

# Planning Applications Committee Agenda



1.30 pm Wednesday, 30 May 2018  
Committee Room No. 2, Town Hall,  
Darlington. DL1 5QT

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

1. Introduction/Attendance at Meetings
2. Declarations of Interest
3. To consider times of meetings of this Committee for the Municipal Year 2018/19, on the dates as agreed in the calendar of meetings by Cabinet at Minute C111/Feb/18
4. To approve the Minutes of the meeting of this Committee held on 2nd May, 2018 (Pages 1 - 4)
5. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
6. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 5 - 56)
7. 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
8. Questions

## **PART II**

9. Notification of Appeals :- –  
The Director of Economic Growth will report that :-
  - (i) Darlington Cricket and Athletic Club have appealed against conditions

attached to planning permission granted by this Planning Authority for the construction of an all weather cricket practice area, incorporating 2 lanes, contained within cages and nets (retrospective application) at Darlington Cricket Club, South Terrace, Darlington (Ref No. 17/00282/FUL); and

(ii) Mr Antony Vassilounis have appealed against this Authority's decision to refuse permission for the demolition of existing triple garage and erection of a single-storey residential dwelling with parking area, new pedestrian access, street lighting and 1.8 m high timber close-boarded fencing and gates (revised scheme) at garages and garden to the rear of 38 Langholm Crescent, Darlington (Ref No. 17/00945/FUL).

RECOMMENDED – That the report be received.

### **PART III**

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

10. 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
11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 18th April, 2018 (Exclusion Paragraph No. 7) – Report of Director of Economic Growth and Neighbourhood Services (Pages 57 - 64)
12. 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
13. Questions



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

**Tuesday, 22 May 2018**

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

**Membership**

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

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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# Agenda Item 4

## PLANNING APPLICATIONS COMMITTEE

2 May 2018

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Galletley, Johnson, Knowles, Lee, Lister, Lyonette, C Taylor and J Taylor. (9)

**APOLOGIES** – Councillors Kelley, McEwan, Storr and Tostevin. (4)

**ABSENT** – Councillor Cartwright (1)

### **ALSO IN ATTENDANCE** –

**OFFICERS** – Dave Coates, Planning Development Manager, Paul Ibbertson, Engineer and Arthur Howson, Engineer, within Services for Growth and Andrew Errington, Lawyer (Planning) within the Neighbourhood Services and Resources Group. (4)

**PA55. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA56. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 4 April 2018.

**RESOLVED** – That, subject to the insertion of ‘to be provided on site’ after ‘affordable housing’ in resolution (a(vi)) and the insertion of ‘on-site’ after ‘provision’ in resolution (b(6)) the Minutes be approved as a correct record.

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

<b>Code No.</b>	<b>Conditions</b>
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
B4A	The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building. <b>Reason</b> - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.

**PA57. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

**(1) Planning Permission Granted**

**18/00149/FUL - 61 Edgecombe Drive, Darlington.** Conversion of ground floor garage to living space with extension above to provide additional bedroom.

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

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

1. A3 – Time limitation.
2. B4A – Materials.
3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

190218 100 Rev P1 and 190218 101.

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

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

4. The rear bathroom window shall be obscure glazed in perpetuity.

**Reason** – In the interests of Residential Amenity.

## **(2) Change of Use – Granted**

**17/00270/CU - 1 Hall View Grove, Darlington.** Retrospective planning application for the change of use of open space to the rear to private garden and the erection of 1.8m high fence (amended description).

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

**RESOLVED** – That the change of use be granted.

**PA58. NOTIFICATION OF DECISIONS ON APPEALS** – The Director of Economic Growth reported that Inspectors, appointed by the Secretary of State for the Environment, had allowed the appeal Mr R H Morrill and granted planning permission for alterations and upgrade of existing building and extension over the outside yard area to provide 7 individual lock-up garages for the parking of cars at garage at the rear of The Coachman Hotel, Huntley Street, Darlington (Ref No. 16/01013/FUL).

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

**PA59. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA60. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 21 MARCH 2018 (EXCLUSION NO. 7)** - Pursuant to Minute PA54/Apr/17, the Director of Economic Growth submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 18 April 2018.

**RESOLVED** – (a) That the report be noted.

(b) That, in relation to Ref 16/00002/UNAUTH, Officers be requested to provide the required witness statement to Legal Services by 10<sup>th</sup> May, 2018

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# Agenda Item 6

## BOROUGH OF DARLINGTON

### PLANNING APPLICATIONS COMMITTEE

Committee Date – 30 May 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	Field at Walworth Road, Heighington	18/00035/FUL
34	Land adjacent to Royal Oak Pub off Yarm Road, Middleton St George	16/01256/FUL
43	201 Greenbank Road	18/00190/FUL

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 30 May 2018**

**Page**

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<b>APPLICATION REF. NO:</b>	18/00035/FUL
<b>STATUTORY DECISION DATE:</b>	1 <sup>st</sup> June 2018
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Field 6500, Walworth Road HEIGHINGTON
<b>DESCRIPTION:</b>	Demolition of existing barn and erection of 75 dwellings and associated access, landscaping and engineering works (as amended by plans received 1 February 2018; amended and additional plans and information received 23 March 2018, 23 April 2018 and 3 May 2018)
<b>APPLICANT:</b>	Bellway Homes (Durham) Ltd.

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**APPLICATION AND SITE DESCRIPTION**

The application site measures approximately 3.29 hectares and it is a field currently in agricultural use on the edge of Heighington Village. The site is bound to the north by dwellings on Snackgate Lane; to the east by Walworth Road and dwellings on Garthlands; to the south by a former agricultural building converted to residential use, known as South Barn, and to the west by open fields. The site is outside of but in close proximity to the Heighington Village Conservation Area.

The northern edge of the site comprises the various boundary treatments with the rear domestic gardens of the properties on Snackgate Lane and the east, south and west boundaries comprise of trees and hedges. The topography of the site is such that there is a slope down from the northern section, down towards the south east corner. There is an existing agricultural building within the site close to the southern boundary. The site does not contain any trees that are covered by a tree preservation order. Public Footpath No 14 in the Parish of Heighington is located to the north west and runs along an adjacent field.

The planning application is for the demolition of the existing building and to redevelop the site for residential development which would comprise of the erection of 75 dwellings with access through the eastern boundary off Walworth Road. The dwellings are a mix of 2, 3 and 4 bed properties, predominately detached but with some semi detached and terraced dwellings too. The scheme includes landscaping and open space and the provision of a SUDs basin to the south east corner. A section of the existing hedge (approximately 20m) would be removed to facilitate the vehicular access and sections of the retained hedge would be pruned in order to provide appropriate visibility splays. A new footpath on the west verge of Walworth Road would be provided heading north to create a linkage with the existing footpath network

### *Affordable Housing*

The proposed development would include 20% affordable units which would be secured by a planning condition.

### *Planning Obligations*

The applicant is prepared to enter into a Section 106 Agreement to secure financial contributions towards:

- Enhancing and improving walking and cycling routes in the vicinity of the application site (£78,900)
- Improving existing bus stops (£5000)
- Sports provision and improvements in the Village (£6762)
- Education provision within the Village (£229,125)
- The creation of parking spaces within the vicinity of the application site (£15,000)
- Travel Plan

### **Public Consultation Exercise**

The applicants carried out a consultation exercise with local residents, Local Ward Members etc in November 2017 in accordance with the Council's Statement of Community Involvement document (2010).

### **Environmental Impact Assessment Requirements**

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development, subject to mitigation measures, would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

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

### **PLANNING HISTORY**

There are no recent planning entries relating to the application site. However, outline planning applications submitted on 1978 and 1987 for residential development on part of this application site have been REFUSED.

### **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

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

E2: Development Limits

E14: Landscaping of Development

H7: Areas of Housing Development Restraint

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

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

CS2: Achieving High Quality Sustainable Design

CS3: Promoting Renewable Energy  
CS4: Developer Contributions  
CS10: New Housing Development (parts out of date)  
CS11: Meeting Housing Needs  
CS14: Promoting Local Character and Distinctiveness  
CS15: Protecting and Enhancing Biodiversity and Geodiversity  
CS16: Protecting Environmental Resources, Human Health and Safety  
CS17: Delivering a Multifunctional Green Infrastructure Network  
CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

### **Tees Valley Minerals and Waste Development Plan Documents**

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

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

#### **Other Documents**

Interim Planning Position Statement 2016

Planning Obligations Supplementary Planning Document 2013

Design for New Development Supplementary Planning Document 2011

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

Twenty six letters of objection have been received following the Council's publicity exercises. The comments can be summarised as follows:

#### **Planning Policy**

- *The site is outside development limits so how can it be considered suitable?*
- *The area of land is Green Belt and developing the site contradicts the principles of green belt land which is to provide an open area to enhance the environment and should not be built on at all*
- *There are smaller parcels of available sites on the boundary of the village and School Aycliffe which would be much less obtrusive than a huge building site*
- *The Council can now demonstrate a five years supply of housing land*

#### **Highway Matters**

- *Existing Village roads are too narrow and difficult for emergency vehicles*
- *Travel on buses is expensive*
- *Only one car can pass at a time on the narrow roads*
- *Most traffic will not come into the village along Walworth Road from the A68. The Developers traffic survey confirms that Walworth Road is a quiet road and not much traffic enters the village on this road. One of the reasons for this is that the A68 turnoff into Heighington is dangerous*
- *Walworth Road itself is a dangerous road*
- *Traffic will go through the village from other entry points*
- *South View is a rat run and does not allow for two way traffic. It lacks an adequate footpath which means people have to walk on the road*
- *The junction of Millbank and South View is dangerous*
- *Pedestrian visibility when crossing the road at South View is poor due to wide corners on these roads*
- *Millbank Road only allows one way traffic due to cars parked along it*

- *There is no footpath at the top of Millbank which means the walk to the Primary School is dangerous*
- *Any further traffic increases should trigger consideration of a redesign of the traffic flow around the village, possibly a one way system*
- *The road widths on the submitted plans are inaccurate*
- *Access from the site to shop, church, surgery, pubs and village hall will have to be made via South View or Water Lane which are narrow even without obstacles*
- *Access to other local towns will be through narrow roads*
- *The Transport Statement has been written to mislead*
- *The Assessment only concentrates on traffic movements on Walworth Road which is not the issue. The issue is about when traffic from the proposed development enters Walworth Road and how it is dispersed through the village to reach surrounding road networks*
- *Walworth Road and Millbank are congested at school drop off and pick up times (8am – 9am and 2:30pm and 3:30pm)*
- *The number of forecasted daily traffic movements appear low when the Council has advised there is a need for 180 spaces*
- *Any development on the west side of Darlington Road will add to the daily pressures placed on all residents who have to negotiate the historic infrastructures of the village*
- *Pedestrians, particularly the elderly and mothers with children are forced to abandon narrow or non-existent footpaths as a result of resident's vehicles parking on them to enable other passing motorists as much passing space as possible*
- *This development will introduce an additional 225 to 300 car journeys every day*
- *The increased traffic and pedestrian flow in South View with no useable pavement and with parked cars is going to result in accidents and potential fatalities*
- *Public transport links are poor and it would encourage more traffic and more air pollution*
- *Will trade traffic travel through Millbank causing a mess*
- *Since 2009 there has been a car accident close to our drive (South Barn) every year with the latest being a few days before Christmas 2017 when a car hit the hedge and overturned, blocking the road for a few hours*
- *The parameters that have been used to show previous accidents in the local vicinity are ridiculous. There has been four fatal crashes near the crossroads with the A68.*
- *The proposed footpath is too narrow and would put children in harms way*
- *Traffic from the new junction will be out in a precarious position and traffic travelling down Millbank in a similar position*
- *There will be significant additional traffic coming into Heighington and the village will not be able to cope with*

### **Visual Appearance and Layout**

- *Bellway produce low quality, ugly homes of high density. I am concerned that these houses will spoil the aesthetic quality of the village and be out of keeping with the village*
- *The character of the village will be fundamentally changed if the plan goes ahead*
- *The access makes this scheme separate and totally isolated from the village and not integrated. It presents an undesirable extension of Heighington into the countryside*
- *The loss of hedgerow would result in a severe loss of visual amenity*
- *The distinction between the built up village and the open countryside is important and any development which spoils this should be resisted*
- *Footpaths, street lighting, traffic signs and the view into the development will transform this rural site into one of suburbia*

- *Potolomey Dean who voted Heighington the perfect village shad that there was a combination of history, architecture and community set in rolling countryside. Any additional developments would make Heighington resemble a small town and that the design of the houses does not fit well in an old village*
- *The SUDs area is not acceptable as a public open space*
- *The scheme does not integrate with the village*

### **Conservation Area**

- *The site is within a conservation area*
- *The removal of the hedge will impact on this attractive rural entrance to the Heighington Conservation Area.*
- *The south west corner of the Conservation Area meets the north east corner of the proposed site*

### **Infrastructure/Amenities**

- *One small shop in the village*
- *Current Doctors Surgery will not be able to cope*
- *The application mentions a Post Office but there has not been one in the village for several years*
- *The development will add a massive strain in sewerage*

### **Need**

- *Does Darlington need the number of houses that are currently being proposed?*
- *Heighington is already undergoing expansion with the planning permission for 43 dwellings on Beech Crescent and a planning application for five dwellings on East Green. The impact of those has not yet been realised*
- *The need for bungalows has been ignored*
- *The village will be increased by 10%*
- *The village already has 20 houses for sale some of which have been on the market since 2016*
- *A scheme for 101 homes has been approved at School Aycliffe near Heighington*
- *We are being advised that there is a housing shortfall, but where, how many and what type of housing?*
- *The number of existing houses for sale, together with the Beech Crescent approval must surely satisfy any immediate housing demand along with the houses that were recently approved at School Aycliffe*
- *This and any other application should be refused until future short, medium and long term demand has been assessed, including locations, variety of house types and price bands and impact on existing infrastructure. Applications can then be assessed against an approved local plan to cater for identified needs*
- *There are no larger affordable homes or bungalows within the site*

### **Setting a Precedent**

- *I am concerned the road layout of the development allows for roads to be extended to the next field or future development*
- *This will lead to many other applications in not dissimilar locations adjoining the Village which will be difficult to resist.*
- *Previous applications on this site have been consistently opposed*

**Amenity Matters**

- *Construction traffic will cause noise and wear and tear to the roads*
- *Construction phase will impact on existing residents adjacent to the site*
- *There will be an increase in noise and pollution*
- *Nearby residents will be affected by the visual impact of the development*
- *Views from the properties on Snackgate Lane will be spoilt*

**Flood Risk and Drainage**

- *Will the existing sewage system work? Will this cause the sewage to leak out in fields outside the village?*
- *Twice in the last few years it has not been possible to exit the village via Walworth Road due to flooding*
- *Up until 2004 our land belonging to Page Farm from the Walworth Road right across to Coatsay Moor Lane regularly flooded. In Spring 2004 the owners upgraded the pipes crossing under Coatsay Moor Lane and there has been no land of the Farm land. However at a time of heavy rain, the pipes are almost running at full bore. If this is approved, there is no doubt the storm drains will not be able to cope resulting in crop damage as well as damage to drainage infrastructure*
- *In addition Page Farm own land after crossing Coatsay Moor Lane heading to the Bypass into which the village sewers run. Up until 2003 this land regularly had drain covers blown off discharging sewage in periods of heavy rain. Northumbrian Water upgraded the sewers which has rectified the problem although there are still frequent discharges into gutters which is monitored by NWL*
- *Approval has been given for 43 dwellings on Beech Crescent and the existing system is already under significant pressure and will not cope with additional development*
- *The foul drainage system has given rise to problems with sewage overflow into the stream and onto farmland to the east of Dene Bridge and these problems will be exacerbated without significant investment*
- *During wet periods, water collects in a sump hole localised in the south west corner of the site. This water drains via a four inch pipe towards Walworth Road. In the south east corner of the site, this regularly causes flooding on this road at least 3 – 4 times a year. Failure to address this problem will lead to our house (South Barn) and barn buildings left vulnerable to flooding. The sump hole must be made permanently safe*
- *The area of Millbank/Snackgate Lane junction has been effected over the years by flooding at times with heavy rain*

**Education**

- *Where are the children from this development going to go?*
- *Surely any application to extend the School must be submitted and granted before or at the same time as this housing application?*
- *Who will pay for any extension to the School?*
- *Along with the development on Beech Crescent at least another 50 pupils will need the local school so how can a school of 280 pupils take around an 18% increase*
- *Will children have to be bussed out of the area?*
- *The School is at full capacity*
- *How will the School be expanded and where does any shortfall money for the extension come from*
- *It is noted that the Parish Council has stated if the application is approved they will withdraw the use of the car park on Redworth Road which is used by the school and parents*



- *What will happen to the children being bussed to County Durham from the new Chestnuts development after the two years have finished. Parents will expect children to go to nearest school which is Heighington*
- *A new school is required*

### **Ecology**

- *The hedge on Walworth Road must not be cut down as it is in constant use by birds providing safe, high level perching, roosting and nesting*
- *Any suggestion to reduce the hedge to a low level hedge would be disastrous for birds and residents*
- *The small group of trees add to the amenity value of the local residents and should be a major attraction of the new properties backing onto Walworth Road. Retaining trees will maintain the current pleasant aspect of those already living on Walworth Road*
- *The hedge has been allowed to grow naturally without encroaching on the highway and there have never been any incidents to cause concern about its safety*
- *The bushes and trees are home to a number of wildlife all year*

### **Other Matters**

- *The developers may not sell the dwellings and this will impact on existing resident's to sell their houses*
- *The development would devalue the existing houses due to noise, pollution and traffic increase*
- *Will we pay less Council Tax?*

**Heighington Parish Council** has objected to the planning application on the following grounds

- *Existing roads are inadequate to accommodate the additional vehicles which will result from the extra dwellings. The existing roads do not meet current width standards and if they had to accommodate additional vehicles they would become dangerous*
- *The access to the proposed new site is near the junction of South View and Snackgate Lane and as such is dangerous. This part of road is already a crossroad on a bend*
- *Lack of footpath in Milbank Lane will compromise the safety of pedestrians in view of extra vehicles driving through the village*
- *If the proposal goes ahead there will be the loss of the car park at the Sports Field, currently used by parents taking their children to school*
- *One compromise for the proposal would be for the road to the north of the site to be blocked off which would force vehicles from the site to travel directly towards the A68 rather than through the village. This would mean there was no access from the village to the A68 and no vehicular access from the new site into the village*

**The Campaign to Protect Rural England** has objected to the planning application and the reasons are summarised below:

- *Whilst the Council's HELAA identifies this site as suitable for housing development, the site lies outside of the development boundary and is contrary to Policy E2 of the Local Plan*
- *The proposal is contrary to Policy H7 of the Local Plan which states that strict control of development outside development limits is essential to safeguard the character of the*

*countryside and villages, to make best use of existing infrastructure and community provision, and to minimise essential travel requirements*

- *The proposal is contrary to Policy CS1 of the Core Strategy as it is outside development limits and it does not meet any identified rural needs*
- *The proposal is contrary to Policy CS2 of the Core Strategy as it does not positively contribute to the character of Heighington or its local area and to its sense of place*
- *The proposal is contrary to Policy CS14 of the Core Strategy which aims to promote local character and distinctiveness*
- *It is generally accepted that Darlington does now have a 5 year housing land supply meaning that policies relating to housing carry full weight. However such proposals should comply with the development plan and conflicts should be refused in accordance with NPPF*

Following the submission of amended plans in March 2018, seven further letters of objection has been received raising the following concerns:

- *There is a substantial problem with ground water at the low end of this site both in the south east and west corner. My house (South Barn) is vulnerable and if groundwater was to fill the south west sump hole, which is on land that Bellways intend to build, my house would be flooded*
- *The foul water pump station is very close to our house (South Barn). What assurances do we have that the noise will be at an acceptable level? Can it be moved towards the road?*
- *All new planning proposals should focus on renewable energy, electric car points etc, maintenance of hedgerows, planting of trees for climate change, environment and community well being.*
- *I believe the impact of traffic has not been properly addressed and certainly not to my satisfaction specifically when it becomes Millbank-/crossroads with Snackgate Lane and South View. The increase of a further 75 dwellings will cause ongoing capacity and safety issues throughout the village.*
- *There have been a number of crashes and near misses at its crossroads over the years, traffic driving from South View up Millbank often have obscured vision due to the cars parked there. The pavements along South view are inadequate and people have to walk on the road, old people, toddlers and pushchairs, dog walkers etc. On one occasion a car flying round the corner from Walworth Road, drove at an inappropriate speed, and closeness and knocked a parcel out of my nephew's hand with the mirror and didn't stop. I couldn't get the registration number in time. Cars often speed using this as 'short cut' to the industrial estate. Cars have to park on the pavements as there is no adequate parking due to the nature of the houses. Wheelie bins are also put out onto the pavement which means that there are more obstacles for people to negotiate.*
- *I specifically mentioned the access issue to my house from south view, as it is a very difficult entrance. Any increase in traffic and/or parking along South View would be untenable.*
- *There are still no bungalows*
- *Existing roads are inadequate and the access is highly dangerous*
- *Lack of adequate footpaths on Millbank*
- *The existing car park at playing fields will be lost leading to an increase in traffic, accidents, parking on grass verges and private property leading to animosity in the village*
- *There will be an increase in traffic*
- *There will be an increase in sewage network*

- *There will be a strain on local amenities*
- *Damage to wildlife*
- *Outlook from bedroom windows will be spoilt (Westwood Avenue)*
- *Damage to aesthetics to the village*
- *Streets are too narrow. Emergency services has asked for cars not to be parked on Millbank in order to allow for urgent access*
- *Visibility from South View onto Millbank and Snackgate Lane and Walworth Road is a hazard*
- *Going up this field plus a caravan park down the road (Westholme Farm) will fetch a large number of vehicles up Millbank*
- *On South View there is no footpath wide enough and there are going to be people walking and bicycles*
- *The road is used as a through road to Aycliffe and the M1*

### **Consultee Responses**

**Northern Gas Network** has raised no objections

The **Architectural Liaison Officer from Durham Constabulary** has made comments relating to parking provision and open space within the site but the Police consider the concerns they have raised are insufficient to justify an objection to the development

**Northumbrian Water** has raised no objections to the proposal subject the imposition of a planning condition to ensure the development being constructed in accordance with the submitted Flood Risk Assessment

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

The **Durham County Council Archaeology Team** has confirmed that the submitted archaeological evaluation adequately deals with the remains that were encountered and no further works of any kind would be required for the site. There is no requirement for any additional planning conditions.

The **Council's Environmental Health Officer** has requested the imposition of conditions relating to glazing specifications, the submitted Demolition and Construction Management Plan, hours of construction and piling

The **Council's Capital Asset & School Places Planning Officer** has requested that if planning permission is granted, a planning obligation based on the formula contained within the Council's SPD must be requested and secured by a Section 106 Agreement.

The **Council's Rights of Way Officer** has raised no objections to the planning application but he has requested that consideration should be given to the need for a planning obligation towards improving the local footpath network

The **Council's Sustainable Transport Officer** has raised no objections subject to a planning obligations based on the formula contained within the Council's SPD must be requested and secured by a Section 106 Agreement.

The **Council's Senior Arboricultural Officer** has raised no objections subject to a planning condition being imposed to secure tree protection measures

The **Council's Senior Ecology and Landscape Officer** has raised no objections subject to appropriate conditions

The **Council's Heritage Officer** has no objections to the principle of the development but advised that the existing hedgerow should be retained and enhanced as much as possible as it contributes to the setting of the Heighington Conservation Area and requested that consideration is given to the removal or relocation of double garages that are located close to the boundary of the site.

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

### **PLANNING ISSUES**

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

- Planning Policy
- Impact on the Minerals Safeguarding Area
- Impact on Designated Heritage Assets
- Impact on non-designated Heritage Assets (Archaeology)
- Loss of Agricultural Land
- Design, layout and Impact on the Character and Appearance of the Area
- Residential Amenity
- Highway and sustainable transport issues
- Surface water and flood risk
- Contaminated Land
- School Places
- Ecology
- Impact on Trees
- Affordable Housing
- Developer Contributions
- Delivery

### **Planning Policy**

Planning law (S.38(6) of the Planning and Compulsory Purchase 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 (2012) is up to date national planning policy which should be given significant weight as a material consideration. The NPPF supports the plan led system, with plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. 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 NPPF and planning applications have been considered in the context of the presumption in favour of sustainable development (paragraph 14 of the NPPF).

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. A 20% buffer has been applied to this figure due to previous under delivery. The Council is currently preparing a new Local Plan and an assessment of sites currently shows that a 5.86 year (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, policies relating to the supply of housing should be considered up to date and the presumption contained in paragraph 14 does not apply.

It is important to note that these figures include a number of sites which are located beyond development limits but are considered as being suitable 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.

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 policy E2 there are material considerations which should be considered in the planning balance and these are considered in this report.

Also 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 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 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 in line with paragraph 47 of the NPPF.

The second part of the policy 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, 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 the Minerals Safeguarding Area**

A section of the application site is within a minerals safeguarding area in the Tees Valley Joint Minerals and Waste Core Strategy Development Plan Document. Policy MWC4 of the Strategy specifies that non-mineral development will only be permitted if:

- a) The development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way so there is evidence that the resource has been sufficiently depleted by previous extraction; or
- b) The mineral will be extracted prior to the development and this will not significantly adversely affect the timing and viability of the non-minerals development; or
- c) The need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource

The applicant has advised that the geological plans of the area and the ground investigations indicates that the majority of the site is underlain by sandstone of the Millstome Grit series and as such is not recognised as a mineral that forms part of the safeguarding plan. The development site is on the edge of the a village and it is considered that the sandstone would only be extracted as an aggregate resource via quarrying which would require crushing on site and therefore such works are not considered feasible for economic and environmental reasons.

### **Impact on Designated Heritage Assets**

Heighington Conservation Area is designated as a classic example of a squared village, a form probably developed from market and defensive functions. The church and buildings have grown around it to divide the large green into two, but also add greatly to the visual interest of the Conservation Area. The present buildings date mainly from the eighteenth century, although there are some outstanding examples of late seventeenth century work in stone, colour wash and pantiles. Its green setting is vital to the significance of the Conservation Area.

The site is outside the Conservation Area but it is on the approach to it. This is a rural approach with Walworth Road retaining much of the historic character of a rural lane with mature hedgerows and fields on either side. The development of this site, located on the west of the lane, would have some impact on this approach but it is acknowledged that this site is outside the Conservation Area. A draft Conservation Area Character Appraisal (CACA) for the Heighington Conservation Area includes an assessment of the significance of open spaces / land both inside and outside the boundary of the Conservation Area, this is part of an assessment of whether the boundary is appropriate or should be amended. The land has been identified in the draft CACA as having negligible significance to the special character of Heighington as a historic settlement.

Nevertheless the Council's Heritage Officer considers the approach to the village along Walworth Lane is attractive and this rural feel needs to be safeguarded to ensure there is no undue urbanisation in this location. This is also recognised as part of the Heritage Assessment that has been submitted as part of the planning application.

The Council's Heritage Officer accepts that the hedgerow needs to be removed to facilitate the access and to be pruned for visibility purposes. However, the landscaping strategy also includes pruning the rear of the hedgerow close to Plots 1, 70 to 75 and east of 69 and 62). The reason for this additional pruning work, as recommended by the Arboricultural Impact Assessment submitted with the application, is to ensure that the hedge does not overhang the plots and to ensure that the future maintenance of the hedge forms part of the private management regime and not the responsibility of the future homeowners which should be to be long term benefit of the hedge line.

The Heritage Asset Officer also recommended that consideration be given to repositioning of the detached double garages for Plots 62 and 69. This has been considered by Officers and the applicant and these plots will not be visible from the road due to the width and density of the hedge in this location. As a result, visually, there would be no impact on the approach to the village from Walworth Road and the location of the garages are considered to be acceptable.

The Heritage Assessment states that the development 'will in effect extend existing 20<sup>th</sup> century housing bordering the conservation area, but will not cause additional harm to the perception of the village on the high ground within an agricultural landscape.' The Conservation Area's rural setting is very important to its heritage significance. There are long, wide, uncluttered views south from the area into its landscape setting, over the valley of the Tees to the Cleveland Hills and North York Moors beyond. These are best from the high west side of the green and from the

south edge of the settlement over the scarp. Darlington's spires and chimneys are clear in these views from some points, adding key context to the scene. The development would not impact on these long wide views due to the topography and scale of the dwellings. Corresponding views north, from south of Heighington, are also significant including views of the village from the A68 in the south-west highlight its ridge-top position. The development would not impact on these views subject to the hedgerow being retained, maintained and enhanced.

The site does not include any designated heritage asset (Scheduled Monuments or listed buildings) and would not impact on the setting of any Scheduled Monuments or listed buildings but there is a small agricultural building (byre) is within the site close the southern boundary. It is proposed to demolish this structure and the land would form part of a Sustainable Drainage System (SUDs). It is a relatively recent structure first appearing on the OS map in 1948, while small barns and byres are characteristic of the historic rural landscape surrounding Heighington, this structure features some reclaimed stone but is predominantly constructed of machine cut stone with concrete doors and window lintels. The Heritage Assessment concludes that it has limited landscape value and does not have the charm of other 18<sup>th</sup> century examples, characteristic of this locality, which are constructed of local random rubble sandstone with pantile roofs. Having assessed the building against the Council's criteria, the byre is not a non-designated heritage asset, and does not require any recording and there are no objections to its removal.

Having considered the comments from the Heritage Asset Officer and the response from the applicant on the matters that have been raised, it is considered the development will not harm the heritage assets of the Village and their approach.

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

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

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

The initial survey work revealed that there may be some potential archaeological anomalies on the site and the Archaeology Team from Durham County Council advised that trial trenching needed to occur on site prior to any determination of the planning application. This work has occurred and a revised Report has been submitted which confirms that a gully that was exposed is most likely to represent a field boundary or a drainage feature of late prehistoric/romano-British date and no significant features were located in trenches to the north or south of the gully.

The Historic Record Officer from the Durham Archaeology Section has confirmed that the submitted archaeological evaluation adequately deals with the remains that were encountered and no further works of any kind would be required for the site. There is no requirement for any additional planning conditions.

**Loss of Agricultural Land**

At paragraph 112, 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.

The Natural England website does not categorise the planning application site as having any agricultural classification and therefore the redevelopment of the site for residential purposes does not raise any concerns over the loss of the existing land use.

**Design, layout and Impact on the Character and Appearance of the Area**

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

The second point of saved policy E2 of the Local Plan that seeks to ensure that any development that is located outside of the development limits does not unacceptably harm the character and appearance of the rural area is still valid as it is broadly consistent with guidance contained within the NPPF and is therefore relevant to the consideration of matters of character and appearance.

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

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

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 proposed development predominately comprises of detached dwellings with a small number of semi detached and terraced properties. The main area of open space is in the south east corner and there are some smaller grassed areas around the edges of the development. There are nine different house types within the development with parking provision taking the form of a mix of detached garages, integral garages and driveways. The dwellings are two storey to reflect the majority of the existing dwellings in the locality and the choice of materials will provide some contrasts and variety within the scheme. The means of enclosure within and around the site is acceptable and the final details of the materials for the dwellings would be secured by a planning condition.

Some of the objections relate to the lack of bungalows within the proposed development. The NPPF and Policy CS11 of the Core Strategy aim for developments to provide a mix of housing types, including affordable housing. It is considered that the proposed development does provide



a mix, albeit excluding bungalows, which should meet the needs and differing age groups of the population, including 20% affordable units.

The Architectural Liaison Officer has advised that the overall layout of the houses is acceptable from a “Design out Crime” perspective with enclosed gardens and ample surveillance across the fronts. The ALO has expressed a concern over the cohesiveness of the site with the remainder of the village as there is single point of access and the location of the open space/ SuDs within the development. Whilst these comments have been made the ALO considered there are insufficient to justify an objection to the planning application. In response to these comments, Officers have to consider the impacts that the creation of further points of access (pedestrian or vehicular) would have on the visual appearance of the Walworth Road and the single point of access that is being proposed is a close to the existing edge of the village as possible to help integrate the site and there is also a new footpath link from the access leading the existing footpath network. With regard to the location of the open space and SuDs area, this is the most appropriate location for the drainage system to work as it is at the lowest point of the site and the basin itself and surrounding area will be designed to be an attractive and usable space with landscaping and seating areas. This area of open space will also provide a landscaped, rural greenspace at this lower part of the site which complements its rural surroundings and the remainder of the site (housing) heading north compliments the residential village edge.

A Landscape and Visual Appraisal Assessment has been submitted with the planning application which considers the visual impact of the development from various aspects around the site. The Assessment concludes that the main change to the landscape character is that of the site itself which will change from grassland to residential use and that with the incorporation of landscape areas and open space, the retention of landscape feature such as a the hedgerow, the changes to the landscape character will be reduced, minimising any adverse effects. The Assessment shows that there will be limited views of the development within the wider area, particularly to the north and west due to landform, existing properties and woodland belts. The views most affected are those in close proximity including Walworth Road and the Public Footpath but existing boundary treatments and new landscaping will contain the site and soften the impact. From the majority of the rest of the wider area, the site is either not visible or imperceptible in the view amongst the existing vegetation and the existing built form of Heighington.

The loss of a section of the existing hedgerow will alter the appearance of Walworth Road but it is considered that the extent of the removal and pruning works would not be so adverse that it would significantly harm the character and appearance of the area. The majority of the hedge would be retained and managed by a private company. A landscaping scheme for the development would include the planting of replacement trees, replacement hedging through the development and a landscaped open space/SuD's area. The scheme would be secured by a planning condition.

The proposed drainage scheme has been designed so the all surface water up to a 1 in 30 year storm event is held within pipes ensuring that the basin will be dry at all times other than a flood event of 1 in 30 years or above. Should this event happen and surface water be discharged into the basin then would be designed to empty within 48 hours ensuring that any disruption to use would be minimal. The basin itself and area surrounding has also been specifically designed to be an attractive and usable open space with the proposed landscaping scheme expected to include a range of features in this area such as seating and additional planting

In terms of sustainability measures, Bellway Homes adopt a “fabric first” approach which places the greatest emphasis on the thermal performance of the dwellings. This ensures that thermal

performance and sustainability are embedded within the fabric for the lifetime of the building. Building materials are sourced and disposed of with appropriate environmental considerations and waste is kept to a minimum. Recycling facilities will be provided to all residents by means of internal and external bins.

The proposal does represent a major development which will have an impact on the character and appearance of the area but this impact has to be balanced against the need to provide deliverable housing sites in the Borough. Overall the scheme could integrate into the existing development pattern as well as the surrounding rural countryside by virtue of its design and layout and single access point and footpath link to existing housing developments and road and footpath network. Appropriate materials will be secured by planning conditions and it is considered that any adverse impacts that the proposed development may have on the character and appearance of the area have been mitigated by an appropriate design, layout and landscaping scheme and the impacts would not significantly and demonstrably outweigh the benefits that the scheme would bring in terms of contributing towards the need for new housing in the Borough

### **Residential Amenity**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF which seeks to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings

The northern boundary is shared with the rear gardens of the existing dwellings on Snackgate Lane, South Barn which is a converted agricultural building lies to the south and The Garthlands lies to the east on the opposite side of Walworth Road.

Sectional plans to show the relationship between the new and existing dwellings to the north of the site have been submitted in support of the planning application and they show that the new properties would be positioned between 24m and 26m from the existing dwellings and they would be approximately 3m to 4m lower as the application site slopes down from the north to the south. The proximity distance between the properties would accord with the requirements set out in the Council's adopted Supplementary Planning Document on Design for New Development. The changes in ground level between the existing and proposed dwellings would also reduce the visual impact of the proposed development when viewed from the dwellings on Snackgate Lane. The boundary between the properties would be reinforced by a 1.8m high close boarded fence.

The retained elements of the existing hedge line would provide a visual barrier between the site and the rear elevations and gardens of the dwellings on The Garthlands (it is noted that No 1 The Garthlands fronts onto Walworth Road) and Walworth Road separates the site from these properties.

South Barn is a single storey former agricultural building that has been converted to residential use. This property would generally be overlooked by the gable elevations of the new dwellings and the spatial relationship between the dwellings is acceptable. A foul water pumping station is proposed as part of the development (See Surface Water and Flood Risk Section) close to the south boundary of the site. The pumping station has been repositioned so that it is approximately 22m from South Barn and approximately 16m/17m from the nearest new dwellings. These distances accord with the Sewers for Adoption legislation which states a station must be a

minimum of 15m from any habitable property. Northumbrian Water has confirmed that the legislation states:

*“The pumping station should be located no closer than 15m to habitable buildings in order to minimise the risk of odour, noise and nuisance”. “The distance is to be measured from the pumping station site boundary (excluding access driveway) to the nearest point on habitable buildings. This dimension may be subject to change depending on the local circumstances and submission of proposals. Preliminary and early discussion with the Sewerage Undertaker is to be encouraged to ensure agreement of the scheme.”*

As the pumping station would accord with the above, Northumbrian Water should adopt the maintenance and management of the station and an appropriate planning condition has been imposed.

Some of the objections relate to a loss of a view but this issue would not be a material planning consideration and the application should not be refused on such grounds.

The application has been submitted with a Noise Assessment which looks at the impact of road traffic noise from Walworth Road to the east of the site on the proposed residential development. The assessment involved the measurement of existing noise levels at one location on the site (NML1) considered to be most exposed to noise, in looking to establish whether the relevant noise levels, as detailed in BS8233:2014 ‘Guidance on sound insulation and noise reduction for buildings’ and World Health Organization Guidelines for Community Noise 1999, would be met for internal and external spaces. Noise measurements were taken in accordance with the shortened measurement procedure outlined in the Department of Transport’s Calculation of Road Traffic Noise guidance (1988).

The Noise Assessment concludes that with standard specification double glazed windows (no specific additional mitigation) relevant internal noise levels in accordance with the guidance will be achieved.

In relation to external spaces, the Assessment states that, again, no specific mitigation is considered necessary to ensure suitable external noise levels are achieved in accordance with the guidance. It is noted that the submitted boundary treatment plan shows a 1800mm close boarded timber fence is proposed along the edge of the site which runs parallel to Walworth Road which will further reduce noise levels in relation to the external garden areas of those dwellings.

Environmental Health accepts the findings of the Assessment but has requested the imposition of a planning condition that requests the precise details of the glazing specification for all windows to be fitted within the development

A Demolition and Construction Management Plan has been submitted with the application. Generally, Environmental Health accept the proposed control measures detailed in relation to noise and dust, which include, but are not limited to, the use of well-maintained equipment, use of water to dampen down stockpiles, covering of vehicles and carrying out daily site checks. The working hours are also detailed as Monday to Friday 08:00-18:00, and Saturday 08:00-14:00 with no working on Sundays or Bank Holidays. Appropriate planning conditions have been imposed to secure the Plan and the hours of construction.

To cover the eventuality that piled foundations may be required at this site, a planning condition has been imposed to request details of the piling method. A planning condition would also be

imposed to secure the precise details of the foul water pumping station that would be erected close to the south boundary of the application site adjacent to the SuDs area in order to protect the amenities of the proposed and existing properties.

### **Highway and sustainable transport issues**

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.

A Transport Statement has been produced which demonstrates that traffic generated from the development would be a maximum of 38 two way trips in both the AM peak and PM peak. This equates to approximately one car movement every 1.5 minutes during the peak hour. The trip rates used in the calculation are generally in the correct order of magnitude for this type of development. Traffic distribution from the site can be broadly split into Northbound and Southbound directions with Northbound traffic distributed through Heighington Village and Southbound traffic heading along Walworth Rd towards the A68. 60% (23 trips) of generated traffic heads north with the remaining 40% (15 trips) being Southbound.

The Northbound traffic can be further assessed with a breakdown of 36% of vehicular trips (14 vehicles per hour) heading towards Coatsey Moor Lane/A6072. This equates to one additional vehicle every 4.5 minutes which can be further distributed through Millbank, South View and Water Lane using Mill Lane.

A further 12% of traffic (5 vehicles per hour) is predicted to head East on the B6444, this would be accessed through the Village network of roads using a variety of routes. There are three potential routing options for development traffic including: South View- Darlington Road- Station Road, alternatively; Millbank-Water Lane- Church View-Station Road. A more direct route to the B6444 would be; Millbank-Hall Lane- Beech crescent, although it is worth noting that Hall Lane is particularly narrow and therefore not an attractive option to drivers.

The above scenario is also applicable to the 7% (3 vehicles per hour) of traffic heading North East onto School Aycliffe Lane with the previously mentioned routes being available to distribute traffic across a variety of routes. The final traffic generation passing through the village is the 5% (2 vehicles per hour) heading West on the A6072 via Redworth Road, this will be accessed via Millbank.

Although the historic nature of the village means that road widths are narrow, the Village centre has some resilience to its highway network given that in most instances a variety of routes are available to distribute traffic evenly through different roads. The analysis of predicted traffic generation above demonstrates this and given the wide distribution of the traffic heading North through the village (a total of 23 two way trips in the AM/PM Peak) it does not demonstrate that any junction or link is to be significantly impacted by this proposed development. From a traffic perspective this development would therefore not be classed as having a severe impact.

An accident study has also been provided as part of the assessment which shows that there are no road safety concerns with regard to accident history in the immediate vicinity of this proposal. An updated check on [crashmap.co.uk](http://crashmap.co.uk) shows just one minor collision on the full length of Walworth Road within the last 5 years, this is backed up by Police accident statistics.

As stated above, the developer has agreed to make a financial contribution towards a scheme for creating additional parking bays in the Village. Whilst the scheme has yet to be finalised and would potentially be subject to obtaining planning permission, the scheme would comprise the creation of bays within the existing grass verges in order to remove parking on the highway and ease congestion on the highway network. There are existing examples of parking areas on Hopelands and the financial contribution could be used towards a scheme to extend and create further bays in this area.

Access to the development is from Walworth Road which is currently adopted highway and subject to a 60mph speed limit. An access junction design has been submitted that details a simple T junction with visibility splays suitable to the proposal for a reduced speed limit of 30mph from a point 85m South of the new access. This will be subject to discussions with and ultimately agreement with Durham Police. A footway has been provided at the site access precise details will be secured by a planning condition and by the S278/38 process.

Speed surveys taken on Walworth show that the location for the proposed speed limit would be appropriate as traffic has slowed for the bend and would have sufficient forward visibility to see the change in speed limit. A robust speed reducing measure such as a "gateway" feature could be installed and consist of a priority system reliant on horizontal deflection to prevent traffic speeding. Again, these measures would be secured by a planning condition. Hedgerow and vegetation removal will be required to secure visibility splays for both the access and the speed limit/gateway feature.

The internal access roads intended for adoption by the Highway Authority have been amended to make them fully compliant with adoptable standards. Private shared drives are shown at 6m wide which is in excess of the minimum width of 3.7m required for emergency service access and to enable vehicular and pedestrian traffic to pass safely. Generally the maximum length of a private shared drive should be no more than 25m long, serving no more than 5 properties. Should a private drive exceed 25m then a suitable bin store is to be provided not more than 25m from the adopted highway. The internal roads should be subject to a 20mph speed limit with suitable traffic calming required along the main access road to keep speeds down to 20mph. The site layout plan has been revised to show appropriate traffic calming measures on the internal roads

Centre line radii on bends comply with the Tees Valley Design Guidance for the category of access road with stopping sight distances maintained around all bends and access points which should be devoid of planting within the visibility splays. A Swept path analysis has been submitted to demonstrate the internal network will operate satisfactorily for the expected vehicles entering the housing estate and to demonstrate the main access off Walworth Rd is suitable and can accommodate larger vehicles including both a fire engine and 11.2m refuse vehicle.

Car parking provision across the site generally accords with the Tees Valley Design Guidance for the type and size of dwellings proposed. Driveways should be a minimum of 6m long measured from the rear of the adopted highway and garages should have internal dimensions of 3m x 6m to count as a parking space and the proposal would accord with this requirement.

The Village Hall bus stop is served at a half hourly frequency Monday to Saturday with a 60 minute evening service. Sunday service is also an hourly frequency. Heighington Station is approximately 2 miles from the proposed site. A new footpath link would be created on the west side of Walworth Road that will create a link with the village and the bus stops. The applicant

has agreed to make financial contributions towards improving the existing bus stops and enhancing and maintaining walking and cycling routes in the vicinity of the site which would be secured as part of the Section 106 Agreement.

The development would not directly impact upon the Public Footpath No 14 in the Parish of Heighington but there will be a potential for an increase in usage and monies secured via the above planning obligations would be directed towards maintaining and improving this route. The submission of a Residential Travel Plan to encourage the use of transport other than the car will be secured by an appropriate planning condition.

A revised Travel Plan has been submitted which is considered to be acceptable and would form part of the Section 106 Agreement for the site.

The Council's Highways Engineer and the Sustainable Transport Officer have not objected to the proposed development.

### **Surface water and flood risk**

Policy CS16 of the Core Strategy states that new development will be focussed on areas of low flood risk. The proposed development lies within Flood Zone 1 and the application has been supported by a Flood Risk Assessment, which was revised in April 2018 to amend the discharge points for surface water. The FRA advises that a surface water discharge rate has been granted into the existing network (manhole 7901) and that it will be attenuated within the development by traditional underground storage systems in the way of underground pipes as per the NWL adoption policy. An attenuation basin located in the south east corner of the site will be used to store water for storm events and it will be required to be maintained by a management company as it will not be adopted by NWL. Foul water flows would be discharged into the existing foul water system via a manhole (7002) located at the eastern boundary of the development. A foul water pumping station will be required to allow plots at the southern end of the development to be discharged at the same manhole on the eastern boundary.

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water has raised no objections to the proposal subject the imposition of a planning condition to ensure the development being constructed in accordance with the revised Flood Risk Assessment.

The Flood Risk Management Team have advised that further details of the management of surface water runoff needs to be provided and should be secured by appropriate planning conditions.

The planning application would not fall within the scope of matters considered by the Environment Agency.

### **Contaminated Land**

A Phase 1 Desk Study identifies that the site has not been previously developed and therefore it is unlikely that significant ground contamination is present. A potential source of hazardous gas was identified given the presence of an infilled pond in the south west corner. As part of a Phase 2 investigation a number of trial pits were excavated and boreholes were installed. The results from the analysis of the soil samples from the trial pits found no elevated levels of contaminants and no remediation is considered to be required.

The consultants have advised that the infilled pond was only small and backfilled in 1987. The backfill was encountered as reworked clays and no degradable matter was recorded. Organic materials were not encountered in the location and significantly elevated gas concentrations were not recorded during a gas monitoring exercise across the wider site. The Council's Environmental Health Officer has considered this additional information and have no further comments to make.

### **School Places**

A total of 16 primary school places need to be mitigated for by this housing development and the Council's Capital Asset and School Place Planning Officer has advised that the Heighington Academy currently has less than 5% capacity. As a result the applicant has agreed to a planning obligation to make a financial contribution towards expanding the School from a 38 to 45 place primary school, creating an additional 35 places across the school. This obligation would be secured via the Section 106 Agreement.

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

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

An Ecological Assessment (EA) has been submitted in support of the planning application which has been considered by the Council's Ecology Officer.

The EA states that the habitats on the site are dominated by poor semi improved grassland with an area of vegetation present on the south west corner and it is considered to be of low importance in terms of biodiversity.

Hedgerows are present along the site boundaries with the eastern hedgeline adjacent to Walworth Road being categorised as an "important hedgerow" under the Hedgerow Regulations 1997 and also as a priority habitat in the Tees Valley Biodiversity Action Plan. A section of the hedgerow (approximately 20m) would be removed during the construction phase of the development and whilst as much of the hedge will be retained, the hedge removal would be a net loss of this habitat, if there is no mitigation. There is no requirement for the applicant to submit a separate prior notification application under the Hedgerow Regulations as the works form part of this planning application.

Six trees would be removed to accommodate the proposed development (see below) but it is proposed to retain the majority of trees within the site. In the absence of mitigation, this will result in the net loss of this habitat. All habitat loss will occur during the construction phase of the development with no further habitat loss expected during the occupation stage. It is anticipated that there will be a net loss of habitat when the development takes place in the absence of mitigation but most of this loss will be species poor semi improved grassland and the habitats of greatest ecological value (those associated with the site boundaries) will be largely retained.

Once residential gardens and areas of landscaping associated with the open space start to mature, the availability and diversity of habitats within the site will increase.

The site is considered to provide limited opportunities for badger sett creation and foraging for badgers although it is possible that commuting badgers will use the site. No bat roosts were identified within the existing building and therefore its demolition is considered to have no impact on the local bat population.

The western hedgerow of the site has been identified as a regularly used foraging and commuting feature within the local area as it provides an ecological link between roosts in the dwellings to the north and foraging areas to the south. The loss or disruption of this feature could have a negative impact on the roosts within the dwellings to the north. A roost was identified in an Ash tree on the south of the site but this tree would remain as part of the landscaping scheme. Any trees to be removed (see below) to facilitate the development would need to be evaluated prior to their removal to ascertain if any bat roosts are present. The loss of hedgerows may result in the loss of bird breeding habitat along the eastern boundary but the majority will be retained and as the landscaping and residential gardens mature, habitats for birds will increase. Hedgehogs were also recorded as using the site.

The EA states that new species rich hedgerow will be incorporated into the landscaping scheme to mitigate for the loss of the hedgerow to create the access and there will be enhancements to the hedgerows in the west and south of the site which are currently poor species. Limited pruning can occur to accommodate highway improvements and the new footpath can be created without any significant detrimental effects on the long term viability of the hedgerow. Where feasible existing trees will be retained as part of the new development and they would be protected with appropriate fencing. In areas where grassland is to be established, consideration have been given to the use of native wildflower and grass seed mix rather than standard amenity grassland.

Lighting would be designed sympathetically in accordance with guidance published in the Bat Conservation Trust and Institute of Lighting Engineers and any lighting in the vicinity of any retained habitats and new landscaped habitats would be kept to a minimum and be directed to avoid light spillage on such areas. The EA recommends the inclusion of nest boxes for owls and birds and all vegetation clearance takes place outside of the bird breeding season.

The Council's Ecology Officer accepts the findings of the EA and the mitigation and recommendations should be secured by a planning condition. Furthermore, an additional condition to secure the inclusion of a number of integrated/internal bird boxes within the buildings facing the greenspace should be imposed in order to help mitigate habitat loss.



### **Impact on Trees and Hedges**

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

The trees are predominately located within the eastern hedge and also on the south and western boundaries. None of the trees are covered by a tree preservation order. In order to facilitate the development, an Arboricultural Impact Assessment (AIA) states three trees on the west boundary and three trees in the south west corner would be removed. Two of trees on the west boundary are diseased and dangerous and should be removed anyway and the remaining four trees are small low value trees in poor form (Category C). The Council's Arboricultural Officer has accepted the findings of the AIA and has requested the imposition of a planning condition to secure appropriate protective fencing measures for the trees to be retained. A new landscaping scheme would be expected to include tree retention, replacement tree planting, shrub planting and hedge planting throughout the proposed development and the scheme would be maintained by a private management company.

As mentioned, a section of the eastern boundary fence would need to be removed to facilitate the access and sections pruned to allow for visibility splays and the creation of a new footpath link. Whilst this is an important hedge, it has been allowed to grow and reshaping and pruning the hedge, with future management intervals should allow a strong second and third year growth. This would allow the hedgerows to be maintained without loss of amenity or habitat whilst limiting potential future conflicts with residents.

### **Affordable Housing**

The Supplementary Planning Document on Planning Obligations sets out a requirement of 20% of housing developments outside the urban area to be affordable units where a scheme is for five dwellings or more. The proposed development would include 15 affordable units (a mix of two and three bed properties) which accords with the policy requirements and the precise details of the management scheme etc would be secured by a planning condition. The applicant has confirmed that Hellens Group would be the Registered Provider for the affordable units.

### **Developer Contributions**

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

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

The Draft Heads of Terms for the proposed development are as follows:

#### *Sustainable Transport Contributions*

A financial contribution (£78,900) would be secured for improvements to cycleways, footways and the Public Footpath 14 and a further contribution (£5000) to improve the Inbound and Outbound Bus Stops near the Village Hall

*Sports provision and improvements in the Village*

A financial contribution (£6762) would be secured to make improvements to the playing fields in Heighington which are used by Heighington Boys Clubs.

*Education provision within the Village*

A financial contribution (£229,125) towards education provision in the Village.

*The creation of parking spaces within the vicinity of the application site*

An further financial contribution has been made by the applicant (£15,000) towards a potential scheme to create additional parking spaces within existing grass verges around Heighington, especially at Hopelands in order to help congestion in the village. Members need to be aware that such works will need to be subject to subsequent planning applications.

*A Travel Plan*

This would form part of the Section 106 as some of initiatives that would be used to encourage the use of sustainable modes of transport have financial implications such as exploring the possibility of securing bus passes for the first month of occupation and the employment of a Transport Co-ordinator.

**Delivery**

One of the aims set out in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified by the Council. As a result, Officers have imposed a planning condition to ensure the development commences within a time period of 18 months from the date of the planning permission, which is consistent with recent housing applications.

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

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

**CONCLUSION**

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

Despite the conflict with saved policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997, when considered in the context of the emerging Local Plan and 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.

The impact on nature conservation, trees, the hedgelines and wildlife has been taken into account in the decision making process and overall, it is considered that the proposal is acceptable in such terms.

The visual impact of proposed development, included the removal of the hedgerow to create an access, upon its wider setting and its impact on the neighbouring Heighington Village

Conservation Area has been taken into account and it is considered that the proposal is acceptable in such terms.

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

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

The applicant has agreed to enter into a Section 106 Agreement to secure a number of planning obligations in accordance with the Council's Supplementary Planning Document.

Having considered the local development plan policies and all other material considerations in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposal is considered to be acceptable.

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT WITHIN SIX MONTHS OF THE DATE OF THIS COMMITTEE TO SECURE FINANCIAL CONTRIBUTIONS TOWARDS THE FOLLOWING:

- a) A financial contribution towards improvements to the Inbound and Outbound Bus Stops near to the Village Hall
- b) A financial contribution towards improving footways and cycleways in the vicinity of the site, including improved signage
- c) A financial contribution towards education provision in the Village.
- d) A financial contribution towards improvements to the playing fields in Heighington
- e) A financial contribution towards a scheme to increase and create parking bays within the Village
- f) A Travel Plan

AND THE FOLLOWING PLANNING CONDITIONS:

#### **General**

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission  
REASON; In the interests of achieving an improved rate of housing delivery in the Borough
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a. Drawing Number 15-028-001 – Site Location Plan
  - b. Drawing Number 15-028-P01 Rev C – Proposed Site Layout
  - c. Drawing Number 15-028-P02 Rev C – Boundary Treatment Plan
  - d. Drawing Number 15-028-P03 Rev C – Adoption Plan
  - e. Drawing Number 15-028-P11 – Site Sections

- f. Drawing Number 121166/0001 Rev A Swept Path Analysis
- g. Drawing Number A/643/v7/00/001 – Ash House Type
- h. Drawing Number A/643/v7/00/002 – Ash House Type
- i. Drawing Number A/802b/v7/00/01 – Birch House Type
- j. Drawing Number A/802b/v7/00/02 – Birch House Type
- k. Drawing Number A/01023/v7/00/01 – Argan House Type
- l. Drawing Number A/01023/v7/00/02 – Argan House Type
- m. Drawing Number A/1169/v7/00/01 – Hemlock House Type
- n. Drawing Number A/1169/v7/00/02 – Hemlock House Type
- o. Drawing Number A/1273/v6-v7/00/01 – Mulberry House Type
- p. Drawing Number A/1273/v7/00/02 – Mulberry House Type
- q. Drawing Number A/1278/v7/00/01 – Mahogany House Type
- r. Drawing Number A/1278/std/00/02 – Mahogany House Type
- s. Drawing Number A/1336/v6-v7/00/01 – Maple House Type
- t. Drawing Number A/1336/v7/00/02 – Maple House Type
- u. Drawing Number A/1394/v6-v7/00/01 – Lilac House Type
- v. Drawing Number A/1394/v7/00/02 Rev A – Lilac House Type
- w. Drawing Number A/1550/v7/00/02 Rev A – Acacia House Type
- x. Drawing Number A/1550/v6-v7/00/01 – Acacia House Type
- y. Drawing Number A/1701/v6-v7/00/01 Rev A – Pine House Type
- z. Drawing Number A/1701/v7/00/02 Rev A – Pine House Type
- aa. Drawing Number S6/D06 – 1800mm High Wall & Close Boarded Fence
- bb. Drawing Number S6/D08 – 1800mm to 900mm Transitions Close Boarded
- cc. Drawing Number S6/D17 – 900mm High Post and Rail Fence
- dd. Drawing Number S6/D18 – 450mm High Trip Rail

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

#### **Materials**

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

REASON: In the interests of residential amenity

#### **Affordable Housing**

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

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

Unless otherwise agreed by the Local Planning Authority

REASON: To comply with Council Housing Policy.

### **Highways**

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

REASON: In the interests of highway safety

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

REASON: In the interests of highway safety

### **Landscaping**

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

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

### **Ecology**

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

REASON: In the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

9. Prior to the completion of the first dwelling, an ecological lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the street lighting and any external lighting on the dwellings and the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed without the prior consent of the Local Planning Authority  
REASON: In the interests of protected species and their habitats
10. The development hereby approved shall not be carried out otherwise than in accordance with the mitigation measures and recommendations contained within the “Ecological Assessment – Land West of Walworth Road” dated 16 January 2018 and produced by BSG Ecology unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of protected species and their habitats
11. Further to the mitigation measures outlined within the “Ecological Assessment – Land West of Walworth Road” dated 16 January 2018 and produced by BSG Ecology, a scheme for the inclusion of 10 integrated/internal bird boxes within the dwellings facing greenspace shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling and the development shall not be completed otherwise than in complete accordance with the approved details  
REASON: To increase the ecological interest in the site

#### **Tree Protection**

12. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall be in accordance with BS 5837. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
- (a) The raising or lowering of levels in relation to the existing ground levels;
  - (b) Cutting of roots, digging of trenches or removal of soil;
  - (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
  - (d) Lighting of fires;
  - (e) Driving of vehicles or storage of materials and equipment.

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

#### **Foul Pumping Station**

13. Notwithstanding the details shown on the approved plans, the foul pumping station shall be constructed in complete accordance with the requirements contained within “Sewers for Adoption, Sixth Edition” and offered for adoption with Northumbrian Water Ltd.  
REASON: In the interests of residential amenity

#### **Amenity**

14. The proposed development shall not be carried out otherwise than in complete accordance with the submitted Demolition and Construction Management Plan by Bellway Homes Limited dated 30/04/2018, Rev 1 unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interests of residential amenity and highway safety
15. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority  
REASON: In the interests of the general amenity of the area
16. If piled foundations are proposed, prior to the commencement of the development details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved Plan  
REASON: In the interests of the general amenity of the area

#### **Noise**

17. Prior to the commencement of any of the dwellings on Plots 1, 62, 69 – 75 as shown on Drawing Number 15-028-P01 Rev C precise details of the glazing specifications (including details on the Rw and Weighted Sound Reduction for Traffic Noise (CTR-value)) for all windows for habitable rooms on the road frontage elevation for dwellings adjacent Walworth Road shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the information in the submitted Noise Assessment by LA Environmental Ltd dated 10 January 2018 (Report No. BH/WR/001). The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the first occupation of the dwellings  
REASON: In order to protect the amenities of the future occupiers of the proposed dwellings

#### **Flood Risk and Drainage**

18. The development hereby approved shall be implemented in complete accordance with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment and Drainage Strategy – Walworth Road Residential Development, Heighington, Darlington” - Revision 2” dated April 2018 and produced by Patrick Parsons. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 7002 and ensure that surface water discharges to the surface water sewer at manhole 7901. The surface water discharge rate shall not exceed the available capacity of 7.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority:  
REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012
19. The development hereby approved shall not commence until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning

Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with approved details. The scheme shall include but not be restricted to providing the following details:

- a. Detailed design of the surface water management system
- b. A build program and timetable for the provision of the critical surface water drainage infrastructure
- c. A management plan detailing how surface water runoff from the site will be managed during construction phase
- d. Details of adoption responsibilities
- e. Management Plan for the Surface Water Drainage scheme and any maintenance and funding arrangement
- f. Details of landscaping, ecological enhancements and features such as seating, footways

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area in accordance with the Darlington Core Strategy Development Plan (Policy CS16) and the National Planning Policy Framework 2012

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

- a. Limiting the surface water runoff generated by the impermeable areas of the development up to an d including the 100 year critical storm so that it will not exceed the runoff from the undeveloped site and not increase the risk of flooding off site. This will be achieved by limiting the site to a surface water discharge rate of 7.5l/s into the NWL surface water sewer.

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

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

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

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



22. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development  
REASON: To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development

**SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED SIX MONTH PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION WOULD BE CONSIDERED TO BE A REFUSAL WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE. THE REASON TO REFUSE THE PLANNING APPLICATION WOULD BE AS FOLLOWS:**

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

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

**Borough of Darlington Local Plan 1997**

E2: Development Limits

E14: Landscaping of Development

H7: Areas of Housing Development Restraint

Darlington Core Strategy Development Plan Document 2011

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

CS2: Achieving High Quality Sustainable Design

CS3: Promoting Renewable Energy

CS4: Developer Contributions

CS10: New Housing Development (parts out of date)

CS11: Meeting Housing Needs

CS14: Promoting Local Character and Distinctiveness

CS15: Protecting and Enhancing Biodiversity and Geodiversity

CS16: Protecting Environmental Resources, Human Health and Safety

CS17: Delivering a Multifunctional Green Infrastructure Network

CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

**Tees Valley Minerals and Waste Development Plan Documents**

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

**National Planning Policy Framework 2012**

**Other Documents**

Interim Planning Position Statement 2016

Planning Obligations Supplementary Planning Document 2013

Design for New Development Supplementary Planning Document 2011

**INFORMATIVES****Highways**

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

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

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

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

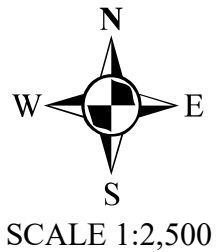


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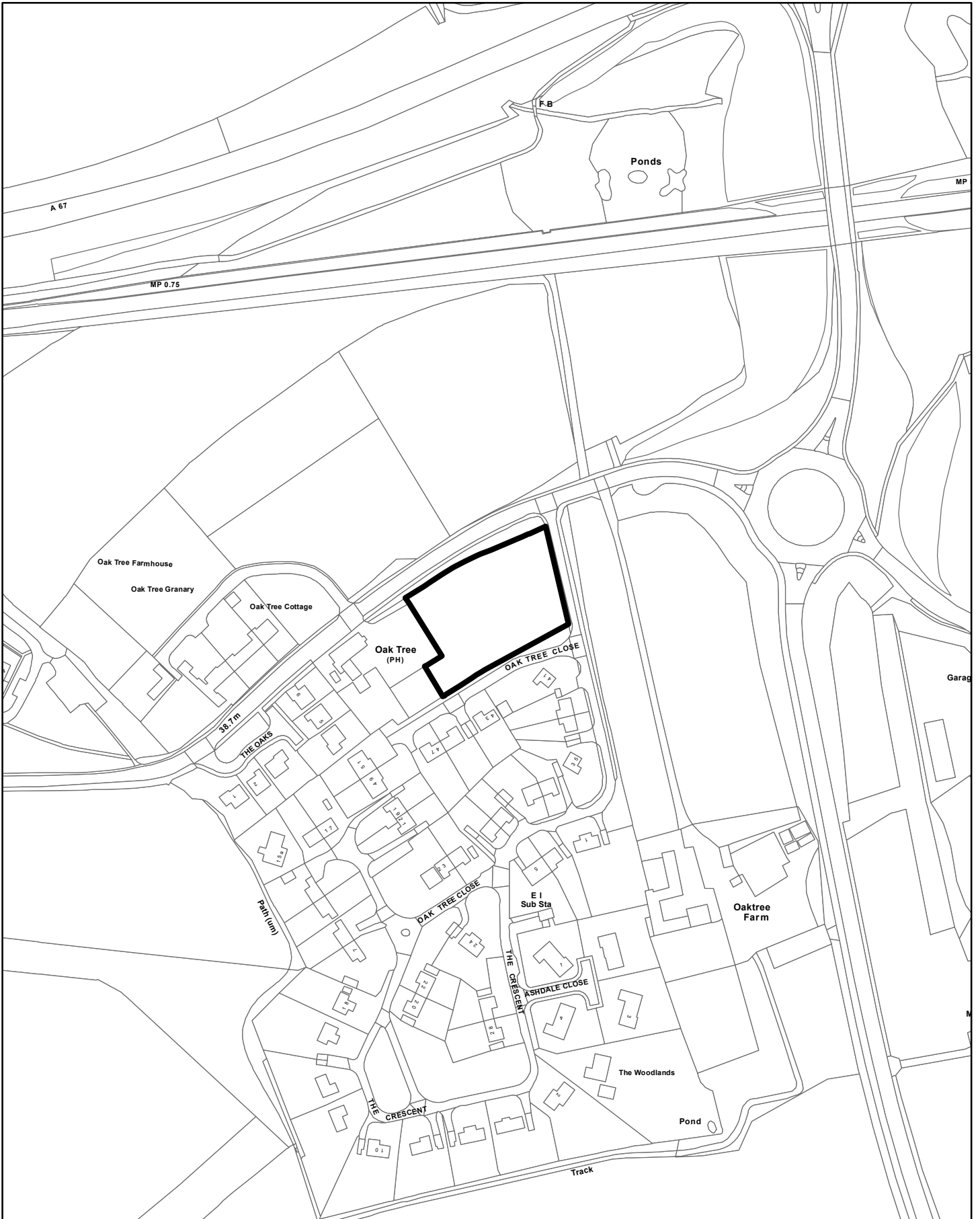
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**DARLINGTON BOROUGH COUNCIL**

**Page 39**



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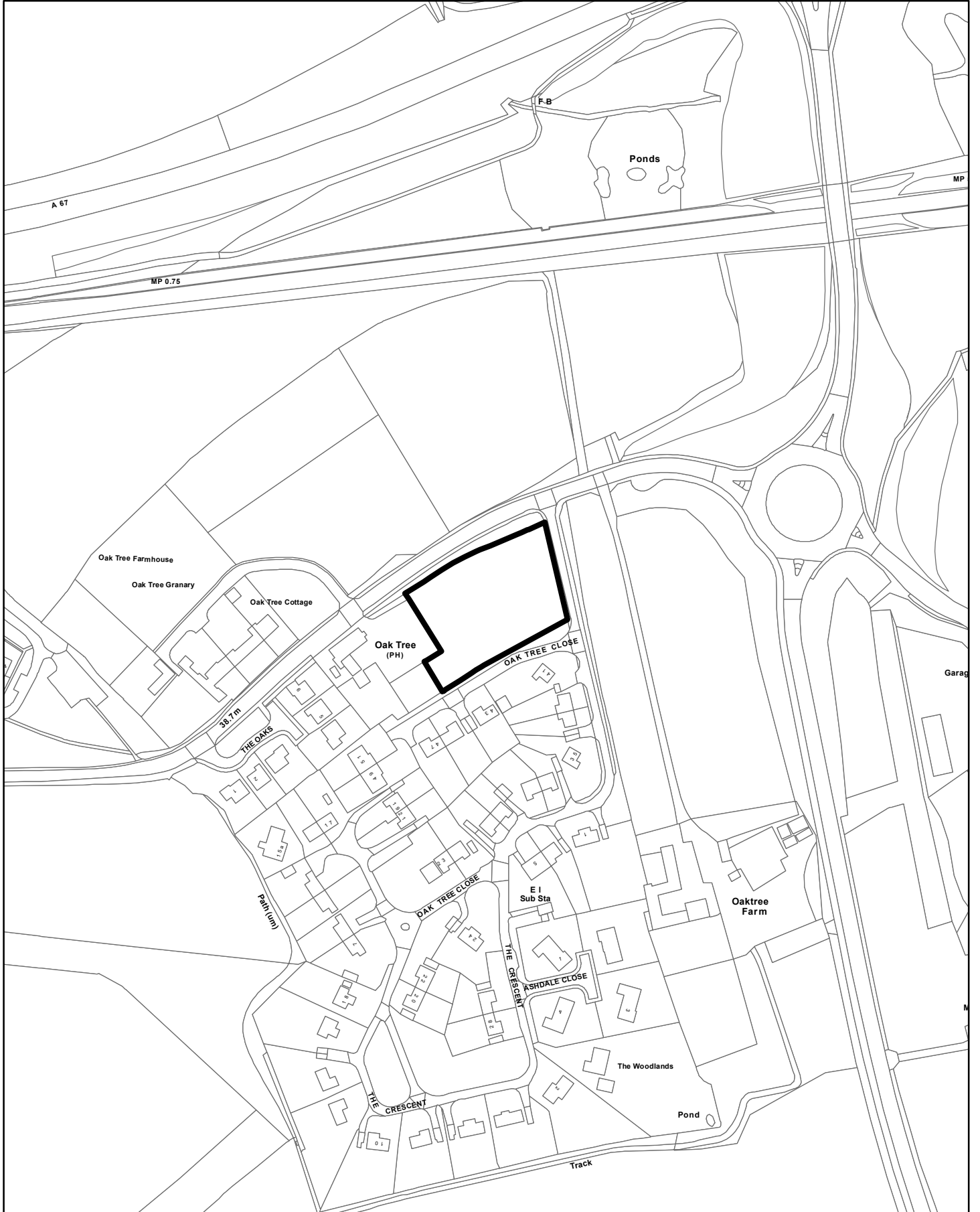
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**DARLINGTON BOROUGH COUNCIL**

**Page 41**



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**PLANNING REF. No. 16/01256/FUL**

**DARLINGTON BOROUGH COUNCIL**

**Page 43**



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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 30 May 2018**

**Page**

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<b>APPLICATION REF. NO:</b>	18/00190/FUL
<b>STATUTORY DECISION DATE:</b>	8 <sup>th</sup> June 2018
<b>WARD/PARISH:</b>	PIERREMONT
<b>LOCATION:</b>	201 Greenbank Road
<b>DESCRIPTION:</b>	Change of Use of dwelling (Use Class C3) to local convenience store (Use Class A1) with living accommodation above. Erection of single storey extension to the rear to form part of shop and associated internal and external alterations (amended plan and Planning Statements received 11 April 2018 and 13 April 2018)
<b>APPLICANT:</b>	Mr Singh

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**APPLICATION AND SITE DESCRIPTION**

The existing dwelling 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, fronts onto Greenbank Road. The property has a single storey flat roofed kitchen/bathroom extension and yard along with 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. Brinkburn Dene lies to the north (approximately 20m) and Reid Street School is in close proximity (approximately 100m).

The proposal involves the conversion of the ground floor of the property to a local convenience store with an extension to the existing flat roofed extension (to cover existing yard area and increase the height by approximately 0.6m). The floor area of the convenience store would measure approximately 53m<sup>2</sup>. The first floor would comprise a lounge/kitchen, one bedroom and a bathroom and it would be accessed via a new doorway off Craig Street.

The planning application has been accompanied by a Planning Statement which confirm the following:

- The proposed opening hours of the store are 0700 to 2100 Monday to Saturday and 0800 to 2100 on Sundays;
- The only deliveries to the site will be newspapers which will take place in the early hours of the morning usually between 0500 and 0700 and all other stock will be obtained from a “Cash and Carry” and brought to the site by the applicant. If any deliveries were to take

place, there would be no more than two per day and they would take place during normal working hours. It is envisaged that deliveries would involve the use of transit vans;

- Waste and recycling bins would be kept in the section of the existing garden area behind the high garden walls/fence;
- There would be no external air conditioning or refrigeration equipment on the site;
- Cycle parking would be provided within the section of the front garden enclosed by the low wall;
- A disabled access would be provided via the front entrance.

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.

The planning application was originally submitted showing an enlargement to the existing flat roof extension which would have covered all of the front garden and created a store with a larger retail floor space than what is now being considered. The larger extension has been omitted by the amended plans.

The planning application is recommended for refusal but as **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.**

### **PLANNING HISTORY**

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

### **PLANNING POLICY BACKGROUND**

The relevant local development plan policies are:

#### **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

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

Following the initial neighbour consultation exercise, **20 letters of objection** have been received and the comments can be summarised as follows:

#### **Need**

- *There is no need for a convenience store in this area*
- *There are plenty of other shops within walking distance*
- *There is no necessity nor viability reason for a convenience store*

- *There is a lack of suitable living accommodation in Darlington and not a lack of convenience stores*
- *The shop will be of little benefit to local residents*
- *There is a vacant chip shop on Greenbank Road which could be converted to a shop*
- *Nos 191, 192 and 185 Greenbank Road could be used as a shop*

### **Highway Matters**

- *Traffic problems will be created in an already busy area*
- *There is already a parking problem with teaching staff and hospital staff parking on Greenbank Road*
- *No 201 Greenbank Road is on the most dangerous corner and having a shop will cause problems*
- *The shop would be located on a three way junction with limited available parking leading to further congestion/road safety issues*
- *Residents would be unable to park near their homes due to customer parking*
- *The streets are very busy at school pickup and drop off times and the extra build up of traffic would make it unsafe for children*
- *There will be an increase in traffic*
- *It would be unsafe for parking*
- *It is located close to Reid Street which would cause issues for parking and congestion and a risk to children*
- *Delivery lorries will need to unload in the street where there isn't anywhere to unload again causing traffic issues*

### **Amenity**

- *There will be an increase in antisocial behaviour*
- *Its location next to the Denes play area will create antisocial behaviour*
- *This will create much more noise at all hours*
- *There will be extra litter and chewing gum on pavements*
- *This will be completely out of character for this street*
- *There is an existing antisocial problem in the Denes and another outlet selling alcohol will lead to a further increase in such behaviour*
- *There is a back lane between us (No 199 Greenbank Road) and the proposed shop. The lane is already used by drunk and drug fuelled rows from passers-by and local residents. The shop would back onto our back bedroom which I would feel unsafe with*
- *There is very little privacy without the shop and the shop would attract more people and increase existing events*
- *Children will congregate around the shop in groups making it very intimidating*
- *The shop frontage will be illuminated which will cast a glare across neighbouring houses*
- *This is a family area which comprises of young and old persons and this would be horrendous for this close knit community*
- *This is a quiet family orientated area of the town*
- *The appearance of the street would change forever*
- *We don't want people hanging around and causing problems as the shop will be open all hours of the day*
- *The proposed development would be out of keeping with the surrounding buildings with the addition of the extension and signage*
- *There will be a loss of privacy for the neighbouring houses*

**Other Matters (Not Material Planning Considerations)**

- *This will impact on property values*
- *Another shop will have a detrimental effect on existing established shops*
- *This application is approved will impact on my business (No 30 Hollyhurst Road) and employees and family*

Two letters of support and a petition in support of the application with five signatories has been received and the comments can be summarised as follows:

- *I am old and lived at Craig Street for many years. It will be great to have a shop just next to the house where we live, especially at my age and with this weather. It's not every day the opportunity knocks on our door for such an important development*
- *It will be great to have a shop here because we have to walk to Hollyhurst Road which is a busy road and not safe to cross with children. This shop is busy and we need to wait in queues*

Following the submission of amended plans and additional information, a further six letters of objection have been received and the comments can be summarised as follows:

- *This is an unsuitable location on a busy junction*
- *If this shop needs four parking spaces, that is four spaces lost to local residents*
- *I would disagree that there has been on accidents in this area*
- *Where would bikes be stored? They will end up in the rear lane which is already obstructed by bins and vehicles*
- *There will be antisocial behaviour which happens at other existing shops close to the Denes*
- *The Crime Prevention Unit are objecting to the planning application*
- *I could not park my park at all around morning school time due to no parking spaces*
- *Our objection to the plan (amended or otherwise) remains the same for previously expressed reasons*
- *The recycling bins will be unsightly and lead to litter and attract vermin*
- *There is inadequate parking in the area*
- *The principles and guidance of highway management and highway safety are being disregarded*
- *The reason for no accidents being recorded is simply because only accidents where people have been injured and the police have been involved would be recorded*
- *The deliveries will lead to unacceptable increase in noise and disturbance*
- *Residents support the concerns made by the Architectural Liaison Officer*
- *We are adequately catered for regarding local shops and there is no need for another*

**Consultee Responses**

The **Council's Highways Engineer** has raised no highway objections to the proposed change of use

The **Council's Principal Environmental Health Officer (Commercial)** has commented that the revised scheme alleviates previous concerns over waste storage and external plant and equipment but he is unconvinced that the premises would not act as a focus point for antisocial behaviour despite being advised by the applicant that he does not intend to sell alcohol from the premises

The **Architectural Liaison Officer from Durham Constabulary** has provided comments and raised concerns that the proposed use will attract antisocial behaviour

## **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.

The application was originally for a change of use of the ground floor to a retail store measuring 120 sqm, but this has now been reduced significantly to approximately 50 square meters and would now require just 2 parking spaces 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 which means the highway located adjacent to the frontage of the proposed development would be able to support a small amount of operational and customer parking. This would be deemed acceptable for the scale of the proposed business.

The area is characterised by terraced houses without front gardens; and such 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, Craig Street and Widdowfield Street also having unrestricted on street parking. Due to the proposed location it is envisaged that many 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 has assured that delivery vehicle 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.

Accident statistics for the area taken from crashmap.co.uk 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. Anecdotal evidence of minor incidents involving wing mirrors being knocked off cars etc have been mentioned in objection letters but unfortunately the Council do not have a method of assessing unrecorded incidents.

Bins will be stored within the curtilage of the premises and not on the highway.

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 which echoes one of the core principles of the NPPF which seeks to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings.

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. 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.

In his initial response, the Architectural Liaison Officer (ALO) advised 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. Following the submission of the amended plans, the ALO made the following further comments:

*“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"*

The applicant has advised he does not intend to sell alcohol which may improve the situation with regard to antisocial behaviour but this is not a matter that would fall within the remit or control of this planning application.

The revised application has provided acceptable waste storage facilities and the applicant has advised there would be no external plant or machinery associated with the store. However, the Council's Environmental Health Officer (Commercial) remains unconvinced that a premises such as this would not act as a focus point for the congregation of people and potential antisocial activities (even if there is no sale of alcohol).

The existing residential property will attract a very limited number of "comings and goings" by 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 has been reduced and will 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, early in the morning and later on an evening. 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.

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 commercial (a shop) albeit vacant, it would have previously attracted high levels of footfall, vehicle movements etc, which is not the case with this particular proposal and the retail store could resume operating at any given time.

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 comings and goings and potential congregation of customers and also 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.

Based on the advice from the ALO and also the concerns raised by the Environmental Health Officer, it is also considered that the proposed use has the potential to result in antisocial behaviour both in the shop and for existing residents in an area where there is already an existing 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 2012.

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 and the potential need for any plant and machinery.

### **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. 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.

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 disabled access would be achievable through the main entrance but very little detail has been submitted and therefore 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 comments from local residents, the Architectural Liaison Officer and the Council's Environmental Health Officers it is the opinion of Officers, that this is an inappropriate location for a new retail store as it would have an adverse impact on the 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.

**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 2012 (paragraph 17)

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