

# Planning Applications Committee Agenda



**1.30 pm Wednesday, 19 September 2018**  
**Committee Room No. 2, Town Hall,**  
**Darlington. DL1 5QT**

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

1. Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 22 August 2018 (Pages 1 - 8)
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 9 - 106)
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 :-
  - (i) T L Shepherd and Son have appealed against this Authority's decision to refuse permission for the erection of an agricultural worker's dwelling, livestock barn and associated footpath diversion at White House Farm, Sadberge Road, Middleton St. George (17/01119/FUL);
  - (ii) Mr B Ward has appealed against the non-determination of the Local

Planning Authority for outline planning permission for residential development of up to 14 dwellings with all matters reserved apart from access at Field at OSGR E424996 N514158, Low Coniscliffe, Darlington (18/00023/OUT); and

- (iii) Specialist Coatings Ltd have appealed against this Authority's decision to refuse permission for variation of Condition 11 (Access) attached to planning permission 17/00582/FUL dated 23 October 2017 (Conversion of Nunnery and Chapel into 10 No. dwellings and retention of existing gatehouse as private dwelling with associated internal and external alterations. Demolition of ground floor lean to building, widen existing driveway to create new vehicular access off Carmel Road North, erection of timber stables, creation of parking areas, horse arena, 3G football pitch (for private use) and associated landscaping works) to permit vehicular and pedestrian access to and from the site onto Cardinal Gardens for the sole use from primary property (Dwelling No. 1) and for the erection of 2 No. brick piers and electronic solid timber gates at St Clares Abbey, Carmel Road North, Darlington (18/00241/FUL)

RECOMMENDED – That the report be received.

### **PART III**

9. To consider the exclusion of the Public and Press:- –  
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 5 September 2018 (Exclusion Paragraph No. 7) –  
Director of Economic Growth and Neighbourhood Services  
(Pages 107 - 112)
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



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

**Tuesday, 11 September 2018**

**Town Hall  
Darlington.**

**Membership**

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

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

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## PLANNING APPLICATIONS COMMITTEE

Wednesday, 22 August 2018

**PRESENT** – Baldwin (Chair), Galletley, Johnson, Mrs. D. Jones, Lyonette, McEwan, Storr, C Taylor, Taylor and Tostevin (No)

**APOLOGIES** – Lister (Vice-Chair), Kelley, Knowles and Lee (No)

**ABSENT** – Lister (Vice-Chair), Kelley, Knowles and Lee (No)

**ALSO IN ATTENDANCE** – (No)

**OFFICERS IN ATTENDANCE** –

### PA1INTRODUCTION/ATTENDANCE AT MEETINGS.

### PA2DECLARATIONS OF INTEREST.

There were no declarations of interest reported at the meeting.

### PA3 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 25 JULY 2018

Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 25 July 2018.

**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.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^N; <b>Reason</b> - To define the consent.

### PA4INTRODUCTION TO PROCEDURE BY THE ASSISTANT DIRECTOR, LAW AND GOVERNANCE'S REPRESENTATIVE.

### PA5APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION.

#### (1) Planning Permission Granted

**17/00237/FUL - Land Adjacent Cockerton Club, Woodland Road, Darlington.**  
Proposed redevelopment of the site for residential purposes, comprising 20 dwellings and associated car parking (additional and amended plans and information received 16 January 2018 and 17 April 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and

**RESOLVED** - That planning permission be granted subject to 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 SD-2-.01 Rev A Proposed Floor Plans and Elevations
- (b) Drawing Number SD.10.02 Rev N Site Plan as Proposed
- (c) Drawing Number SD.10.03 Rev N Proposed Colour Layout
- (d) Drawing Number SD.10.04 Rev D Proposed Boundary Treatments
- (e) Drawing Number SD.10.05 Rev N Proposed Surface Treatments
- (f) Drawing Number SD.10.06 Rev D Edge Study – Proposed Sections
- (g) Drawing Number SD.40.01 Rev A Street Scenes
- (h) Drawing Number 584-PAR Location Plan

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

**Affordable Housing**

3. Prior to the occupation of any unit within the development, a scheme for the provision of one affordable housing unit shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision 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) A plan to show the location of the affordable unit within the scheme;
- (c) 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);
- (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- (e) 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;
- (f) 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.

**Materials**

4. 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.

### **Highway**

5. No dwellings hereby approved shall be erected above damp proof course level until precise details the offsite highway works including: footways at the entrance of the shared drive, forming the proposed access junction and any tie in works i.e. footway widening, creation of car parking spaces and access for existing cottages and resurfacing in front of the existing cottages, the provision of tactile paving to the existing crossing island to improve pedestrian facilities and white lining works on Woodland Road to create a ghost island right turn facility and reinstating of footway to remove redundant vehicle access points on Woodland Road have been submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the works shall be completed prior to the occupation of the first dwelling.

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

6. Prior to occupation of the first dwelling, the parking restrictions on Woodlands Road should be upgraded to include "No waiting, No Loading" restrictions and extended into Deneside Road. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

### **Ecology**

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation and recommendations contained within the document entitled "A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington – Report No 5" dated January 2017 and produced by E3 Ecology Limited unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - In the interests of biodiversity.

8. Notwithstanding the mitigation measures outlined in the document entitled "A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington – Report No 5" dated January 2017 and produced by E3 Ecology Limited, the precise details of the bat and bird boxes and the lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling.

**Reason** - In the interests of biodiversity.

9. There shall be no site vegetation clearance between 1st March to the 31st August unless an 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** - For the avoidance of doubt and in the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

### **Trees**

10. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Impact Assessment for Trees on Land Adjacent to Woodland Road, Cockerton, Darlington – Revision E" dated March 2017 and produced by All About Trees. None of the following activities shall take place within the segregated protection zones in the area of any retained 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.

### **Landscaping**

11. No dwellings hereby approved shall be erected above damp proof course level until a landscaping scheme has been submitted to, and approved in writing by the Local Planning Authority and, upon approval of the scheme, 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. The landscaping scheme shall include three heavy standard trees along with trees, 16cm girth in containers and air potted 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** - In the interests of the visual amenities of the area and to compensate for the removal of three trees covered by the County Borough of Darlington Tree Preservation Order (No 1) Order 1952.

### **Contamination**

12. Any contamination not considered in the FWS Revised Reclamation Method Statement 1835OR04/25 January 2017, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

13. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

**Reason** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

### **Noise**



14. The mitigation measures (noise) outlined in the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202) submitted with this application shall be implemented in full prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development.

**Reason** - In order to protect the amenities of the future occupants of the development.

15. Notwithstanding the mitigation measures outlined within the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202), no dwellings hereby approved shall be erected above damp proof course level until precise details of the acoustic fence to be installed have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the fence shall be fully installed prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development.

**Reason** - In order to protect the amenities of the future occupants of the development.

16. Notwithstanding the mitigation measures outlined within the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202), no dwellings hereby approved shall be erected above damp proof course level until precise details of the glazing specifications (including sound reduction performance) and acoustic trickle vents (including their acoustic performance (Dn,e,w) for all windows for habitable rooms on all dwellings have been submitted to and approved in writing by the Local Planning Authority. 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, and thereafter shall be retained and maintained for the life of the development.

**Reason** - In order to protect the amenities of the future occupants of the development.

#### **Construction Management Plan**

17. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

(a) Dust Assessment report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of dust control measures to be put in place. The Dust Assessment report should follow the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

(b) Methods for controlling noise and vibration during the construction phase and should follow guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

(c) Construction Traffic Routes.

(d) Details of wheel washing.

(e) Road Maintenance.

(f) Warning signage.

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

**Reason** - In the interest of the highway safety and residential amenity.

### **Amenity**

18. Construction work shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

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

19. 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 details.

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

### **Drainage**

20. The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Local Lead 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 National Planning Policy Framework 2012.

### **Street Lighting**

21. Notwithstanding condition 8, no dwellings hereby approved shall be erected above damp proof course level until precise details of the street lighting for the development has been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the works shall be completed prior to the occupation of the first dwelling.

**Reason** - In the interests of protecting the amenities of the neighbouring dwellings.

**18/00482/FUL - 15 Lakeside, Darlington.** Insertion of balcony to roof slope on front elevation, erection of single storey extension and dormer window to rear elevation, hipped roof extension to the side providing extension over garage with balcony to front elevation (As amended by plans received 06/08/18).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and

**RESOLVED** - That planning permission be granted subject to the following conditions:

1. A3 Implementation Limit (Three years).
2. The window formed in a wc/bathroom/shower room on the rear elevation hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

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

3. PL (Accordance with Plans)
  - Proposed details Drwg NO. 03 dated Apr 2018
  - Proposed details Drwg NO. 04 dated Apr 2018
  - Proposed details Drwg NO. 06 dated Apr 2018

## **(2) Change of Use Refused**

**18/00420/CU Castle Farm, Walworth Road, Walworth.** Change of Use of ground floor of existing domestic garage to Commercial Kennels for up to 8 dogs (Use Class Sui Generis) and creation of parking area for 4 No. vehicles and new vehicular access from Walworth Road (amended plans and additional information received 19 June 2018, 21 June 2018 and 25 July 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and

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

In the opinion of the Local Planning Authority, the proposed commercial dog kennels, when operational, would generate unacceptable noise levels and would have an adverse impact on the amenities of the occupiers of the existing neighbouring residential properties. The proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011 and the core principles of the National Planning Policy Framework 2018

## **(3) Planning Consent Approved**

**18/00435/TF - Land At Former Croft House, Hurworth Place, Darlington.** Works to various trees protected under Tree Preservation Orders 2004 (No 12) and 1995 (No 3) Crown clean of 1 No. Lime tree (T751) to remove deadwood over public footpath, epicormic growth to 3m from ground level, crossing branches and cut back branches to give 2m clearance to lamphead, Crown lift 1 No. Weeping Beech tree (T764) to 4m (south and east), Crown lift 1 No. Beech tree (T757) to 5.5m over road, Remove epicormic growth up to 4m from ground level and deadwood from 1 No. Lime tree (T761) and remove deadwood from 4 No. Lime trees (T753, T754, T752, T756) (amended description 18 July 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and

**RESOLVED** – That planning permission be approved subject to the following conditions :

All work to trees shall be carried out to BS Specification 3998 (as amended).

**Reason** - To safeguard the health of the trees.

**PA6SUPPLEMENTARY 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.**

**PA7QUESTIONS.**

**PA8NOTIFICATION OF DECISION ON APPEALS - THE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES WILL REPORT THAT**

The Director of Economic Growth and Neighbourhood Services reported that the appeal by Darlington Cricket Club against this Authority's conditions Nos 2 (hours of operation) and 7 (time period for the erection of the cricket nets) attached to planning application Ref. No. 17/00282/FUL at Darlington Cricket Club, South Terrace, Darlington for construction of all-weather cricket practice incorporating 2 no lanes contained within cages and nets (retrospective application) (additional information received 10 June 2017 and 1 August 2017) has been part approved. The appeal against condition 2 has been dismissed and the appeal against condition 7 has been approved and the condition reworded. (Copy of Inspector's decision letter enclosed).

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

**PA9RECOMMENDED - 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.**

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.

**PA10COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 8 AUGUST 2018 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA20/Jul/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 8 August 2018.

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

**PA11SUPPLEMENTARY 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.**

**PA12QUESTIONS**

# Agenda Item 5

## BOROUGH OF DARLINGTON

### PLANNING APPLICATIONS COMMITTEE

Committee Date – 19 September 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	201 Greenbank Road, Darlington	18/00672/FUL
13	Field at Yarm Road, Oak Tree, Middleton St George	17/01175/FUL
40	Land Opposite Acorn Close, Yarm Road, Middleton St George	18/00509/FUL
66	Land at Roundhill Road, Hurworth	18/00460/RM1
76	Raby Hunt Inn, Summerhouse	18/00577/CU
82	Raby Hunt Inn, Summerhouse	18/00578/LBC

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 September 2018**

**Page**

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<b>APPLICATION REF. NO:</b>	18/00672/FUL
<b>STATUTORY DECISION DATE:</b>	26 September 2018
<b>WARD/PARISH:</b>	PIERREMONT
<b>LOCATION:</b>	201 Greenbank Road
<b>DESCRIPTION:</b>	Change of Use of ground floor of dwelling house (Use Class C3) to local convenience store (Use Class A1) with living accommodation above and erection of single storey rear extension to form part of shop and associated internal and external alterations (Revised Scheme)
<b>APPLICANT:</b>	Mr Singh

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**APPLICATION AND SITE DESCRIPTION**

The existing property is a two storey, two bedroomed dwelling on the corner of Greenbank Road and Craig Street. The front gable elevation of the property containing a front porch and bay window, faces onto Greenbank Road. The property has a single storey flat roofed kitchen/bathroom extension and a rear yard. There is a front garden which is enclosed partly by a low brick wall and also a high wall and fence with brick pillars. A lane runs along the south boundary. The surrounding area is predominately residential comprising of traditional terraced dwellings although there are some hot food outlets/retail premises in the wider locality on Craig Street and Greenbank Road. Brinkburn Dene lies to the north (approximately 20m) and Reid Street School is in close proximity (approximately 100m).

In May 2018 planning permission (application reference number 18/00190/FUL) was refused by Members of the Planning Applications Committee to change the use of No 201 Greenbank Road from a dwelling to a local convenience store with living accommodation above, the erection of a single storey rear extension and associated internal and external alterations. The planning application was 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).*

This is a revised planning application for the change of use of the property to a local convenience store with living accommodation above, the erection of a single storey rear extension and associated internal and external alterations. The Planning Statement that supports the planning application states the following revisions that have been made to the proposal in order to address the previous refusal reason:

- 1) The previous application sought approval for an early morning daily delivery of newspapers to take place between 0500 and 0700 with all other stock to be obtained from a Cash and Carry and brought to the site as required. The early morning daily newspaper delivery will no longer form part of the operation of the store, with the client instead organising the collection of papers himself;
- 2) The proposal includes an air conditioning unit. Due to the size of the store, a single split unit is considered appropriate. This unit would be located on top of the existing flat roof;
- 3) A disability ramp would be constructed on the Greenbank Road frontage leading to the existing porch;
- 4) In response to the comments made to the previous application by Environmental Health and the Architectural Liaison Officer, a survey was undertaken of the surrounding areas that the applicant considered to have the worst and most consistent antisocial behaviour reports to the Police between November 2017 and April 2018 (Gladstone Street/Selbourne Terrace/Corporation Road) and the outcome was the very few existing stores had employed any form of CCTV on the exterior of the buildings in order to act as a visual deterrent to groups gathering. The applicant therefore has agreed to install a series of four external CCTV cameras to provide total coverage of the premises and also the access into Brinkburn Dene
- 5) The low wall on the Greenbank Road frontage would be demolished to remove the possibility of people congregating by sitting outside the proposed store.

The proposed hours of opening of the store would be 0700 to 2100 Monday to Saturday and 0800 to 2100 on Sundays which is the same as the previous application. The proposed living accommodation above the store would consist of a one bedroom flat with a bathroom and shared kitchen/living room and the flat would be accessed via a new entrance off Craig Street. The single storey enlargement to the existing flat roofed extension would infill the rear yard area and increase the height of the existing off shoot by approximately 0.6m. The overall floor area of the store would be approximately 53sqm. A bin store would be created within the section of the front garden enclosed by the high wall and fence and cycle parking would be provided to the front of the store.

The planning application is recommended for refusal but as **more than three letters of support** have been received, the application must be placed before Members of the Planning Applications Committee for determination.

**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.**



The proposed plans indicate that there would be illuminated signage on the Greenbank Road frontage. This type of signage would require a separate application for advertisement consent which has yet to be submitted.

### **PLANNING HISTORY**

90/00121/DM In April 1990 planning permission was GRANTED for the erection of a single storey kitchen, lobby and bathroom extension

18/00190/FUL In May 2018 planning permission was REFUSED for 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

### **PLANNING POLICY BACKGROUND**

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

E2 – Development Limits

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

CS1 – Darlington’s Sub- Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS9 – District and Local Centres and Local Shops and Services

CS16 – Protecting Environmental Resources, Human Health and Safety

#### **National Planning Policy Framework 2018**

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

Following the Council’s consultation exercises, **13 letter of objection and 7 letters of support** have been received. The objection letters can be summarised as follows:

- *The proposal would cause antisocial behaviour and traffic problems within a residential area;*
- *The proposal would affect my privacy as I live opposite*
- *There is no need for another convenience store in the area as we are well served by such uses. These are in Hollyhurst Road, Surtrees Street, Barningham Street, Station Road, Gladstone Street, North Road and Salisbury Terrace*
- *Noise will be created by the store*
- *Existing car and parking problems will be made worse. Staff from Reid Street School and Memorial Hospital parking use these streets as this is the closest area without permit parking. The parking is even worse at school start and end times with parents parking*
- *The property is on a very busy and dangerous blind T junction and a shop in this location will make it far more dangerous and busy*
- *The store will increase risks for children crossing this junction*
- *There is nowhere for supply vans/lorries to unload without blocking the road*
- *Darlington has a shortage of family homes and I object to a family home being converted unnecessarily into commercial premises*
- *The staggered junction already is an accident and incident area that will only be made worse by the increase in traffic to the store*
- *What effect will this have on local stores, can they all survive?*
- *This will effect property values.*

- *This has always been a residential property with no history of commercial use*
- *This area has recently been a focus for antisocial behaviour by gangs of youths who congregate in the Dene drinking alcohol resulting in numerous calls to the Police. Another alcohol outlet would lead to further increase in this behaviour*
- *We will be unable to park our cars near our homes due to customers parking their vehicles to use the shop*
- *There is a possibility of disturbances by customers using the shop on a night in a residential area*
- *If this is approved, there is nothing stopping the applicant to enhance the commercial activities further at this property sometime in the future involving further planning and licensing applications*
- *Even two cars parking in front of the shop would cause restricted viewing at a busy cross road particularly at school times where children are crossing*
- *The fact the Dene is only a few metres away means that youths have quick access and an easy escape route when involved in antisocial behaviour and even criminal activities*
- *The removal of low wall would not prevent congregation of youths*
- *CCTV cameras can have implications of being intrusive and an invasion of privacy with personal visual images recorded and stored*
- *The refrigeration unit will be a constant noise throughout the day and night*
- *Since the last application, the Pizza Shop on Craig Street has a license to serve alcohol and is open late each evening. It is also a convenience store*
- *I believe that as is it located near a children's playground that youths will go down there and drink and smash bottles and cause antisocial behaviour*
- *My front room window would look straight at the proposed shop and this proposal will dramatically affect my view*
- *I will be very nervous about people congregating outside and around the shop especially if it is open till late this evening*
- *There will be extra litter and chewing gum on the pavement*
- *This is completely out of character for this street*
- *I hope that as this was refused once, the Committee will not grant permission*
- *Any rubbish bins are rarely emptied and get full very quickly. This not only looks dreadful but can attract vermin*
- *How, on a weekday are they going to get deliveries safely? The site is on a school run and a van parked right outside the front of the shop would restrict viewing of traffic from Craig Street and Greenbank Road or from the alleyway which would restrict access for emergency services if needed*
- *Delivery wagons are loud and will cause disturbances*
- *No shops come without lighting and the glare from the front of the shop would shine directly into my children's bedrooms*
- *Cars will be pulling up, doors will be opening and closing and there will be more activity in the area*
- *There has been issues in the past few months with CCTV cameras at 201 Greenbank Road pointing into houses and I did contact the Police who asked the owners to take them down*
- *CCTV cameras are an infringement of privacy*
- *Two of the houses near me have both got CCTV fitted and this has not stopped antisocial behaviour and neither has it helped to bring to justice those responsible for the regular damage to cars in the area*
- *Residents will have to send complaints letters and make phone calls regarding excess noise from external plant. Prevention is far better than a cure and residents will suffer*

**The letters of support can be summarised as follows:**

- *In this area there is a lot of shops but not a convenience store. It will be great for local residents to have a small shop at waking distance. There are elderly residents in this area. In nearby streets, all corners have shops (Ladbrokes, Paws and Claws, Tan Shop)*
- *A new shop would bring competition into the area as the existing shops can be expensive*
- *I have children and it will be convenient for me to have a shop just a few doors away rather than having to cross over Hollyhurst Road*
- *I don't agree with comments on antisocial behaviour*
- *Traffic in the morning happens everywhere in Darlington near schools. It is nothing to do with shops*
- *I haven't had any accidents in the T junction which some objectors consider to be very dangerous*
- *The small shop will create the opportunity of jobs for the area*
- *We run a small family run business and I know from experience that small size shops have a lot of benefits for local community and we should support small businesses. The Council approves a lot of big plans for supermarkets which effect small businesses. The big supermarkets have a lot of movement, noise and disturbance and still get approved near residential properties*
- *There is no issues in Greenbank Road with antisocial behaviour. Shoplifting happens in big supermarkets. It is surprising to me why youths would hang outside this shop*
- *It will be great to have surveillance of the area recorded in case of burglaries and thefts*
- *I am a neighbour of a shop owned by the applicant (Salters Lane) and there is no sign of any littering or hanging outside my property*
- *How can occupiers living opposite the application site hear a noise of shop operating, when houses are double glazed, two footpaths and a single carriageway road between the shop and their property?*
- *There are no problems at the shop on Salters Avenue with antisocial behaviour, noise, crime, parking, littering, loud behaviour and drunk people*
- *I don't see how a shop of this size will increase traffic*
- *This will be a very convenient store for people not using their cars*

Councillor Nick Wallis (Haughton and Springfield Ward) has written to support the application:

- *Whilst this is clearly not in my Ward, the applicant's own and operate a shop similar to the one proposed for Greenbank Road on the corner of Salters Avenue and Slaters Lane South in Haughton and Springfield. I have been a Councillor in the area for many years and so am familiar with Mr Singh's business. I would comment that I have never had a complaint from local people about the operation of the shop, and indeed a neighbour came to my Surgery recently to comment favourably about the shop on Salters Avenue and its operation, in support of Mr Singh's application on Greenbank Road. I have also had sight of the plans for the proposed shop and I can see no reason why they should not be approved. I therefore would support the planning application*

**Consultee Responses**

The **Council's Highways Engineer** has raised no objections to the planning application

The **Council's Environmental Health Manager (Commercial)** has raised no objections to the planning application

The **Architectural Liaison Officer from Durham Constabulary** has objected to the planning application on grounds of antisocial behaviour concerns

### **PLANNING ISSUES**

The main considerations here are whether or not the proposed development is acceptable in the following terms:

- Planning Policy
- Highway Safety
- Residential Amenity/Antisocial Behaviour
- Impact on the Character and Visual Appearance of the Building and Surrounding Local Area
- Disabled Access

#### **Planning Policy**

The application site is within the urban area and therefore it would comply with saved policy E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011.

Policy CS9 of the Core Strategy 2011 states that individual local shops which meet the day to day needs of the nearby residents without the need to use a car will be promoted. Proposed new shops will be limited to a maximum of 100 sqm gross floorspace unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case stores of up to 400sqm will be permitted.

The proposed store is significantly below the 100sqm threshold and therefore in general planning policy terms the proposed change of use is acceptable.

#### **Highway Safety**

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy seeks to ensure that new development provides vehicular access and parking provision suitable for its use and location

As the proposed store has a floor area of approximately 53 sqm, there would be a need for 2 parking spaces in order to comply with Tees Valley Design Guide standards. Due to the nature of the building (an end terrace) it is not feasible to provide in curtilage parking but the dwelling benefits from a long frontage facing Greenbank Road which has unrestricted on street parking and the highway located adjacent to the frontage of the proposed development would be able to support a small amount of operational and customer parking that would be deemed acceptable for the modest scale of the business proposed.

The area is characterized by terraced houses without front gardens and very few dwellings have in curtilage parking and residents rely upon on street parking. The northern end of Greenbank Road is unrestricted with much of the southern end (South of Warren Street) being restricted in the form of residents parking zones (RPZ). Demand for on street parking has so far not been great enough to require the implementation of an RPZ adjacent to the proposed development and Craig Street and Widdowfield Street also has unrestricted on street parking. Due to the location of the proposed store it is envisaged that customers will arrive on foot and those who do arrive by car will typically be parked for a short duration enabling a high turnover of customers to park within the available spaces on street. Details of a facility for customers to safely leave cycles securely parked have now been provided and are of suitable scale and location.

With regards to operational parking for the shop, the applicant previously assured that delivery vehicles will not be a problem as the business will operate via the applicant collecting goods from a cash and carry type wholesaler by use of medium “transit” type van rather than large goods vehicles making drop offs. However, it should be recognised that this cannot be controlled by appropriate planning conditions.

Police accident statistics for the area show no recorded accidents within 200m of the proposed development in the past five years and no accidents associated with the Greenbank Rd/Craig St/Widdowfield St junctions.

Details of an off-highway bin store area for both the residential and commercial elements have been provided as part of the application.

The proposed first floor flat above the store does not have provision for in-curtilage parking and it is considered that this cannot be reasonably accommodated given the nature of the dwelling and the character of the local area. The local area provides good access to public transport with the nearest bus stop located within 200m of the site and Greenbank Road forms part of a local cycle network.

The Council’s Highways Engineer has raised no objection to the proposal.

### **Residential Amenity/Antisocial Behaviour**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community. The National Planning Policy Framework 2018 (para 127) states that decisions should create places that are safe, inclusive and accessible and which promote health and wellbeing with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion and resilience.

For background purposes, in his initial response to the previous planning application, the Architectural Liaison Officer (ALO) advised that the Police had reservations over raising objections as the proposal would create a new business but the Police did believe there would be nuisance and antisocial behaviour issues. Antisocial behaviour is a long term problem in the Denes, which is in close proximity to the site, and the Police could foresee youths migrating from the park to the shop looking for opportunities to shoplift, to congregate outside the shop creating nuisance for the shopkeeper and residents and this would be exacerbated if the store is licensed to sell alcohol. The ALO also advised that parking is an issue within the streets already overcrowded and there may be an issue with vehicles making deliveries to the shop. The ALO questioned whether this would be a sustainable form of development. The ALO then commented as follows:

*With reference to our original comments on this application, we would like to add the following.*

*In light of the public interest in this application and to help inform the decision by the Planning Authority we would like to clarify our position.*

*We accept our initial comments were somewhat equivocal and that clarification on our position would be helpful. From a ‘Design out Crime’ perspective we are opposed to this change of use, we believe that it will have an adverse impact on the residential*

*amenity of the neighbouring residents. In the last 10 years there has been just one call to the Police generated by 201 Greenbank Road during its existence as a dwelling that one call arose last month (March) and related to the new occupation.*

*We know from experience that convenience stores generate more calls to the Police than the average residential dwelling, they can become a congregating point for young people and shoplifting is a perennial problem, regular Police attendance at a particular location has a tendency to create a fear of crime. A small convenience store within half a mile or so of Greenbank Road has generated 6 calls to the Police in the last 12 months. We have concerns over 201 Greenbank Road being converted to a convenience store because it is very close to a known anti-social hotspot located in the Dene, in our experience this is likely to have an adverse impact on the new business and the amenity of the neighbours. The following are quotes from residents living around the Dene about their recent experiences.*

*“Last night, between 7 and 10, I phoned 101 to report that youths (about 20-30 of them aged between 15 and 20ish I would reckon) were in the Dene’s Park at the bottom of Cartmell Terrace. They were fighting each other then walking up to the streets and trying to kick doors down. Causing a lot of noise and distress.”*

*“There is lots of youths on a night congregating in the Denes Parks causing a disturbance, littering, vandalism, anti-social behaviour, underage drinking.”*

*The Police are very pro-active in addressing this problem and in the instances quoted above dispersal notices were issued however the concern has to be that the introduction of a convenience store so close to the play area will increase the attraction for young people to congregate”*

Having considered the revised planning application and the changes that are being proposed (listed above); the ALO has commented as follows:

*“From a Design out Crime perspective we are opposed to this change of use, we believe that it will have an adverse impact on the residential amenity of the neighbouring residents. The installation of CCTV cameras is unlikely to have the deterrent effect that applicant hopes they will achieve, there is also the issue of compliance with the Data Protection Act as the cameras will be recording in the public domain which could be seen as unnecessarily intrusive. The other mitigating measures the applicant suggests, such as delivery arrangements and newspaper collection, are well intentioned and laudable but we suggest not realistically enforceable, our concerns therefore remain the same”*

In response to the ALO comments, the Agent has submitted a letter on behalf of the applicant reaffirming that the survey that they carried out showed that very few existing stores had employed any form of CCTV to act as a visual deterrent to groups gathering and the applicant has agreed to install four cameras which would provide total coverage around the store as well as a view of the access into Brinkburn Dene which could be sued by the Police if required in order to tackle any on-going issues in the area. The applicant remains of the opinion, that the removal of the low wall will remove the possibility of people congregating by sitting outside the store. The applicant is aware of the requirements placed on him by the Data Protection Act 2018 and the rules on CCTV use as enforced by the Information Commissioner.

A copy of this rebuttal has been forwarded to the ALO for comment and any response will be made verbally at the Meeting.

The applicant has also made reference to a premises on Craig Street (No 33) which was a hot food takeaway and has recently been granted a license to sell alcohol until midnight. Members are advised that a retrospective planning application (ref no: 18/00705/CU) for a change of use of No 33 Craig Street from a hot food takeaway to a mixed general convenience store and hot food takeaway has been submitted and is currently pending consideration. The Licensing Team of the Council are also considering the licensing requirements of these premises.

As part of his comments on the planning application, the Council's Environmental Health Manager has commented that, in his opinion, CCTV cameras could reduce the potential for antisocial behaviour.

The planning application has been supported by the make, model and noise levels of the air conditioning unit. The Council's Environmental Health Manager has advised that whilst the noise limits may be a little high, he is of the opinion that this can be dealt with by other legislation (should complaints be received) and it wouldn't be prudent to delay the planning process.

The proposal includes a dedicated, screened bin store and overall, the Council's Environmental Health Manager has not objected to the planning application.

The existing property is a single family two bedroomed household attached to the row of terraced dwellings on Craig Street and the immediate locality is predominately residential. In general amenity terms, the proposed use has the potential to cause disturbance to neighbours due to noise generated by the comings and goings of staff/deliveries/customers and the operation of any plant or equipment. This can be particularly so at times when neighbours might have a reasonable expectation of quieter conditions at certain times of the day to relax and enjoy their properties.

The existing residential property will attract a very limited number of "comings and goings" by virtue of the occupiers and their visitors and the level of activity will be very similar to the existing neighbouring dwellings in the local area. Whilst the retail floor space on the ground floor of the proposed store is quite limited which may limit the number of patrons that can access the premises at any given time, the number of people visiting the store will still be significantly higher than the number of people which currently visit the property and this activity will occur over a prolonged period of time between 0700 to 2100 Monday to Saturday and 0800 to 2100 on Sundays. The proposal will generate an increase in activity (antisocial or otherwise) and a judgement has to be made as to the significance of the impact that this increase will have on the amenities of the existing properties.

The new doorway on Craig Street to the upper floor flat would also have an impact (albeit limited) on the neighbouring dwellings as this property has not been previously accessed from this frontage. The impact of this access has to be considered in conjunction with the retail use and it is considered that, in general amenity terms, the proposed development will have an adverse impact on the neighbouring dwellings by virtue of the noise and disturbance caused by the significantly increased number of comings and goings of patrons and the potential congregation of customers along with the additional increase in noise from cars (doors opening and closing, car radios and stereos, cars accelerating etc) at times that existing residents would

reasonably expect quieter conditions and are used to such conditions as the property is currently in domestic use.

Officers do not accept that the removal of the low boundary wall will lead to a reduction on persons congregating at the premises.

In recent years, where planning permission has been granted for a change of use of a property on the end of a row of terraced dwellings to a commercial use (mainly a hot food takeaway), it has been where the existing use of the property has been a vacant shop and not a dwelling. Officers consider that, in those circumstances, that fact that the existing use was already in commercial use (for example a shop) albeit vacant, it would have previously attracted high levels of footfall, vehicle movements etc, which the neighbouring dwellings would have been used to and expected to live alongside, which is not the case with this particular proposal.

Having considered the amendments that have been put forward in reaction to the previous decision, the advice from the ALO and the Environmental Health Manager, and the representations that have been made both in support and in opposition, Officer's view remains that the proposed use has the potential to result in conditions that are prejudicial to the general amenities of the neighbouring dwellings and potential antisocial behaviour in an area where the Police advise there is already an existing antisocial problem. The proposed change of use would be contrary to Policy CS16 of the Core Strategy and one of the core principles of the National Planning Policy Framework 2018.

Notwithstanding the above, it is considered that the proposed enlargement of the existing extension to cover the rear yard would not adversely impact on neighbouring dwellings.

If Members were to approve the planning application, consideration would need to be given to imposing planning conditions to control the hours of operation and deliveries.

### **Impact on the Character and Visual Appearance of the Building and Surrounding Local Area**

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 external alterations to the building, including the enlargement of the existing flat roofed extension to facilitate the proposed conversion would not harm the character or appearance of host building or the wider street scene. The existing high wall and fence at the front of the property would be retained which would partially screen the extension and also the bin storage area. The removal of the low wall would represent a change to the frontage but its impact would not be so significant to refuse on the application on visual amenity grounds. If Members decide to approve the application, Officers would advise that a planning condition is imposed to secure appropriate materials for the alterations to the extension.

The proposed air conditioning unit would project through the roof of the flat roof extension in close proximity to the rear wall of the property. It would measure approximately 0.89m wide; 0.36m high and 0.89 long. It is considered that such a unit would not harm the appearance of the building or the street scene however, if Members wish approve the planning application it would be appropriate to impose a planning condition to secure its precise details.



As previously stated, any new signage would need to be the subject of a separate planning application for advertisement consent.

**Disabled Access**

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy states that new development must include safe, attractive and accessible access for disabled persons. The submitted plans indicate that a disabled access ramp would be provided leading to the entrance of the store. If Members were to approve the application, Officers recommend that a condition is imposed to secure the details of the appropriate disabled access measures.

**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**

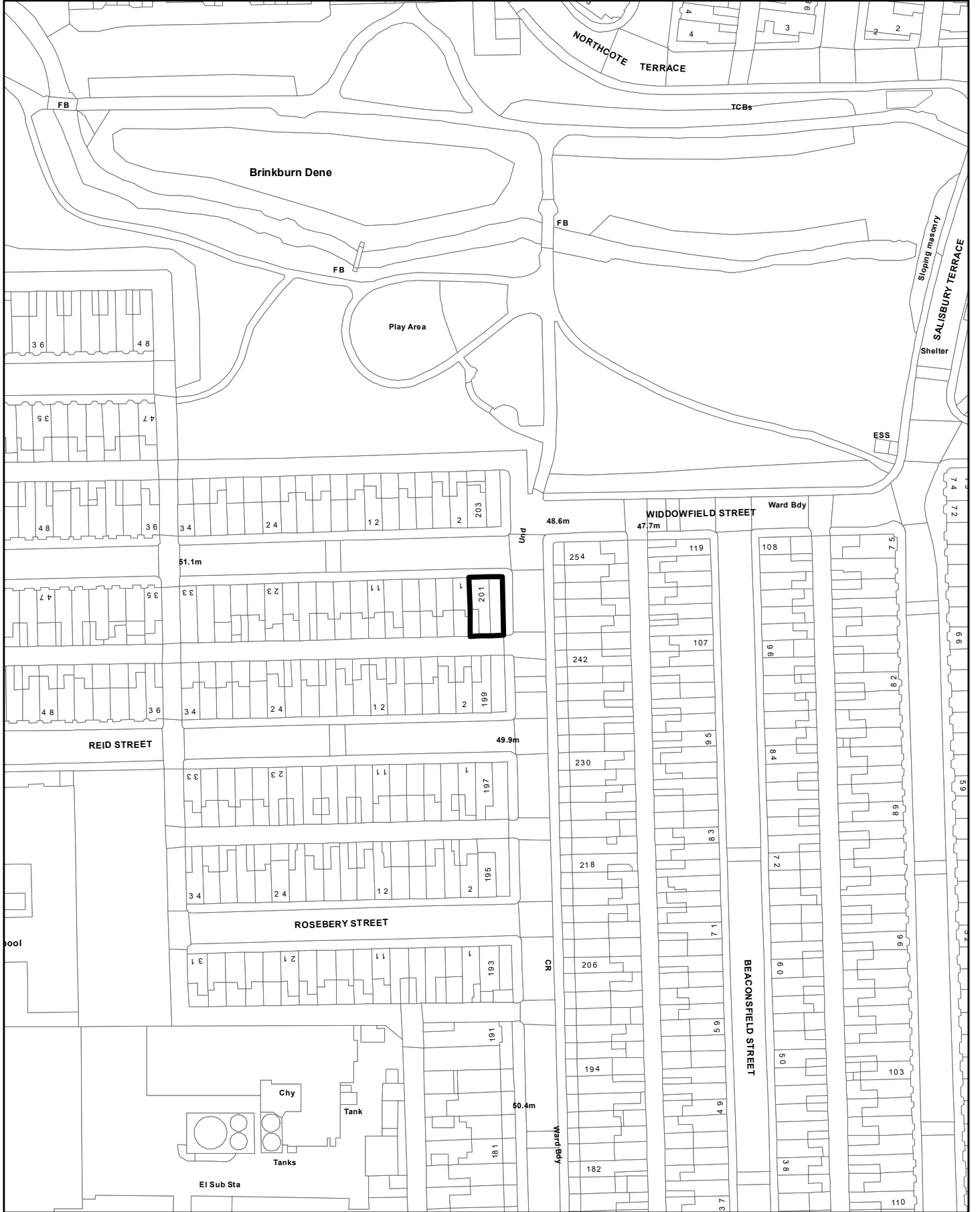
Having considered the revisions that have been made to the proposal, the comments from local residents, the Architectural Liaison Officer and the Council's Environmental Health Officers it remains the opinion of Officers, that this is an inappropriate location for a new retail store as it would have an adverse impact on the general amenities currently enjoyed by local residents and it has the potential to become a focal point of antisocial behaviour in an area that is already known to suffer from such issues. The proposal would be contrary to the 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 2018

**RECOMMENDATION**

**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 2018 (paragraph 127)

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**PLANNING REF. No. 18/00672/FUL**

DARLINGTON BOROUGH COUNCIL



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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 September 2018**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>17/01175/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>9 April 2018</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Field at OSGR E435292 N513607, Yarm Road, Oak Tree, Middleton St George</b>
<b>DESCRIPTION:</b>	<b>Residential housing development consisting of 61 No dwellings together with car parking, landscaping and associated infrastructure (amended description) (amended site plan and additional adoptable areas plan received 29 January 2018, amended site plans and design and access statement received 5 April 2018, amended tree survey, ecology report, floor plans and elevations received 6 April 2018, amended Transport Statement and Planning Statement received 23 April 2018, amended flood risk assessment and pumping station details received 14 June 2016, amended house types and site plan received 15 June 2018, further amended house types and site layout plan received 1 August 2018, amended Transport Statement received 3 August 2018 and amended flood risk assessment received 8 August 2018)</b>
<b>APPLICANT:</b>	<b>MR D MYDDLETON</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of 61, two and three storey dwellings on land to the north of Yarm Road, Middleton St George. The site will be served by a new vehicular and pedestrian access from Yarm Road connecting to an internal access road from which the proposed dwellings would be served. Those properties on the southern side of the site would face onto Yarm Road, with vehicular access to the rear. A separate pedestrian access is also proposed in the western corner of the application site, being the closest point to the village.

The proposed development will provide 22 3-bedroomed and 39 4-bedroomed houses. A mix of 3 and 4 bedroomed dwellings, both detached and semi-detached properties and ranging in height between 2 and 3 storeys is proposed. The scheme adopts a contemporary design approach, based on a traditional building form, with properties constructed from a palette of materials which includes a mixture of different brick types, timber composite cladding and slate-effect roof tiles. The majority of houses will provide at least 2 in-curtilage parking spaces in addition to

either a detached or integral garage. In the case of some of the smaller 3-bedroomed houses, the integral garage will account for the second in-curtilage parking space.

The application site is an area of grazing land, roughly rectangular in shape, which extends to approximately 2.5 hectares. It is used in conjunction with the property known as Oak Meadows, located immediately to the east of the application site. The site is bounded by the Middlesbrough to Darlington railway line to the north, Oak Meadows to the east, Yarm Road to the south and west. The site is bounded by existing mature trees and hedgerows on all sides, some of which would be removed to accommodate the proposed development.

Agricultural land on the south and west sides of Yarm Road, opposite the application site, is the subject of an outline planning application (17/01195/OUT) for the erection of up to 350 houses, retail units and a primary school which is currently awaiting determination.

The following information has been submitted with the application:

- Design and Access Statement
- Planning Statement
- Archaeology Report
- Arboricultural Impact Assessment
- Consultation Statement
- Ecology Appraisal and Bat Survey
- Flood Risk Assessment and Drainage Strategy
- Landscape Strategy
- Phase 1 Site Investigation Report
- Noise and Vibration Assessment
- Transport Assessment

## **PLANNING HISTORY**

88/00789/MISC – Erection of a dwelling, stable block and ancillary buildings for the operation of a stud farm (in outline). GRANTED 11.10.1989

88/00789/RM1 – Details of the siting, design, external appearance and means of access to the dwellinghouse and stable block. GRANTED 21.05.1990

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

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

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity

- CS16 – Protecting Environmental Resources, Human Health and Safety

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

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

National Planning Policy Framework, 2018

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

**Highway Engineer** – Raise no highway objection subject to conditions.

**Transport Policy** – Contribution sought for improvements to Acorn Close bus stop and to provide a safe route to school.

**Environmental Health Officer** – Recommend conditional approval to secure noise mitigation measures, further ground investigation reports and any necessary mitigation, a construction management plan and limiting hours of construction.

**Lead Local Flood Authority** – Recommend condition approval.

**Northumbrian Water Limited** – Recommend conditional approval to ensure the development is carried out in accordance with the submitted flood risk assessment.

**Durham County Archaeology** – Recommend conditions requiring the developer to undertake a strip, map and sample scheme of works and for the findings to be published.

**Durham Constabulary Architectural Liaison Officer** – The revised layout for this proposal is acceptable from a ‘Design out Crime’ perspective. The houses have enclosed rear gardens and the front of the houses provided surveillance across the street. The open space to the west of the site will provide connectivity to Yarm Road, although should be well lit, maintained and carefully landscaped to encourage people to feel safe.

**Network Rail** – No objection in principle to the development subject to a number of requirements which must be met.

**Northern Powergrid** – No objection

**Northern Gas Network** – No objection

**CPRE** – Object to the application, and register support for the local residents and their reasons for objecting, noting in particular the submission by Middleton St George Parish Council. CPRE wishes to comment in particular:

- Note Appendix 6 of the SHLAA states that the site was unsuitable as a greenfield rural site outside of development limits and also that it is a greenfield site which maintains the separation between the village and the Virginia Estate;
- The Council has now completed the HELAA and not that this now identifies the site as being suitable for housing development;
- The fact remains however that the site lies outside of development limits and is therefore contrary to Local Plan Policies E2 and H7;
- Proposal is also contrary to Core Strategy Policies CS1, CS2 and CS14;
- It is generally accepted that Darlington does now have a 5 year housing land supply, meaning that policies relating to housing supply now carry full weight. Even though this target has now been met, there may be proposals for housing which will enhance that supply. Such proposals should however comply with the development plan. This proposal clearly conflicts with the development plan and according to paragraph 12 of the NPPF (2012) should therefore be refused;
- Case Law (East Staffordshire District Council v Secretary of State for Communities and Local Government (2016) has established that if the proposed development conflicts with the Local Plan, the presumption in favour of sustainable development has been rebutted.

**Darlington Friends of the Earth** – Object to the application for the following reasons:

- The site has not had any prior opportunity for Local plan dialogue and given the impact on the village it is not fair nor is it reasonable planning practice for such sites to circumvent the Local Plan discussion especially now the Local Plan stage has been reached;
- This development, together with recently approved application for 350 houses in June 2016 in outline (16/00578/OUT Durham Tees Valley Airport) substantially changes the character of this village. This rural site will be lost forever;
- Question the necessity for these houses given the figure being used by DBC is so dramatically different to the Government's consultation report;
- Using past achievement in economic growth should not be used to predict future achievement and housing requirements. The impact of Brexit cannot be quantified and predictions of growth are very mixed post Brexit. This calls into question the premise of the number of dwellings required in the borough and the need for this development;
- Note the presence of the railway line between the site and the Winnies Local Nature Reserve should reduce the impact of this development on the LNR but there is still the risk of disturbance to the local wildlife from lighting and noise;
- Another 60 daily trips combined with other development will only exacerbate public highway congestion and degrade air quality further;
- Increase in pedestrian access over the nearby railway level crossing is likely to increase level crossing user risk to an unacceptable level. The developer will need to mitigate these risks in conjunction with Network Rail.

**Middleton St George Parish Council** - Object for the following reasons:

**(original plans)**



- Restricted visibility both ways at the proposed access point. Additional cars arising from the development, the existing inadequacies of the road and pavements at the railway bridge increases the hazard even more;
- The proposed design of the dwellings is completely out of character for the village. While there is a mix of styles in the village the architectural design of the proposed development would be far too modern and would be completely out of keeping with the rest of the village;
- The majority of houses would be 4 bedroom dwellings, with no affordable or social housing proposed for this development. Would have preferred to have seen the inclusion of bungalows to meet the needs of the village population;
- Impact on existing Victorian sewerage system;
- Ongoing infringement of planning conditions relating to existing developments in the village. We should not have to endure this. Therefore urge that no further developments be granted approval until those already given permission are built out.

**(comments on amended plans)** – Object for the following reasons:

- Cumulative total of new houses (for which permission has either been granted or for pending and expected applications and for the remaining sites on the ‘Call for Sites’ List) is 1,933 which would mean at least 3,866 vehicles (an underestimate), 2 convenience stores and a 60-bed care home with extra private and commercial vehicles;
- The Government’s housing figure methodology suggests 177 houses/year for the Borough however the Council’s ‘Five Year Housing Land Supply Position Statement’ published in February 2018 gives a figure of 569 houses per year which causes confusion;
- Two of the key sustainability factors for Middleton St George are no longer valid as the GP surgery is no longer located within 1km of the centre of the village and the bus service does not serve the GP surgery in its new position;
- The Parish Council considers it extremely unjust to expect Middleton St George to supply three times as many houses as the rest of Darlington;
- Since DBC has produced a Brownfield Register there is evidence to suggest there are brownfield sites available in the Borough;
- There cannot be any economic benefit to the village from the development of the application site that can outweigh the significant environmental disadvantaged which the village will suffer;
- There are 3 objectives which we would want to see maintained and considered: ensure new developments are sustainable and make a contribution to the quality of life and local services for the people who live and work in Middleton St George; ensure landscape character is maintained and enhanced and that the coalescence of Middleton St George with adjacent settlements is prevented; and maintain and enhance local distinctiveness through the protection or restoration of the built and natural heritage of Middleton St George;
- The Local Planning Authority should be enabled to pay full attention to the fact that the emergent neighbourhood development plan is unable to be progressed pending new local plan policies being developed against which the NDP can be aligned. The approval of this application will negate future opportunities for constructive neighbourhood planning within Middleton St George;
- Weight must still be given to saved policies in the existing Local Plan;

- Any impacts adverse impacts of granting permission for this application would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF;
- The economic, social and environmental roles of the proposed development are overstated;
- The application is premature, given the Local Plan is at consultation stage, and therefore no further applications should be granted permission until such time as this process has been finalised;
- Concerned that the Planning Statement refers to this site as a 'logical infill site'. This does not constitute a valid reason to approve the application;
- The retention of the existing mature trees to the southern boundary and woodland to the north west is extremely important and would not like to see any further loss of trees or hedgerows;
- The Amended TS states incorrectly that there are 30 new units further along Yarm Road. Permission was granted for 2 developments, one consisting of 44 dwellings and one of 10 dwellings and a convenience store. This means that vehicle movements from all these developments would add seriously to the safety hazards and congestion in the location of the site;
- The photos in the TS must have been taken during off-peak hours, or on a Sunday, as they show hardly any, or no, vehicles. There is already severe congestion along those roads and this will be exacerbated;
- The amended TS proposes to add more bus stops but there is no point unless the inadequate bus service is improved;
- Draw attention to the Environmental Health Officer's comments regarding noise from the railway which is a major constraint to development and will have a major impact;

One letter of representation has been received which raise the following issues:

- *A noise assessment should be requested due to the close proximity of the dwellings to the Darlington – Saltburn railway line;*
- *In addition to the movement noise of the regular trains, there is also a problem with exceedingly loud train horns because of a whistle-board located north of this site. I have already complained to your Environmental Health department and written to Northern Rail and Network Rail;*
- *If the development goes ahead it is likely that you will receive at least 60 more complaints about this noise disturbance which occurs at very unreasonable times and causes sleep disturbance sometimes as early 5.15am and continuing at regular intervals up to midnight;*

One letter of objection has been received which raises the following issues:

- *Accept a need for additional housing, however consider that improvements are needed to infrastructure around the site namely pedestrian access, street lighting, road safety and the bus service;*
- *Currently walking access from the new houses to the Virginia Estate and the Medical Centre further up Yarm Road is poor and unsafe. There should be a significant gap between an improved footpath and trees/bushes for the security of people walking along the path;*
- *Additional traffic on Yarm Road is of concern for our elderly residents and staff many of whom live in Middleton St George. A lowered speed limit of 30mph on Yarm Road is essential;*

- *Would support the provision of a roundabout to cater for additional traffic from the site at the junction of Yarm Road and the unnamed road (Middleton Back Lane) as per the other planning application for 430 houses;*
- *Access under the railway bridge remains a concern as it is already dangerous for cars and pedestrians and increased traffic will make this worse;*
- *The developer should provide some financial support to extend the bus timetable to make it easier to access Darlington and local facilities such as the medical centre opposite Virginia Estate to mitigate against the additional traffic generated.*

## **PLANNING ISSUES**

The main issues to be taken into consideration in the determination of this planning application are:

- Planning Policy
- Impact on Visual and Residential Amenity
- Loss of Agricultural Land
- Highway and Sustainable Transport Matters
- Sustainable Drainage
- Land Contamination
- Trees
- Ecology
- Archaeology
- Developer Contributions
- Delivery

### **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 (2018) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

### Housing land supply position

In relation to housing, the NPPF (2012) required local authorities to plan positively for housing development to meet the needs of their area and this is carried forward in the latest NPPF (2018)

In recent years Darlington had not been able to demonstrate a 5 year supply of deliverable housing sites, when measured against a housing requirement based on an up to date, objectively assessed need (OAN). As a consequence of this, relevant policies for the supply of housing have not been considered up to date in line with paragraph 49 of the previous NPPF (2012) and planning applications have previously been considered in the context of the presumption in favour of sustainable development (para 14 of the NPPF 2012).

The above situation has recently changed. An update to the Strategic Housing Market Assessment was published in Oct 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required between 2016 to 2036, an average of 422 dwellings per year. Although this figure has not been subject to an Examination in Public, it represents the latest full assessment of housing need. As a matter planning judgement, the

Council has determined to use the SHMA housing figure as the baseline against which to assess whether there is a deliverable supply of housing land. A 20% buffer has been applied to this figure due to previous under delivery.

An assessment of sites currently shows that a 6.21 year (approx.) supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five year supply of housing land, relevant policies for the supply of housing should be considered up to date and the titled balance in para 11 of the NPPF (2018) is not engaged. Should it be deemed that the housing land supply should be calculated using the standard method in national planning guidance prior to any Public Examination, the Council consider that a five year supply of housing can still be demonstrated.

It is relevant to note that this housing supply includes a number of sites which are located beyond development limits but have been assessed and are considered as being suitable and deliverable for housing development in the emerging Local Plan as the five year supply of deliverable sites cannot be demonstrated within the development limits alone.

#### Principle of the development

The aim of Policy E2 is to direct new development to within the development limits of the village and to safeguard the character and appearance of the countryside. As the application site is located beyond the development limits of the village residential development thereon would be contrary to Saved Policy E2 (Development Limits) of the Darlington Local Plan 1997. The proposal would subsequently be contrary to Policies CS1 and H7 due to its location beyond the development limits.

As stated above the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the application is contrary to Policies E2, CS1 and H7 there are material considerations which should be considered in the planning balance.

The recent Strategic Housing Market Assessment has detailed the current requirements for housing in the Borough and these figures have been used to assist preparation of the emerging Local Plan. A number of sites which contribute to the five year supply which are located beyond the settlement limits have been identified in the emerging Local Plan as suitable and deliverable sites for housing.

The five year supply of deliverable sites cannot be demonstrated within the development limits alone. The application site is considered to be suitable and deliverable for housing in the emerging Local Plan. It makes a valuable contribution to the Council achieving a five year supply of housing land and boosting significantly the supply of housing in the Borough.

The second part of policy E2 relating to the protection of the character and appearance of the countryside is still relevant and should be considered in the planning balance and this will be assessed in the next section of this report.

Despite the conflict with Saved Local Plan E2 and subsequently CS1 and H7, when considered in the context of the five year supply and emerging Local Plan the principle of residential development on this site is considered to be acceptable.

**Impact on Visual and Residential Amenity**

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements. The second part of Saved Local Plan Policy E2 (Development Limits) relates to the protection and character of the countryside and falls to be considered as part of the planning balance. The reasoned justification to this policy seeks to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside by strictly controlling development outside of development limits.

The site, which is currently a grassed field used for grazing purposes, adjoins the eastern edge of the built form of the village. Although the site is physically separated from the village by the Darlington to Middlesbrough railway line and by Yarm Road, the nearest part of the site is only approximately 60 metres from properties at Swain Court. The proposal would result in the loss of this field which provides limited visual separation between the eastern end of the village and the Virginia Estate which lies approximately 400 metres to the east and sporadic development at Oak Tree further beyond towards Durham Tees Valley Airport (DTVA). When considered in the context of this, and other consented residential development at DTVA (16/00578/OUT), the site is not considered to be of significant value in amenity terms such that its loss would adversely affect the character and appearance of the area or of that of the surrounding countryside which Policy CS14 and Saved Policy E2 seek to protect.

It should also be noted that an outline application for the development of agricultural land to the south and west sides of Yarm Road, opposite the application site (17/01195/OUT) for the erection of up to 350 houses, retail units and a primary school, which is currently awaiting determination, and this would further reduce the value of the application site in terms of any relief between settlements if the application were to be approved.

Policy CS2 (Achieving High Quality, Sustainable Design) requires that new development should reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. This is broadly consistent with the advice contained at paragraph 127 of the NPPF.

The proposed development would comprise a total of 61 dwellings on the site at a density of approximately 24.4 dwellings per hectare. The site would be served from Yarm Road via a single point of access, connecting to an internal estate road which loops round the site from which the proposed dwellings, including a number of cul-de-sacs, would be accessed. A mix of 3 and 4 bed roomed dwellings, both detached and semi-detached properties and ranging in height between 2 and 3 storeys is proposed. The scheme adopts a contemporary design approach, based on a traditional building form, with properties constructed from a palette of materials which includes a mixture of different brick types, timber composite cladding and slate-effect roof tiles.

The design and layout of the scheme has been amended since the application was submitted to take account of these requirements and to incorporate the broad design principles set out in the Design SPD following lengthy discussions with Officers. Key changes to the scheme are as follows:

- The relationship of the development with the Yarm Road has been improved with dual aspect properties and active frontages onto both Yarm Road and the access road behind;
- The relationship of the northern part of the site with the railway line has been amended to provide better standards of amenity for these properties and their garden areas to protect them against railway noise;
- The internal layout of the site has been amended to improve natural surveillance between properties by the reorientation of dwellings, by limiting the amount of inactive frontage and number of boundary walls.

The design of the proposed dwellings has not fundamentally changed during these discussions, although there have been changes made in accordance with the Design SPD in terms of the detailing of the dwellings such as to window positioning and detailing.

The amended Design and Access Statement (DAS) explains that the development is laid out in a series of distinct character areas to encourage community interaction between residents and to offer opportunities for diversity in the architecture across the site, contributing to a sense of place and identity within the development. The DAS also explains that the design, scale and orientation of the proposed houses within each of the character areas have evolved in response to the particular characteristics of each part of the site and accordingly a total of 12 different house types are proposed.

It is acknowledged that outside of the conservation area boundary, there is a variety of built form and character within Middleton St George and as such there is no objection in principle to a contemporary approach being adopted in this instance. The palette of materials proposed is also considered to be acceptable. The success of the proposed scheme however lies in how well it responds to local distinctiveness as required by Policies CS2 and CS14 and guidance contained in the recently revised NPPF. The Council's Revised Design of New Development SPD (Design SPD), based on a local characterisation study, identifies a number of 'zones' across the Borough and gives a broad indication of the general characteristics and features that are considered to add to the local distinctiveness of that particular zone.

In view of the more significant changes made to the site layout and broader changes made to the detailing of the proposed dwellings, it is considered that the scheme responds to local distinctiveness, albeit in a more contemporary form, and as such complies with the requirements of Policies CS2 and CS14 and the Design SPD. Paragraph 130 of the NPPF is clear that where the design of a development accords with clear expectations in plan policies, design should not be a valid reason to object to development. The scheme maintains the majority of the mature trees along Yarm Road, with the exception of those that are to be removed to facilitate the access and the localised removal of poor specimens, with the properties having an open and active frontage onto Yarm Road. The site is well screened on its northern side by the railway embankment and by other trees on the eastern and western sides such that the site will only be readily visible from Yarm Road to the south and west. Further landscaping is proposed within the site which should help assimilate the development into the wider landscape. A number of conditions, requiring the submission of materials for approval and removing permitted development rights for extensions, alterations and means of enclosure, are attached to maintain the integrity of the scheme.

The proposed site layout also shows that the proposed development can be accommodated without compromising the residential amenities of the existing property 'Oak Meadows' at the eastern end of the site, in terms of light, outlook and privacy.

The site is bounded by Yarm Road to the south and by the Darlington to Middlesbrough railway line to the north. A Noise and Vibration Assessment has been carried out which assesses the impact of these noise sources on the future occupants of the proposed dwellings. This document has been amended since it was first submitted to take into account the comments of the Environmental Health Officer.

The noise assessment recommends that in order to mitigate against the effects of noise from rail noise, the windows of those properties closest to the railway should be fitted with acoustic trickle vents. An acoustic fence is also proposed to the rear of plots 12 and 44 – 49 to protect the private amenity areas from rail noise. Those properties further into the site would be shielded from the train noise by properties closer to the tracks. The Environmental Health Officer assesses the rail noise impacting on the proposed development as having an observed effect with the introduction of the mitigation and recommends that the proposed mitigation measures are secured by a planning condition.

The properties on the southern side of the site, facing Yarm Road, and their garden areas would be affected by road traffic noise. The noise assessment shows that it would not be possible to achieve the recommended noise levels for private garden areas set out in BS8233 of 55 dB LAeq (the noise assessment calculates noise levels in the garden areas as 60.2 dB LAeq). While ordinarily the provision of an acoustic fence could potentially reduce noise levels within the garden areas, in this instance the erection of an acoustic fence to the front of these properties would have a significant impact in terms of compromising the character and appearance of this part of the site which has been designed with an open aspect onto Yarm Road. These houses do however have a rear amenity space within which the noise assessment demonstrates that the appropriate noise levels can be achieved and as such, subject to habitable rooms facing onto Yarm Road being fitted with acoustic trickle ventilation, the appropriate noise levels can be achieved and the proposal will, on balance, comply with the requirements of the NPPF and Policy CS16 in this regard.

### **Loss of Agricultural Land**

Paragraph 170 of the NPPF states that local planning authorities should take into account the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the subject of this application is considered to be moderate in terms of its agricultural land quality, having remained as grazing land for a number of years. In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

### **Highway and Sustainable Transport Matters**

A Transport Statement (TS) has been submitted which considers the highways and transport issues associated with the proposed development. This has been considered by the Highway Engineer. The TS demonstrates that generated traffic from the development would not have a detrimental impact on the surrounding highway networks with 28/29 two way trips in the AM peak and PM peak hours. This equates to one car movement every two minutes during the peak

hour, with generated traffic distributed predominantly east and west to join the A67, given the location of the development site on the northern edge of the village this will mean a minimal impact on the village centre. From a traffic generation perspective, this development would therefore be acceptable as it cannot be considered to have a severe impact upon the local highway network. The assessment makes reference to the full Transport Assessment submitted for the outline planning application on land to the south and west sides of Yarm Road, opposite the application site (17/01195/OUT), which includes detailed analysis of the adjoining highway network and included a significant number of other committed development within the local area. The findings of the report show that junction modelling for the year 2027, when all committed development is built, is still operating satisfactorily and queuing due to junction capacity will not be an issue.

An accident study has been provided as part of the assessment which shows there are no recorded incidents in the immediate vicinity within the last 5 years of data in the study area. This data has been verified with the Police accident statistics held by DBC and is an accurate representation. The proposed access is via a priority T junction with visibility splays suitable for the speed limit of the adjoining carriageway. Tactile paving and dropped kerbs should be provided at the site access to provide suitable links to the surrounding infrastructure. The existing footway on Yarm Road is narrow and needs to be upgraded to 2.0m in width and this has been identified by the Sustainable Transport team as requiring improvement, secured by a financial contribution, in order to provide improved pedestrian connectivity to the village and a 'safe route to school'. The rail bridge located to the west of the site is a localised pinch point for pedestrian infrastructure and also requires improvement. This can be mitigated by the creation of a priority traffic calming feature under the bridge which will enable the footpath to be widened and additional dropped crossing facilities provided. This would be carried out as part of the Section 278 Agreement.

The internal access roads have been designed to adoptable standards and the proposed internal layout has been amended to address the concerns of the Highway Engineer. The tight radii of the internal geometry will provide a self-enforcing speed limit of 20mph required within the site. In order to agree the reduced centre-line radii (below 30m) it was necessary to demonstrate appropriate forward visibility around all bends which requires the adoption of land falling behind the footways which must be secured as adopted highway in order to maintain adequate visibility in perpetuity. Further discussions will be needed with regard to the adoptability of the footways linking the green space at the western boundary of the site and the parking layby at the northern end of the site, however this can be finalised as part of the Section 38 process. Car parking across the site generally accords with the Design Guide for the type and size of dwellings proposed. Subject to a number of conditions the Highway Engineer has raised no highway objection.

The Council's Sustainable Transport Officer advises that seven bus journeys a day pass the site along to Trees Park Village. While there would be no requirement to add bus stops immediately adjacent to the site, residents would need to walk to the Acorn Close stops to the west of the site, approximately 500m walking distance. Although a financial contribution has been requested for the improvement of this bus stop, in the form of a raised kerb (approx. £5,000), this has already been secured by the Section 106 agreements attached to the two development sites on Yarm Road, to the west of the site (17/00847/FUL and 17/00911/FUL respectively) and as such would not meet the necessary tests of being reasonable or necessary to mitigate against the impact of the development. A sustainable transport contribution of £56,700 has however been secured towards the provision of a safe route to school which will include the provision of street lighting



to light the highway and footway from the site along Yarm Road and widening improvements to the footway.

The provision of a safe route to school, to include improvements to the footway, street lighting and traffic calming works under the bridge will address some of the concerns expressed by the objector to the proposal. The remaining requests: for the lowering of the speed limit, the contribution to an improved frequency bus stop and the provision of a roundabout at the junction of Yarm Road and Middleton Back Road are not considered necessary in this instance to mitigation against the impact of the development.

### **Sustainable Drainage**

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no adverse impact on the environment, general amenity and the health and safety of the community. New development will be focussed on areas of low flood risk; Flood Zone 1.

A Flood Risk Assessment has been submitted with the application which considers the site in relation to all potential sources of flooding. The FRA has been amended since first submitted to address the concerns of Stockton Borough Council acting for the Lead Local Flood Authority. The site is shown on the Environment Agency flood maps as being located in an area at very low risk from river flooding. The site is however shown to be at high risk of flooding from surface water due to the low lying nature of part of the site. Flood flow modelling of the proposed development will not however increase the risk of flooding due to surface water. The amended FRA sets out a number of recommendations, including setting the finished floor levels of the dwellings at 500mm above flood level, to direct surface water from the site to an existing watercourse with flows restricted to a greenfield flow rate of 5 l/s. This will require the pumping of surface water flows and attenuation on site. A pumping station is proposed to the north west of the site. The proposed development proposes the use of porous shared driveways to assist with the treatment of surface water run-off from these areas and foul water will be discharged into an existing foul water sewer to the north west of the site.

Northumbrian Water and the Lead Local Flood Authority have advised that they have no objection to the revised proposals, subject to appropriate planning conditions.

### **Land Contamination**

The application has been submitted with a Phase 1 Site Investigation Report which concludes that the overall risk to future users of the site from the proposed development is low because of the lack of an industrial usage associated with the site. The report recommends that further investigations are necessary to establish the extent of any potential contamination, to be targeted on areas of potential contamination such as the railway embankment to the north and the agricultural buildings to be demolished on the eastern boundary of the site. The Environmental Health Officer concurs with the findings of the report and recommends that conditions be attached to any approval to secure further investigative work and any necessary remediation of the site. Subject to the results of the site investigation it may be possible to discharge conditions CL4 – CL6 without any mitigation or verification works at the site. The proposal therefore complies with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) in this regard.

### **Trees**

The site is surrounded by mature trees on all its perimeters. A linear group of mixed broadleaves are located along the southern boundary and a small copse of self-seeded trees is located within the western corner of the site. The proposed layout will result in the loss of a number of individual trees, the removal of trees within Group 2 and sections of Groups 1 and 3 and Hedgerow 2. These trees are required to be removed to create the access, pumping station and to construct the dwellings and comprise of one Category A trees, three Category B trees, one Category U tree, and sections of two Category B groups and a Category C hedgerow. Those trees required to be removed to integrate trees within proposed gardens are either Category B, C or U trees. With the exception of those trees to be removed to create the access off Yarm Road, the best quality trees have been selected to be retained and landscape proposals seek to further strengthen the road side tree belt and with further planting. Tree protection measures would be required to protect those trees retained on the site during the construction period.

Subject to the proposed landscaping scheme and tree protection measures being secured by planning condition, the proposal is considered to be acceptable in this regard.

### **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.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and minimising impacts on and providing net gains for biodiversity.

The Whinnies Local Nature Reserve (LNR) is located 25 metres to the north of the application site, at its nearest point, separated by the railway line.

An Ecological Appraisal has been submitted with the application which concludes that the site itself is species-poor semi-improved grassland and as such is not considered to be of significant ecological value. The block of woodland and adjacent beck on the western part of the site is considered to be of ecological importance and although it is to be retained as part of the development proposals, works to construct the footpath and the pumping station are likely to have a significant ecological effect. Similarly the loss of some of the roadside trees along the southern site boundary will result in some ecological impact. The appraisal recommends that a series of mitigation measures be put in place to minimise this impact, to include the routing of the footpath to avoid large mature trees, positioning any lighting in such a way to minimise its impact on bats, the protection of existing trees to be retained on site and an indigenous landscaping scheme. This mitigation is to be secured by planning condition. The appraisal also concludes that due to the railway line separating the site from The Whinnies LNR, the development is unlikely to have a significant impact on this site.

An existing stable block located in the north east corner of the site contains a common pipistrelle daytime roost used by a low number of bats, which would be lost as a result of the proposed development. Mitigation and compensation for the loss of the roost will be required which will

be secured as part of the licencing regime. The appraisal also identifies that as the existing tree belt on the southern and western sides of the site will be incorporated into the proposed scheme, which the loss of some trees to allow for the site access and removal of poor specimens, the proposal is not considered to have a significant impact on foraging and commuting bats. The reinforcement of this area with new tree planting as part of an indigenous landscaping scheme for the overall site will strengthen this feature and will benefit foraging and commuting bats. Provision for bird and bat nesting opportunities on the site should also be secured by condition.

The appraisal concludes that no evidence of other protected species was recorded on the site. Subject to a condition requiring the submission of details of a mitigation scheme, in accordance with the recommendations of the Ecological Appraisal, in addition to conditions limiting works to outside the bird nesting season and the protected of those trees to be retained during the construction period, the proposal is considered to comply with Policy CS15 and the NPPF.

### **Archaeology**

An archaeological desk based assessment has been submitted with the application following a geophysical survey undertaken on the site which considers that any magnetic anomalies identified in the survey area are likely to relate to either modern or agricultural activity. While ordinarily these findings should be tested by pre-determination trial trenching, in this instance the applicant is willing to go straight to a strip, map and sample scheme of works, which can be secured by a condition and Durham County Archaeology are supportive of this approach. The proposal therefore complies with the requirements of paragraphs 197 and 199 of the NPPF and Policy CS14 (Promoting Local Character and Distinctiveness) in this regard.

### **Developer Contributions**

Developer contributions would be sought towards primary education provision within the locality (£183,976) and for highways/sustainable transport improvements to provide a safe route to school (£56,700) to be secured by a Section 106 Agreement. In accordance with the requirements of Policy CS4 (Developer Contributions) and the Planning Obligations SPD, affordable housing provision of 20% (12 dwellings) is required. In this instance the affordable housing provision will be provided off site, either in the form of the 12 no. affordable bungalows at Acorn Close which is also on this agenda for consideration (18/00509FUL) or in the form of a financial contribution of £414,000. The Section 106 Agreement would secure a position whereby the developer would notify the Council of whichever option it chose to pursue prior to the commencement of development on this site.

### **Delivery**

To ensure the Council maintains a five year supply of housing land and to progress the delivery of dwellings within a short time frame, a condition limiting the implementation of this permission to 18 months is considered appropriate.

### **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

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 (2018) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

Despite the conflict with Saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997, the application site is in an area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. When considered in the context of the emerging Local Plan and the contribution that the proposal will make to the 5 year supply of housing land, the principle of residential development is considered to be acceptable on the application site in this instance.

The proposal does not result in any adverse impacts on highway safety, surface water drainage or on residential and visual amenity, with appropriate mitigation measures in place to be secured by planning conditions. Appropriate planning obligations have also been negotiated and would be secured by a Section 106 Agreement, to mitigate against the impacts of the development.

## RECOMMENDATION

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

- (a) A financial contribution of £183,976 towards education provision in Middleton St George;
- (b) A financial contribution of £56,700 towards the provision of a safe route to school from the site;
- (c) An off-site affordable housing contribution of £414,000 or the provision of 12 no. affordable bungalows on land at Acorn Close in accordance with planning permission reference number 18/00509/FUL.

AND SUBJECT TO THE FOLLOWING PLANNING CONDITIONS:

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

REASON - To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

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

Layout site plan 1715 312 01 Rev. G 1.8.18

Adoptable roads, shared surfaces and footpaths 1715 313 01 Rev. E 1.8.18

Proposed site sections 1715-XSA-00-ZZ-DR-A-325 Rev. P02.5 1.8.18

Illustrative landscape plan 1715 370 01 Rev. A 1.8.18

House Type 1\_GA Plans 1715-XSA-01-ZZ-DR-A-3001 Rev P02.3 12.6.18

House Type 1\_Elevations 1715-XSA-01-ZZ-DR-A-3601 Rev P02.3 12.6.18

House Type 1\_3D Views 1715-XSA-01-ZZ-DR-A-9201 Rev P02.3 12.6.18

House Type 2\_GA Plans 1715-XSA-02-ZZ-DR-A-3001 Rev P02.4 12.6.18

House Type 2\_Elevations 1715-XSA-02-ZZ-DR-A-3601 Rev. P02.4 12.6.18  
House Type 2\_3D Views 1715-XSA-02-ZZ-DR-A-9201 Rev. P02.4 12.6.18  
House Type 3\_GA Plans 1715-XSA-03-ZZ-DR-A-3001 Rev P02.2 12.6.18  
House Type 3\_Elevations 1715-XSA-03-ZZ-DR-A-3601 Rev P02.2 12.6.18  
House Type 3\_3D Views 1715-XSA-03-ZZ-DR-A-9201 Rev P02.2 12.6.18  
House Type 4\_GA Plans 1715-XSA-04-ZZ-DR-A-3001 Rev P02.2 12.6.18  
House Type 4\_Elevations 1715-XSA-04-ZZ-DR-A-3601 Rev P02.2 12.6.18  
House Type 4\_3D Views 1715-XSA-04-ZZ-DR-A-9201 Rev P02.2 12.6.18  
House Type 5\_GA Plans 1715-XSA-05-ZZ-DR-A-3001 Rev. P02.4 12.6.18  
House Type 5\_Elevations 1715-XSA-05-ZZ-DR-A-3601 Rev P02.4 12.6.18  
House Type 5\_3D Model 1715-XSA-05-ZZ-DR-A-9201 Rev. P02.4 12.6.18  
House Type 6\_GA Plans 1715-XSA-06-ZZ-DR-A-3001 Rev. P02.4 31.7.18  
House Type 6\_Elevations 1715-XSA-06-ZZ-DR-A-3601 Rev. P02.4 31.7.18  
House Type 6\_3D Views 1715-XSA-06-ZZ-DR-A-9201 Rev. P02.4 31.7.18  
House Type 7\_GA Plans 1715-XSA-07-ZZ-DR-A-3001 Rev. P02.4 26.6.18  
House Type 7\_Elevations 1715-XSA-07-ZZ-DR-A-3601 Rev. P02.4 26.6.18  
House Type 7\_3D Views 1715-XSA-07-ZZ-DR-A-9201 Rev. P02.4 26.6.18  
House Type 8\_GA Plans 1715-XSA-08-ZZ-DR-A-3001 Rev. P02.3 12.6.18  
House Type 8\_Elevations 1715-XSA-08-ZZ-DR-A-3601 Rev. 02.3 12.6.18  
House Type 8\_3D Views 1715-XSA-08-ZZ-DR-A-9201 Rev. 12.6.18  
House Type 9\_GA Plans 1715-XSA-09-ZZ-DR-A-3001 Rev. P02.3 13.6.18  
House Type 9\_Elevations 1715-XSA-09-ZZ-DR-A-3601 Rev. P02.3 13.6.18  
House Type 9\_3D Views 1715-XSA-09-ZZ-DR-A-9201 Rev. P02.3 13.6.18  
House Type 10\_GA Plans 1715-XSA-10-ZZ-DR-A-3001 Rev. P02.3 26.6.18  
House Type 10\_Elevations 1715-XSA-10-ZZ-DR-A-3601 Rev. P02.3 26.6.18  
House Type 10\_3D Views 1715-XSA-10-ZZ-DR-A-9201 Rev. P02.3 26.6.18  
House Type 11\_GA Plans 1715-XSA-11-ZZ-DR-A-3001 Rev. P02.4 13.6.18  
House Type 11\_Elevations 1715-XSA-11-ZZ-DR-A-3601 Rev. P02.4 13.6.18  
House Type 11\_3D Views 1715-XSA-11-ZZ-DR-A-9201 Rev. P02.4 13.6.18  
House Type 12\_GA Plans 1715-XSA-12-ZZ-DR-A-3001 Rev. P02.1 05.4.18  
House Type 12\_Elevations 1715-XSA-12-ZZ-DR-A-3601 Rev. P02.1 05.4.18  
House Type 12\_3D Views 1715-XSA-12-ZZ-DR-A-9201 Rev. P02.1 5.4.18

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

3. B4 (Details of external materials to be submitted)
4. B9 (Fencing, Walls, Enclosures)
5. C5 (Restriction of PD Rights – Residential)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) no fencing, walls or other means of enclosure shall be erected on the site without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON – In order that the Local Planning Authority is able to exercise control over future development of the site.

7. E2 (Landscaping)
8. E11 (Tree Protection)
9. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
  - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014;
  - b) Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009;
  - c) Construction Traffic Routes, including parking areas for staff and visitors;
  - d) Details of wheel washing;
  - e) Road Maintenance;
  - f) Warning Signage

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

REASON – In the interests of residential amenity and highway safety.

10. Construction works shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 on a Saturday and not at all on a Sunday and Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

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

REASON – In the interest of highway safety.

12. Prior to the commencement of the development hereby permitted, precise details of the build out/gateway feature, including footway widening at the rail bridge, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety.

13. Land falling within the visibility splays to the rear of footways at plots 10, 12, 41 and 43, as shown on drawing number shall be adopted as highway and shall remain devoid of any planting, development, fencing or other means of enclosure for the lifetime of the development hereby permitted.

REASON – To ensure that adequate forward visibility is provided for the lifetime of the development, in the interest of highway safety.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Issue 3 (Aug 2018) and the following mitigation measures detailed in the FRA.

- Finished floor levels should be set at a minimum of 37.550mAOD;
- Surface water from the site should be directed to the existing watercourse crossing the site with flows restricted to a greenfield flow rate of 5 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 be subsequently 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.

15. The development hereby approved shall not be brought into use until:
- i. 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;
  - ii. 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 for the lifetime of the development.

16. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled '*Flood Risk Assessment*' dated January 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

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

17. Prior to works commencing on site the design, layout, specification and location of the required noise barriers referred to in the Echo Acoustics noise report (dated 4<sup>th</sup> April 2018) submitted with the application for the protection of outside amenity areas in properties facing onto the railway shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted. Properties requiring such mitigations measures include plots 12 and 44 to 49.

REASON – To safeguard the amenities of future residents of the dwellings hereby approved.

18. Habitable rooms in the facades of homes on those plots which front onto Yarm Road and the railway line shall be fitted with acoustic trickle ventilation within window frames which gives a sound insulation performance of at least 40dB and the exact specification of windows, trickle vents and the facades of the homes in which they are to be fitted shall be submitted to and approved in writing prior to the commencement of development hereby permitted. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted.

REASON – To safeguard the amenities of future residents of the dwellings hereby approved.

19. CL2 (Phase 2 Site Investigation Strategy)
20. CL3 (Phase 2 Investigation Works)
21. CL4 (Phase 3 Remediation and Verification Strategy)
22. CL5 (Construction/Remediation Works)
23. CL6 (Phase 4 Verification and Completion Works)
24. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has first been approved in writing by the Local Planning Authority. The Scheme shall provide for:
- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
  - ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
  - iii. Post-fieldwork methodologies for assessment and analyses;
  - iv. Report content and arrangements for dissemination, and publication proposals;
  - v. Archive preparation and deposition with recognised repositories;
  - vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
  - vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity monitor such works;
  - viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON – To comply with paragraphs 197 and 199 of the NPPF because the site is of archaeological interest.



25. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

REASON – To comply with paragraph 199 of the NPPF which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

26. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

27. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

28. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

29. Prior to the commencement of development hereby permitted details of an ARMCO or similar barrier to be located in positions where vehicles may be able to drive or roll onto the railway and damage the lineside fencing shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

30. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of

development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

31. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, 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. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

32. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing on site. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

33. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interest of visual and residential amenity.

34. The mitigation measures set out in Section 5 of the QUANTS Environmental Ltd Ecological Appraisal and Bat Surveys dated April 2018 shall be implemented in full. In addition, no development shall take place until precise details of a landscaping scheme to mitigate for the loss of habitat on the site and for the provision of bat roosting and bird nesting opportunities on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site and maintained for the lifetime of the development.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

35. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

REASON – In the interest of nesting birds.

## **INFORMATIVES**

### **Highway Matters**

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 works on site. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 406664) to discuss this matter.

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

An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting 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 C Easby 01325 406707) to discuss the introduction of Traffic Regulation Orders in connection to a 20mph zone.

The development should contact the Assistant Directory – Highways, Design and Projects (Mr Steve Pryke 01325 406663) to discuss the requirements of a pre-commencement road condition survey covering the existing adopted highway on Yarm Road to ensure no further damage is caused to the highway as a result of the construction of the development.

### **Network Rail**

#### **Drainage**

All surface and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

If a Network Rail-owned underline structure (Such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

### **Wayleaves and or easements for underline drainage assets**

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

### **Protection of existing railway drainage assets within a clearance area**

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site.

Please contact Matthew Shelton ([matthew.shelton@networkrail.co.uk](mailto:matthew.shelton@networkrail.co.uk)) for further information and assistance.

### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

**Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

**Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes', particularly in this instance in relation to construction traffic passing under the adjacent Yarm Road railway bridge which has a 4.1m height restriction. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

**Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

**Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. The site is adjacent to a railway access point and we note that the plans provided indicate the retention of this access point. It is imperative that this access remain clear and unobstructed at all times both during and after construction works. Access is required on a 24/7 basis for routine maintenance/inspection as well as emergency use.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

**Noise/Soundproofing**

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

**Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

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

**Darlington Core Strategy Development Plan Document 2011**

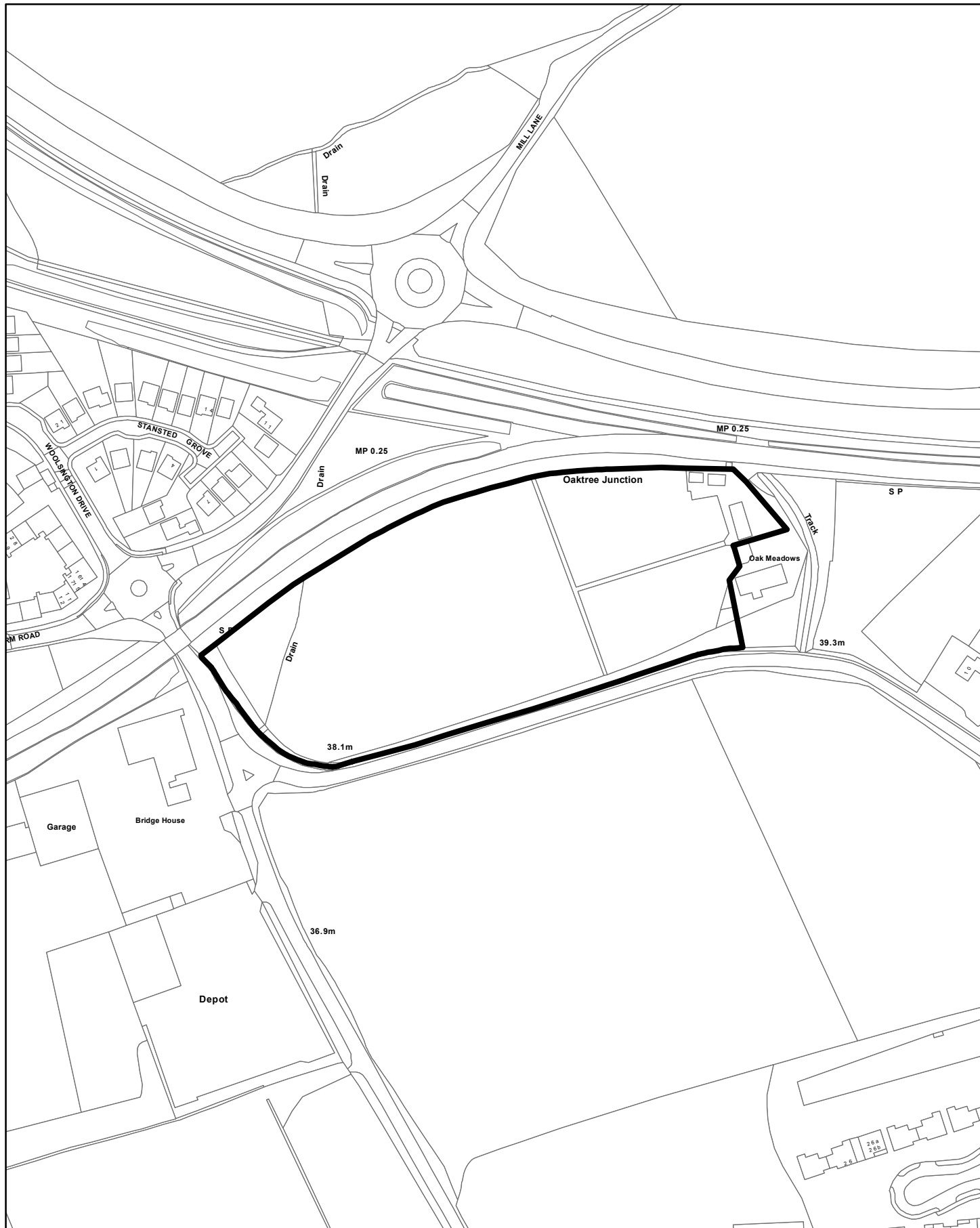
- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

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

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013  
National Planning Policy Framework, 2018



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**PLANNING REF. No. 17/01175/FUL**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 September 2018**

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<b>APPLICATION REF. NO:</b>	<b>18/00509/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>18 September 2018</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Land Opposite Acorn Close, Yarm Road, Middleton St George</b>
<b>DESCRIPTION:</b>	<b>Mixed use development comprising of A1 convenience store and residential development comprising of the erection of 12 No. affordable 2 Bedroom Bungalows (revised scheme) (additional drainage strategy received 5 July 2018, addendum to Design and Access Statement received 9 July 2018, additional Phase II report received 12 July 2018, additional boundary treatment details received 16 July 2018 and additional window and door details received 5 August 2018)</b>
<b>APPLICANT:</b>	<b>COMMERICAL DEVELOPMENT PROJECTS LTD (CDP LTD) &amp; THE MAXEY FAMILY NO. 2 DISCRETIONARY SETTLEMENT</b>

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**APPLICATION AND SITE DESCRIPTION**

Members will recall that an earlier application (17/00911/FUL) for the erection of a cul-de-sac of 10 no. detached dwellings, a new access and convenience store, access and car park on land to the south of Yarm Road, Middleton St George was considered at the April meeting of the Planning Applications Committee. Members were minded to approve the application subject to the applicants entering into a Section 106 Agreement. The Section 106 Agreement has not been signed.

This is a revised scheme which seeks planning permission for the erection of 12 no. affordable bungalows on the western end of the site, in lieu of the 10 no. detached dwellings, accessed via a new access off Yarm Road. The convenience store is to be located on the remainder of the site at its eastern end with a separate access serving this part of the site. This element remains unchanged from the previous application. Ordinarily this application would be considered under the Council's Scheme of Delegation however has been brought to Committee due to its linkages in potentially providing the off-site affordable housing provision for a scheme for 61 houses elsewhere on Yarm Road, Middleton St George (17/01175/FUL) which is also on this agenda for consideration.

The proposed bungalows are to be 2-bedroom, semi-detached properties of a uniform house

type. Plots 1 – 4 and 11 and 12 will be served from a new access off Yarm Road with plots 5 – 10 accessed directly from Yarm Road via 2 no. new shared drives. Each dwelling would have 2 in-curtilage parking spaces. The roadside boundary of plot 4 would be enclosed by a 2.0 metre high acoustic fence to protect the garden area of this properties from road traffic noise. The remaining garden areas fronting Yarm Road would be enclosed by a 1 metre high hooped top metal railing.

The proposed convenience store would comprise a single storey red brick building under a mono-pitched roof located adjacent to Plot 10 and the eastern end of the site, and would provide approximately 372 sq m of retail floorspace. A separate access would serve the convenience store leading to a car park providing a total of 14 no. car parking spaces including 2 no. disabled parking spaces. A servicing area would be provided at the rear of the store.

The application site is roughly triangular in shape and extends to approximately 0.63 hectares of grazing land located to the south side of Yarm Road, Middleton St George, approximately 0.25kms from the centre of the village (The Square). The site is bounded by Yarm Road and existing residential development at Acorn Close and Swain Court to the north and by the railway line to the south and east. Planning permission was granted for the residential development of the site to the west in March 2018 (17/00847/FUL), which is currently under construction, and the two sites are separated by Footpath No. 3 in the Parish of Middleton St George. The site is contained by mature hedgerow and shrub planting on all sides. The roadside hedgerow would be removed as part of the proposals.

The following information has been submitted with the application:

- Planning Statement and Statement of Community Involvement
- Design and Access Statement
- Flood Risk Assessment
- Ecological Appraisal
- Ground Investigation Report
- Archaeological Investigation
- Tree Surveys
- Noise and Vibration Assessment
- Transport Statement

## **PLANNING HISTORY**

17/00911/FUL – Mixed use development comprising A1 convenience store and residential development comprising erection of 10 dwellings. Minded to approve subject to applicants entering into a Section 106 agreement.

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

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

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design

- CS4 – Developer Contributions
- CS9 – District and Local Centres and Local Shops and Services
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

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

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping and Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

National Planning Policy Framework, 2018

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Highway Engineer** – No highway objection subject to conditions to secure off-site highway improvements including infrastructure to support the provision of a speed reduction measure on Yarm Road.

**Transport Policy** – Request a contribution towards the improvement of the Acorn Close bus stop and a condition to secure cycle parking at the convenience store

**Environmental Health Officer** – Details of acoustic fencing to protect houses from road traffic noise have been submitted and provided the application is built in accordance with the approved plans no further issues in this regard. Conditions required relating to land contamination, noise from the commercial unit and construction impacts.

**Durham County Archaeology** – Recommend conditional approval to secure the implementation of the provision of the written scheme of investigation.

**Lead Local Flood Authority** – The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

**Northumbrian Water Ltd** – Recommend condition approval

**Railtrack** – No objection in principle to the development subject to a number of requirements which must be met.

**Architectural Liaison Officer** – Crime risk assessment for the proposed development is low. No issues with the overall layout of the site from a ‘Design out Crime’ perspective but advise

against seating outside the retail unit. The concern is that it will attract young people to loiter. In the long term it would be beneficial if the lane to the rear of plots 1 – 4 was made a feature, especially if the proposed development to the south of the railway line goes ahead.

**CPRE** – Object to the proposal for the following reasons:

- No need for this development as Darlington Borough Council now has a 5-year housing land supply. This also means that policies relating to housing supply carry full weight;
- The site is outside of development limits for Middleton St George meaning that is contrary to Policy E2 and H7. The proposal is also contrary to Core Strategy Policies CS1 and CS14. The proposal cannot therefore be considered to be sustainable development.

**Middleton St George Parish Council** – No comments

One letter of representation has been received which raises the following issues:

- *Note the number of extra junctions/driveways proposed and being mindful of highway safety;*
- *The scheme is better than the original housing planned, so is a bonus;*

## **PLANNING ISSUES**

The main issues to be taken into consideration in the determination of this planning application are:

- Planning Policy
- Affordable Housing
- Impact on Visual and Residential Amenity
- Loss of Agricultural Land
- Highway and Sustainable Transport Matters
- Sustainable Drainage
- Land Contamination
- Trees and Ecology
- Archaeology
- Delivery

### **Planning Policy**

This application is a resubmission of a previous application on this site for residential development and a convenience store (17/00911/FUL) which was considered by Members earlier this year. Although the Section 106 Agreement has not yet been executed, Members have already accepted the principle of development on this site which is a material consideration in the determination of this application. For the avoidance of doubt the planning policy position, which also makes reference to the recently revised National Planning Policy Framework (NPPF), is set out below.

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

The site is located outside of, but adjacent to the development limits for Middleton St George, as set out in the proposals map accompanying the Borough of Darlington Local Plan 1997. Saved Local Plan Policy E2 (Development Limits) states that most new development will be located inside development limits. The reasoned justification to the policy explains that the limits to development are intended to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside of development limits development will be strictly controlled.

#### *Residential development*

The NPPF (2012) required local authorities to plan positively for housing development to meet the needs of their area and this has been carried forward in the latest NPPF (2018). In recent years Darlington has not been able to demonstrate a 5 year supply of deliverable housing sites, when measured against a housing requirement based on an up to date, objectively assessed need (OAN). As a consequence of this relevant policies for the supply of housing have not been considered up to date in line with paragraph 49 of the previous NPPF (2012) and planning applications have been considered in the context of the presumption in favour of sustainable development (paragraph 14 of the NPPF, 2012).

The above situation has recently changed. An update to the Strategic Housing Market Assessment was published in Oct 2017. This work, which should be considered as a material consideration, indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. Although this figure has not been subject to an Examination in Public, it represents the latest full assessment of housing need. As a matter of planning judgement, the Council has determined to use the SHMA housing figure as the baseline against which to assess whether there is a deliverable supply of housing land. A 20% buffer has been applied to this figure due to previous under delivery.

An assessment of sites currently shows that a 6.21 year (approx.) supply of deliverable housing land can be demonstrated. This being the case, as Darlington Borough Council can demonstrate a five year supply of housing land, relevant policies for the supply of housing should be considered up to date and the titled balance in para 11 of the NPPF (2018) is not engaged. Should it be deemed that the housing land supply should be calculated using the standard method in national planning guidance prior to any Public Examination, the Council consider that a five year supply of housing can still be demonstrated.

It is relevant to note that this housing supply includes a number of sites which are located beyond development limits but have been assessed and are considered as being suitable and deliverable for housing development in the emerging Local Plan as the five year supply of deliverable sites cannot be demonstrated within the development limits alone.

The aim of policy E2 is to direct new development to within the development limits of the village and to safeguard the character and appearance of the countryside. As the application site is located beyond the development limits of the village residential development thereon would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997. The proposal would subsequently be contrary to policies CS1 and H7 due to its location beyond the development limits.

As stated above the application must be determined in accordance with the development plan unless material considerations indicate otherwise. Although the application is contrary to

policies E2, CS1 and H7 there are material considerations which should be considered in the planning balance.

As stated above the recent Strategic Housing Market Assessment has detailed the current requirements for housing in the Borough and these figures have been used to assist preparation of the emerging Local Plan. A number of sites which contribute to the five year supply which are located beyond the settlement limits have been identified in the emerging Local Plan as suitable and deliverable sites for housing.

The five year supply of deliverable sites cannot be demonstrated within the development limits alone. The application site is considered to be suitable and deliverable for housing in the emerging Local Plan. It makes a valuable contribution to the Council achieving a five year supply of housing land and boosting significantly the supply of housing in the Borough.

The second part of policy E2 relating to the protection of the character and appearance of the countryside is still relevant and should be considered in the planning balance. It is considered that residential development on this site would not have a significant impact on the character and appearance of the countryside.

Therefore, despite the conflict with policy E2 and subsequently CS1 and H7, when considered in the context of the five year supply and emerging Local Plan the principle of residential development on this site is considered to be acceptable.

In addition to the above policy CS11 of the Core Strategy outlines that new housing will be required to contribute to achieving an overall balanced housing stock that better meets local needs and aspirations, particularly the needs of an ageing population and increasing affordable housing provision. Darlington's Strategic Housing Market Assessment 2015 identifies that the borough does have an ageing population and current Government policy is focused on supporting older people to live independently at home. The assessment also identifies a substantial need for affordable dwellings. As such the scheme which includes 12 affordable bungalows would assist in addressing the identified housing needs of the borough.

#### *Convenience Store*

The proposed convenience store will provide approximately 372sqm (gross) of retail floorspace. It is also located beyond the development limits of the village and is not within an existing centre. Paragraph 86 of the NPPF (2018) states local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

The nearest existing centre is at Middleton St George to the west. This centre is referenced in Core Strategy Policy CS9 and is mapped in the Interim Planning Position Statement. The applicant has outlined in the supporting statement that an assessment has taken place of any alternative premises or land within the defined centre or edge of centre. The defined retail centre is tightly drawn and comprises of two storey premises and no open land with development potential. It concludes that no sequentially preferable sites are available. It is considered that the sequential test has been met.

There are no local thresholds for an impact assessment within the Core Strategy and the proposed unit is below the threshold set out in paragraph 89 of the NPPF (2,500sqm). Consequently an impact assessment is not required.

Policy CS9 also states that individual local shops which meet the day to day needs of nearby residents without the need to use a car will be protected and promoted. Proposed new shops in such circumstances will be limited to a maximum 100sqm gross floorspace unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case convenience shops up to 400 sqm gross floor space will be permitted. The proposal is 372sqm and would therefore fall within the above mentioned category of the policy. As outlined Middleton St George, is one of the large serviced villages in the borough and the Council are proposing a number of housing allocations in the area in the emerging Local Plan. As such it is considered that there will be further need in the village for convenience retail in the future.

In view of the above and in the context of the emerging Local Plan it is considered that the principle of the retail unit is acceptable.

### **Affordable Housing**

Policy CS11 (Meeting Housing Needs) states that new housing and the conversion and adaptation of existing dwellings will be required to contribute to achieving an overall balanced housing stock that better meets the needs and aspirations, particularly the needs of an ageing population and increasing affordable housing stock. The agent has confirmed that the properties, once built, will be transferred to Endeavour Housing Association, part of North Star Housing Group. They have confirmed that the properties will be available for persons 55 years and over, with properties available for shared ownership and the rest tenanted on an affordable rent basis. Allocations would be prioritised to those living in Middleton St George, or have a strong local connection to the village, and would benefit from bungalow accommodation. The second priority group would be those who live in Darlington and thirdly those from the wider area. A planning condition will require the submission of exact details in due course.

The properties will provide one of the affordable housing options for the application for 61 houses at Oak Tree (17/01775/FUL) which is on this agenda for consideration, to be secured by a Section 106 Agreement attached to that permission.

The bungalows will meet the definition of affordable housing as defined in Annex 2 of the NPPF to be secured by a planning condition. As the proposal is for 100% affordable housing provision on the site there would be no requirement for planning obligations as one of the exemptions set out in the Planning Obligations SPD and Policy CS4 (Developer Contributions).

### **Impact on Visual and Residential Amenity**

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements. The reasoned justification to Saved Local Plan Policy E2 (Development Limits) also seeks to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside by strictly controlling development outside of development limits.

The site, which is currently grassed agricultural land, adjoins the building form of the village along part of its southern boundary. While the proposal would result in the loss of this field and the roadside hedge along its northern boundary, it is considered that the development would appear as a modest extension to this building form, particularly when seen in the context of the

development of the neighbouring site to the west, for which planning permission was recently granted (17/00847/FUL). As such the development of the site is not considered to affect the relationship between the village and the surrounding countryside, nor impact adversely on the character and appearance of the countryside which Policy CS14 and Saved Policy E2 seek to protect. Suitable planning conditions relating to ecological mitigation and tree protection would be attached to ensure that the overall impact of the development would be reduced to an acceptable level.

Policy CS2 (Achieving High Quality, Sustainable Design) states that new development should reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. The NPPF at paragraph 124 considers that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

#### *Residential development*

The residential element of the proposed development would comprise a total of 12 semi-detached bungalows on the site at a density of approximately 24 dwellings per hectare, which is broadly consistent with the density of existing development in this part of Middleton St George. The proposed bungalows would be accessed off Yarm Road arranged around a cul-de-sac, with houses either fronting or presenting gable end on to Yarm Road, in a similar arrangement to existing dwellings at Acorn Close and The Beeches opposite. Plots 5 – 10 will be accessed by two private drives off Yarm Road. The bungalows will be of a uniform appearance, constructed of red brick and tiles, reflective of existing dwellings within the vicinity.

The layout of the proposed dwellings will ensure that appropriate separation distances between the proposed dwellings, in order to achieve satisfactory levels of residential amenity, will be achieved. The proposed site layout also shows that the proposed development can be accommodated without comprising the residential amenities of the properties opposite on Acorn Close and Swain Court, in terms of light, outlook and privacy. Although the openness of the land would be eroded and existing views from properties opposite would be affected, the right to a view is not a material consideration to be taken into account in consideration of the application.

The site is bounded by Yarm Road to the north and the Darlington to Middlesbrough Railway Line to the south. A Noise and Vibration Assessment has been submitted with the application which assesses the extent to which the proposed residential development will be affected by road traffic and railway noise and also to consider the potential noise impact of the convenience store which will be considered in more detail in the next section of this report. The assessment concludes that the occupants of the proposed dwellings will not be adversely affected by noise from the railway line although those dwellings on the Yarm Road frontage may be affected by road traffic noise. With double glazing and trickle vents internal noise levels within these properties will be sufficient to minimise disruption to future residents. In order to achieve the necessary noise levels for the garden areas of those properties with gardens adjacent to Yarm Road, a 2.0 metre high acoustic fence will be required around parts of the side/rear garden area of plot 4. Details of the fencing have been submitted and the Environmental Health Officer is satisfied with the proposed details on the basis that the acoustic fencing is provided in accordance with the submitted details.



*Convenience store*

The proposed convenience store is unchanged from the previous application and will be located at the eastern end of the site roughly opposite the entrance to Swain Court. It is to be a single storey building, constructed of brick, with aluminium framed windows and doors, under a mono-pitched roof, with a pressed metal fascia beneath. It will have a maximum height of approximately 5 metres. Access, parking for 16 no. vehicles, cycle and motorcycle parking and a servicing area will be provided to the east of the proposed store. The proposed convenience store is considered to be acceptable in terms of scale, design and use of materials in the context of both existing and proposed residential development within the vicinity of the site.

The convenience store will be sited adjacent to the east gable end of plot 10, separated by a 2.0 metre high solid timber acoustic fence. There will be a separation distance of approximately 5 metres between the convenience store and the proposed dwelling at plot 10 which will run the full length of this property and its rear garden. The mono-pitched roof over the convenience store will slope from east to west, being at its lowest height of approximately 3.9 metres adjacent to the eastern boundary with plot 10. While the store will be apparent and visible from the rear of this property at this height it is not considered to have an unduly overbearing impact on the amenities of this property in terms of light or outlook. Similarly being located on the opposite side of Yarm Road the proposed convenience store is not considered to have an unacceptable impact on the amenities of the existing dwellings within the immediate vicinity in this regard.

The Noise and Vibration Assessment has considered the impact of the proposed convenience store on the amenities of existing and proposed dwellings. The assessment considers the noise impact of the proposed store to be negligible however a series of conditions requiring the submission of details of all external plant, equipment and machinery, the submission of a noise assessment to assess the noise rating level, restricting construction hours and activities and limiting servicing hours have been suggested by the Environmental Health Officer to minimise the impact of the proposed convenience store on the amenities of nearby residential properties.

The Police Architectural Liaison Officer has commented on the application and although he identifies that shops have the potential for people to congregate in the area, the overall crime risk associated with the proposed development is considered to be low, based on reported incidences of crime in the area.

Subject to these conditions, the proposal is therefore considered to be of good design and achieves appropriate standards of residential amenity in accordance with the principles of the NPPF and Policies CS2 and CS16.

**Loss of Agricultural Land**

Paragraph 170 of the NPPF states that local planning authorities should take into account the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the subject of this application is considered to be moderate in terms of its agricultural land quality, having remained as grazing land for a number of years. In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

### **Highway and Sustainable Transport Matters**

A Transport Statement (TS) has been submitted with the application to consider the impact on the local highway network in terms of trip generation in the peak hours. The TS concludes that the proposed development would produce a minimal number of trips on the peak highway periods (combined totals of 14 two way trips in the AM peak and 37 two way trips in the PM peak from the proposed housing and retail elements of the proposal). The Highway Engineer advises that some of the trips to the convenience store could be argued as being 'pass-by' trips, already on the network not creating additional traffic movements therefore the overall impact would be slightly lessened. The trip generation assessment is considered not to have a severe impact on the highway network considering the existing spare capacity in the network.

Based on DBC surveys, Yarm Road has recorded traffic flows of around 3300 vehicles per day (approx. 300 vehicles two-way in the AM and PM peak) which is below the average figures (4000 vehicles per day) quoted in Manual for Streets for acceptable traffic flow and road safety on streets with direct frontage access. Even with the addition of the traffic flow from the current application, and that predicted as part of the development of the site to the west for 44 dwellings (predicted to create an additional 33 two way trips in the AM and PM peak), this is still below the average of 4000 vehicles per day.

The revised internal highways layout of the housing element is fully compliant with adoptable standards and all plots have parking provision appropriate to dwelling. Plot 5 – 10 now front Yarm Road and have direct access via two shared drives and an additional single drive. The traffic calming feature has been relocated this revised layout and appropriate visibility is available for the 30mph speed limit.

The traffic calming feature shows priority given to traffic movements out of the village whereby this should slow vehicles entering the village to the appropriate speed. The design also provides a revised 30mph speed limit from Yarm Road/Woolsington Drive roundabout. The change of speed limit and traffic calming features have been discussed with the Police and the Highway Engineer advises that they support this change. The speed reduction measures provided on Yarm Road should be covered under a Section 106 agreement (£12,000) or secured as part of the S278 agreement.

Parking restrictions have been proposed on Yarm Road along the frontage of the development to avoid overspill parking and deliveries from impacting on safety at the new junction. Double yellow lines should be extended further up the development and on the opposite side of the road outside 16 Acorn Close, to help ensure visibility of build out/pedestrian crossing and prevent parked cars restricting visibility for access and egress at the shared drive of plots 6 and 7.

The convenience store and combined car park and servicing area would be served by a separate access approximately 27 metres from the exit off the Woolsington Drive/Yarm Road roundabout. This proposed arrangement remains unchanged from the previously approved scheme. As before, the retail access junction spacing falls marginally short of the desirable minimum spaces at 27m (desirable 30m) however given the introduction of a 30mph speed limit and traffic calming feature, on balance it is considered acceptable as visibility splays to the order of 2.4m x 43m minimum, applicable to a 30mph speed limit can be achieved. The parking accumulation figures for the retail car park are acceptable, however the configuration of the car park and servicing areas is such that it can only accommodate a servicing vehicle of 12.1m or less. A condition requiring the submission of a servicing management plan is therefore attached once more.

The Council's Sustainable Transport Officer advises that the site is within the required 400m walking distance to a bus stop, with the closest bus stop less than 100 metres away on Yarm Road. Service 12/12A runs from these stops hourly Monday to Saturday, although there is no evening or Sunday service. Dinsdale Railway Station is approximately 900m away giving good transport links to Saltburn and Darlington/Bishop Auckland with a half hourly service. Off-site pedestrian improvements will link into existing pedestrian and cycling infrastructure. A crossing point with dropped kerbs/tactile paving along Yarm Road is needed to allow pedestrians to safely cross Yarm Road, to be secured by an appropriate planning condition. This will also ensure a safe route to school is provided.

A new bus stop has been provided and this should include raised kerbs, details of which should be provided as part of the S278 agreement. No further sustainable transport contribution is required in this instance since the off-site pedestrian improvements and the financial contribution are considered sufficient to mitigate against the impact of the development and a further contribution would not meet the tests of being reasonable or necessary.

### **Sustainable Drainage**

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no adverse impact on the environment, general amenity and the health and safety of the community. New development will be focussed on areas of low flood risk; Flood Zone 1.

A Flood Risk Assessment (FRA) and Drainage Strategy (DS) have been submitted with the application which confirm that the site is located within Flood Zone 1 and demonstrates that the proposal, subject to a series of mitigation measures, will be at a low risk of flooding from surrounding watercourse, surface water, sewers and groundwater. 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 conditions being attached to any approval requiring the submission of a full Surface Water Drainage and Management scheme for the site to include detailed design of the surface water management system, a hydraulic assessment of the existing overland flow paths and the watercourse, including the railway culvert, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance, that the development is in accordance with the submitted Flood Risk Assessment and that no dwellings should be occupied until the surface water management system for the development is in place and fully operational.

### **Land Contamination**

The application has been submitted with a Phase 1 Desk Top Study Report which identifies that the majority of the site has remained an undeveloped farm land/pasture land with the exception of a small tramway/railway line which cuts across the very eastern boundary of the site. The historical maps document the former industrial land uses on the surrounding land as well as the construction of the railway embankment which forms the southern boundary of the site.

The Desk Top Study Report recommends, given the former industrial land uses on the site and the surrounding uses, that further site investigations are needed to establish that the site can be developed for the proposed end uses. The report also recommends that due to the potential of made ground on the site a series of ground gas monitoring wells be installed however the

Council's Environmental Health Officer does not consider this necessary given that the proposed car park for the convenience store is in the location most likely to be impacted by ground gas, and that information available at this stage does not warrant such investigations. As such it is recommended that the standard land contamination conditions are attached to any approved granted which if the initial site investigation shows that the site can be development without further remediation works then the remaining conditions can be discharged if the applicant justifies that further remediation is not warranted based on the site investigation. The proposal therefore complies with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) in this regard.

### **Trees and 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 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.

Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils and minimising impacts on and providing net gains for biodiversity.

An Ecological Appraisal has been submitted with the application which concludes that the site overall is of low to moderate ecological value with no evidence of protected species recorded on the site itself. The boundary hedgerows provide habitats of greatest ecological value for nesting birds and commuting bats and those to the south and west will be retained and will continue to be of benefit. Accordingly, the Ecological Appraisal recommends a series of mitigation measures to include an indigenous landscaping scheme and the provision of bird and bat nesting opportunities within the proposed development. Subject to a condition securing these mitigation measures, in addition to conditions limiting the removal of the roadside hedge to outside the bird nesting season and the protection of trees and hedgerows on the site during the construction period, the proposed development is considered to comply with Policy CS15.

### **Archaeology**

An Archaeological Evaluation and Written Scheme of Investigation have been submitted with the application which has revealed nothing of archaeological interest on the site and no further work is required. On this basis Durham County Archaeology Department has raised no archaeological objection to the scheme. The proposal therefore complies with the requirements of paragraph 199 of the NPPF and Policy CS14 (Promoting Local Character and Distinctiveness) in this regard.

### **Delivery**

To ensure the Council maintains a five year supply of housing land and to progress to the delivery of dwellings within a short time frame a condition limiting the implementation of this permission to 18 months is considered appropriate.

**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 application site is located beyond the development limits for the village. Despite the conflict with Saved Local Plan Policies E2 and H7 and Core Strategy Policy CS1, the application site is in area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. The site also makes a valuable contribution to the Council achieving a five-year supply of housing land and boosting significantly the supply of housing and would assist in addressing the identified housing needs of the Borough by providing 12 no. affordable bungalows.

When considered in the context of the emerging Local Plan, the contribution to the 5 year supply of housing land and the conclusion of the sequential test, the principle of both residential and retail development are considered to be acceptable on the application site.

The proposal does not result in any adverse impacts on highway safety, surface water drainage or on residential and visual amenity, with appropriate mitigation measures in place to be secured by planning conditions or as part of the Section 278 agreement. As the scheme is for 100% affordable housing the application is exempt from the need for any financial contributions secured by a Section 106 Agreement in accordance with the Planning Obligations SPD.

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

REASON – To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

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

Affordable bungalows, semi-detached plans and elevations, drawing number HN/45418(10) P1 June 2018

Site plan proposed, drawing number HN/45418(10) 01A June 2018

Proposed retail unit, drawing number (SK-)04C dated June 2017

Enclosures plan, drawing number HN/45418(01) 02C dated June 2018

Enclosures detail, drawing number HN/45418(01) 03 dated June 2018

Window schedule, drawing number HN/45418(10) W1 dated August 2018

Window schedule, drawing number HN/45418(10) W2 dated August 2018

Window detail, drawing number HN/45418(10) W3 dated August 2018

Proposed Access and Traffic Calming Scheme, drawing number 002 Rev. E

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

3. B4 (Details of materials to be submitted)
4. The development shall not begin until a scheme for the provision of twelve affordable dwellings on the site has been submitted to and approved in writing by the Local Planning Authority. 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, in perpetuity. The scheme shall include:
  - (a) The tenure of the affordable housing provision to be made;
  - (b) The timing of the construction of the affordable housing;
  - (c) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no Registered Social Landlord is involved);
  - (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (e) 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.

REASON – To comply with Core Strategy Policy CS11.

5. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footway across the entire frontage of the site and associated crossings on Yarm Road to connect into the surrounding infrastructure, relocated speed limit and associated parking restrictions and a new bus stop. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety.

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

REASON – In the interest of highway safety.

7. Prior to the first occupation of the convenience store hereby permitted, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the convenience store shall not be occupied until the approved details have been implemented in full and shall be retained for the duration of the development.

REASON – To encourage access to the site by sustainable modes of transport.

8. No development in connection with the convenience store hereby approved shall take place until a Servicing Management Plan, which shall limit the size of service vehicles visiting the site and make and providing for the management of the car park in connection with service vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter all vehicle servicing shall take place in accordance with the approved Servicing Management Plan.

REASON – In the interest of highway safety.

9. No external plant, equipment or machinery shall be installed as part of the convenience store of the proposed development without the prior written approval of the Local Planning Authority. Where external plant, equipment or machinery is proposed details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local Planning Authority, appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

REASON – In the interest of residential amenity.

10. At the request of the Local Planning Authority a noise impact assessment shall be carried out in connection with the convenience store hereby approved by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound’. The rating level ( $L_{A,T,r}$ ), as defined in BS4142:2014, from external plant, machinery and equipment associated with the development (whether operating individually or when all plant is operating simultaneously) shall not exceed the day-time and night-time background noise level ( $L_{A90,T}$ ) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority.

REASON – In the interest of residential amenity.

11. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
- Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management ‘Guidance on the assessment of dust from demolition and construction’ February 2014;
  - Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 ‘Code of Practice for noise and vibration control on construction and open sites’ 2009;
  - Construction Traffic Routes, including parking areas for staff and visitors;
  - Details of wheel washing;
  - Road Maintenance;
  - Warning Signage

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

REASON – In the interests of residential amenity and highway safety.

12. 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 interest of residential amenity.

13. The use of the convenience store hereby permitted shall not commence until details of the arrangements for the storing of waste or refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interest of residential amenity.

14. Deliveries to and the collection of waste from the convenience store hereby permitted shall only be permitted whilst the premises is open and in any event only between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on Sundays and Bank Holidays.

REASON – In the interest of residential amenity.

15. CL3 (Phase 2 Site Investigation Works)
16. CL4 (Phase 3 Remediation and Verification Strategy)
17. CL5 (Any additional contamination)
18. CL6 (Verification and Completion Report)
19. Prior to the commencement being beneficially occupied, the provisions of the Written Scheme of Investigation for the site (document T23767.01) will be implemented in full.

REASON – To comply with paragraph 199 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible.

20. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled ‘Flood Risk Assessment’ dated September 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

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

21. 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 detailed hydraulic assessment of existing overland flow paths and the watercourse including the culvert under the railway; the risk of blockage at the railway culvert; and existing overland flow paths should flows exceed the capacity of the watercourse and/or railway culvert;
- (iii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- (iv) Details of adoption responsibilities;
- (v) Management plan for the Surface Water Drainage scheme.

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

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Policy CS10 and the National Planning Policy Framework.

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 1 September 2018 and Drainage Strategy dated 13 June 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 Appendix G stating a  $Q_{bar}$  of 2.5l/s.

The mitigation measures shall be fully implemented prior to the occupation of the development hereby permitted 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.

23. The building hereby approved shall not be brought into use until:

- (i) 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;
- (ii) A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning

Authority, to include the funding arrangements and cover the lifetime of the development.

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

24. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

25. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

26. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

27. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary, prior to the commencement of the development hereby permitted a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. This should include an outline of the proposed method of construction, risk assessment in relating to the railway and construction traffic management plan. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

28. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

29. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, 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. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

30. The ecological enhancement measures set out in the Brooks Ecological 'Preliminary Ecological Appraisal' dated August 2017 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the mitigation of the loss of the northern boundary hedge, for the protection of hedgerow to be retained on site, and the provision for bird and bat nesting opportunities on the site, in accordance with the recommendation of that report has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

31. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

REASON – In the interest of nesting birds.

## **INFORMATIVES**

### **Highway Matters**

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 the commencement of works on site. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

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

An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting 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 C Easby 01325 406707) to discuss the introduction of Traffic Regulation Orders in connection with a revised 30mph zone and parking restrictions on Yarm Road.

### **Sustainable Drainage**

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. **The discharge rates from the site will be restricted to the greenfield runoff rate (OBAR value)** with sufficient storage within the system to accommodate a **1 in 30 year storm**. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year even plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing nature low-lying areas and conveyance paths where appropriate. This means considering the existing blue/green corridors across the proposed site and utilising the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a ‘management train’ is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchment, discharge and flow control locations, storage features and how SuDS integrate into the landscape.

The developer will need to provide a detailed programme including time table for the construction of the main surface water drainage infrastructure.

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

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LFFA). A land drainage consent is a separate application that could take up to **8 weeks** for completion and no works on the watercourse can proceed until consent has been approved by the LFFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore, new surface water drainage schemes designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations:

1. 1 in 30 year event;

2. 1 in 100 year plus 20% climate change;
3. 1 in 100 year plus 40% climate change;

New development drainage systems should be designed to include a 10% uplift to runoff to account for 'Urban Creep'.

A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.

If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the 'Tees Valley Local Standards for Sustainable Drainage'. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.

### **Railtrack Drainage**

All surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

If a Network Rail owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

### **Wayleaves and or easements for underline drainage assets**

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

### **Protection of existing railway drainage assets within a clearance area**

There are likely to be existing railway drainage assets within the vicinity of the proposed works.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton ([matthew.shelton@networkrail.co.uk](mailto:matthew.shelton@networkrail.co.uk)) for further information and assistance.

### **Fail Safe Use of Crane and Plant**

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of overhead electrical equipment or supports.

### **Excavations/Earthworks**

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network RAILS infrastructure or railway land.

### **Security of Mutual Boundary**

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

### **Method Statements/Fail Safe/Possessions**

Method statements may require to be submitted to Network Rail's Asset Protection Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavation/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted to NR for approval.

### **OPE**

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as

below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

### **Vibro-impact Machinery**

Where vibro-compaction machinery is to be used in development, detailed of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### **Scaffolding**

Any scaffolding which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

### **Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in bridge strikes. Vehicles hitting railway bridges cause significant disruption and delay to rail users. It should be noted that the adjacent railway bridge on Yarm Road has a height restriction of 13'6" and this may be a particular issue for large construction vehicles associated with the site and also delivery lorries associated with the proposed store. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

### **Encroachment**

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

### **Noise/Soundproofing**

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

### **Trees/Shrubs/Landscaping**

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

A comprehensive list of permitted tree species is available upon request.

### **Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of the lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

### **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

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

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

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS9 – District and Local Centres and Local Shops and Services
- CS10 – New Housing Development
- CS11 – Meeting Housing Needs
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

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



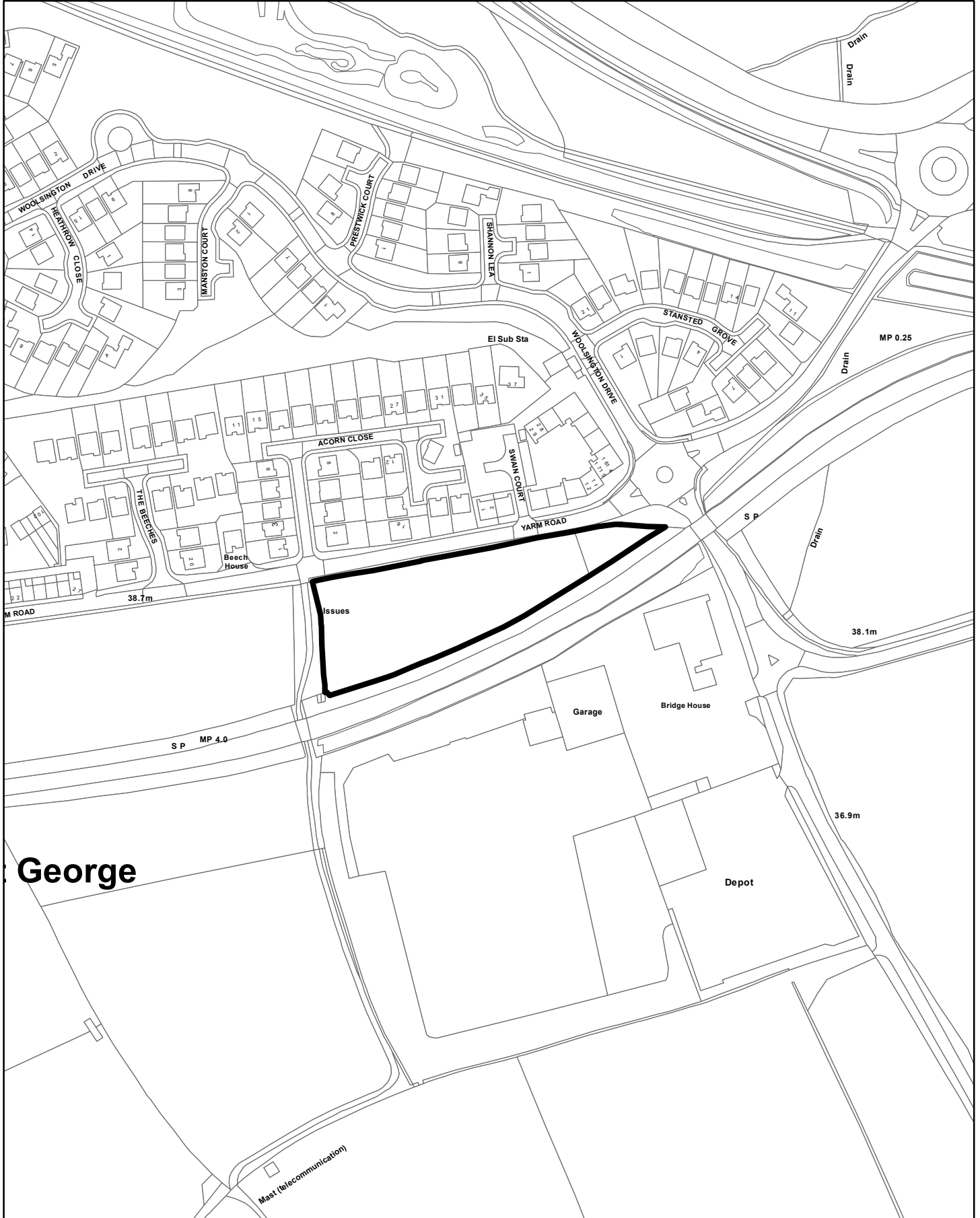
- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping and Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

National Planning Policy Framework, 2018

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

<b>COMMITTEE DATE</b>	<b>19 September 2018</b>
<b>APPLICATION REF. NO:</b>	<b>18/00460/RM1</b>
<b>STATUTORY DECISION DATE:</b>	<b>4 September 2018</b>
<b>WARD/PARISH:</b>	<b>HURWORTH</b>
<b>LOCATION:</b>	<b>Land at OSGR E430566 N510791 Roundhill Road Hurworth Moor Darlington</b>
<b>DESCRIPTION:</b>	<b>Reserved matters relating to scale, layout, appearance and landscaping pursuant to outline planning permission 17/01194/OUT dated 30 May 2018 for residential development for up to 95 dwellings</b>
<b>APPLICANT:</b>	<b>MILLER HOMES</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site, which extends to some 5.5 hectares and lies to the north of Hurworth village, consists of previously undeveloped agricultural land. Further agricultural land bounds the site to the north, with the Bellway Housing site, currently under construction, to the south. Existing hedgerows and trees form the main boundaries to the site, with an existing watercourse, Cree Beck, located on the eastern boundary of the site. On the western side of Roundhill Road is an existing farm. There are no historic or statutorily protected buildings or scheduled ancient monuments on or near the site.

Outline planning permission was granted, subject to a Section 106 agreement, in May 2018 for the development of the site for up to 95 dwellings, with details of access submitted. This application seeks detailed approval specifically for Reserved Matters for details of appearance, layout, scale and landscaping relating to the whole development.

The proposal has been the subject of pre-application discussions with the Local Planning Authority.

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

**PLANNING HISTORY**

The planning history most relevant to this application is as follows:

17/01194/OUT – In May 2018 outline planning permission was granted for residential development for up to 95 dwellings.

## PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

### National Planning Policy Framework 2018

### Borough of Darlington Local Plan 1997

E12 – Trees and Development

### Darlington Core Strategy Development Plan Document 2011

CS2 – Achieving High Quality, Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 – Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

### Other Documents

Design of New Development Supplementary Planning Document, July 2011

## RESULTS OF CONSULTATION AND PUBLICITY

Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

Six letters of objection were received, raising the following concerns:

- *Mix of housing not suitable, affordable housing should reflect the type of housing most needed in the village, which is not three, four and five bedroom detached houses; One and two bedroom houses for both older residents to downsize into and for younger people to purchase as starter homes is needed;*
- *Adaptable housing is needed to allow those with mobility problems to live independently;*
- *The amount of housing being built in the village is far in excess of the needs of the village and it is therefore important that the mix of housing in this development is correct;*
- *Disappointed that a healthy large tree is marked for removal; This tree is close to the through road to the first development site, and could make a lovely feature for a central outdoor space for both developments, e.g. where children could safely play; Currently the only green communal space proposed in the development is to the east of the development site, in the flood zone, between the SuDs pond and the beck – this is not suitable for children; These plans include the needless destruction of trees;*
- *Highway safety concerns on Roundhill Road;*
- *Traffic will increase through the village and the children are already concerned that they will no longer feel safe walking to school; There will more traffic on the roads commuting to work, and this will have a detrimental impact on the environment;*
- *Recent heavy rainfalls have emphasised the potential for flooding on the roads as well as the gardens due to an inadequate drainage scheme; Houses along Westfield Drive have already been affected by the first set of houses the council approved;*
- *There will not be enough spaces in the primary school; The school holds 215 pupils; It is already oversubscribed; Where are all the extra pupils going to go?; Is the Council's*

*answer to this portakabins?; This is not an environment to thrive and learn in and this will have a detrimental effect on learning;*

- *The sewage system will not be able to cope with additional waste;*

### **Consultee Responses**

The Council's **Highway Engineer** has raised no objections to the proposed development subject to some minor amendments.

The **Environmental Health Officer** has raised no objections to the proposed development.

**Northumbrian Water** has raised no objections to the proposed development.

**Northern Gas Networks** has raised no objections to the proposed development.

The **Police Architectural Liaison Officer** has raised no objections to the proposed development.

**Hurworth Parish Council** has raised no objections to the proposed development.

### **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Layout
- Scale
- Appearance
- Landscaping
- Residential Amenity
- Highway Safety
- Other matters

#### **Planning Policy**

This application relates to the approval of reserved matters following the grant of outline planning permission under application reference 17/01194/OUT. The principle of this development has been accepted by the previous outline planning permission.

#### **Layout**

Layout in planning legislation is defined as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside of the development.

The outline planning permission included an illustrative layout and a Design and Access Statement setting out some development principles, which included the location of a SuDs basin to the east of the site, and the position of an access road from Roundhill Road in a southerly position on the west of the site with a series of secondary internal roads. This reserved matters application follows those original principles.

Dwellings are situated around the sites access road, comprising a series of service roads derived from the main access from Roundhill Road. This internal road layout incorporates shared surfaces and private drives with the aim of ensuring that the development is not dominated by motor vehicles.

The dwellings are orientated to address the road network, with areas of garaging / parking to the front / side and amenity areas extending to the rear of properties. The orientation of those dwellings towards the western edge of the site address Roundhill Road, to maintain an appropriate road frontage. These dwellings would be accessed by private drives, which, combined with satisfactory landscaping and boundary treatment will reflect the semi-rural nature of this route into the village.

Open space and SuDs infrastructure is provided to the east of the site with the eastern boundary avoiding backing onto the open area, instead using side elevations to maintain an appropriate level of natural surveillance over this area.

In terms of connectivity, the proposal provide a pedestrian link to the Bellway development site which is currently under construction to improve permeability, in facilitating non-vehicular links to the wider neighbourhood.

In conclusion, officers consider the layout of the development is acceptable, and promotes a high quality design that responds appropriately to the character of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Scale**

Scale, in planning legislation, is defined as the height, width and length of each building proposed within the development in relation to its surroundings.

The scale of the proposed development is generally in accord with the illustrative layout provided at outline stage. Proposed density, dwelling and plot disposition is consistent with that of the neighbouring development and that of the older housing further south.

The development comprises two-storey detached dwellings throughout with a mixture of either single storey detached, or integral garages, which is again consistent with other neighbouring development and the principles of the Design SPD.

In conclusion, officers consider the scale of the development is acceptable, and promotes a high quality design that responds appropriately to the character of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Appearance**

Appearance, in planning legislation, is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.



The proposed buildings are similar in appearance to some of the more modern developments to the north of the village. The proposal incorporates focal buildings at key vistas, whilst the appearance of dwellings is suitably varied with respect to roof forms, materials and detailing, including render to selected plots, contributing to high quality design and promoting legibility through the development. Whilst details of external finishes in terms of brick types have not yet been provided, this can be agreed by planning condition requiring submission and agreement of this detail prior to commencement.

Boundary treatment to the entrance to the site and in the vicinity of the footpath link to the south would incorporate steel railings and the enclosed rear gardens which front highways would be constructed in masonry with timber panel detailing and piers to protect amenity whilst retaining a high quality street scene.

In conclusion, officers consider the appearance of the development is acceptable, promoting a high quality design that responds appropriately to the character of the area in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Landscaping**

Landscaping, in planning legislation, is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: screening by fences, walls or other means; the planting of trees, hedges, shrubs, or grass; the formation of banks, terraces or other earthworks; the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and, the provision of other amenity features.

An Arboricultural Impact Assessment undertaken by Innovation Group Environmental Services (December 2017) was submitted with the outline application. Also submitted was a Landscape Masterplan. None of the trees within the site are protected but the intention is to retain existing trees and hedgerows where possible.

The report identified that there are 10 individual trees, 7 groups and 2 hedgerows within the site. The development would necessitate the removal of a total of 7 No trees within the site, together with one section of hedgerow. The majority of these fall within category U which are those in poor condition and should be removed regardless of development. One tree and section of hedgerow is considered to be of moderate quality but would require removal due to accommodate the development. The proposals within the Landscape Strategy incorporated new and existing landscaping. This was considered to be acceptable at outline stage and as such, a planning condition was attached to the outline approval securing implementation of the landscaping scheme which is the subject of this application.

The proposed landscaping scheme includes the provision of additional trees, shrubs, wildflower planting and grassland planting, including the following:

- Retention of the hedge along the western boundary of the site, aside from at the approved access point to the development agreed at outline stage;
- A combination of trees and lower level grassland planting to supplement the western boundary to provide an attractive frontage to Roundhill Road;

- A woodland planting belt to the northern edge of the development, to provide compensatory planting and to enhance the ecological value of the existing hedgerows and trees on this boundary;
- Planting of semi-mature trees lining the main internal access roads together with additional incidental areas of greenspace within the development; and,
- To the east, in the area of the open space and SuDs basin, the scheme would include a combination of specimen tree planting, floodplain meadow grassland and amenity grassland.

The proposed landscaping helps to soften the built form and provides suitable landscape mitigation, whilst promoting a development of a general higher quality design.

The proposed boundary treatments comprise low level mild steel railings to the areas that form a frontage to the site on Roundhill Road. Enclosed rear gardens which front highways would be constructed in masonry with timber panel detailing and piers. The remaining boundary treatment throughout the site would be a mixture of post and rail and close boarded fencing to individual property boundaries. The proposed boundary treatments offer suitable variation, whilst the less intrusive treatments to the more sensitive frontages onto the highway and surrounding countryside help mitigate the impact of the development on the landscape.

The proposed hard landscaping includes tarmac to the main access road and a number of service roads. The surfacing is broken up by the inclusion of asphalt with red chippings and concrete block paving to the individual and shared private drives, applying some variety to the proposed hard landscaping.

In conclusion, Officers consider the landscaping of development is acceptable, offering suitable mitigation and promoting a high quality design that responds appropriately to the character and of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Residential Amenity**

Officers consider, given the position and orientation of the proposed dwellings, and the degree of separation between properties, including between the proposed development and the site currently under construction to the south, the proposal would not result in harm to the amenity of neighbouring occupiers or future occupiers of the proposed dwellings, in accordance with the Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy, The Design of New Development Supplementary Planning Document, and paragraph 127 of the National Planning Policy Framework.

### **Highway safety**

Whilst the Council's Highways Officer has indicated that the design is considered to be fully compliant in terms of geometric standards, and that the development complies with the Tees Valley Design Guidance in terms of parking spaces, he has requested that an amendment be considered in respect of the private drive which serves plots 52/55, as he considers this to be excessively long at 45m. The Highways Officer has advised that this could be improved by extending the 5.5m, road and 2.0m footway on the developed site or the provision of a bin store. Also requested is a change to house types between plots 75 and 91 which are located on the radius kerbs on the T junction – swapping the two houses moves the drives of the junction radii.

Finally, it was requested that consideration is given to some form of robust vehicle restraint or fencing in the vicinity of the SuDs basin and that further consideration is given to the surface treatment for the footway link to the south. The applicant is considering how these issues can be addressed in the detailed layout and will provide a modified plan as appropriate to be considered further by the Highways Officer and reported verbally to planning committee.

More detailed issues of highway design and layout are covered by planning conditions attached to the original outline permission, and will be dealt with through discharge of the appropriate planning condition.

It is noted that a number of objections raise the issue of the impact of an increase in traffic in the village, however the principle of development of this site for 95 dwellings has been established through the outline planning permission.

## **Other matters**

### **Flood Risk and Drainage**

As identified, the layout of the proposal incorporates a SuDs basin to provide drainage for the site, and this is positioned to the east of the development site. Whilst a number of matters raised by objection include concerns regarding the increase in flooding as a result of the development, the detailed design of the drainage is to be submitted and agreed through discharge of the appropriate planning condition at the appropriate time in conjunction with the Local Lead Flood Authority.

### **Affordable Housing**

Planning permission at outline stage was approved subject to a S106 which included the requirement for the provision of 20% affordable housing. A number of concerns raised by objection relate to the size of the dwellings proposed and the lack of need for dwellings of this size in the village.

Whilst this issue is not for consideration as part of this Reserved Matters application (it is a detail required by planning condition) as the concerns raised relate to house types proposed, this is included for completeness.

The proposal includes 20% affordable housing dispersed through the site to ensure that they are integrated fully with the wider development, consisting of 11 3-bed homes and 8 4-bed homes. These dwellings will meet the definition of affordable housing set out in the National Planning Policy Framework as 'Discounted Market Sales Housing'. As such, each of these plots will be sold at 80% of the open market value, which is controlled through the terms Section 106 agreement. All of the 19 affordable dwellings will be constructed prior to the occupation of the 60<sup>th</sup> open market dwelling.

Objectors have indicated that the type of housing most needed in the village is for two bedroom homes needed for both older residents to downsize into and for younger people to purchase as starter homes. Also requested is adaptable housing to allow those with mobility problems to live independently.

Whilst the matters raised by objection are noted, a qualifying person for the purposes of the affordable housing provision, is, amongst other criteria, someone who lives or has lived within

the administrative area of the Council or has immediate family currently living in the administrative area of the Council, or works within the area or has any other reasonable connection to it such that in the reasonable opinion of the Council they should be eligible for affordable housing. It is not restricted to or intended to provide solely for the needs of residents of the village. As such, the mix of housing provided within this development relates to family housing, and the affordable element of this also relates to family housing at a discounted rate. Officers are satisfied that the mix of housing is appropriate for the site and that the affordable housing meets the definition set out in national guidance.

## **Education**

A matter raised by objection is how the local school will cope with the additional demand from the development. As the principle of the development has been established through the granting of outline planning permission, this issue is not for consideration through this reserved matters application. Nevertheless, the S106 agreement attached to the outline planning permission included the requirement for a payment of £290,225 towards enhanced educational infrastructure within Hurworth to assist with the increased numbers of pupils at either Hurworth Primary School or Hurworth Secondary School.

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

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

The proposed details in respect of layout, scale, appearance and landscaping, are considered to be acceptable and in accordance with the relevant policies as set out above.

## **RECOMMENDATION**

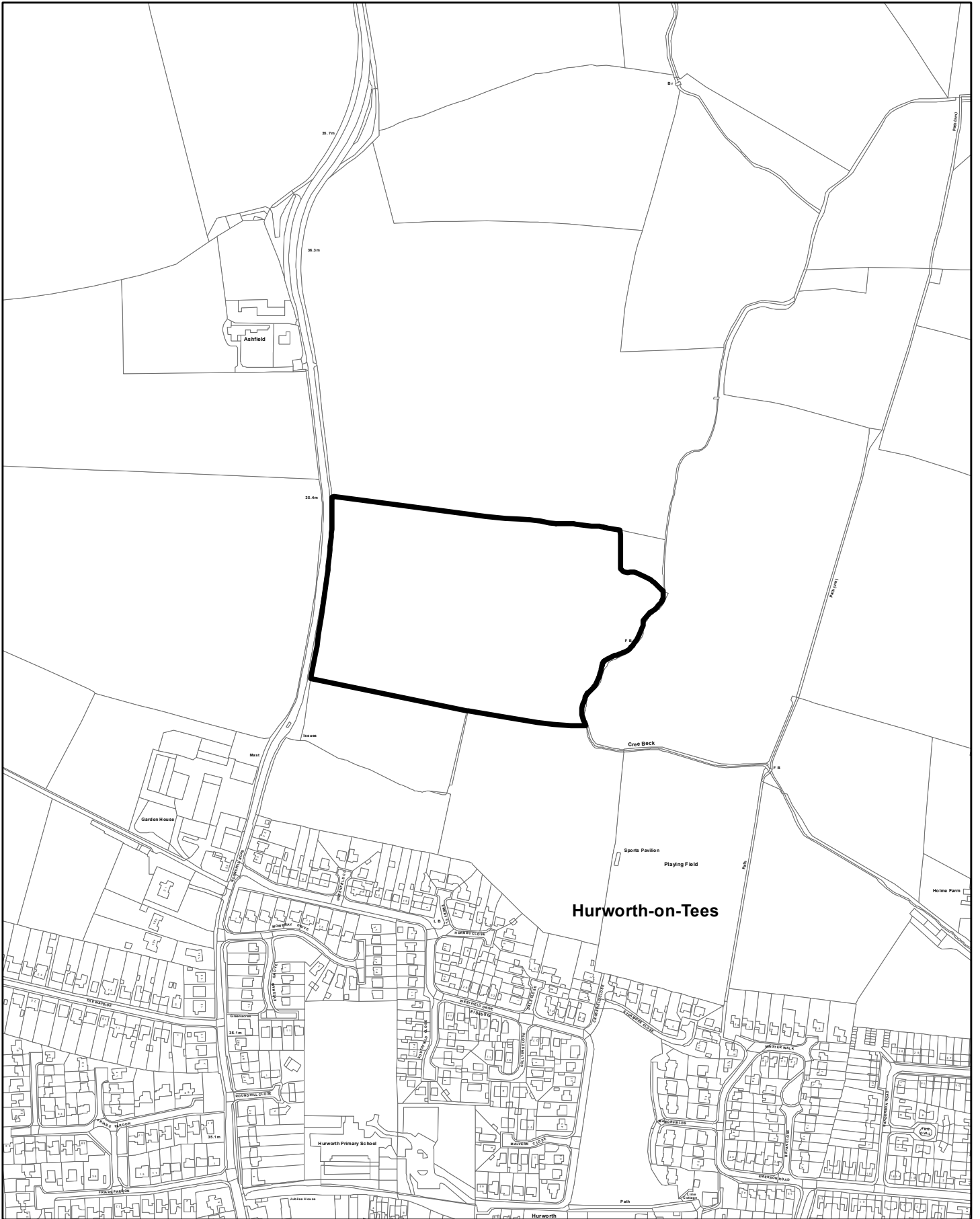
That reserved matters relating to details of scale, layout, appearance and landscaping pursuant to outline planning permission 17/01194/OUT dated 30 May 2018 for residential development of up to 95 dwellings **BE APPROVED** subject to the following conditions:

1. PL Accordance with Plan  
Enclosure Layout Sheet 1 QD1393-332-01 Rev B  
Enclosure Layout Sheet 2 QD1393-332-02 Rev B  
Planning Layout QD1393-311-01F Rev H  
House type Plan 350 Larkin ALT  
House type Plan 350 Malory 18  
House type Plan 474 Stevenson 18  
House type Plan 474 Stevenson 18 – Render  
House type Plan 476 Fenwick 18  
House type Plan 476 Fenwick 18 – Render  
House type Plan 477 Chadwick 18  
House type Plan 522 Buttermere 18  
House type Plan 523 Jura 18

House type Plan 523 Jura 18 – Render  
House type Plan 530 Chichester 18  
Detailed planting proposals 1 of 8 T93-01  
Detailed planting proposals 2 of 8 T93-02  
Detailed planting proposals 3 of 8 T93-03  
Detailed planting proposals 4 of 8 T93-04  
Detailed planting proposals 5 of 8 T93-05  
Detailed planting proposals 6 of 8 T93-06  
Detailed planting schedule 7 of 8 T93-07  
Detailed planting schedule 8 of 8 T93-08  
Surfaces finishes plan Sheet 1 of 2 07-01  
Surfaces finishes plan Sheet 2 of 2 07-02  
Enclosure Details 333-01

2. B4 Details of Materials

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**PLANNING REF. No. 18/00460/RM1**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19<sup>th</sup> September 2018**

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**APPLICATION REF. NO:** 18/00577/CU

**STATUTORY DECISION DATE:** 31<sup>st</sup> August 2018

**WARD/PARISH:** SUMMERHOUSES

**LOCATION:** Raby Hunt Inn

**DESCRIPTION:** Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

**APPLICANT:** Mr Close

---

**APPLICATION AND SITE DESCRIPTION**

It is proposed to carry out internal alterations and a change of use of Hunters End Cottage. This will combine The Raby Hunt Inn and the adjoining Hunters End Cottage, providing additional guest bedrooms, wine storage room, improved guest WCs and Staff facilities. One half of the building currently houses the Raby Hunt Inn and Restaurant and the other (Hunters Cottage) a separate two bedroom cottage. As a whole the property sits on the corner of the B6279 and Old Post Road in Summerhouses.

Previously the cottage formed part of the Public house. The proposed alterations do not increase the covers offered within the restaurant.

**PLANNING HISTORY**

The most recent relevant planning/Listed Building applications related to the subdivision of the whole building from a single public house to a public house and dwelling. Reference numbers 03/00537/FUL and 03/00536/LBC approved in December 2003.

**PLANNING POLICY BACKGROUND**

Core Strategy Policy CS6 – Vibrant Cultural and Tourism Offer.

**RESULTS OF CONSULTATION AND PUBLICITY**

Local residents were consulted and Objections have been received from 11 local residents highlighting the following issues:

- Loss of an existing dwelling not acceptable when there is a shortage in the locality.
- Increase in noise in the locality
- Impact on drains from additional toilets
- Parking problems in the village will increase from additional customers
- Air conditioning units may cause noise nuisance
- Damage caused to block paved driveway will be increased.
- Use of garage for storage will cause noise nuisance.

**The Highways Engineer** – Comments as follows *The proposal does not show an increase in seating for the restaurant element of the business which would be my primary concern with regard to traffic generation and parking, instead the application is centered on improving the facilities of the existing business and the dining experience. (Wine room & staff room with improved WC facilities) and the creation of an additional two hotel rooms. The Tees Valley Design Guide recommends 1 car space per two bedrooms so ideally an additional parking space should be created to support the development. However given the limited scale of this development and the negligible increase in vehicle trips associated with the two extra bedrooms I do not foresee and traffic/highway issues arising as a consequence, even within the context of the area.*

*Robust measures to control parking have previously been implemented including double yellow lines on the adopted highway around the junction of the B6279/Old Post to protect the junction area and keep the area clear of vehicles. The bus stop adjacent to the Raby Hunt has also been marked as a clearway therefore removing any parking (except buses) from this section of highway.*

**Environmental Health** – Requests conditions relating to the installation of air conditioning equipment if it is to be installed.

**Parish Council** – Object to the proposals on the following grounds:

- Loss of an existing dwelling not acceptable when there is a shortage in the locality.
- Increase in noise in the locality
- Impact on drains from additional toilets
- Parking problems in the village will increase from additional customers
- Air conditioning units may cause noise nuisance
- Damage caused to block paved driveway will be increased.
- Use of garage for storage will cause noise nuisance.

## PLANNING ISSUES

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

- Highway Implications
- Impact on the amenities of local residents.

Before considering the above issues, Members should be made aware of the rebuttal letter submitted by the applicant who requests that it is reproduced for the information of the Committee and it gives a background to the operation of the business.

**1. Highways / Parking Provision: Parking:** - Concern is raised over the parking provision for the business. We must however draw your attention to the fact that the current proposals will not alter the number of parking spaces available or required within the curtilage of the Raby Hunt, and neither will they increase the number of potential covers, all of which have been as existing since the applicant purchased the property 7 years ago.

This was discussed in detail during the pre-app enquiry stage, largely informing the current proposal, as this in no way looks to provide space for extra customers, but does look to improve the facilities offered, and to increase the number of bedrooms as a number of guests currently have to stay in alternate hotels and guest houses give the existing number of bedrooms. This is as agreed and understood within the consultation response from the DBC Highways Engineer.

We would also note the shared private driveway is not included within the boundary of this application, with no intention for this to be used for commercial access other than private vehicle owned and used by the owners of the business.

It should also be considered that Hunters End has provision for 2no. parking spaces to the front, directly off the private road / access

**2. Covenants:** - Although covenants are a matter of property law and are not a material planning consideration we feel it beneficial to confirm the situation in relation to this given that the objectors list disregard of covenants. The applicant prior to commencement of the works discussed with their conveyancing solicitor Mr G.K. Robinson of Hodgson & Angus, whom consulted the Title Deeds for Both Properties, and confirmed that;

**a. THE RABY HUNT**

'when the property was purchased there was no reference to any restrictive covenants in the title deeds'

**b. HUNTERS END**

'there is a restrictive covenant affecting the cottage. The covenant provided that alterations to property required the consent of the Raby Estate.'

This application proposes no external alterations to the existing property other than the installation of a personnel door from the existing garage to assist its proposed use as external store and provide access from the garden without accessing the shared driveway. Permission will however be sought for this from Raby Estates as required by the covenant following determination.

**3. Use:** Reference is made to the existing use of the cottage being that of the residential, it is also worth noting this is in fact only its more recent use and prior to this was part of the Inn.

**4. Noise:** Concern has again been raised over noise generated from the business which is inevitable, however we must consider that the building is a listed Inn, which has been present within this location since circa 1835 with its current use maintaining this. Having said this the applicant doesn't substantiate the objections in relation to excessive noise from either staff or guests, as they are all made aware of the businesses neighbours and asked to respect them when leaving.

We also note and agree that a condition is proposed to an approval should it be determined as suggested by the Environmental Health Officer, which require any chillers, or Air Conditioning plant associated with the works to be correctly designed and approved by DBC EH department prior to installation onsite.

**5. General:** *The applicant and business owners are very aware and sympathetic to their surroundings and neighbours. They operate within the constraints of their License including their customer opening times which are; Lunch Saturdays 12noon – 2pm, Dinner Wednesday – Saturday 6pm – 10:30pm. However as expected with a business of this quality the operational times are far greater than the customer opening times, and do include a number of hours of preparation time before service and clean down time after service.*

*The Business also currently has 3no. guest bedrooms, with 2no further being proposed through these applications, which allow dining guests the opportunity to stay on the premises, which would mean that minimal staff also currently stay when residential guests are booked. The times of operation or customer opening are not altered by this application.*

Many of the issues raised by the objectors are covered by the notes above, however **the planning implications of the proposals are considered below.**

**Highway Implications** – It is important to be aware that the two new bedrooms will not cause an appreciable increase in customers/vehicles visiting the Raby Hunt Inn.

The bedrooms will accommodate diners who are already in the restaurant, and rather than them staying at alternative hotels nearby they will stay overnight at the Raby Hunt Inn. No additional dining covers are proposed.

In view of the above therefor it follows that there will be no increase in the current parking problems being experienced in the village. These problems are a matter best approached by the local residents and the operators of the Raby Hunt Inn and are not an issue that can be addressed through consideration of this planning application.

**The Highways Engineer** is aware of the above and has concluded no objections as noted in his comments above.

**Impact on residential amenity** – The same points raised above apply equally to the potential impact on local residents. As there will be no appreciable increase in traffic as a direct result of the proposed development, the impacts on local residents of noise, parking and disturbance will remain as now.

Customers will drive to the Inn, have a meal and then either leave the premises late in the evening, perhaps 22:30 or similar or stay overnight and leave in the morning. It could be argued that noise from car doors and lights etc would be more of a problem to local residents at night than it would be in the morning, so the proposals may actually improve matters .

Potential damage to private drives and drains would be a matter for landowners to address. In this case there have been no comments received from the Water Authority on the planning application.

Any air conditioning that is required, full details will have to be submitted to the Local Planning Authority for approval before installation.

## CONCLUSION

It is proposed to bring back into public house use an attached single storey building currently used for residential purposes since its conversion in 2003. The additional two bedrooms will provide accommodation for customers who are already dining on the premises – they will not be available as a “bed and breakfast” facility.

In view of the above, there will be a negligible increase in customers visiting the premises, although they may well stay longer (overnight ) and leave the premises in the morning as some do already.

It is considered that the impact on local residents and highway congestion will not be material and certainly not sufficient to warrant a refusal of planning permission in this instance.

## 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 Limit
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

P-011 Revision P

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.

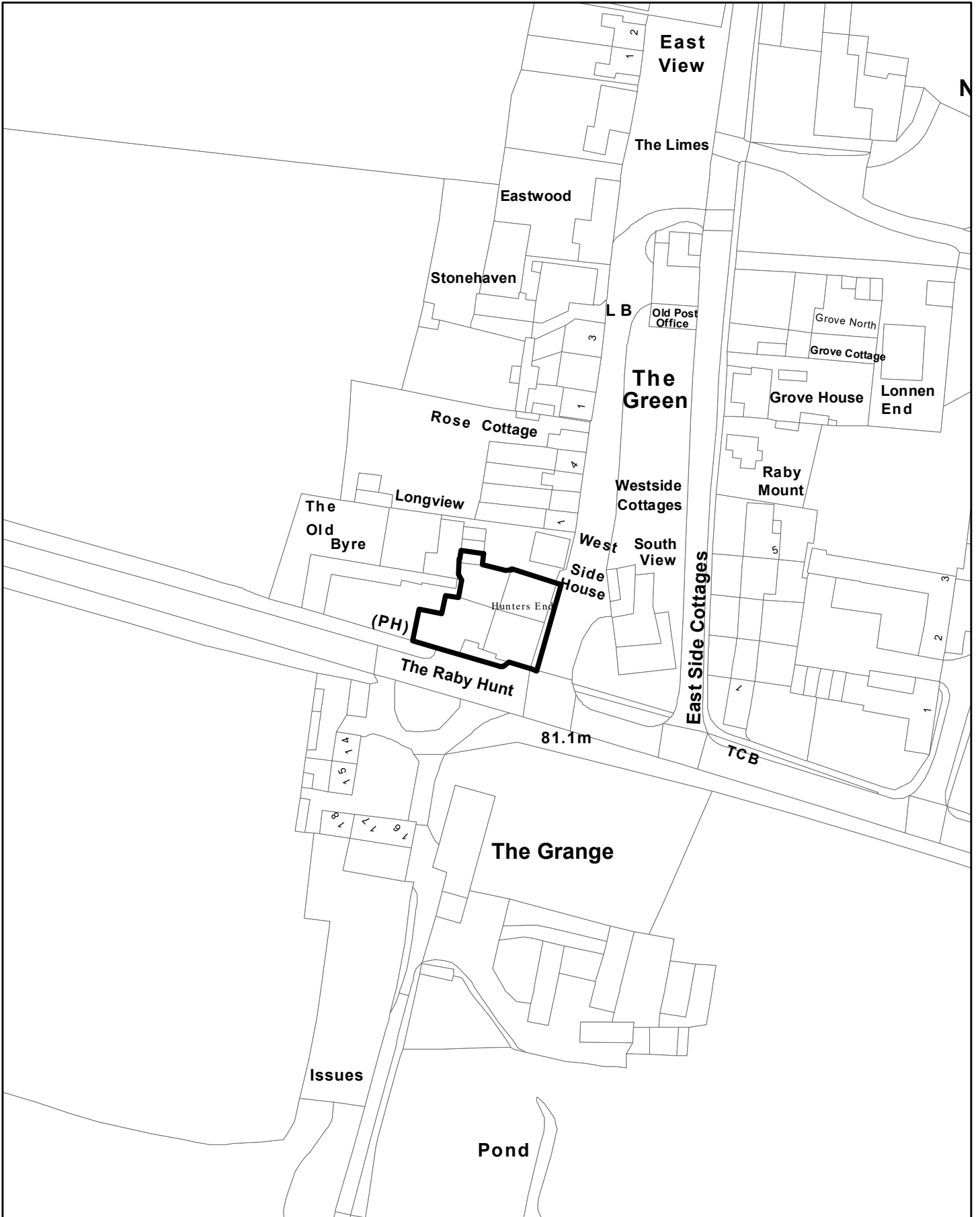
### Reason

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.

- 3) No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority

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

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## **DARLINGTON BOROUGH COUNCIL**

### **PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19<sup>th</sup> September 2018**

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**APPLICATION REF. NO:** 18/00578/LBC

**STATUTORY DECISION DATE:** 31<sup>st</sup> August 2018

**WARD/PARISH:** SUMMERHOUSES

**LOCATION:** Raby Hunt Inn

**DESCRIPTION:** Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

**APPLICANT:** Mr Close

---

#### **APPLICATION AND SITE DESCRIPTION**

It is proposed to carry out internal alterations and a change of use of Hunters End Cottage. This will combine The Raby Hunt Inn and the adjoining Hunters End Cottage, providing additional guest bedrooms, wine storage room, improved guest WCs and Staff facilities. One half of the building currently houses the Raby Hunt Inn and Restaurant and the other (Hunters Cottage) a separate two bedroom cottage. As a whole the property sits on the corner of the B6279 and Old Post Road in Summerhouses.

#### **PLANNING HISTORY**

The most recent relevant planning/Listed Building applications related to the subdivision of the whole building from a single public house to a public house and dwelling. Reference numbers 03/00537/FUL and 03/00536/LBC approved in December 2003.

#### **PLANNING POLICY BACKGROUND**

National Planning policy Framework Chapter 16 – Conserving and enhancing the historic environment.

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

Local residents were consulted and Objections have been received from 11 local residents, however the issues raised relate primarily to planning criteria ( which are considered under 18/00577/FUL) and not Listed Building criteria.

**Conservation Officer** – No objections subject to approval of the details of the opaque glazing before installation.

**Parish Council** – Object to the proposals but have raised issues primarily related to planning criteria which are considered under 18/00577/FUL.

## **PLANNING ISSUES**

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

- Impact of the alterations on the character of the Listed Building.

Hunters End Cottage is single-storey, has a 3-bay ground floor range of 12-pane sashes with painted stone lintels and projecting sills. The pitched roof is in refurbished red pantiles with a tall central ridge stack. It has previously been extended and altered however prior to being purchased by the applicant, to include a rear extension, major internal works and major alterations to the rear slope of the roof scape allowing it to be converted to a separate residential use.

The Heritage Statement describes the proposals as follows :

Contained within the single storey footprint of the northern half of the building

- 2no. Additional guest bedrooms, bring the total number to 5 double en suite rooms,
- A glass fronted wine cellar / room, providing a customer view into the space,
- Improved customer WC's,
- Staff changing and WC facilities.
- Conversion of the existing garage to external store, with a new personnel door added to the South Elevation of the garage.

The majority of the works is contained internally within the cottage, removing studwork and modern walls within the extension.

Minor works are proposed to the elevations of the cottage, to include;

- Replacing some of the existing glazing to opaque (within modern windows,)
- Removal of modern UPVC panelled side door, blocking of the opening using reclaimed stone work recessed panel.
- AC grills to be installed within the rear roof slope, to accommodate AC mounted within the roof void to provide temperature controlled wine storage.
- Extractor outlets within pantiles from proposed en suite bathrooms to new guest bedrooms.

The Conservation Officer has studied the proposed alterations and has concluded that in view of the amount of alterations already carried out to the properties, the current proposals do not constitute work that will have a detrimental impact on the character of the Listed Building.

## **CONCLUSION**

It is proposed to bring back into public house use an attached single storey building currently used for residential purposes since its conversion in 2003. The additional two bedrooms will provide accommodation for customers who are already dining on the premises – they will not be available as a “bed and breakfast” facility. The alterations to achieve this are mainly internal, in addition to considerable previous alterations.

In view of the above, it is considered that the proposals will not harm the character of the Listed Building and can be approved.

### **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 LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A5 - Implementation Limit
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

P-011 Revision P

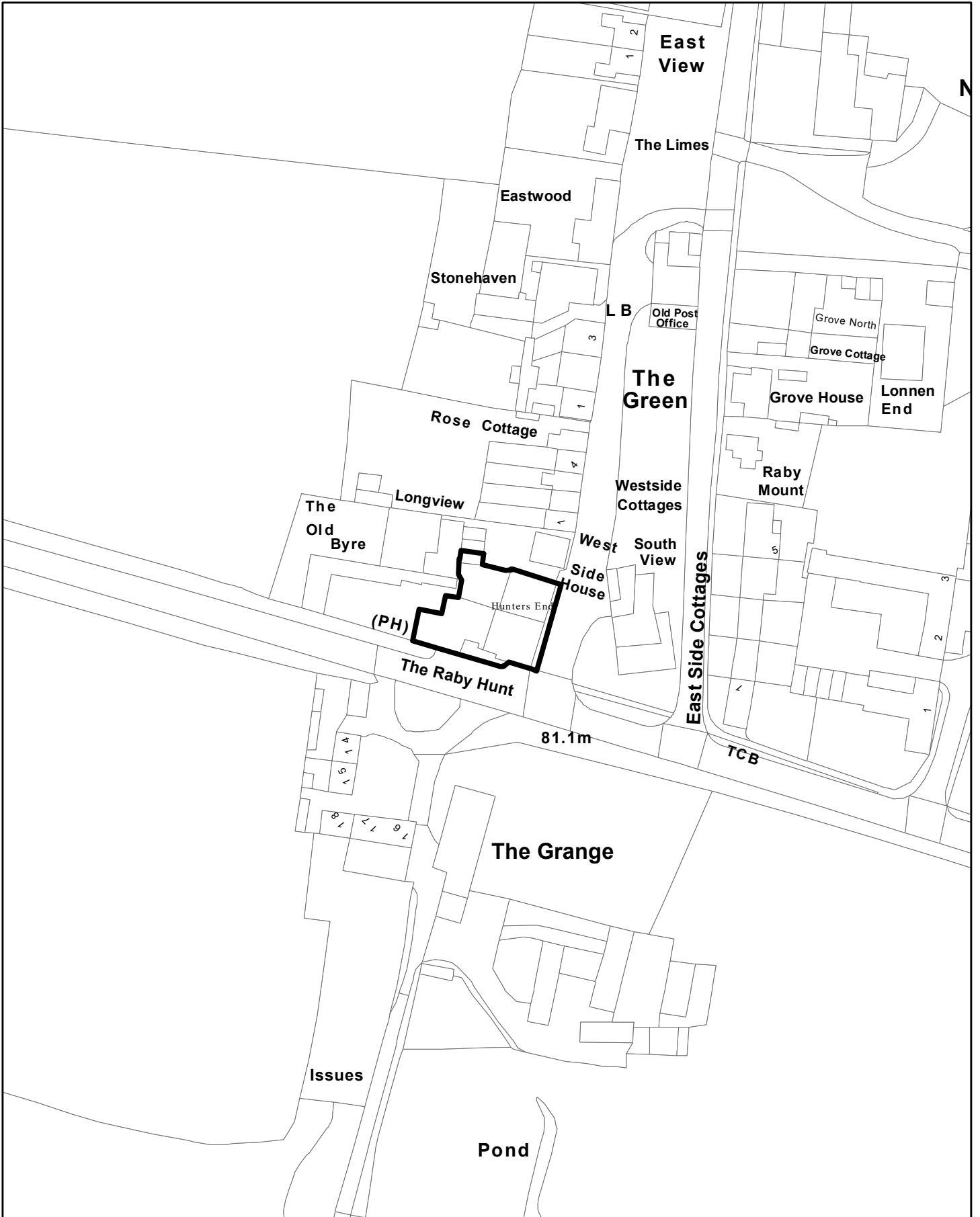
Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

#### **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.

- 3) Before development commences, full details of the proposed means of creating the opaque glazing shall be submitted to and approved in writing by the Local Planning Authority. **Reason** – In the interests of the character of the Listed Building.

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**PLANNING REF. No. 18/00578/LBC**

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