

11. The affordable housing shall be provided in complete accordance with the approved scheme as set out in the Affordable Housing Statement (Karbon Homes, May 2018) unless otherwise agreed in writing with the Local Planning Authority.

REASON – To comply with Council Housing Policy.

### **Flood Risk and Drainage**

12. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and 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. The scheme shall include, but not be restricted to providing the following details;

- I. Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities;

The buildings 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 site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 23rd January 2018 and the following mitigation measures detailed in the FRA.
  - Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Section 5.02 stating a Qbar of 12.0 l/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.

14. No dwellings should be occupied until the surface water management system for the development or any phase of the 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 by the Local Planning Authority prior to the commencement of the development.

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

15. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

### **Highways**

16. The development shall not be carried out otherwise than in complete accordance with the actions set out in the Construction Management Plan (Construction Phase Health and Safety Plan, Gus Robinson Developments Limited) dated March 2018 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity and highway safety

17. Prior to the first occupation of the development hereby approved, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON- In the interests of highway safety.

18. Notwithstanding the details shown on the approved drawings, prior to the commencement of the development, details shall be submitted, and approved in writing, to provide for the following:

- a) Internal highways layout;

The details as provided shall be implemented in the agreed form prior to any part of the development hereby permitted first being brought into use or in such other time as may be agreed by the Local Planning Authority.

REASON – In the interests of highway safety.

19. Details of all footpaths connecting to adjacent cul-de-sacs (Kielder Drive, Bamburgh Place, Alnwick Place) shall be submitted following the completion of the 20<sup>th</sup> house, and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To enable a consultation exercise to be undertaken with local residents, by local members, to establish the need for footpath provision within the area.

### **Ecology**

20. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Preliminary Ecological Appraisal Former Springfield School, Darlington (E3 Ecology, June 2018 Final), the Great Crested Newt Survey Former Springfield School, Darlington (E3 Ecology, June 2018 Final); and the Bat Survey Former Springfield School, Darlington (E3 Ecology, June 2018) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

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 must 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 development should be submitted to 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 Chris Easby 01325 406707) to discuss introduction of Traffic Regulation Orders in connection with a 20mph zone.

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27 June 2018**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>18/00325/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>14 June 2018</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE PARISH</b>
<b>LOCATION:</b>	<b>52 Middleton Lane, Middleton St George</b>
<b>DESCRIPTION:</b>	<b>Erection of first floor extension, porch to front elevation, single storey side extension and double storey side and rear extension and formation of new vehicular access (description amended following amended plan received 14 June 2018)</b>
<b>APPLICANT:</b>	<b>MR SEAN MCRORY</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for extensions and alterations to the application property, a detached bungalow, to create a two storey dwelling. It is proposed to extend the property by approximately 2 metres to the rear and to increase the overall height of the bungalow from 5.3 metres to 8.2 metres to create a two storey dwelling. The dwelling will have a render finished, with areas of feature vertical timber cladding to the front and rear elevations. Two brick single storey and two-storey extensions are proposed to the north and south ends of the property respectively, and a brick porch is proposed to the front elevation.

The single storey extension to the north elevation will provide a garage/store and is to measure approximately 2.7 metres wide by 9.6 metres deep, under a pitched roof 5.4 metres in height. The two storey extension will provide a store and form part of the kitchen diner on the ground floor, and form part of the master bedroom above. It is to measure approximately 2.2 metres wide by 8.6 metres deep, under a pitched roof 7.7 metres in height at ridge level. The extension is to be stepped back approximately 1.9 metres from the front of the property.

A new access is proposed from Middleton Lane and a total of 3 no. parking spaces are to be provided to the front of the property.

The application property is a detached 1930s bungalow located on the east side of Middleton Lane, approximately 80 metres to the north of its junction with Church Lane. The property is bounded by residential properties to the south and west. A private track which serves Village Farm and a number of properties to the east forms the northern boundary of the site. Ropner Gardens is located opposite the site, within the Middleton One Row Conservation Area with Middleton Lane forming its eastern boundary in this location.

## PLANNING HISTORY

No planning history

## PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

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

- CS14 – Promoting Local Character and Distinctiveness

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

- H12 – Alterations and Extensions to Existing Dwellings

National Planning Policy Framework

## RESULTS OF CONSULTATION AND PUBLICITY

**Highway Engineer** – No highway objection

**Middleton St George Parish Council** – Object to the planning application on the grounds that the development would be out of character and obtrusive as the surrounding dwellings are 1930s bungalows and it looks onto a Conservation Area.

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

- *Extensions excessive and out of keeping with the immediate area;*
- *Redevelopment of bungalow to a two storey modern house with increased floor area of more than double its current size would impact significantly on the mix of 1930s houses and bungalows in this part of the village, which faces onto a conservation area;*
- *Concerned that the proposal shows rooflights in the front and rear elevations of the roofspace, providing potential for a future third floor;*
- *The second storey windows, and roof windows, will overlook our very private back garden;*
- *More modest one and a half storey dwelling with increased roof pitch and dormers to rear would be less obtrusive and could preserve some of the character of the existing bungalow;*
- *Unadopted track to north serves four other dwellings. Parking close to this junction blocks drivers view and makes it unsafe to proceed. During construction wish it to be made clear that parking of contractors vehicles should not be permitted adjacent to the track entrance;*
- *Positioning of garage up to southern side of the shared private access road will restrict access to 2.8 metres approx. and restrict movement of emergency, farm and delivery vehicles;*
- *Construction work should not be allowed to result in too lengthy overall duration before completion leading to the detriment and inconvenience of neighbours;*
- *Proposed extension to the south side brings the gable wall nearer to our property and would be twice the height of the original which will block light through windows to the north side of our property. The existing gable wall is rendered and painted white which reflects light onto the north side of our property;*

- *Proposed extension would be an infringement, and cause unreasonable interference with our enjoyment of our own private property and garden. Our property has a very private and not overlooked back garden. The proposed development would ruin that aspect of our property;*
- *The boundary of 52 Middleton Lane adjoins the main access to our farm and is used all year round for deliveries, farm machinery access and other general farm traffic. Concerns around access to our farm during the build.*

## **PLANNING ISSUES**

Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan states that alterations and extensions to existing dwellings will be permitted where they are in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area. Such proposals are also required to maintain adequate daylight entering the principal rooms of nearby buildings; maintain adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and should not be overbearing when viewed from neighbouring properties.

Core Strategy Policy CS14 (Promoting Local Character and Distinctiveness) seeks to protect, enhance and promote the quality and integrity of Darlington's built heritage including buildings, their settings and features of historic importance in Conservation Areas. The NPPF also requires new development within the setting of heritage assets to enhance or better reveal their significance.

The character of the village on the east side of this part of Middleton Lane, outside of the Conservation Area boundary, is predominantly of 1930s bungalows and detached and semi-detached dwellings which front the road, with sizeable gardens to the rear. There is some more recent backland development to the north east of the application property, served by a private track. A mature hedge and treeline along the eastern boundary of Ropner Gardens, adjacent to Middleton Lane, forms a strong visual and physical separation between the application site and the Conservation Area in this location.

The application property is a detached bungalow fronting Middleton Lane which is largely unaltered and in need of updating. While the application property and its immediate neighbours contribute to the pleasant character of this part of the village, opposite the Conservation Area, there is some variance in building height and appearance, with two storey dwellings forming the predominant character of housing towards the southern end of Middleton Lane.

The proposed increase in height of the bungalow from 5.3 metres to 8.2 metres to form a two storey dwelling and the introduction of feature cladding to the front of the property would be most noticeable within the immediately vicinity of the application property. Paragraph 60 of the National Planning Policy Framework advises against planning policies and decisions imposing architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is proper however to promote or reinforce local distinctiveness. The increase in height would be generally consistent with other two storey dwelling heights within the vicinity of the application property and given the variation in house types along this part of Middleton Lane it is not considered that the proposal would be so harmful to the visual amenity of the area so as to warrant refusal of the application.

The proposal would have a limited impact upon the character and appearance of the adjacent Middleton One Row Conservation Area given the physical separation between the application property and the Conservation Area in this location.

The proposed extensions and alterations to the property are not considered to give rise to any unacceptable impact on residential amenity in terms of loss of light, outlook or privacy to neighbouring properties. The proposed extensions comply with the 45-degree code in respect of neighbouring properties either side. The property to the north is separated from the application property by a private access track. The two storey side extension will be built adjacent to the north gable elevation of the neighbouring property at 53 Middleton Lane, set in between 1.4 and 2.1 metres from the common boundary. While concern has been expressed regarding the impact of this extension on light to, and outlook from, windows in the north elevation of 53 Middleton Lane, these windows serve non-habitable rooms (bathroom and toilet) and their outlook is already limited by the presence of the boundary fence and the existing gable end of the application property. Although the proposal will result in some overlooking of the rear garden area of 53 Middleton Lane from the first floor bedroom windows, it is not uncommon for rear garden areas to be overlooked from first floor windows in urban and village settings such as this. Rooflights are shown in the rear roofslope although the applicant has confirmed that this will serve storage space in the loft, rather than another floor, and there is no staircase providing access to the loft space. There is sufficient separation distance (25 metres) between the application property and the property to the rear, 52B Middleton Lane.

Amended plans have been submitted proposing a new vehicular access off Middleton Lane and 3 no. parking spaces provided within the curtilage of the property. The Highway Engineer has raised no highway objection on this basis. The development is to take place within the curtilage of the property however the applicant will need to ensure that any private rights of access over the track to the north are maintained during the construction period. This is however a civil matter and does not fall to be considered as part of this planning application.

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

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

### **CONCLUSION**

The proposed alterations and extensions are considered acceptable in the context of the host dwelling and the wider streetscene, or the adjacent Middleton One Row Conservation Area, and do not give rise to any unacceptable impact on residential amenity or highway safety. The proposal is therefore considered to comply with Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997, Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document, 2011 and the National Planning Policy Framework, 2012.

### **RECOMMENDATION**

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

1. A3 (Standard 3 year time limit)

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Drawing number 2018/SM/02 dated 5 April 2018  
Drawing number 2018/SM/03 dated 19 April 2018  
Drawing number 2018/SM/04 dated 14 June 2018

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

3. B4 (Details of external materials to be submitted)

### **INFORMATIVE**

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing and contact must be made with the Assistant Director – Highways, Design and Projects (contact Mrs Lisa Wood 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

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

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

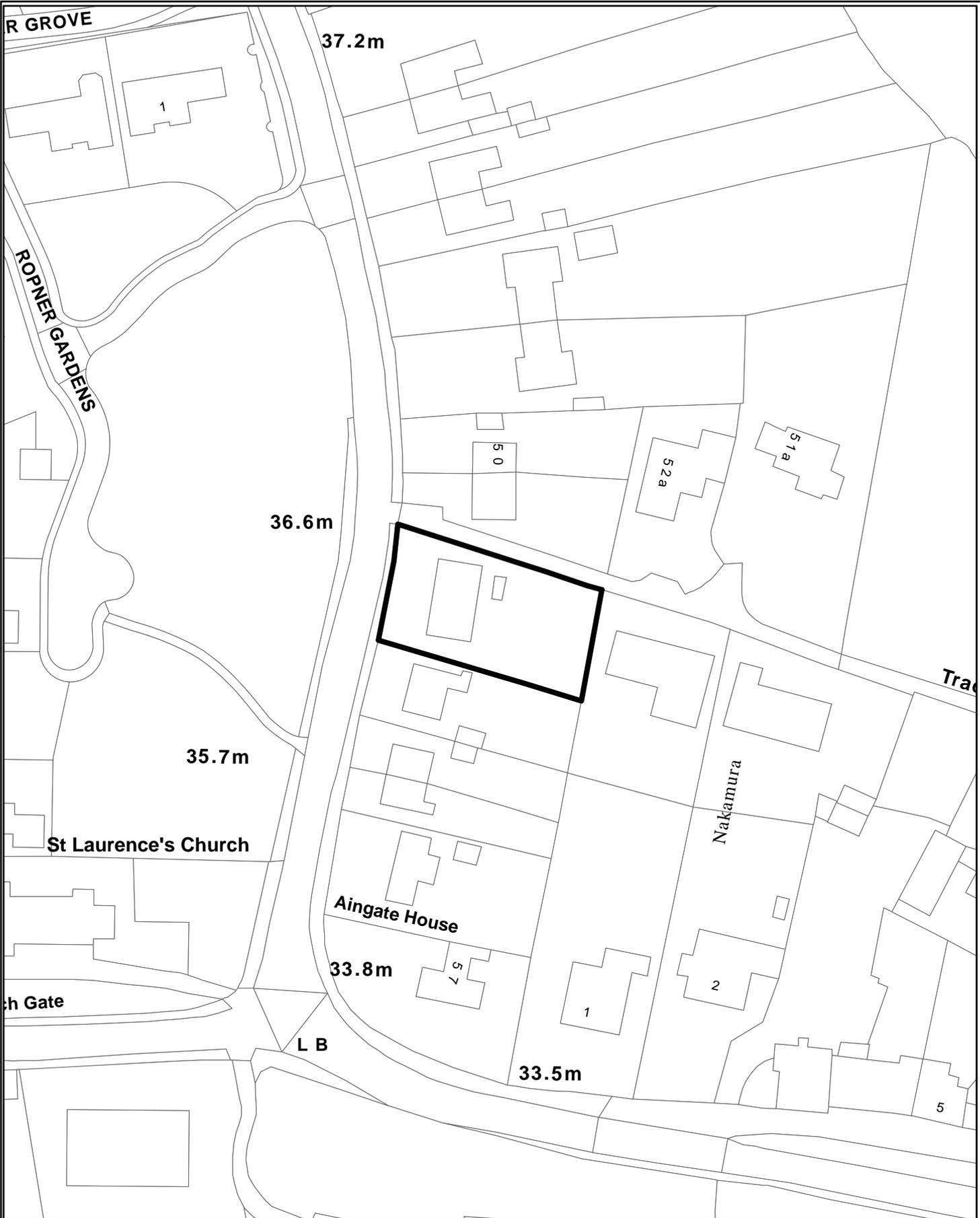
#### **Borough of Darlington Local Plan 1997**

Saved Policy H12 (Alterations and Extensions to Existing Dwellings)

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

CS14 (Promoting Local Character and Distinctiveness)

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