

Planning Applications Committee Agenda



**1.30 pm Wednesday, 5 August 2020
via Microsoft Teams**

In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held on a virtual basis. Members of the Public can view a live stream of the meeting at:

<https://www.darlington.gov.uk/livemeetings>

Due to the changes made surrounding meetings during the Coronavirus pandemic, please note the following changes to the Planning Protocol:

- a. That the Applicant may attend but will not be permitted to make a presentation to Committee, and just be there to answer questions.
- b. That, following the publication of the Agenda/Reports, the Applicant and Supporters/Objectors may submit a statement in writing up to 1.30pm on the Tuesday prior to the meeting, which will either be circulated to Committee Members or read out by the Planning Officer at the meeting. Any statements should be submitted to the Planning Services Team, Room 401, Town Hall, Feethams, Darlington, DL1 5QT, or via email to planning@darlington.gov.uk
- c. That people may approach their Ward Members (who are allowed to attend the meeting) and request that they put their views to Committee.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 22 July 2020 (Pages 1 - 12)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative

5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 13 - 14)
 - (a) Land at Neasham Road and Snipe Lane (Pages 15 - 58)
 - (b) 44 The Green, Hurworth (19/01071/FUL) (Pages 59 - 68)
 - (c) 44 The Green, Hurworth (19/01138/LBC) (Pages 69 - 74)
 - (d) The Devonport, Middleton One Row (Pages 75 - 86)
 - (e) 182 Northgate (Pages 87 - 100)
 - (f) 58 Montrose Street (Pages 101 - 110)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART III

EXCLUSION OF THE PUBLIC AND PRESS

8. To consider the Exclusion of the Public and Press –

RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.
9. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 22 July 2020 (Exclusion Paragraph No. 7) –
Report of Director of Economic Growth and Neighbourhood Services
(Pages 111 - 120)
10. 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
11. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 28 July 2020

**Town Hall
Darlington.**

Membership

Councillors Allen, Clarke, Cossins, Heslop, C L B Hughes, Johnson, Mrs D Jones, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, 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: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 22 July 2020

PRESENT – Councillor Mrs D Jones (Chair); Councillors Allen, Clarke, Cossins, Heslop, C L B Hughes, Johnson, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

PA1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2020/2021

RESOLVED - That Councillor Mrs. Jones be appointed Chair of this Committee for the Municipal Year 2020/21.

PA2 APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2020/2021

RESOLVED - That Councillor Tostevin be appointed Vice-Chair of this Committee for the Municipal Year 2020/21.

PA3 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2020 / 2021 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C104/FEB/2020

RESOLVED – That meetings of this Committee for the Municipal Year 2020/21, be held at 1.30 p.m. on the dates, as agreed on the calendar of meetings by Cabinet at Minute C104/Feb/2020.

PA4 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

(**NOTE:** The Chair made a statement which explained that, whilst being a customer of the Devonport Hotel, she entered the meeting with a clear and open mind and was able to give appropriate consideration to the application before Members (Application Ref. No. 20/00258/FUL). The Chair did not, therefore, feel it necessary to declare an interest).

PA5 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 MARCH 2020

RESOLVED – That the Minutes of this Committee held on 4 March 2020 be approved as a correct record.

PA6 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

NOTE – APPLICATIONS FOR PLANNING PERMISSION – The following

standard conditions are referred to in those Minutes granting permission or consent:-

A3	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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PA7 HAUGHTON ROAD SERVICE STATION

19/00742/FUL – Demolition of existing buildings and erection of convenience store (Use Class A1) and replacement petrol filling station with forecourt canopy, petrol pumps and islands, vents, underground tanks, trolley park, enclosed car wash, air and water, plant and bin store areas and associated car parking and landscaping (Amended plans and information received 7th and 11 February 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection, two letters of support, and responses to questions from the Applicant's Agent, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

Loc1 Site Location Plan
PL-12 Rev B Proposed Plans and Elevations
PL-11 Rev H Proposed Site Plan and Sections
PL-13 Rev A Jet Wash Enclosure
Materials Schedule

REASON – To define the consent

3. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction / remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the

Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON – The site may be contaminated as a result of past or current uses and / or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

4. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a 'suitably competent person(s)' and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a 'suitably competent person(s)' documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted to and agreed in writing by the Local Planning Authority within 2 months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON – The site may be contaminated as a result of past or current uses and / or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

5. The development shall not be carried out otherwise than in complete accordance with the submitted Construction Management Plan (Demolition and Construction Method Statement, on behalf of James Hall and Company Limited, 26 June 2020) unless otherwise agreed in writing with the Local Planning Authority. Prior

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

6. Construction and demolition work shall not take place outside the hours of 08:00-18:00 Monday – Friday, 08:00-14:00 Saturday with no working on a

Sunday and Bank / Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

7. The hours of operation of the jet wash and the car vac and any other equipment located on the forecourt shall be limited to 08:00-20:00.

REASON – In the interests of residential amenity.

8. Prior to the commencement of use, full particulars and details of a scheme to protect adjacent premises against the transmission of airborne and impact sound, noise, fume and dilution attenuation measures of any external plant and equipment, including the jet wash and ventilation systems, have been submitted to, and approved by, the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

REASON - In order that the Local Planning Authority may be satisfied as to the arrangements for preventing loss of amenity to neighbouring premises due to noise, fumes and smells.

9. The removal of the existing vehicular access onto Barton Street and the reinstatement of footways as shown on Drawing Number PL-11 Rev H shall be implemented in full prior to the Petrol Filling Station or convenience store opening for trade and remain as such thereafter.

REASON – In the interests of highway safety.

10. The landscaping scheme as shown in Drawing Number PL-11 Rev H shall also include the planting of 2 no. cherry trees, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the landscaping scheme. Thereafter the approved landscaping scheme 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.

11. The development shall not be carried out otherwise than in complete accordance with the mitigation recommendations set out in the Ecological Survey and Assessment (including a Licensed Bat Survey) (ERAP Limited, October 2016) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside

Act 1981, NPPF, Policy CS15 of the Core Strategy.

12. Details of any external lighting, to include a lighting impact assessment undertaken by an independent qualified assessor, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the buildings. Thereafter the external lighting shall be installed in complete accordance with the approved details and maintained as such thereafter.

REASON – In the interests of residential amenity.

13. Deliveries to the store shall not take place outside the hours of 7:00 and 23:00 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

14. Prior to the operation of the petrol filling station 2 no. electric vehicle charging points shall be provided on site.

REASON – To make provision for sustainable means of transport

PA8 DEVONPORT, MIDDLETON ONE ROW

Change of use to form outdoor paved seating area to front and installation of ventilation/extraction equipment to side elevation (Part retrospective Application – outdoor paving area) (Additional Information received 24th June 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two representations read out to the Committee by the Ward Councillor – one objecting to the Application and one supporting the Application, six letters of objection, the views of the Parish Council, the concerns of the Council's Conservation Officer and Environmental Health Officer, further comments received by the Planning Officer in advance of the meeting which were read out to the Committee, and responses to questions asked of the Applicant's Agent during the meeting).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019012 – 113 Rev A Site Location and Block Plan

L019012 – 114 External Seating Area

L019012 – 112 Elevation

REASON – To define the consent

2. Prior to the installation of the ventilation / extraction equipment, full details of the final specifications and layout of the system, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall

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

REASON – In the interests of residential amenity.

3. The external ventilation / extraction equipment as agreed pursuant to condition 2 (above) shall be installed in full accordance with the manufacturer's instructions and fully operational within three months of the date of this planning permission and shall be maintained as such thereafter.

REASON – In the interests of residential amenity.

PA9 BUILDING ADJACENT TO 16 STATION TERRACE, MIDDLETON ST GEORGE

20/00104/FUL – Change of Use from storage (Use Class B8) to shop (Use Class A1) including installation of new shop front, windows and doors.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), twenty three letters of objection, the views of the Parish Council, a further comment received by the Planning Officer in advance of the meeting which was read out to the Committee, and the responses to questions asked of the Applicant's Agent).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990

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

- a) Drawing Number 2002 – 02 Proposed Plan
- b) Drawing Number 2002 – 03 Site Location Plan

REASON – To define the consent

3. The internal staircase and accessible WC shown on the approved plan (drawing number 2002 – 02) shall be installed prior to the commencement of the use hereby permitted unless otherwise agreed in writing by the local planning authority and shall be retained for lifetime of the development.

REASON – To ensure that the development is suitable for disabled persons

4. Notwithstanding the details shown on the approved plans, precise details of the new shop front and external alterations to the building shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The details shall include materials,

colour scheme, disabled access arrangements and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development.

5. Prior to the commencement of the development, a sound insulation scheme to be used between the building and No 16 Station Terrace, Middleton St George shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the agreed scheme shall be carried out prior to the commencement of the use hereby permitted.

REASON: To safeguard the amenities of the neighbouring dwelling.

6. Prior to the commencement of the use, precise details for the storage and disposal of waste shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the amenity of the area.

7. The use hereby approved shall not operate outside the hours of 0800 – 1700 Monday to Sunday unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of the amenity of the local area.

8. The premises shall be used for Class A1 (shop) purposes only and for no other purpose set out within the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking or re-enacting that Order.

REASON - The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to neighbouring properties but would wish to control future changes of use in the interests of amenity and highway safety.

9. In the event of the need to install any fans, louvres, ducts or other external plant associated with the use, precise details shall be submitted to and approved in writing by the Local Planning Authority prior to such equipment being installed. The development shall not be carried out otherwise than in complete accordance with the approved details and any identified noise mitigation measures shall be implemented prior to the use being brought into operation

REASON: In the interests of the general amenity of the area

10. In the event of the need to install any fans, louvres, ducts or other external plant associated with the use, a scheme shall be submitted to, and approved in writing by the Local Planning Authority for the effective control

of fumes and odours from the premises prior to such equipment being installed. The agreed scheme shall be implemented prior to the use being brought in operation.

REASON: In the interests of the amenity of the locality.

PA10 WILLIAM HOUSE NURSERY, OLD PRESBYTERY, BARTON STREET

20/00267/FUL – Conversion of children’s nursery (Use Class D1) to 9 No. self-contained residential apartments (Use Class C3) with alterations to windows and doors, including the insertion of first floor window in the north elevation; alterations to ground floor windows in the east elevation and new window and door to west elevation. Enlargement of existing bin store; creation of private amenity spaces and cycle stores (as amended by plans received 14 May 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), three letters of objection received in connection with the original submission, two further letters of objection received following the submission of the amended plans, and the responses to questions asked of the Applicant’s Agent.).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding any description of the external materials in the submitted application, details of the doors, windows and brick work to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

3. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan shall include hours of construction and deliveries, construction traffic routes, material storage areas and measures to ensure the three existing parking bays are always kept available for use during the construction phase. The development shall not be carried out otherwise than in complete accordance with the approved Plan.

REASON: In in the interests of highway safety and residential amenity

4. Prior to the occupation of the first dwelling hereby approved, a scheme for the protection of the residential accommodation from excessive road traffic noise shall be submitted to and approved by the Local Planning Authority. Such a scheme shall be shown to be adequate because the applicant must

provide an acoustic report which contains measurements of the current noise levels in the area. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq(16 hour) in living rooms, less than 30 dB(A) LAeq(8 hour) in bedrooms, less than 55 dB(A) LAeq in garden areas and individual noise events shall not exceed 45 dB LAFmax in bedrooms. Any works which form a part of such a scheme shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.

REASON: To safeguard the amenities of the future occupants of the building

5. Notwithstanding the details shown on the approved plans, the works required under Section 184 of the Highways Act 1980 (the dropped crossing for the parking bays) shall be completed prior to the occupation of the first unit, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety

6. Notwithstanding the details shown on the approved plans, the cycle stores shall be installed and be available for use prior to the occupation of the first unit unless otherwise agreed in writing by the Local Planning Authority. The stores shall remain in situ and available for use thereafter.

REASON: To encourage the use of sustainable modes of transport

7. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number L019068-006 Rev C - Ground Floor Plan as Proposed
 - b) Drawing Number L019068-007 Rev B - First Floor Plan as Proposed
 - c) Drawing Number L019068-008 Rev B - Elevations as Proposed - Sheet 1 of 2
 - d) Drawing Number L019068-009 Rev A - Elevations as Proposed - Sheet 2 of 2

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

8. The ground floor bathroom windows formed in the east elevation of units 4 and 5 shall be obscure glazed (hinged to open inwards) and shall not be repaired or replaced other than with obscure glazing.

REASON – To prevent overlooking of the adjoining rear garden areas.

The Director of Economic Growth and Neighbourhood Services reported that, Inspectors, appointed by the Secretary of State for the Environment, had :-

Dismissed the appeal by Mr Bahadin Mohammed against this Authority's decision to refuse permission to vary Condition No. 4 of 18/01166/CU which states that: The hot food takeaway hereby approved shall not be open to customers outside the hours of 1200 to 2100 Monday to Saturday and 1200 to 2000 on a Sunday at 303 and 303A North Road, Darlington (18/01166/CU).

Dismissed the appeal by Mr Alan Agar against this Authority's decision to refuse permission for outline application for the erection of 1 no. detached dwelling house at 22 Westacres, Middleton St George, Darlington DL2 1LJ (18/01119/OUT).

Dismissed the appeal by Mrs Lisa Bentley against this Authority's decision to refuse consent for works to trees protected under Tree Preservation Order (No 6) 2010 - Pollarding of 3 No. Yew Trees up to 6m above ground level at Friary Cottage, 7 Church Lane, Middleton St George, Darlington DL2 1DD (19/00351/TF).

RESOLVED – That the report be received.

PA12 NOTIFICATION OF APPEALS

The Director of Economic Growth and Neighbourhood Services reported that:-

Number One Bar and Coffee House have appealed against this Authority's decision to refuse permission/consent for the formation of an external terrace area incorporating the partial removal of existing roof covering and internal alterations at Number One, 1 Skinnergate, Darlington DL3 7NB (19/00291/FUL and 19/00292/LBC)

Ross Waistell has appealed against this Authority's decision to refuse consent for felling of 1 No. Sycamore Tree (T14) protected under Group (G29) Tree Preservation Order (No.1) 1951 at 47 Blackwell Lane, Darlington DL3 8QF (20/00022/TF)

Mr Stephen Sanderson has appealed against this Authority's decision to refuse permission for outline application for erection of 5 no. dwellings (with all matters reserved) at Land North West of New Lane, New Lane, Neasham, Darlington DL2 1QR (19/00834/OUT)

Mr Tim Wilks has appealed against this Authority's decision to refuse permission for residential development comprising 2 No. dwellings and 1 No. studio on the lower ground level and associated parking and communal storage area (Re-submission) at Land Adjacent to 31 Pendower Street, Darlington (19/00695/FUL)

Mr S Chivers has appealed against this Authority's decision to refuse permission for an outline application for residential development comprising up 9 No. dwellings with all matters reserved except for means of access at land at Cobby Castle Lane, Bishopton (19/01191/OUT)

RESOLVED – That the report be received

PA13 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

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.

PA14 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 8 JULY 2020 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA82/Mar/2020, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 8 July 2020.

RESOLVED - That the report be noted.

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BOROUGH OF DARLINGTON**PLANNING APPLICATIONS COMMITTEE**

Committee Date – 5 August 2020

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.

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

Address/Site Location	Reference Number
Land at Neasham Road and Snipe Lane	20/00196/FUL
44 The Green, Hurworth	19/01071/FUL
44 The Green, Hurworth	19/01138/LBC
The Devonport, Middleton One Row	19/01165/FUL
182 Northgate	20/00266/FUL
58 Montrose Street	20/00248/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th August 2020

APPLICATION REF. NO:	20/00196/FUL
STATUTORY DECISION DATE:	7 th August 2020
WARD/PARISH:	Hurworth
LOCATION:	Land at Neasham Road & Snipe Lane, Hurworth Moor DARLINGTON
DESCRIPTION:	Hybrid application for demolition of existing farmhouse and outbuildings and erection of 305 dwellings, including 150 affordable dwellings, with associated landscaping; access and parking (in detail) and up to 144 affordable dwellings with all matters reserved apart from access (in outline) (additional archaeology report received 14th April 2020; amended and additional plans and documents received 29th May 2020 and 2 June 2020; additional and amended information, including ecology and drainage information received 3 July 2020)
APPLICANT:	Homes by Esh/Darlington Borough Council

RECOMMENDATION: GRANT PERMISSION SUBJECT TO A DARLINGTON BOROUGH COUNCIL CABINET RESOLUTION REGARDING PLANNING OBLIGATIONS; THE REMOVAL OF A HOLDING OBJECTION FROM HIGHWAYS ENGLAND AND PLANNING CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application site is approximately 23.83 Ha of pastureland segregated into fields and bounded by a series of mature trees and hedgerows. The site is bound

by the Darlington to Middlesbrough railway line, existing dwellings and Geneva Wood Local Nature Reserve to the north; by the Northern Echo Arena and Rowan West travellers site to the east; the A66, open fields and residential dwellings to the south and open fields and farmsteads interspersed with dwellings to the west. Within the application site boundary are redundant livery, equine buildings and a farmhouse. The site topography is generally flat and there are various Public Footpaths (Hu14, Hu17 and Da43) that cross the development site and link to the wider rights of way network.

2. The proposal is to demolish the existing buildings within the site and develop it for residential purposes comprising a total of 449 dwellings. The planning submission is a hybrid planning application comprising the following:

Detailed Submission

- a) 150 dwellings to be constructed by Darlington Borough Council. These will be a mix of 2, 3 and 4 bed properties comprising two storey dwellings and three storey apartments blocks
- b) 155 market dwellings by Homes by Esh. These are a mix of 2, 3 and 4 bed, two storey properties.

Outline Submission

- a) 144 affordable dwellings with all matters reserved for future consideration apart from access. The developer for these dwellings is not known at this stage. This part of the site will be the subject of future reserved matters applications.
3. The application site will be served by two vehicular access junctions off Neasham Road. As part of the initial infrastructure works both site entrances will be connected by an internal loop road which will be used for a new bus route servicing the proposed development.
 4. The site layout includes open space and landscaping, sustainable drainage systems; the creation of landscape buffer zone along the southern and eastern boundaries of the site to screen the A66 and Neasham Road from the proposed development and assist with noise attenuation; the creation of an extensive Footpath / Cycleway network within the site that links to the existing network and beyond; the introduction of a variety of habitats; formal and informal recreation spaces, including a play area.
 5. The site is primarily within the ownership of Darlington Borough Council with sitting agricultural tenants and there is a section of the site adjacent to Snipe Lane where the ownership is unknown. The planning application has been supported by the appropriately signed ownership certification in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015.

Planning Obligations

6. The planning obligations referred to in this report would ordinarily be secured by way of a Section 106 Agreement. Given the application site is owned entirely by Darlington Borough Council it is not possible for a Section 106 Agreement to be entered into as the Council as landowner is unable to enter into an agreement with the Council as planning authority. Instead the Council as landowner will make a cabinet resolution whereby it resolves to comply with the planning obligations relating to the development of the site pursuant to the Planning Permission and referred to in paragraph 127 of this report. The cabinet resolution will mirror the wording of a Section 106 Agreement and the Council will resolve to make the payments and comply with the on-site deliverables required in relation to the site. The cabinet resolution will also include a resolution by the Council that it will not dispose of any part of the site without requiring the person to whom the disposal is made to enter into a Section 106 Agreement in the same terms as the cabinet resolution (adjusted in the event that the disposal relates to part only of the site). The cabinet resolution is referred to as the Planning Obligation Cabinet Resolution in this report.

Statement of Community Involvement

7. In accordance with the Council's adopted guidance, a Statement of Community Involvement exercise was carried out by the applicant in February 2020 prior to the submission of the planning application. The overall feedback is reported as being largely positive with some concerns raised over flooding, drainage, access to Snipe Lane and school allocations which have been responded to by the developer and considered as part of the application and the supporting technical documents.

Environmental Impact Statement

8. 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.

MAIN PLANNING ISSUES

9. The north eastern corner of the application site has been the subject of an outline permission (ref no 08/01004/OUT) for residential development (160 dwellings) which was approved in September 2016 subject to a Section 106 Agreement.
10. The main issues to be considered here is whether the proposal is acceptable in the following terms:
 - a) Planning Policy
 - b) Affordable Housing Provision
 - c) Impact on the Character and Appearance of the Area
 - d) Sustainable Transport Matters
 - e) Highway Safety and Parking Provision
 - f) Residential Amenity

- g) School Places
- h) Flood Risk and Drainage
- i) Archaeology
- j) Ecology
- k) Impact on Trees
- l) Public Rights of Way
- m) Contaminated Land
- n) Air Quality
- o) Impact on Surrounding Rail Network
- p) Planning Obligations

PLANNING POLICIES

11. The relevant Local Plan policies include those seeking to ensure that the proposed development

- Is located within the limits of development (E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011)
- The development accords with the criteria for new housing development being permitted in the open countryside (Policy H7 of the Local Plan 1997)
- Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
- Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
- Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
- Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (CS2 of the Core Strategy 2011)
- Does 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 (Policy CS5 of the Core Strategy 2011)
- Protects buildings, their settings and features of archaeological interest (CS14 of the Core Strategy 2011)
- Protects, restores, extends and manages the Borough's biodiversity (CS15 of the Core Strategy 2011)
- Incorporates appropriate hard and soft landscaping which has regard to the setting of the development (saved policy E14 of the Local Plan 1997)
- Takes account of the location and impact upon trees within or around the site (E12 of the Local Plan 1997)
- Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16 of the Core Strategy 2011)

- Provides a quality, accessible and safe network of well connected, multifunctional green spaces and protects and enhances the green infrastructure network (Policy CS17 of the Core Strategy 2011)
- Improves transport infrastructure and creates a sustainable transport network (CS19 of the Core Strategy 2011)
- Secures the necessary physical, social and environmental infrastructure requirements to be delivered by planning obligations and a Section 106 Agreement (policy CS4 of the Core Strategy 2011)

12. The National Planning Policy Framework 2019

13. Other relevant documents are the Council's adopted Supplementary Planning Documents on Design for New Development and Planning Obligations.

RESULTS OF TECHNICAL CONSULTATION

14. No objections have been raised to the principle of the development from the Council's Highways Engineer, Transport Policy Officer, Public Rights of Way Officer; Environmental Health Officer, Head of Skills and Employability (Education); or the Council's Ecology consultant subject to the imposition of appropriate planning conditions where requested.

15. There have been no objections to the principle of the development from the statutory consultees that were consulted on the planning application subject to the imposition of appropriate planning conditions where requested.

RESULTS OF PUBLICITY AND NOTIFICATION

16. Five letters of objection have been received following the various publicity exercises for the planning application. The comments can be viewed on the Council's website and can be summarised as follows:

- *Green belt land; wildlife and habitat will be destroyed*
- *There must be ample brownfield land that can be used for this purpose*
- *Wildlife thrives in this area and it is a treasured piece of the local community. We should be protecting our greenspaces*
- *Despite the various landscaping schemes, the Ecology Report submitted with the application states that the development of the site would result in a permanent net loss of green space which cannot be mitigated for and which could contribute to further declines in biodiversity across the UK in line with current trends in various biological indicators, for example, the status of UK priority species and insects of the wider countryside and farmland, woodland and wetland bird species*
- *The green space in question and the public footpaths through it are a much appreciated natural resource for people round about, just a lovely little "nature walk" to enjoy.*
- *A few years ago, a proposal to relocate the livestock market to this very site was rejected by the Council because it would have constituted an unsuitable development in the green belt, and now an estate of hundreds of houses would be so much worse.*

- *It is claimed that development of this site for housing will boost the local economy by creating temporary construction jobs. But development of this site, against NPPF and Local Plan guidelines, and contrary to the requirements of the NERC Act, would cause permanent loss of irreplaceable natural habitat and hasten the disappearance of already declining species such as linnet, skylark and lapwing. We must protect the natural habitat we all need.*
- *The supplementary ecology information lists a further fourteen “protected and priority” species potentially affected, in addition to the eight breeding species “identified as a priority for conservation in the UK under the NERC Act s41” mentioned in the preliminary report,*
- *The document’ Neasham Road: Biodiversity Metric Calculations of 3 July 2020 has predicted that the development as now amended would still incur “a net biodiversity loss of -4.20 biodiversity units... (5% loss based on current value)”.*
- *Development of this sensitive ecological habitat would still, therefore, run contrary to both the National Planning Policy Framework and Darlington Borough Council’s own Local Plan, and would still constitute a breach of DBC’s responsibilities under the 2006 Natural Environment and Rural Communities Act.*
- *The National Planning Policy Framework states that “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused” (para 175)*
- *Policy ENV7 of the Local Plan that “The Council will ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection. The Council will also permit proposals where the primary objective is to conserve or enhance biodiversity where they accord with other relevant policies in the Plan. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, mitigated, or compensated for as a last resort. Development will be expected as a minimum to ensure no net loss of biodiversity or geodiversity.”*
- *Under the 2006 Natural Environment and Rural Communities Act, DBC have a statutory obligation to protect this site’s ecology; Penn Associates’ bird survey found eight breeding species within the site which “are identified as a priority for conservation in the UK under the NERC Act s41” including four breeding pairs of lapwing, the latter “of particular significance in the site given their nationally declining status”. DBC are reminded that “Public bodies are required to afford S41 species particular consideration for protection under the NERC Act 2006 as species of principal conservation importance.”*
- *Despite the amended plans, this huge housing development would still contravene the Government’s NPPF, DBC’s new Local Plan and the NERC Act*
- *As the amended plans would still produce a net biodiversity loss, the development would still “contribute to further declines in biodiversity across the UK in line with current trends in various biological indicators, for example,*

the status of UK priority species and insects of the wider countryside and farmland, woodland and wetland bird species.”

- *Two sites are identified as being available for biodiversity mitigation. The first at Ivy House, Snipe Lane, is immediately adjacent to the proposed development and would only add a potential +2.2 biodiversity units into the equation, so that the development would still incur a net loss. The second potential mitigation site is miles away from the development site, on Staindrop Road, which it is reckoned could be enhanced to produce a 10% net gain. That this could seriously be suggested as in anyway mitigating the ecological disaster planned for Neasham Road is a disgrace. You would permanently destroy the irreplaceable natural habitat in what used to be regarded as “green belt” in the Eastbourne area, and “mitigate” it by making the west end even richer?!? This is grossly unfair and incredibly insensitive, and will in no way “mitigate” the loss of this natural resource to the people, animals and birds of Neasham Road and Eastbourne. It’s an absolute disgrace to propose such a thing.*
- *That whole area from Geneva Woods to Neasham Road and the A66 bypass should be a designated nature reserve for the continued benefit of its indigenous species and the people of the Eastbourne area.*
- *It really is a lovely area to walk through as a “nature walk”. No amount of landscaping could compensate for the building of more than 300 houses; the whole appeal of a walk along Snipe Lane lies in being out “in the country” and in the possibility of spotting some deer, a lapwing, or an owl.*
- *We must protect the natural habitat we all need. That’s why these guidelines and protections exist. Ignoring them and nibbling away at the environment bit by bit with inappropriate developments allowed here and there all adds up to massive irrecoverable loss and extinctions.*
- *It is a much-appreciated natural resource for people round about, just a lovely little “nature walk” to enjoy. Please don’t take it away.*
- *We have significant concerns in respect of the lack of consideration that has been given to the delivery of the wider emerging site and it is unclear from the submitted information how the Local Planning Authority view the site, having regard to its current status in the Development Plan (i.e. unallocated and beyond the Development Limits) and the amount of weight that is being afforded to the emerging plan, particularly considering the recent decision to stop progress until further notice as a result of the Coronavirus pandemic;*
- *The planning statement does not identify or address the fundamental point that the site is located beyond the development limits and is not currently an allocation for development.*
- *There is also no reference to the emerging housing allocation statement for ‘Snipe Lane, Hurworth Moor’. We have seen no reference to how the current planning application has given consideration to how it will facilitate and enable the delivery of the entire emerging allocation*
- *Whilst this site, along with our client’s land (to the west), should come forward for development, it is important that this application is not rushed through without a full and proper consideration of the relevant planning policy context, and the Council as the local planning authority needs to be confident that the scheme will not restrict the wider delivery of the emerging allocation*

- *We would also take this opportunity to ask whether an opportunity is not being missed by the Council to deliver a development of some quality.*

17. A petition, containing 12 signatories, objecting to the planning application has been received.

18. The Campaign to Protect Rural England has objected to the planning application on the following grounds

- *The development is outside the Development Limit and the Borough has a Five-Year Housing Land Supply, so this proposal is contrary to the Borough of Darlington Local Plan. The National Planning Policy Framework (NPPF) is clear that applications that conflict with a Local Plan should be refused;*
- *This application is for a large greenfield site for which there is no need as the Borough already has enough housing land allocated and enough existing permissions for housing to fulfil its housing need for many years to come; and*
- *CPRE Darlington is aware that the site is allocated for housing in the emerging Local Plan, but that Plan has yet to be subject to an Examination in Public and we are not aware of a consolidated document to submit to the Secretary of State. Currently we understand there is a primary document with an additional list of modifications. In our view this can carry little or no weight in determining planning applications. The emerging Local Plan is also subject to major controversy, with CPRE and other local groups contesting in particular the housing figures being used and the necessity for the amount of housing which is proposed.*

19. Representations have been submitted by Darlington Mowden Park Rugby Football Club. The Club are not objecting to the application but highlighting that the Council must take into account the existing and future operations of the stadium and that their operations must not give rise to any amenity issues for the residents of the proposed houses on the development, for example noise and highway safety.

20. Representations have been submitted asking the developer to consider incorporating measures into the overall drainage strategy for the site to alleviate historical watercourse and land drainage issues around the Railway Cottages.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

21. Utilising the local housing need for Darlington (177 dwellings per annum), which uses the 2014 household projections, the Council can demonstrate a 15 year supply of deliverable housing land and sites. This being the case, relevant policies with the local development plan for the supply of housing can be considered up to date and the tilted balance in para 11 of the NPPF (2019) is not engaged.

22. The aim of saved policy E2 (Development Limits) of the Local Plan is to direct new development to within the development limit of the villages and the main urban area and to safeguard the character and appearance of the countryside. Saved policy E2 also seeks to direct development to the urban areas, which are likely to be more sustainable.
23. Policy CS1 of the Core Strategy 2011 sets out the Council's locational strategy for new development, focusing upon the main urban area and the larger service villages of Hurworth, Heighington and Middleton St George.
24. The application site is located beyond, but adjacent to, the development limits and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan and Policy CS1 (Darlington's Sub regional role and Locational Strategy) of the Core Strategy (2011)
25. The scheme would also be contrary to saved policy H7 (Areas of Housing Development Restraint) of the Local Plan 1997. This policy lists criteria as to when housing development would be permitted outside of development limits and in the open countryside, such as conversion and extensions of existing buildings and agricultural and forestry justifications and the proposal would not accord with the policy.
26. Whilst very limited weight can be given to policies within the emerging local plan, it is acknowledged that the site has been identified as a housing allocation in the Proposed Submission Local Plan which has been approved by the Council for submission to Government for examination. In assessing the site as an allocation, the site was subject to a Sustainability Appraisal and was assessed as a sustainable location for development (a requirement of saved policy E2)
27. Planning law (S.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 (2019) supports the plan led system providing that planning decisions should be "genuinely plan-led" (NPPF para 15).
28. Officers will highlight within this report, other material planning considerations that can carry significant weight in the determination of this planning application in accordance with the 2004 Act and the NPPF which will enable Members to support this departure from the local development plan. Whilst the development is outside the current development limits and therefore normally contrary to the local development plan policies which main aim is to protect the character and appearance of the landscape, the fact that the landscape in this location does not have any particular quality, that there is a significant social benefit due to the extent of the affordable housing within the scheme and that measures have been secured to make the site sustainable outweigh the policy considerations in this instance and would allow the application to be supported.

Other policy comments

29. Comments that have been submitted on behalf of the adjacent landowner about how this site relates to the proposed wider housing allocation within the emerging local plan. Officers would advise that this carries very limited weight within the determination of this application. Whilst, the emerging local plan has been approved by the Council, the weight attached to the emerging local plan policies are not outweighed by the current local development plan policies upon which this application is being considered. The adjacent landowner would need to engage with the Council as landowner and one of the developers of the site to ensure that this development would be constructed in a manner which would enable further future developments alongside, if the wider allocation is accepted following government examination and the emerging local plan is adopted. Furthermore, the proposed layout does include spurs in the road network which could be used as links to potential development to the west.

b) Affordable Housing Provision

30. Darlington Borough Council will undertake construction of the affordable housing within the detailed phase of this scheme. A registered provider (RP) will undertake construction of the affordable housing, which is the outline phase of proposed development, which will be expected to comply with the qualifying criteria for allocation to an 'eligible person'. Currently, discussions are ongoing to find a preferred RP.
31. The Strategic Housing Market Assessment completed for Darlington in 2015 identified that there is a need for 160 affordable dwellings for rent across the Borough of Darlington each year and this continues to be an issue. This reflects historically low percentages of social and affordable homes compared to neighbouring local authorities. Whilst the Council provides encouragement and support to both local and national housing associations operating in our area, unfortunately they have tended to provide relatively low numbers of affordable housing units on average.
32. Over time the Council has also lost substantial numbers of properties to the Right to Buy scheme and the majority of these have been larger family homes which the Council have a shortage. Further dwellings have been demolished as part of large-scale regeneration initiatives so there is an ongoing need to re-provide more dwellings.
33. Waiting list statistics for Council accommodation have remained stable over time with around 1,600 to 1,700 applicants in total. However, this reflects the heavy reliance of our Housing Options Team in supporting applicants to move into privately rented properties, where standards can often be relatively poor. We are also currently experiencing much higher volumes of homelessness than in previous years.
34. For the 5-year period 2015/2016 to 2019/2020, there was a target of affordable housing of 800 new homes and the actual number delivered was 512. This shows there is a demand for affordable housing that would be met by the Neasham Road development site. Currently there is shortfall of 288 homes throughout the borough and the development scheme proposed would provide

150 new affordable homes constructed by Darlington Borough Council together with a further 144 homes within the outline phase.

35. The affordable units will be a mix of 2, 3 and 4 bed dwellings. This type of affordable housing has been identified as suitable for meeting the identified demand and there is a particularly strong demand for family housing.
36. The affordable provision within this scheme (65% of the proposed development), accounts for over 3 times the amount required by the current planning policy, which is 20%. This is split between two areas, 33% will be provided by Darlington Borough Council and 32% will be provided by a Registered Provider.
37. As previously stated, waiting list statistics have remained stable over time with around 1,600 to 1,700 applicants in total. This shows there is a significant demand for affordable housing across the borough. The development proposal will provide 294 affordable new dwellings to meet the current requirements over the coming years.
38. In summary the housing register, currently has 1627 households with live applications within the borough. This comprises of 608 families with dependent children & 1019 single/couple households. It is clear that there is a significant under provision in the delivery of affordable homes within the Borough
39. Consequently, significant weight can be given to the above evidence which can be argued to be a material planning consideration and would outweigh the normal planning policy considerations.

c) Impact on the Character and Appearance of the Area

40. The site is relatively flat with little topographical variation, and it is mainly pastureland with tall hedgerows enclosing fields. This provides a relatively rural setting for the farmsteads and cottages located within the site. Field boundaries are typically formed by taller, mature hedgerows dominated by hawthorn species. Pony paddocks around the farm steadings are enclosed by modern post and wire fences.
41. Most of the farmland in the south appears in good condition. The outbuildings and farm infrastructure along the track at the northern boundary give an urban fringe feel to the landscape. The A66, railway line and Northern Echo Arena introduce human influence, including lighting, into the landscape and reduce the sense of tranquillity.
42. The site is not important in skyline views and due to the rail lines, topography and site vegetation. There is limited intervisibility with the surrounding landscape. The site does not have a strong visual relationship with Darlington due to the intervening railway and woodland. The rural properties located within the parcel have more visual interaction with the landscape but localised planting and positioning of properties looking away from the main site reduce this relationship.

43. Apart from hedgerow vegetation and small wooded copses, there are no natural heritage features within the site.
44. A Landscape Sensitivity Report of potential housing sites in Darlington which was undertaken in 2019 on behalf of the Council to inform decisions relating to a number of proposed housing and mixed use allocations within the Borough concluded that the site has low landscape and visual value and low sensitivity to potential redevelopment. Also, the Darlington Landscape Character Assessment (2015) as part of the emerging Local Plan concluded that extending the development limit to the A66 would retain a strong settlement boundary without impacting unduly on this character area.
45. Officers would agree with the findings of these Reports and the low landscape value of the existing site and low visual contribution it makes to the urban edge is also a material planning consideration that carries significant weight in the determination of this planning application.
46. This is a hybrid planning application whereby part of the development comprising 144 dwellings is in outline and will be subject to future reserved matters submissions. Whilst the submitted layout plans show how this part of the development could be built out, there are no detailed plans showing house types, landscaping, layout for this phase of the development. The phase of the development which is subject to outline permission, is located centrally within the overall layout and its final design will be influenced by the wider scheme that have been submitted in detail for consideration.
47. The layout of the proposed development that has been submitted in detail, includes two vehicular access points (north and south) off Neasham Road. The residential properties are predominately two storeys in height apart from four, three storey apartment buildings within the phase to be constructed by the Council. Three of these apartment blocks are in prominent locations on either side of the northern access road with the fourth block integrated further within the layout. The southern access will lead into the phase to be constructed by Esh Homes which consists of two storey dwellings.
48. The majority of the dwellings are within cul-de-sacs off the main internal road network with private drives and means of enclosures to the rear. The dwellings are orientated to look out onto the streets and areas of open space to create good natural surveillance throughout the site.
49. The dwellings to be constructed by Esh Homes are predominately stone built with differing colour finishes whilst the dwellings to be constructed by the Council are a mix of red facing bricks, render and feature brick work.
50. The proposed layout includes a landscaped buffer zone along the southern and eastern boundaries of the site with the A66 and Neasham Road. This mounded area would be landscaped with woodland planting to help screen the site and to provide noise attenuation measures to mitigate noise from road traffic. There is an informal parkland area and a formal play area within the site and the existing

vegetation on the edge of the site would be strengthened by native hedgerow tree planting. The landscaping strategy for the site includes wetlands and ornamental tree planting throughout the development. The open space play areas and landscaped areas would be maintained by a private management company. There will be a series of cycle paths and footpaths through the development and around the open spaces linking the site to the existing footpath and cycle path network.

51. The layout has been designed to be sympathetic to its location on the corner of Neasham Road and the A66 incorporating green landscaped edges and a street frontage along Neasham Road with properties facing onto the street but set well in from the boundary edge to allow for landscaped areas and the retention and strengthening of existing hedgerows. Neasham Road and the A66 do form a natural extended boundary to the existing urban edge of Darlington, when considered alongside the adjacent Northern Echo Arena site and the existing housing developments to the west of the railway line. In general terms the proposed layout is acceptable and would will not have an adverse impact on the visual appearance of the area in accordance with policy CS2 of the Core Strategy 2011.
52. The redevelopment of the site would not result in the loss of land which has any special visual or landscape interest, the design and layout of the proposal is acceptable and will integrate well within the surrounding area which consists of some urban development, such as the Northern Echo Arena and residential developments further west along the A66. The A66 would be a strong new settlement boundary without adversely impacting upon the visual appearance and character of the wider surrounding area. Officers consider that these are material planning considerations which carry significant weight in the determination of this application.

d) Sustainable Transport Matters

53. Existing bus stops (Arena Inbound & Outbound) are within 400m of the site but the stops are served by Service 20 which runs three journeys on a Monday only. Better served bus stops are available at Brankin Road (Brankin Drive Inbound & Outbound) but only 25-30% of the site is within 400m distance of these stops. Accessibility to bus stops is based on 80% or more of the site being within 400m walking distance of a bus stop and this site would not meet this policy and therefore the Council has reached an agreement with bus operators to fund a bus service to serve the site. The funding, which equates to £400,000, would be met by the developers and secured as part of the Cabinet resolution .
54. The internal bus loop must be completed at the same time or before the completion of the 100th house so that a bus can then operate into the site, regardless of where on the site the 100 houses have been constructed, which would be secured by a planning condition
55. The Transport Assessment submitted in support of the planning application concludes that the site benefits from acceptable sustainable transport accessibility with opportunities for sustainable travel being available.

56. There will be a series of cycle paths and footpaths through the development and around the open spaces linking the site to the existing footpath and cycle path network. An acceptable safe route to school through and from the site to Firthmoor Primary (north east of the site) and to Skerne Park Academy (west of the site) via Neasham Road has been demonstrated. However, funding for Improvements to additional safe routes to school north and west of the site via the existing railway underpass would be secured from a sustainable transport planning obligation.
57. Cycle storage would be provided for each of the dwellings within the Council phase of the development and within the dwellings to be built by Esh Homes where they have detached or integral garages.
58. The Travel Plan submitted in support of the planning application which aims to encourage sustainable travel behaviour and minimise traffic associated with the proposed development is supported by both the Highways England and Council officers.
59. As mentioned above, there would be a sustainable transport contribution, which equates to £116,250 paid by the developers. This would contribute towards funding for the additional safe routes to school from the site, the Travel Plan objectives and improvements to existing footpaths to the east of the site.
60. It is considered that alongside securing the funding for extending the existing bus service into the site, the proposed footpath and cycle links and the safe route to schools within the development, and the measures within the Travel Plan, the proposed scheme would constitute a sustainable development and can be accessed via varying modes of transport and not just the motor vehicle, which achieves one of the objectives of saved policy E2 of the Local Plan. Securing such measures to make the site sustainable is a material planning consideration which carries significant weight in the determination of the planning application. The proposed development would accord with policies CS2 and CS19 of the Core Strategy 2011.

e) Highway safety Matters

61. A safe and suitable access for vehicles and other road users has been provided to the site by means of two main access points onto Neasham Road. Pedestrian and cycle infrastructure within the site links to the surrounding highway network with remodelled bus stop provision for sustainable travel needs.
62. The internal access roads have been sized to accommodate the expected traffic volumes generated by the development and have been autotrack tested to ensure larger vehicles can be accommodated, including the 6.7m wide initial highway loop into the site which has been sized to accommodate buses to enable users of the site to easily access public transport provision. The detailed phases of the development meet the guidelines for parking provision for each dwelling.

63. A Transport Assessment (TA) has been submitted in support of the planning application which assesses the impact of the development on the local and strategic highway network (SRN). Collision data for the surrounding highway network indicates that there are no underlying road safety issues in the vicinity of the site that would be exacerbated by the proposed development.
64. The traffic impact assessment shows that the proposed development will not have any significant or severe adverse traffic impacts on the surrounding highway network and the Highways Engineer accepts the findings of the assessment.
65. Regarding the comments made by Darlington Football Rugby Club expressing their views that this application should not prejudice events etc that are held at the stadium. This housing development will be subject to a residents parking zone extension which is currently in place when large events take place at the stadium and the Highways Authority will work with the stadium management team as part of the Safety Advisory Group to ensure their events are not compromised by the presence of this housing development.
66. The phase of the development which is in outline will be subject to a further detailed Reserved Matters submission and therefore this has not been reviewed in detail at this stage. However, the layout of this phase will follow the principles of the Tees Valley Design Guide for residential development in order to meet the required standards of highway safety and adoptability criteria.
67. The highway safety aspects of the Construction Management Plans (CMP) that have been submitted for the dwellings to be constructed by Esh Homes and phase 1 of the site to be constructed by the Council is acceptable. A condition would need to be imposed to secure a CMP for the second phase of the Council's scheme and for the phase that is in outline.
68. The Council has worked in conjunction with Highways England to fully understand the potential impact of the development on the strategic road network (SRN) junctions including Neasham Road roundabout, Morton Palms and Blands Corner and to help to inform the extents of any off site highway improvements required to mitigate the impact of the development traffic.
69. It has been concluded that no mitigation measures are required at either the A66 (T) Neasham Road or the Blands Corner Roundabouts. However, offsite highway improvements at the A66 (T) Morton Palms and Little Burdon Roundabout will be required and the financial contribution towards the improvement, which equates to £287,045.70, would be secured via the Planning Obligation Cabinet Resolution. It has been agreed that the contributions will be made on the completion of the 1st, 150th and 300th dwelling. As such there is no reason to object to the proposal on grounds of road safety and it would accord with policy CS2 of the Core Strategy 2011.
70. Highways England have placed a holding objection on the planning application. However, they have confirmed that this objection will be removed once a copy of

the draft legal agreement, containing the offsite highway works contribution and agreed payment triggers Highways England have requested, has been forwarded to them. The recommendation for the application reflects this position and Members will be updated at the Planning Applications Committee, if any progress has occurred on this matter. Highways England have no objections to the planning application being recommended as set out in this Report.

f) Residential Amenity

71. The proposed development would accord with the proximity distances that would need to be met between the proposed dwellings which are set out within the Council's adopted Supplementary Planning Document – Design for New Development (SPD). The dwellings are orientated to overlook the internal street layout and areas of open space to increase natural surveillance throughout the development. The dwellings that are within the outline phase of the development will also be expected to meet the guidance set out in the SPD
72. The existing dwellings that within the vicinity of the site would not be adversely affected by the proposed development in terms of loss of privacy or outlook due to the separation distances between the site and the properties and the presence of the A66 and railway lines.
73. The application has been supported by a noise report which has considered how nearby noise sources could impact on the development and included an assessment of noise from Neasham Road, the A66, the Saltburn branch line and the east coast main line.
74. The site layout has been designed to follow the guidance on planning and noise with the majority of the amenity areas for homes located behind the buildings in order to acoustically screen them as much as possible from road traffic noise from the A66 and noise from nearby railways. The assessment has measured noise from the surrounding noise sources associated with the transport network including noise from the A66 at the south of the site, Neasham Road to the east, the east coast main line to the west and the Saltburn branch line to the north of the site. Significantly, the model has included the provision of a 4m high earth bund around the southern edge of the development close to the A66. This bund is also shown on the landscaping Masterplans for the site and is an integral feature of ensuring noise levels within the site are within acceptable levels. Precise details of the bund have not been provided, but visually it is expected that the bund and associated landscaping, possibly with an acoustic fence on top, will be very similar to the bund that forms the recently completed development at 'The Lanes' which was also developed alongside the A66 approximately 450m to the west of the application site.
75. The noise assessment has shown that in addition to the bund and acoustic fencing, in certain areas the windows in the dwellings closest to the noise sources will be required to be upgraded together with the provision of some sort of acoustically attenuated ventilation. As the noise report has broadly demonstrated that the site is suitable for the proposed use it is recommended that should the

application be approved a planning condition is attached to secure the precise details of the window details.

76. The noise assessment has not specifically addressed how noise from concerts or other entertainment events held at the nearby Northern Echo Arena could impact on the proposed dwellings. This was scoped out of the assessment of possible noise sources with the agreement of the Environmental Health team. However, in response to the comment from Darlington Mowden Park RFC, noise from any large scale sporting events or noise from a music concert held at the stadium will undoubtedly be heard within the proposed development. However, these events will still take place on an infrequent basis. There is a limit on the number of concerts which are permitted to take place at the stadium to ensure a suitable acoustic environment is maintained for the existing residents. There are also controls within the licencing regime to ensure noise levels from such events are within acceptable levels. The current application will create new receptors closer to the stadium than exist at present and future noise management plans for events held at the stadium may need to be amended once these new homes are occupied.
77. The Environmental Health Officer has confirmed that he is satisfied the current operations at the stadium will not give rise to any amenity issues at the proposed development. The plans for expansion and an increase in the use and services offered at the stadium in the letter from Mowden Park RFC are noted but there are currently no planning applications which confirm these plans for the stadium, and therefore necessitate further consideration as part of this application. The council does not need to be comfortable that hypothetical future operations of the stadium will not give rise to amenity issues of residents at the proposed scheme. There is considerable scope for the expansion of activities at the stadium without impacting on the amenity of the new residents created as a result of this application and the impact on these residents can still be controlled through the use of the licensing and planning regime.
78. The Environmental Health Officer agrees with the findings of the submitted noise report that the scenario of noisy events taking place at the stadium does not need to be considered further as part of this application.
79. The Construction Management Plan details that have been submitted for the Esh phase of the development and Phase 1 of the Council's development are acceptable in amenity terms but planning conditions will need to be imposed to secure appropriate CMPs for phase 2 of the Council's scheme and the phase that is currently in outline.
80. The proposed development would be acceptable in amenity terms and accords with policy CS16 of the Core Strategy 2011.

g) School Places

81. There is currently sufficient school capacity at The Rydal Academy, Firthmoor Primary and St Aidan's (Secondary) Academy to meet expected demand from this proposed site and as a result, this scheme would not need to make a financial

contribution for a new school or to extend an existing school to mitigate the increase in the need for school places. The proposed safe route to school route through the development via Neasham Road is acceptable and as stated above (para 55), funding would be secured via the Planning Obligation Cabinet Resolution to contribute towards additional routes to the north and west of the site.

h) Flood Risk and Drainage

82. The EA flood maps show that the proposed development sits within Flood Zone 1, which has a low probability of flooding and therefore, in flood risk terms, the principle of residential development in this location accords with the National Planning Policy Framework 2012 and policy CS16 of the Core Strategy 2011.
83. There is an existing culverted watercourse running through the site which currently receives overland flow from the site and surface water runoff from the proposed development will be discharged to this watercourse, at restricted rates to mimic greenfield runoff.
84. A Flood Risk Assessment submitted in support of the application confirms that as surface water will be directed to the existing watercourse, the public sewer network will not be used. Also, foul flows from the development will be directed into the existing combined public sewer which crosses the site in accordance with the requirements of Northumbrian Water Ltd. Suds features will be incorporated into the drainage scheme to provide attenuation and improve water quality. The SuDs will be maintained by a private management company. Two wildlife ponds are proposed on the scheme solely for ecological enhancement and do not form part of the surface water drainage regime.
85. The planning application has been supported by detailed drainage and management plans for the site which have been assessed by the Lead Local Flood Authority (LLFA). The LLFA has advised that sufficient information has been provided to show that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, a detailed design for the management of surface water runoff from the proposed development needs to be agreed and this information can be secured by condition.
86. The Environment Agency and Northumbrian Water have raised no objections to the proposed development subject to the imposition of appropriate planning conditions.
87. The proposed development does not raise any drainage or flood risk concerns and would comply with the NPPF and the local development plan.

i) Archaeology

88. Geophysical surveys (March 2019) were carried out to assess the nature and extent of any sub-surface features of potential archaeological significance within the site, so that an informed decision may be made regarding the nature and scope of any further scheme of archaeological works that may be required in relation to the development. Former ridge and furrow cultivation were recorded,

which survives as upstanding earthworks and land drains and services were also detected.

89. An archaeological evaluation (May 2019) has been conducted which comprised the excavation and recording of 50 trial trenches on the site. The archaeological evaluation report recommended a programme of archaeological works to mitigate the impact of the development on a surviving archaeological resource in the vicinity of trenches 5, 8, 18 and 20. No further scheme of archaeological works is recommended in relation to the development of the remainder of the site.
90. An archaeological excavation (April 2020) has conducted comprising the excavation and recording of five areas of the site. Archaeological deposits comprising pits and gullies cut into the natural subsoil were identified across the site. In Area 1 these comprised two pits and a short gully in addition to the pit and gully recorded in the previous evaluation. More small shallow pits were identified in areas 2 and 5, but no further archaeological deposits were found in Area 4. In Area 3, 4 pits and 8 gullies were recorded in addition to the pit found during the archaeological evaluation; all the gullies were aligned northwest/south-east and may reflect boundaries, stock enclosures or a droveway. These features are likely to be later prehistoric in date
91. Furrows, the remains of medieval or post-medieval ploughing, were recorded in all of the trenches, cut into the natural subsoil on various alignments. These reflect different ploughing regimes across the site and are of limited archaeological significance. A small artefactual assemblage was recovered, mainly comprising flint, fired clay and hammerscale. The artefacts are indicative of domestic and/or industrial activity in the vicinity, possibly of later prehistoric date
92. The palaeoenvironmental evidence comprised coal and clinker/cinder, charcoal and charred plant remains, indicative of settlement in the vicinity. Evidence of cultivated crops was also present. Though the assemblages were small and produced few diagnostic remains, they are generally consistent with a later prehistoric or Roman period date. As a significant archaeological resource was uncovered by the excavation, full analysis of the data is recommended by the archaeology consultants.
93. The Durham County Council Archaeology Team agree with the findings of the archaeology reports that have been submitted with the application and have requested the imposition of planning conditions which request the submission of a written scheme of investigation setting out a programme of archaeological work and that the development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The imposition of the conditions will ensure that the development complies with policy CS14 of the Core Strategy and the NPPF 2019

j) Ecology

94. The planning application has been supported by a variety of reports which consider the impact of the development upon certain species. The risk of impacts on badger, otter, reptiles, water vole and schedule 1 birds and is low to negligible, with no evidence for the presence of these species being found on site. No further works or mitigation is required in relation to these species.

Breeding birds.

95. Impacts on breeding birds include the loss of suitable breeding habitats, this will be compensated for through the provision of alternative habitats at both the off-site compensation sites and the development site itself, the creation and enhancement of hedgerows, scrub and woodland will provide habitat for passerines. Low numbers of Lapwing will be displaced from the site, but the surrounding landscape provides opportunities for this species and no significant impacts on local populations are expected. All works to breeding bird habitat should be completed outside of the bird breeding season to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing, which can be secured by a planning condition.

Bats.

96. No bat roosts were found in the existing buildings or trees. Tree roosts can be transitory and despite two sets of survey work being completed if the works to trees has not been completed in 12 months from determination of the application then the trees should be re-examined for bat roosts. This can be an Informative rather than a planning condition

Great Crested Newts.

97. Great crested newt breeding ponds are absent from the site and there is a very low risk of individuals using the on-site terrestrial habitats therefore no significant impacts are expected. To mitigate for the residual risk of great crested newt is observed within the disturbed/working area a method statement is required and should be conditioned as part of any planning permission

Lighting

98. Appropriate street lighting has been secured which will consider bat activity in the lighting design. This ensures that steps have been taken to reduce negative impacts from lighting. The safe routes to school which run through biodiversity routes are mainly made up of footpaths and cycleways which are separated from the carriageways/footways. These routes have intentionally been designed to be illuminated to one lighting class lower than the carriageway lighting. The lighting scheme specifies that all but a select few lanterns are to be mounted on the horizontal plane to minimise any upward light spill. All lanterns specified utilise an LED light source which has no UV output and have excellent directional capabilities with a sharp cut off. The scheme has been designed to only illuminate the required areas leaving POS with no footpaths etc unlit. The lanterns used on the carriageways also incorporate a multi-level pre-set dimming feature to reduce the lux output during the late evening and night-time hours.

Biodiversity Net Gain

99. The requirement for developments to deliver biodiversity net gain is already part of the National Planning Policy Framework (2019) but the NPPF does not specify a number/percentage for the gain. The UK Government Environment Bill 2020, published in October 2019 and given its first reading on the 30th January 2020 proposes the introduction of a mandatory requirement for the delivery of 10% biodiversity net gain through the planning system with certain exemptions, protection for 'irreplaceable habitats', and further guidance on how net gain will be administered. Land identified for use for biodiversity net gain purposes will be required to be maintained for a period of at least 30 years and ideally longer.
100. Biodiversity net gain needs to be delivered in accordance with the biodiversity mitigation hierarchy; where losses cannot be avoided for or reduced onsite, then the principles do allow for off-site compensation provided this follows the net gain principles with sites located close to the proposed development site prioritised above those which are more distant.
101. The proposed layout retains ecological features, minimises impacts on biodiversity and maximises the delivery within the red line boundary as per the biodiversity mitigation hierarchy. The amount of wetland habitats has been increased with improvements to the landscape scheme which now shows greater wetland habitat delivery both in terms of running and standing water habitats. The neutral grassland to the north of the site has now been identified for enhancement and the site provides ecological connectivity, notably based around deculverting a watercourse.
102. However, some off-site mitigation is still required as the on-site actions in themselves do not meet the NPPF requirement for net gain. Biodiversity offsetting is regarded as an appropriate mechanism to deliver the NPPF principles of sustainable development. The Government's '*A Green Future: Our 25 Plan to Improve the Environment*' (2018) references biodiversity offsetting by stating that "developers can invest in habitat creation projects as a cost-effective way of fulfilling their obligations to compensate for habitat loss under the NPPF".
103. Two land holdings as available for off-site biodiversity mitigation, and these are:
- *Ivy Cottage Site (Total 2.14ha)* – a residential property with associated pasture and woodland located adjacent to the Neasham Road site.
 - *Staindrop Road Site (Total 6.75ha)* – farmland located northwest of Darlington and currently used for cattle grazing.
104. Both sites are owned by Darlington Borough Council and their potential for biodiversity mitigation has been investigated. Habitats to be created at these locations include species rich grasslands, woodland and scrub and ponds and will support a range of wildlife including breeding birds, invertebrates and amphibians which will ensure that the proposed development meets the 10% biodiversity net gain and the delivery and long-term management of both the on-site biodiversity habitats and off-site habitats would be secured via the Planning Obligation Cabinet Resolution.

105. The Council's Ecological Consultant has advised that with the agreed mitigation and compensation measures, no significant harm to biodiversity results from development and the development meets the NPPF requirements for biodiversity net gains. The proposal would also accord with policy CS5 of the Core Strategy 2011.

k) Impact on Trees

106. The site is not within a Conservation area and there are no Tree Preservation Orders imposed on any trees within the site. The tree stock is generally very poor, the hedges internal to the site have not been managed. Ash is the dominant canopy species but is generally in poor condition and is likely to be suffering from, or likely to be soon infected by, Ash Dieback.

107. A total of 64 individual trees, 11 hedges and 23 groups of trees have been inspected within the existing site. Twenty-five individual trees, 3 groups of trees, and 4 hedges would need to be removed to facilitate the development. Three tree groupings and 6 further hedges would also be part removed to facilitate the development. The majority of the individual trees and trees within groups and hedges to be removed are classified as being low quality (Category C trees) or unsuitable for retention (Category U trees) with 6 trees and 3 tree groups of moderate quality (Category B trees). There are no high quality trees (Category A) within the site.

108. It has also been recommended that a further 15 trees and a tree group are removed due to structural defects and a limited safe useful life expectancy regardless of the proposed development. These are categorised as C and U trees.

109. The trees and hedges to be retained on the site would be incorporated into the design and layout of the scheme and fencing would be put in place to protect the trees and hedges during the construction phase.

110. The proposed landscaping scheme to mitigate the tree and hedge removal is extensive throughout the development and includes native woodland planting along the northern boundary to augment the Geneva Wood Local Nature Reserve; the planting of native hedges and hedgerow trees; the planting of trees around the edge of the site, through the areas of open space, SuDs areas, the play area and internal road network, along with ornamental trees within the street layout.

111. The new tree and hedge planting are part of a wider landscaping scheme which includes SuDs areas, wetland areas, shrubs, meadow grassland areas. The existing trees and hedges to be removed are not high quality specimens and the extensive landscaping proposals for the development will compensate for the losses and increase the number of trees that are currently on site. The proposal would accord with saved policies E12 and E14 of the Local Plan and CS2 of the Core Strategy 2011.

l) Public Rights of Way

112. There are various Public Footpaths (Hu14, Hu17 and Da43) that cross the development site and link to the wider rights of way network. There will be an impact on the PROWs, and their users, in that the current surrounding agricultural uses will be replaced by a suburban residential development. In addition, the footpaths will be subject to diversions and will be incorporated into new footpath/cycle routes.
113. The layout of the housing development has been designed to include the public footpaths as integral to the layout design, and as part of a wider permeable network of proposed footpaths and cycleways. Also, the proposed diversions are very minor in that they basically follow adjacent to the existing routes apart from a couple of short sections. Whilst the views from the footpaths and the experience of users will undoubtedly change as a result of the proposed development, the footpaths have been accommodated within green corridors through the site which will minimise any impacts upon them.
114. The PROW network should remain safe and accessible throughout the construction process which can be secured via a planning condition. If it is not practicable to keep the footpaths open during construction, for example because they are unsafe, a Temporary Traffic Regulation Order will be required, and an alternative route identified. An Informative has been listed to advise the developers accordingly. It is proposed to create a new Public Footpath link to the north west of the site and increase permeability and access to the wider network.
115. The proposed footpath diversions are the subject of a separate Diversion Order Application made under s257 of the Town & Country Planning Act (1990). The Diversion Order cannot be confirmed until the planning application has been approved and cannot be implemented until the Order has been confirmed. On this basis, the Council's Public Rights of Way Officer has no objections to the application. The proposal would accord with policies CS2 and CS17 of the Core Strategy 2011.

m) Contaminated Land

116. A search of the historical maps of the area has shown that the majority of the site has remained in agricultural usage since the earliest OS maps were published in the 1850s. An expanding range of buildings are shown around Newstead Farm which develops over time. A pond area is shown in the centre of the field to the north east of the site on the 1956 map. This pond is surrounded by a marshy area. By the mid-1970s both the pond and the marsh are no longer shown on the maps suggesting that they have been infilled and/or drained in order to expand the size of the usable agricultural land within this field.
117. The site investigations have identified that areas located where the former pond was are particularly problematic for the development because of ground gas issues. Ground gas investigations in this area have comprised twelve visits over a six month period. An interpretation of the intrusive ground investigations in this area has shown that there are two potential sources of ground gas in this location. These areas are the made ground used as infill within the former pond

and the underlying peat deposits, which presumably formed the bottom of the pond itself, and was comprised of decomposing organic matter.

118. The site layout has been designed so that no buildings are being proposed directly above the former pond area. In addition, organic odours were being reported from boreholes in this area, hydrocarbon odours were also reported in this area and an old drum containing used oil was located.

119. The results of the gas monitoring within the footprint of the former pond showed elevated levels of methane and CO₂. Moving outwards from the former pond area, the data supports the hypothesis that ground gas levels are decreasing moving further away from the source (the infilled pond) and there is limited evidence for lateral migration of ground gas across the site.

120. A Remediation Method Statement outlines the mitigation measures necessary to develop the site safely and the Council's Environmental Health Officer has advised that he is broadly in agreement with the proposed measures. Taking account of all the information submitted in support of the application relating to contaminated land at the proposed site Environmental Health are confident that it can be developed safely subject to the imposition of appropriate planning conditions.

n) Air Quality

121. The application has been supported by an Air Quality Assessment report. The report has assessed the impact on air quality both during the operation and construction phases of the development. The report has concluded that during the operational phase of the development the impact on local air quality will be negligible. This is largely because the prevailing air quality in the local area has been shown to be consistently 'good'. Environmental Health has advised that this is not an unexpected conclusion and is one which they agree with. During the construction phase of the development the report has concluded that there is potential for dust soiling effects associated with fugitive emissions from the site. These measures would be addressed through the submitted Construction Management Plans for the site.

o) Impact on Surrounding Rail Network

122. Network Rail have raised no objections to the proposed development. They have requested that every endeavour is made by the developer to provide adequate soundproofing for each dwelling in order to protect the occupants from rail noise. This would be secured as part of an appropriately worded planning condition.

123. Network Rail has also advised that a method statement may need to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. This would include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. It is considered that this forms part of the Informative that Network Rail has requested to be added to any grant of approval.

p) Planning Obligations

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

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

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

126. The process for securing the obligations set out below is highlighted in paragraph 7 of this Report

127. In this instance, the following planning obligations have been agreed with the developers:

- **Extension to Bus Service - £400,000.** A financial contribution to extend an existing bus service into the development
- **Sustainable Transport - £116,250.** This would be a financial contribution towards achieving Travel Plan objectives; improvements to a suggested Safe Route to School (SRTS) link west of the site via the underpass; improvements to a SRTS alternative link north of the site via the underpass; improvements to a walking/cycling link east of the site adjacent to the alignment of the A66 providing more direct access to employment zones such as Ingenium park, Yarm road corridor
- **Sport & Recreation - £14,486 with a one off 10 Year maintenance sum of £30,906.** This would be a financial contribution to support grass roots Rugby Football Union development at Mowden Park Rugby Club and Darlington Rugby Club with the aim to increase participation and widen access. Supporting both of the club development plans.
- **Offsite highway improvements - £287,045.70** This would be a financial contribution towards improvements at the A66 (T) Morton Palms and Little Burdon Roundabout.
- **On site and offsite ecology works at Ivy Cottage, Snipe Lane and Staindrop Road**
- **Open Space Management Plan** to secure a private management company to maintain the open space, landscaping, play areas etc

THE PUBLIC SECTOR EQUALITY DUTY

128. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposed development includes extensive footpath and cycle links to the existing networks and a bus service into the site would be secured to enable any person without a motor vehicle to be able to reach local schools, shops and the town centre. The new dwellings would comply with the Disability Discrimination

Act 2005 and Building Regulations and the footpaths would include drop kerbs in appropriate locations.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

129. 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 AND RECOMMENDATION

130. The Council can demonstrate a five years supply of deliverable housing sites and therefore the local development plan policies which relate to housing supply carry significant weight in the consideration and determination of this planning application. The site lies outside of the development limits defined by the Borough of Darlington Local Plan and therefore the proposal would be contrary to saved policies E2 and H7 of the Local Plan 1997 and CS1 of the Core Strategy 2011.

131. However, 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. In this instance, it has been shown there are material planning considerations which carry significant weight, and which would support the approval of this departure from the local development plan.

132. The overall development includes 294 affordable homes, which is approximately 65% of the scheme. This percentage of units greatly exceeds the current development plan policy requirement of 20% of units within a development. The scheme would make a significant contribution towards the provision of affordable housing within the Borough especially as evidence has shown there is an under provision in the number of units that are currently being built (both Council schemes and within private schemes) and a high number of people on the Council's waiting list for accommodation.

133. The existing site has no landscape and visual value, and being located adjacent to the A66 corridor and the Northern Echo Arena, the site is capable of being redeveloped for residential purposes in a way that is both sympathetic to its semi rural surroundings and countryside policy designation but also to the existing built environment which already extends to the south of the urban area and outside the limits of development, with the A66 being an appropriate new settlement boundary. This is reflected by the fact that the site is a housing allocation within the emerging local plan, which has been approved by the Council for submission to Government for examination

134. Finally, measures have been secured to extend the existing bus service into the site, which along with the pedestrian and cycle connectivity routes within and outside of the site to make the site sustainable and accessible by means other

than the motor vehicle. This would accord with national and local development plan policy.

135. Officers are of the opinion, that the redevelopment of this existing site of limited value coupled together with the amount of affordable housing which far exceeds the adopted planning policy requirement and the sustainability measures included with the scheme, carry significant weight in the determination of the planning application and these considerations would outweigh the local development plan policy position. It is on this basis, the officers can support the principle of the proposed development and the determination of the planning application prior to the adoption of the emerging local plan.

136. The scheme includes excellent footpath and cycle path links to the existing networks, utilizing existing Public Footpaths, which together with the funding being secured to extend a bus service, makes the site a sustainable form of development. The scheme itself is well designed to reflect its surroundings with areas of landscaping, open space, play areas and ecological enhancements. Two areas within the Borough, owned by the Council have been identified that can incorporate ecological enhancements in accordance with national and local development plan policy. There are no residential amenity or highway safety concerns over the proposed development and appropriate mitigation measures would be secured via planning obligations.

PLANNING PERMISSION BE GRANTED SUBJECT TO A DARLINGTON BOROUGH COUNCIL CABINET RESOLUTION REGARDING PLANNING OBLIGATIONS TO SECURE THE FOLLOWING (THIS IS TO BE COMPLETED WITHIN SIX MONTHS):

- a) Extension to Bus Service - £400,000
- b) Sustainable Transport - £116,250
- c) Sport & Recreation - £14,486 with a 10 Year maintenance sum of £30,906
- d) Offsite highway improvements - £287,045.70
- e) On site ecology works and offsite ecology works at Ivy Cottage, Snipe Lane and Staindrop Road
- f) Open Space Management Plan

THE REMOVAL OF THE HOLDING OBJECTION FROM HIGHWAYS ENGLAND AND THE FOLLOWING CONDITIONS

Detailed Phase

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.
REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - QD1492-311-01 Proposed Hybrid Masterplan Overall Layout - Rev K

- QD1492-311-02 Proposed Hybrid Masterplan Overall Sheet 1- Rev F
- QD1492-311-03 Proposed Hybrid Masterplan Overall Sheet 2- Rev G
- QD1492-330-01 Materials Layout Sheet 1 – Rev F
- QD1492-330-02 Materials Layout Sheet 2- Rev F
- QD1492-332-01 Enclosures Layout Sheet 1- Rev E
- QD1492-332-02 Enclosures Layout Sheet 2- Rev E
- QD1492-355-01 Proposed Hybrid Masterplan Public Rights of Way- Rev I
- QD1492-356-01 Safe Routes to Schools Plan - Rev D
- QD1492-393-01 Open Space Plan- Rev D
- QD1492-A100-01 A100 Planning Drawing
- QD1492-A101-01 A101 Planning Drawing
- QD1492-A102-01 A102 Planning Drawing
- QD1492-A103-01 A103 Planning Drawing
- QD1492-A104-01 A104 Planning Drawing
- QD1492-A105-01 A105 Planning Drawing
- QD1492-AR2-01 The Arundel 2 Planning Drawing
- QD1492-DH-01 The Durham Planning Drawing
- QD1492-ELY-01 The Ely Planning Drawing
- QD1492-LA-01 The Lancaster Planning Drawing
- QD1492-LD2-01 The Litchfield 2 Planning Drawing
- QD1492-LN-01 The Lincoln Planning Drawing
- QD1492-LR-01 The Larch Planning Drawing
- QD1492-NO-01 The Norwich Planning Drawing
- QD1492-RI-01 The Ripon Planning Drawing
- QD1492-RO2-01 The Rochester 2 Planning Drawing
- QD1492-SK-01 The Southwark Planning Drawing
- QD1492-SW-01 The Shrewsbury Planning Drawing
- QD1492-WN-01 The Winchester Planning Drawing
- QD1492-WS-01 The Westminster Planning Drawing
- QD1492-YO-01 The York Planning Drawing
- QD1492-GR-01 Garages Planning Drawing
- QD1492-00-01 General Arrangement - Rev E
- QD1492-03-01 Overall Drainage Layout - Rev D
- QD1492-03-02 Engineering Layout Sheet 1- Rev C
- QD1492-03-03 Engineering Layout Sheet 2- Rev C
- QD1492-03-04 Offsite Drainage Schematic- Rev B
- QD1492-03-05 Land Drainage Schematic Plan Rev B
- QD1492-04-08 Phase A SuDS General Arrangement – Rev C
- QD1492-04-09 Phase B SuDS General Arrangement - Rev C
- QD1492-04-10 Watercourse De-culverting Works - Rev C
- QD1492-04-12 Swale Through Northern POS - Rev A
- D210.L.002 Landscape Masterplan- Rev F
- D210.L.003 Housing Area A 1 of 3- Rev C

- D210.L.004 Housing Area A 2 of 3- Rev C
- D210.L.005 Housing Area A 3 of 3- Rev D
- D210.L.006 Housing Area B 500- Rev D
- D210.L.007 Play Area Layout
- D210.L.008 Northern Area Landscape Layout

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

3. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;
 - a) Detailed design of the surface water management system; (for each phase of the development).
 - b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
 - c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
 - d) Details of adoption responsibilities.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework 2019

4. The building hereby approved shall not be brought into use until:-
 - a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
 - b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

5. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of

archaeological work will then be carried out in accordance with the approved scheme of works.

REASON: To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

6. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

7. Prior to the commencement of the development, a 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 with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON – In the interests of highway safety

8. Prior to the commencement of Phase 2 of the development to be carried by Darlington Borough Council, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

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

REASON – In the interests of highway safety and the general amenity of the area

9. For each phase of development, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:
- a) Details of the enhanced glazing specifications, acoustically attenuated ventilation or alternative means of ventilation and any works to be provided to the proposed residential properties to achieve internal and external noise levels as specified above.
 - b) The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
 - c) A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the future occupants

10. Prior to any building works commencing in 'Area H' as shown in drawing 3587OD15Rev.2 in FWS Report 3587OR04Rev03/June 2020 or at a time agreed in writing by the Local Planning Authority an addendum to the Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment for 'Area H'. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.
- REASON – Area H of the site may be contaminated as a result of past or current uses and it has not been possible to investigate this area and draw up a suitable remediation strategy as part of the site investigations to date. Suitable

remediation in this area is needed to ensure that risks from land contamination to the future uses of the land and neighbouring area are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2019

11. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection
12. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection
13. For each phase of the development a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of the development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.
14. The highway and footpath infrastructure with associated bus stops within the site to facilitate the extension to the bus service shall be fully implemented to

adoptable standard and available for use prior to the completion of the 100th dwelling unless otherwise agreed in writing by the local planning authority
REASON: To ensure that a bus service can be operational within the development

15. 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 in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase 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.

16. The phase of the development to be carried out by Esh Homes and Phase 1 of the development to be carried by Darlington Borough Council shall not be carried out otherwise than in complete accordance with Construction Management Plan documents received 2 June 2020 unless otherwise agreed in writing by the local planning authority
REASON – In the interests of highway safety and the general amenity of the area
17. For the avoidance of doubt, construction work, including deliveries, within each phase of development, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.
REASON: In the interests of the general amenity of the area
18. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed

during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

REASON – In the interest of safeguarding bird habitats

19. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document “Great Crested Survey Report” (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of safeguarding great crested newts

20. The public lighting scheme shall be carried out otherwise in complete accordance with the details contained within the email from the Darlington Borough Council Street Lighting Engineer dated 29 April 2020 unless otherwise agreed in writing by the local planning authority

REASON: To safeguard habitats and protected species within the development site.

21. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall be remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority

REASON – To ensure that the footpaths remain safe and accessible to members of the public

22. The development hereby approved, shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of the visual appearance of the development and the surrounding area.

23. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document Framework Travel Plan (107663-003 v7) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority

REASON – To encourage and promote the use of sustainable modes of transport

Outline Application

24. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -

- a) access
- b) appearance
- c) landscaping
- d) layout
- e) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

25. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

26. The planning application made pursuant to condition 24 shall not propose more than 144 dwellings.

REASON: For the avoidance of doubt

27. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- a) Detailed design of the surface water management system; (for each phase of the development).
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
- c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
- d) Details of adoption responsibilities

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

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

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local

Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

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

REASON – In the interests of highway safety

30. Prior to the commencement of the development, precise details of the internal highways layout; site access junction; cycle parking provision and parking provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

31. Prior to the commencement of the development, a vehicle swept path analysis shall be undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

32. Prior to the commencement of the of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

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

REASON – In the interests of highway safety and the general amenity of the area

33. For the avoidance of doubt, construction work, including deliveries, within each phase of development, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON: In the interests of the general amenity of the area

34. 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 in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase 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.

35. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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

36. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection
37. For the development, or each phase, a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of the development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.
REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.
38. For the development, or each phase, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:
- a. Details of the enhanced glazing specifications, acoustically attenuated ventilation or alternative means of ventilation and any works to be

provided to the proposed residential properties to achieve internal and external noise levels as specified above.

- b. The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
- c. A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the future occupants

39. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

REASON – In the interest of safeguarding bird habitats

40. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document “Great Crested Survey Report” (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of safeguarding great crested newts

41. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall be remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority

REASON – To ensure that the footpaths remain safe and accessible to members of the public

42. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document Framework Travel Plan (107663-003 v7) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority

REASON – To encourage and promote the use of sustainable modes of transport

43. The development hereby approved shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of the visual appearance of the development and the surrounding area.

SHOULD THE PLANNING OBLIGATIONS NOT BE SECURED 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. 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 and Supplementary Guidance Note on Planning Obligations as adequate provision has not been made for offsite highway improvements, sustainable transport improvements, sport and recreation mitigation measures and ecological enhancements

INFORMATIVES

Bat Surveys

The applicant is advised if the works to trees has not been completed in 12 months from determination of the application then the trees should be re-examined for bat roosts.

Highways

The Developer is required to submit detailed drawings of the proposed internal highway and offsite highway works 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 Steve Pryke 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 internal highways and any proposed amendments to the existing lighting must be agreed with the local 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 reduced speed limit on Neasham Road and the implementation of an extended resident parking zone (RPZ).

Public Rights of Way

The applicant is advised that if it is not practicable to keep the Public Footpaths open, safe and accessible during the construction phases of the development, a Temporary Traffic Regulation Order will be required, and an alternative route identified. Contact would need to be made with the Council's Public Rights of Way Officer to discuss this matter.

Network Rail

Fail Safe Use of Crane and Plant

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

Excavations/Earthworks

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

Security of Mutual Boundary

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

Method Statements/Fail Safe/Possessions

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

Bridge Strikes

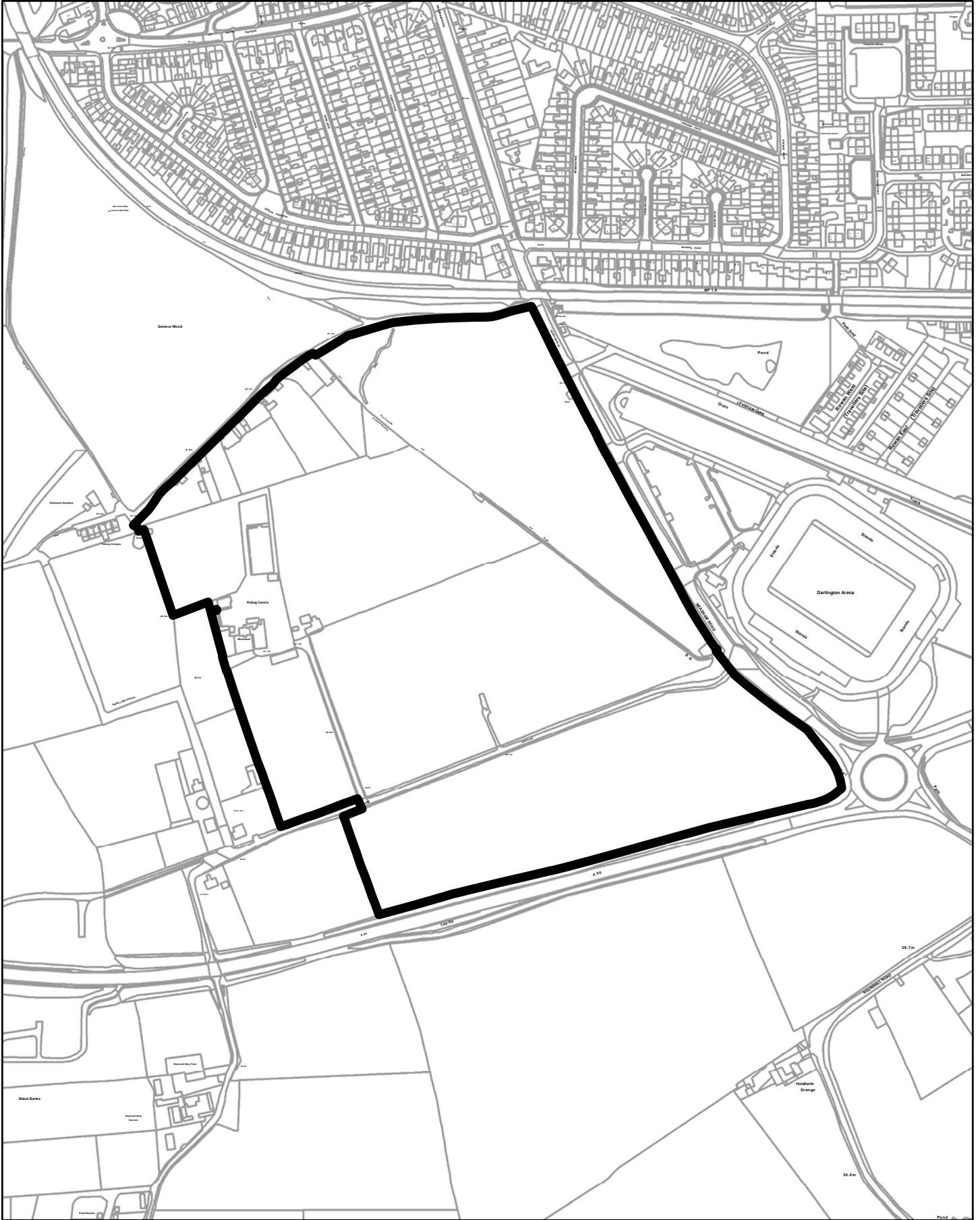
Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem, particularly if during construction large vehicles are to be routed via the railway bridge on Neasham Road which has a limited clearance of 3.8m. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account. Please note that the site is adjacent to two railway lines, including the East Coast Main Line to the west of the site.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. The access road to the north of the site must remain clear and unobstructed at all times. There is a railway access point along the northern boundary of the site, access to which is required on a 24/7 basis for inspection, maintenance and emergency purposes. Network Rail is required to recover all reasonable costs associated with facilitating these works.

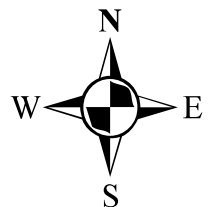


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PLANNING REF No: 20/00196/FUL

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 August 2020

APPLICATION REF. NO:	19/01071/FUL
STATUTORY DECISION DATE:	12 February 2020
WARD/PARISH:	HURWORTH
LOCATION:	44 The Green, Hurworth
DESCRIPTION:	Demolition of existing garage/garden building and erection of 1 no. dwelling with attached triple garage (re-submission)
APPLICANT:	Mr John Fulton

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q15VY8FP0C800>

APPLICATION AND SITE DESCRIPTION

1. The application site comprises the former garage/garden store which served 44 The Green, Hurworth, a substantial Grade II listed dwelling and former coach house and stables set in sizeable grounds located to the north of The Green, Hurworth, within the Hurworth Conservation Area. The property and its grounds are not visible from The Green, being set behind substantial trees and shrubs to the front of the property. The Bay Horse Public House and a terrace of properties, 39 – 43 The Green, are located to the south of the site, either side of the entrance, and are both Grade II listed. Coach Lane, a single track lane, runs in a north-south direction adjacent to part of the eastern boundary of the application site. Public footpath no. 1 in the Parish of Hurworth runs along Coach Lane and provides vehicular access to a number of properties, including a secondary access to the application property, at its northern end.

2. Planning permission was granted for the demolition of the former garage/garden store and the erection of a dwelling and attached double garage in its place in October 2019 (19/00155/FUL). This application is a resubmission which seeks approval for a number of amendments to the approved scheme as follows:
 - The insertion of an additional dormer window and alterations to the design of the conservatory on the front (south) elevation;
 - The rendering of the face of the dormer windows on the front elevation and the west side gable of the dwelling;
 - Alterations to the positions of ground floor windows in the west elevation;
 - The omission of an external chimney stack from the east elevation;
 - The insertion of 2 no. rooflights above the garage and alterations to the entrance on the north elevation;
3. Access is proposed from Coach Lane via a new opening through the boundary wall to the east, formed by the erection of brick piers either side of a timber gate, together with the erection of a brick wall to the north of the dwelling to separate the property from 44 The Green. An application for listed building consent (19/01138/LBC) for alterations to the curtilage listed boundary wall to create the new access is also on this agenda for consideration.
4. The development has commenced following the granting of planning permission in October 2019, however a number of alterations the subject of this application has already taken place in advance of the application being considered. The application is therefore partially retrospective.

MAIN PLANNING ISSUES

5. The principle of erecting a replacement dwelling in this location has been established by way of the previous approval 19/00155/FUL. The main issues are therefore whether the proposed amendments to the scheme and the proposed alternative access via Coach Lane are acceptable in the following terms:
 - (a) Impact on Heritage Assets
 - (b) Impact on Visual and Residential Amenity
 - (c) Highway Safety
 - (d) Impact on Trees

PLANNING POLICIES

6. Relevant planning policies include those seeking to ensure that new development:
 - Makes efficient use of land, buildings and resources, reflects the character of the location area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (CS14)

- Takes full account and seeks to protect trees on and adjacent to the site (Saved Policy E12, CS15)

RESULTS OF TECHNICAL CONSULTATION

7. No objections in principle have been raised by the Council's Highway Engineer, Public Rights of Way Officer or Environmental Health Officer

RESULTS OF PUBLICITY AND NOTIFICATION

8. A number of objections have been received to both the planning and listed building consent applications where comments overlap between the two applications. While only two objections have been received to the planning application, the use of Coach Lane by additional traffic has been raised in a number of the objections to the listed building consent application. This matter cannot be considered as part of the listed building consent application and for completeness, these comments are included in the summary of responses set out below:

- The increased use of Coach Lane by vehicles concerns us
- The proposed access would increase the number of households using Coach Lane
- The proposed new entrance would place the new building within a self-contained area inside the Manor House grounds
- Coach Lane is used extensively by local people, especially school children, dog walkers etc. Blind access points to Coach Lane for pedestrians are a particular risk
- Access to the entrance to Coach Lane can be limited due to cars parked either side of the entrance and sometimes to the front of the church
- The Construction Management Plan should cover this new application
- The new access will provide the main and frequently used access to the new house by residents, deliveries etc
- A review of pedestrian safety should be undertaken
- Meeting vehicles have to reverse when coming from opposing directions
- Cannot see why the existing property requires an alternative access
- Contribution to the upkeep of Coach Lane should be considered as part of the application
- Building will have a negative effect on the conservation area and Bay Horse, a Grade II listed building
- The amended proposals are not sympathetic to the conservation area and listed building

9. One letter of support has been received, raising the following issues:

- The location, design and proposed materials are appropriate and do not conflict in the context of heritage property
- There are similar evolutions in residential accommodation in this village

PLANNING ISSUES/ANALYSIS

(a) Impact on Heritage Assets

10. In accordance with the statutory duties set out in 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess. Section 72 of the 1990 Act gives similar protection to buildings and spaces that help establish the special character and appearance of conservation areas.
11. The application site is located within the grounds of 44 The Green, a Grade II listed building, and is also within the setting of the Grade II listed coach house and stables to the north and The Bay Horse Public House and 39 – 43 The Green, Grade II listed buildings to the south. It is also situated within the Hurworth Conservation Area. The impact of demolishing the former garage/garden store and erecting a dwelling in this location on the significance of these heritage assets was assessed as part of the previous application (19/00155/FUL) and it is not considered necessary to undertake this assessment in full as part of this application.
12. Consideration of this application is therefore based on the proposed amendments to the approved scheme, as set out in paragraphs 2 and 3 above, and their impact on the setting of adjacent Grade II listed buildings and on the Hurworth Conservation Area.
13. The scale and design of the approved dwelling was considered to minimise its impact on the setting of adjacent listed buildings and the Hurworth Conservation Area. While it was accepted that the erection of a new dwelling in the grounds of a Grade II listed building would result in 'less than significant harm' to the setting of 44 The Green, and adjacent listed buildings, and the character and appearance of the Hurworth Conservation Area, this was considered to be at the lower end of the scale of harm and would be offset by a number of public benefits as required by the NPPF.
14. The majority of the proposed changes to the approved scheme in terms of modifications to the positions of windows in the west elevation, the inclusion of rooflights above the garage in the north elevation and the omission of an external chimney stack in the east elevation will have little discernible impact on the overall character and appearance of the property itself, or the setting of adjacent listed buildings or the character of the conservation area.
15. The inclusion of an additional dormer window in the front (south) elevation, modest changes to the conservatory on this elevation, the use of render to the front of the dormer windows and west gable wall, and the erection of a short stretch of boundary wall within the site are more noticeable changes. However, in the context of the approved new dwelling these changes are not considered to amount to any further material impact on the setting of adjacent listed buildings or on the character and appearance of the conservation area.

16. The proposed alterations to the boundary wall to accommodate the new access will be more visible from outside of the site and from the conservation area, however the brick piers, which have already been constructed, have been constructed of matching brick with stone capping and as such will have minimal impact. A pair of timber gates are to be fitted.
17. The proposal is therefore considered to comply with Policy CS14 in this regard.

(b) Impact on Visual and Residential Amenity

18. The proposed amendments to the approved scheme are considered to be acceptable in terms of their impact on the significance of surrounding heritage assets, as described in the previous section of this report. The proposed dwelling is sufficiently distant from the 44 The Green, and from other existing dwellings surrounding the site such that the proposed amendments to dwelling will not give rise to any unacceptable impact on adjacent properties in terms of loss of light, outlook of privacy. The dwelling is enclosed by high brick walls on its south, east and west boundaries and the erection of a further brick wall around part of the northern boundary will further improve privacy between the application property and 44 The Green.

(c) Highway Safety

19. The proposed development will be accessed via a new entrance onto Coach Lane which is a private road leading off The Green and currently serves two dwellings and has numerous pedestrian footway links from the surrounding residential estates. There is also a secondary access to the existing dwelling at 44 The Green onto Coach Lane, immediately to the north, which is infrequently used. Visibility when exiting Coach Lane onto The Green is restricted due to buildings and parked cars either side. The width of the lane is narrow and is predominantly used as a footway/public right of way, with convenient links to the local school.
20. Construction traffic associated with the development of the application property was subject to a construction management plan (CMP) which detailed that all operations and deliveries associated with the construction of the dwelling would be via the access off The Green, negating the need for construction traffic to use Coach Lane. This was secured by planning condition on the original approval and was considered to address highway concerns anticipated during the construction phase. As the construction phase is not yet complete it is considered necessary to attach a condition requiring on-going compliance with the construction management plan for the duration of construction works.
21. Parking provision for the proposed dwelling is appropriate for the dwelling type and size proposed, with sufficient space available within the site for cars to enter and exit in a forward gear, to ensure that reversing in and out of the site is not required. Details of the access submitted with the application demonstrate that sufficient visibility is available to safely enter and exit the property onto Coach Lane.

22. Although the Highway Engineer acknowledges that the lane is not wide enough to enable the passage of two-way traffic, and some conflict between incoming and outgoing cars may be expected, the proposal does not demonstrate a significant intensification of use. In view of the measures set out in the CMP, which would avoid the need for construction traffic to use Coach Lane, it is not considered that the proposed access would warrant refusal of the application either on the grounds of traffic generation or highway safety.
23. The lane will not be accessible to refuse vehicles and the occupants will need to present bins at a suitable location on collection date. The upkeep of a private road is a civil matter and cannot be considered as part of this planning application.

(d) Impact on Trees

24. There is a mature willow tree near the proposed boundary wall to be erected along the northern boundary. While not formally protected by Tree Preservation Order, it is protected by virtue of its location within the Hurworth Conservation Area and makes a significant contribution to the character of the area. The tree is to be retained as part of the proposal although a planning condition requiring the tree to be protected during construction of the wall is considered necessary.

THE PUBLIC SECTOR EQUALITY DUTY

25. In considering this application, the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The impact of the proposed access on users of Coach Lane, including children who use this as a route to school, is considered in paragraphs 19 – 23.

CONCLUSION AND RECOMMENDATION

26. The principle of residential development in this location has been accepted by the previous permission (19/00155/FUL). The proposed amendments to the approved plans, some of which have already been undertaken, are not considered to amount to any further material impact on the setting of adjacent listed buildings or on the character and appearance of the conservation area and comply with Policy CS14. The proposed access would not result in a significant intensification of use to warrant refusal of the application either on the grounds of traffic generation or highway safety and therefore complies with Policy CS2. Accordingly, it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)

2. PL00

- (a) Amended south and west elevations, drawing number 00-10
- (b) Elevations sheet 2, drawing number 09A
- (c) Site plan, drawing number 05A
- (d) Ground floor plan, drawing number 06A
- (e) First floor plan, drawing number 07A
- (f) Gates, drawing number 20

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development within Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) or Part 2 (Minor operations) shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON – In the interests of visual and residential amenity and to protect the significance of heritage assets surrounding the site

4. The development hereby permitted shall be carried out in complete accordance with the Construction Management Plan/Access Statement prepared for 44 The Green prepared by Jeff Blackwell, dated 21 August 2019

REASON – In the interests of residential amenity and highway safety

5. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity

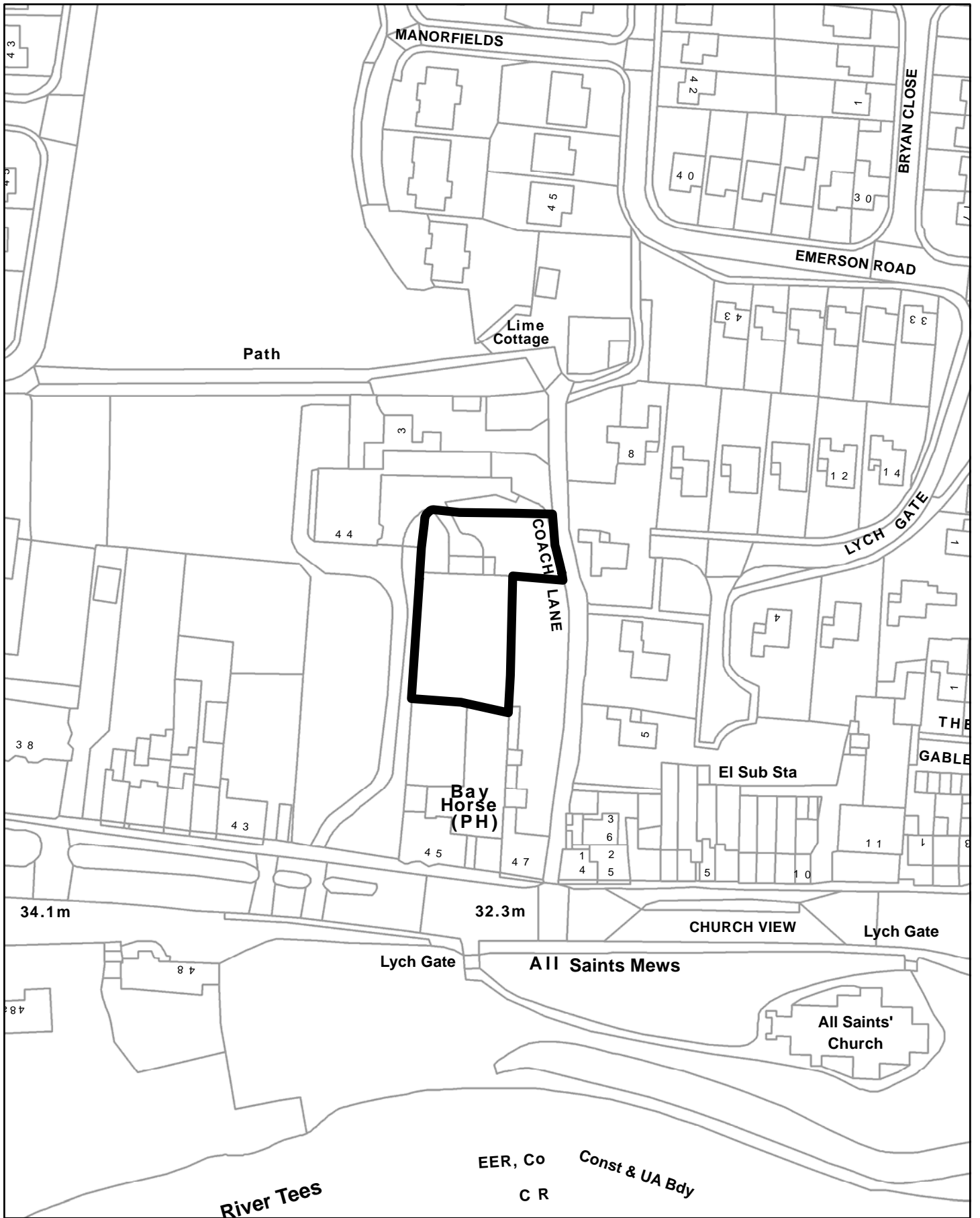
6. E11 (Tree Protection Measures)

INFORMATIVES

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

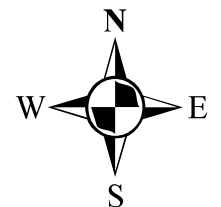
Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director – Highways, Design and Projects (contact Mrs P McGuckin 01325 406651) to discuss naming and numbering of the development

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PLANNING REF No: 19/01071/FUL



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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 August 2020

APPLICATION REF. NO: 19/01138/LBC

STATUTORY DECISION DATE: 12 February 2020

WARD/PARISH: HURWORTH

LOCATION: 44 The Green, Hurworth

DESCRIPTION: Listed building consent for alterations to boundary wall to create vehicular access, erection of new timber gates and brick pillars with finials

APPLICANT: Mr John Fulton

RECOMMENDATION: GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2AO3TFP0C800>

APPLICATION AND SITE DESCRIPTION

1. Listed building consent is sought for alterations to a curtilage listed boundary wall located to the east of 44 The Green, Hurworth, to create a new vehicular access, to include the erection of new timber gates and brick pillars with finials. A Heritage Statement has been submitted with the application. The proposed access would serve a new dwelling within the grounds of 44 The Green, for which planning permission was granted in October 2019 (19/00155/FUL). An associated application for revisions to the approved dwelling, including the provision of a new access, is also on this agenda for consideration (19/01071/FUL).
2. 44 The Green is a substantial former Manor House, former coach house and stables, which are Grade II listed, set in sizeable grounds located to the north of The Green, Hurworth, within the Hurworth Conservation Area. The property and

its grounds are not visible from The Green, being set behind substantial trees and shrubs to the front of the property. The Bay Horse Public House and a terrace of properties, 39 – 43 The Green, are located to the south of the site, either side of the entrance, and are both Grade II listed. Coach Lane, a single track lane, runs in a north-south direction adjacent to part of the eastern boundary of the application site. Public footpath no. 1 in the Parish of Hurworth runs along Coach Lane and provides vehicular access to a number of properties, including a secondary access to the application property, at its northern end.

3. The development of the new dwelling has commenced following the granting of planning permission in October 2019. A number of alterations, including some the subject of the associated planning application, and the formation of the opening in the boundary wall have already taken place in advance of the applications being considered. The application is therefore partially retrospective.

MAIN PLANNING ISSUES

4. The main issue for consideration is:
 - Impact on Heritage Assets

PLANNING POLICIES

5. Relevant planning policies are those seeking to ensure that new development:
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (Policy CS14)

RESULTS OF TECHNICAL CONSULTATION

6. None received

RESULTS OF PUBLICITY AND NOTIFICATION

7. A number of objections have been received to both the planning and listed building consent applications where comments overlap between the two applications. While five objections have been received to the listed building consent application, many of these objections relate to the associated impact of the proposed new access in terms of additional traffic on Coach Lane which is a matter to be considered as part of the associated planning application. These comments have therefore been included in associated planning report. Those matters raised in respect of the application for listed building consent are:
 - Building will have a negative effect on the conservation area and Bay Horse, a Grade II listed building
 - The amended proposals are not sympathetic to the conservation area and listed building

8. One letter of support has been received, raising the following issues:
 - The location, design and proposed materials are appropriate and do not conflict in the context of heritage property
 - There are similar evolutions in residential accommodate in this village

PLANNING ISSUES/ANALYSIS

(a) Impact on Heritage Assets

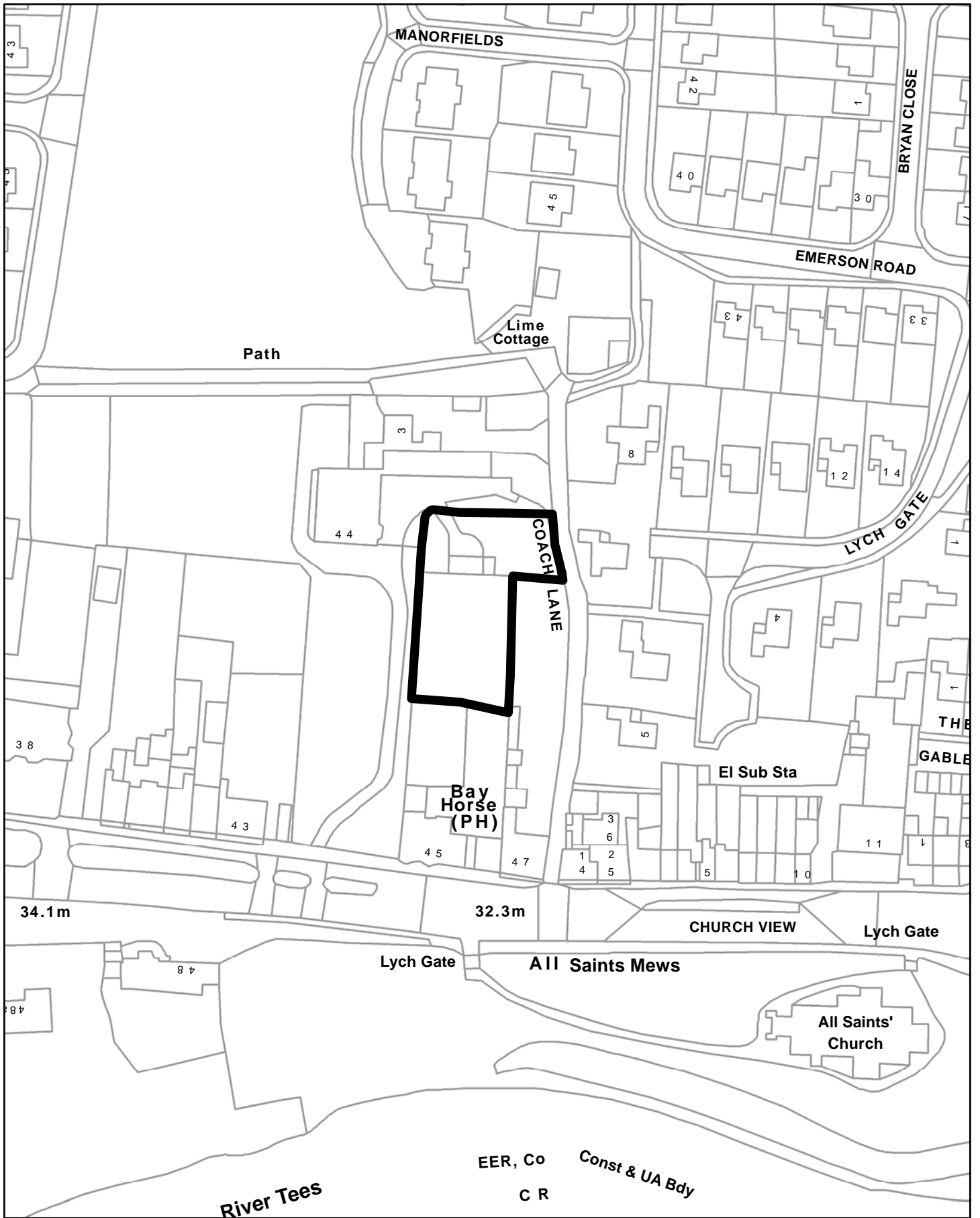
9. In accordance with the statutory duties set out in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess.
10. Paragraphs 193 and 196 of the NPPF state that great weight should be given to the conservation of designated heritage assets, and that any harm should be weighed against any public benefits that the development may bring, with a clear and convincing justification for any harm set out. Core Strategy Policy CS14 sets out the need to achieve high quality design that respects and enhances the character and appearance of Darlington's distinctive areas and promote its quality and sense of integrity.
11. The boundary wall in which it is proposed to create the new opening is curtilage listed due to its relationship with 44 The Green and the former coach house and stables, which are Grade II listed. The wall in this location is a mix of brick and random rubble stonework. While alterations to the wall should be kept to a minimum in order to maintain its integrity and significance as an historic boundary wall, the section of wall where the opening is proposed has previously been opened and subsequently infilled with a mix of stonework and brick. As such it is considered that the wall can accommodate the proposed opening in this location without causing harm to the significance of this part of the curtilage listed wall.
12. The brick piers and stone caps have already been constructed of brick to match the wall and a timber gate, to match those fitted in the adjacent opening, are proposed and are considered to be acceptable. The proposal is therefore considered to comply with Policy CS14.

CONCLUSION AND RECOMMENDATION

13. In view of previous alterations to the boundary wall, the proposed formation of a new opening to facilitate a vehicular access to the new dwelling erected within the ground of 44 The Green is not considered to harm the significance of this curtilage listed boundary wall and the proposal complies with Policy CS14. Accordingly, it is recommended that:

LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A5 (Standard 3 year time limit – listed buildings)
2. PL00
 - (a) Site plan, drawing number 05A
 - (b) Gates, drawing number 20

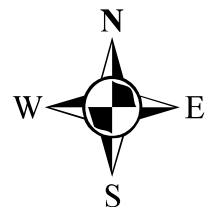


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PLANNING REF No: 19/01138/LBC

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th August 2020

APPLICATION REF. NO: 19/01165/FUL

STATUTORY DECISION DATE: 11th February 2020

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: DEVONPORT HOTEL 16-18 THE FRONT
MIDDLETON ONE ROW DL2 1AS

DESCRIPTION: Partial conversion of Hotel (Use Class C1) to 6 No. self-contained residential apartments (Use class C3) with separate mangers accommodation, erection of two storey rear extension with glazed balcony, installation of 2 No. windows to basement, 2 No. windows to western elevation, reinstatement of front door and reconfiguration of rear garden, carpark and service yard (Amended site layout plan received 14th January 2019 Amended plans received 9th May 2020)

APPLICANT: MR JONANTHAN HALL

RECOMMENDATION: GRANT PLANNING PERMISSON SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q2NZ6VFPFRJ00>

APPLICATION AND SITE DESCRIPTION

1. The application site consists of a large three storey building situated adjacent to the Devonport Hotel, Middleton One Row. The property was previously part of the hotel, recently gaining consent to be converted into a separate dwelling house (18/00413/FUL). The site is situated within the Middleton One Row

Conservation Area. Grade II listed Buildings are situated to the east and west (12-15, 19, 19A, 22 and 23 The Front). Aside from the Devonport Hotel immediately, adjacent, the site sits within a predominantly residential area.

2. Planning permission is sought for the conversion of the property into six self-contained residential apartments (four x two bed apartments and two x one bed apartments with a manager's studio apartment), involving the following:
 - a) Installation of windows to the basement;
 - b) Low level railings set on a stone wall to the front;
 - c) Reinstatement of the central door and steps;
 - d) Installation of two windows on the western elevation;
 - e) Two-storey extension to the rear consisting of two projections of some 3.85m deep x 4.7m wide, set below low-level hipped roofs with a glazed section in between, with facing brickwork to match existing and dark grey cedar cladding to the rear elevation;
 - f) Reconfiguration of the rear garden and storage area;
 - g) Reconfiguration of the rear car park to allow nine parking spaces for residents of the proposed apartments and the remainder of parking to remain available to patrons;
 - h) Reconfiguration of the service yard of the hotel;
 - i) Provision of a communal garden area;
 - j) Hard and soft landscaping.

MAIN PLANNING ISSUES

3. Planning permission was granted in 2018 for the refurbishment of the Devonport Hotel, which included a reduction in the number of bedrooms and the conversion of part of the Hotel (Oxford House, which is the subject of this application) into a residential dwelling (18/00413/FUL), establishing the principle of residential conversion of the property. The refurbishment work to the Hotel has since been completed.
4. The main issues for consideration are:
 - a) Principle of the development;
 - b) Impact on heritage assets;
 - c) Impact on non-designated heritage assets – Archaeology;
 - d) Scale, design and appearance and impact on visual amenity;
 - e) Impact on residential amenity;
 - f) Highway safety;
 - g) Japanese Knotweed.

PLANNING POLICIES

5. Relevant Local Plan policies include those seeking to ensure that new development:

- Is located inside the development limits as defined by the Borough of Darlington Local Plan (E2, CS1 and CS10);
- makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
- Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural and environmental townscapes (CS14);
- Ensures no net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity and the geological network through the design of new development, including public spaces and landscaping (CS15);
- protects and, where possible improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (CS16);

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highway's Engineer and Environmental Health Officer. The Conservation Officer has raised no objections further to amendments to the scheme.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Ten letters of objection have been received, raising the following concerns:
 - Impact on highway safety / cumulative impact on highway network;
 - Lack of parking;
 - Loss of privacy;
 - Overshadowing;
 - Loss of light;
 - Japanese knotweed;
 - Noise and odour from Devonport;
 - Effect on character of area;
 - Impact on heritage assets;
 - No reference to how impact will be minimised during building works;
 - Precedent for other high-density development on the Front;
 - Other properties of a similar size available in area;
8. One letter of support has been received, stating that the proposal would represent a good improvement to the property.
9. Middleton St George Parish Council has raised no objections to the proposed development.

PLANNING ISSUES/ANALYSIS

(a) Principle of the development

10. The application site is within the development limits and the conversion of the building to residential apartments is acceptable in principle in the context of policy CS1 and E2. Appropriate alterations to the existing commercial element of the building is acceptable in principle subject to other development management considerations set out in the development plan.

(b) Impact on designated heritage assets

11. The site is situated within the Middleton One Row Conservation Area with several Grade II listed buildings close to the site, the most directly related being No 15 The Front to the west and Deanery Cottage 19A The Front to the east.
12. The changes to the front of the property to accommodate the proposals, are fairly minor, and further to amendments sought by the Conservation Officer, which include a low stone wall to the railings, and details of the steps to the main entrance, would be considered to improve the appearance of the building and in turn, sustain the significance of the Middleton One Row Conservation Area and the setting of nearby Grade II listed buildings.
13. The proposals to the rear are more significant in terms of their impact on the building itself, and significant alterations have been sought and received, which act to soften the development, reduce its scale and proportion and utilise traditional materials, including the replacement of the proposed close boarded fencing with a brick boundary wall and natural slate to the hipped roofs. In this context and given the position of these elements of the proposal to the rear of the property, the proposal would not be considered to cause harm to the significance of the Middleton One Row Conservation Area, or the setting of nearby Grade II listed buildings.
14. It is recommended that should planning permission be granted, planning conditions should be attached to secure compliance with the external materials indicated on the plan together with details of the railings, windows, doors, brickwork, stone to be used for the proposed low level wall, and proposed cedar boarding, to ensure that the appearance and detail is appropriate to the area. Subject to this, the proposal does not conflict with Policy CS14 in this regard.

(c) Impact on non-designated heritage assets – Archaeology

15. The area of the development is within the historic core of Middleton One Row, a medieval village, so it is possible remains of medieval activity may survive. Accordingly, the Historic Environment Record Officer has advised that a watching brief should be carried out on the ground disturbing works, those relating to the extension. Subject to a planning condition to secure this, the proposal does not conflict with policy CS14 in this regard.

(d) Scale, design and appearance and impact on visual amenity

16. Noting the consideration in terms of impact on designated heritage assets above, it is also considered that, further to the amendments made to the proposals to

ensure an acceptable impact on heritage assets, the impact of the proposals is acceptable in terms of its scale, design and appearance and impact on visual amenities of the locality, resulting in an overall positive impact on the appearance of Oxford House in particular, which is currently empty and falling into disrepair. Whilst the rear element is not traditional in terms of its design, it has been significantly improved further to requested amendments and being to the rear of the property has very limited visual impact. The remaining alterations to reconfigure the rear areas of the commercial element of the building are acceptable and will not be highly visible from outside of the site. Planning conditions to secure compliance with stated materials, and details of those not provided, including the stone to the low-level wall, railings and boundary wall, together with joinery details for the windows, are recommended.

17. Overall, subject to the above conditions, the proposals are acceptable in respect of their scale, design and appearance and impact on the visual amenities of the locality such that they do not conflict with Policy CS14 or CS2 in this respect.

(e) Impact on residential amenity

18. The alterations to reconfigure the rear service, garden and parking elements of the commercial element of the site, will reduce the area included within the alcohol licence to the rear of the premises. These elements will not significantly impact existing residents in terms of amenity over and above any existing impacts that arise due to the nature of the business.
19. The main element of the proposal, which converts Oxford House to apartments, proposes a two-storey extension to the rear of the building. It is noted that there are objections which raise concern of overshadowing, overbearingness and reduced light. Considering these concerns, several amendments were made through the application process including a reduction in the length of the extension and the removal of the balcony areas to be replaced with a glazed screen. The projection of 3.85m, whilst representing a change to the existing situation, would not be considered to appear unduly overbearing or overshadow adjacent sites to the extent that planning permission should be refused on this basis. The effect of the windows to provide light to the rear elevations of the building, would result in a similar situation to most rear aspects that are closely related, with some obscure overlooking between sites, but not so significant and direct as to refuse planning permission on these grounds.
20. The removal of the balcony areas and their replacement with full length doors and a glazed screen, ensures that this serves only as a window and residents cannot sit on a projecting balcony or cause any disturbance to existing residents.
21. Another concern raised by one of the objectors is the loss of amenity due to the side (western elevation) windows proposed to the ground and first floor of Oxford House. One objection references an existing bathroom window (which has clear glazing rather than obscured) on the neighbouring wall. These windows are to provide a minimum level of light to bedrooms and are obscure glazed and will not afford any opportunity for looking into nearby properties. It is recommended that

a planning condition be attached to any approval to stipulate that these remain obscure glazed and are hinged to open inwards and are retained as such to protect the amenity of the neighbouring property.

22. The Environmental Health Officer has raised no objections however does consider that the creation of new dwellings next to the commercial element, has the potential for noise to create an observed adverse effect on the amenity of the new residents, and has recommended a planning condition to require soundproofing to the walls.
23. Other concerns regard the noise and fumes and odours from the commercial element. However, a satisfactory solution to this is dealt with within a recent planning application 20/00258/FUL to create a satisfactory environment for both existing and proposed residents in the vicinity of the hotel.
24. Subject to the above conditions, the proposal would have an acceptable impact on the living conditions of neighbouring occupiers and would comply with policy CS2 and CS16 in this regard.

(f) Highway Safety

25. The Current Tees Valley Design guide standards recommend that flatted developments should have 1.5 parking spaces per apartment. The 9 parking spaces demonstrated on plan fully meet this requirement with these standards being advised maximum standards. Where parking standards are met it is not expected that overspill parking is likely to be increased. There is also no reason to suggest that additional traffic generation is likely from this change of use application.
26. The property is served by the number 12 bus with the bus stop within 50m of the site, which connects the site to Darlington, Middleton-St-George and Teesside Airport and ultimately gives sustainable access to a wider range of shops and services as well as transport connections further afield.
27. Whilst traffic generation, road safety and parking concerns are raised in some objections it needs to be considered that these are existing problems associated with the bar and restaurant element of the Devonport which has become busier in recent times. Issues such as illegal parking within the bus stop have been reported and will be addressed by the Highways Authority as part of statutory duty of network management and maintenance. The bus stop marking is considerably deteriorated and due to be remarked shortly, this will make it more visible to drivers to discourage parking within it and enables enforcement by wardens. The Highways Team has recently undertaken a survey of traffic generation and parking along the front and will be reviewing current road markings and restrictions with a view to providing increased passing places. The Front does however benefit from not having many properties directly fronting the highway and is therefore generally available for visitor parking, even considering the bus stop and inclusion of passing places it would be likely to yield space for approximately 60 cars.

28. Police accident statistics show no recorded road traffic incidents associated with the near vicinity of the Devonport over the past 5-year period, indeed only one minor incident is recorded over the length of the Font and is due to a driver attempting to overtake cyclists when unsafe to do so. As such there is no pattern of accident or reason to suggest that highway safety concerns are evidenced.
29. Overall, and taking the above into account, the Highways Engineer has raised no objection to the development on highway safety grounds. The proposal is therefore considered acceptable and does not conflict with Policy CS2 in this regard.

(g) Japanese Knotweed

30. Several objections have indicated the presence of Japanese Knotweed on the site. The photos provided by objectors show Japanese Knotweed and so further information was requested from the applicant who provided further photos of where the Japanese Knotweed previously was. The applicant indicates that they have been spraying and injecting the roots with Glyphosate since August 2018, addressing any small regrowth immediately and have now eradicated the weed.
31. The Council's Ecology Advisor has been consulted and has suggested that to ensure that the plant is absent and to manage any potential spread, which is an offence under the Wildlife and Countryside Act 1981, a planning condition could be attached to any approval to formally confirm the absence of the plant from a suitably qualified organisation, prior to commencement on site, to ensure that due regard has been had to the legislation surrounding Japanese Knotweed. If any presence is found, a management plan would be required to demonstrate a clear methodology to eradicate and prevent any further spreading. Subject to this, the proposal would not conflict with Policy CS15.

CONCLUSION AND RECOMMENDATION

32. The proposed development complies with the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of highway safety and residential and visual amenity and would not harm the setting of heritage assets or ecological interests. It is therefore recommended that planning permission be granted subject to conditions.

PUBLIC SECTOR EQUALITY DUTY

33. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019012 – 101 Rev A Block and location plan
L019012-109 Rev B Proposed site layout plan
L019012-105 Proposed basement plan
L019012 – 106 Rev A Proposed ground floor plan
L019012 – 107 Rev B Proposed first floor plan
L019012-108 Rev A Proposed Second floor plan
L019012 – 110 Rev C Proposed elevations

REASON – To define the consent

3. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON - To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

4. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

5. E2 Landscaping Submission / Implementation
6. Prior to the commencement of the development, a survey of the site shall be carried out by a suitably qualified organisation, to ascertain the presence of Japanese Knotweed on the site. Should any Japanese Knotweed be found on site, a plan shall be submitted to demonstrate the method to be used to prevent further spreading and eradicate the plant and the recommendations of the plan be fully complied with.

REASON – In the interests of ecology.

7. All party walls within the development will be fitted with upgraded sound insulation to achieve a minimum airborne sound insulation value of $53 D_{nT,w} + C_{tr}$ dB. Details of the scheme of enhanced sound insulation, including the specification of materials and proposed installation techniques, will be provided to the Local Planning Authority in writing prior to their installation. Installation of the approved details must be completed prior to occupation of the buildings hereby approved and thereafter shall be retained for the lifetime of the development.

REASON – In the interests of residential amenity.

8. Prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.
 - i) Joinery details (including doors and windows);
 - ii) Stonework and railings;
 - iii) Details of cedar boarding;
 - iv) Boundary treatment, to include brick samples and details of mortar and bonding;

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

REASON – To ensure that the details submitted are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

9. Unless dealt with by condition 8 (above) all external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON – To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

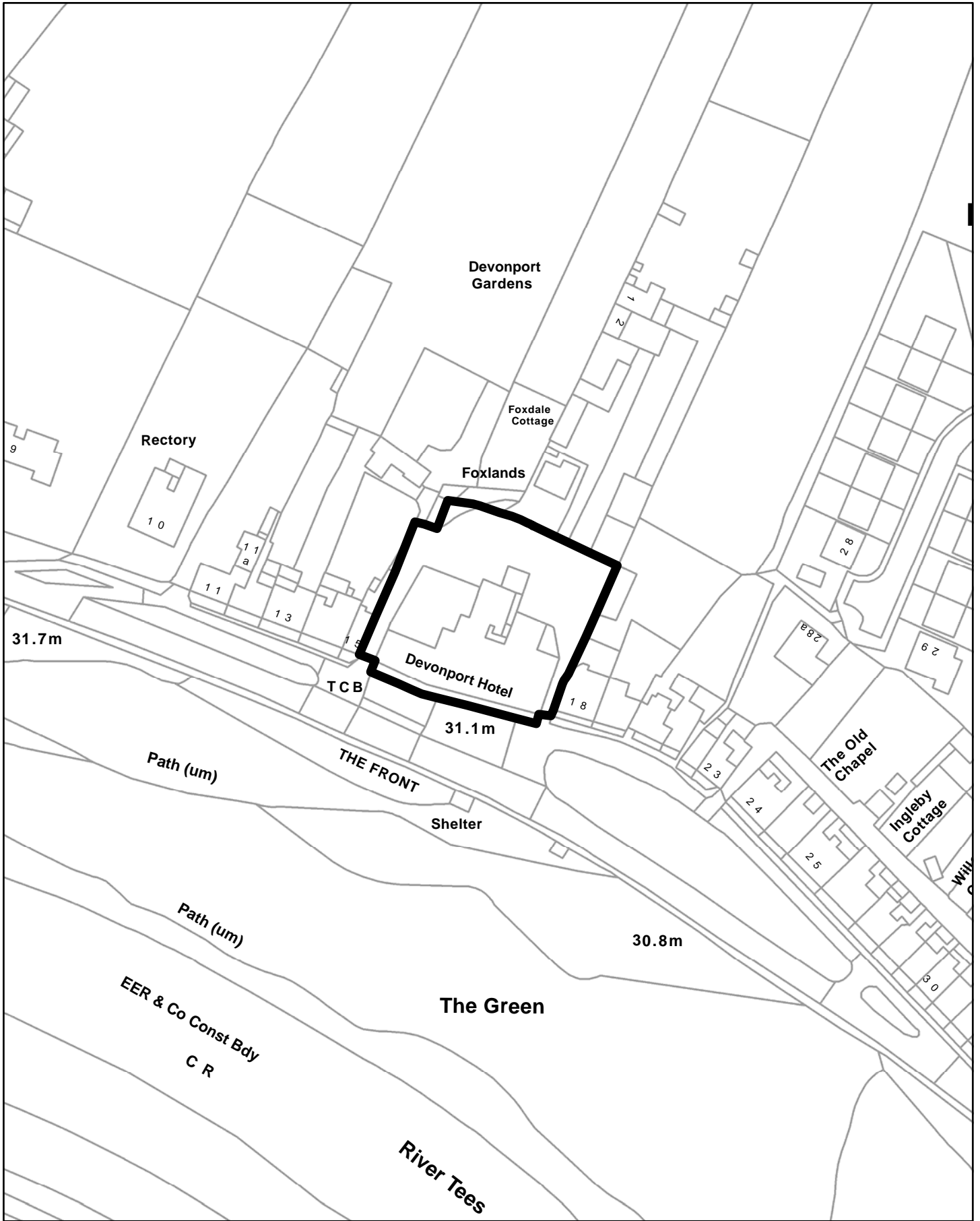
10. The windows to the western elevation of the property shall be obscure glazed (hinged to open inwards), as detailed on the drawings referenced in condition 2 of this approval and shall be maintained as such for the lifetime of the development hereby approved.

REASON – In the interests of residential amenity.

INFORMATIVES

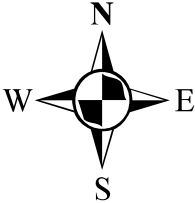
Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

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PLANNING REF No: 19/01165/FUL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th August 2020

APPLICATION REF. NO: 20/00266/FUL

STATUTORY DECISION DATE: 3rd July 2020

WARD/PARISH: NORTHGATE

LOCATION: 182 NORTHGATE NORTH LODGE
DARLINGTON

DESCRIPTION: Conversion of building to provide 2 No. retail units (Use Class A1) and 24 No. apartments (Use Class C3) including demolition of delivery/goods bay to rear, erection of second floor extension incorporating mezzanine floor and pitched roof, creation of external amenity areas, cladding to elevations, bin storage, cycle provision, retail storage, access and delivery area and associated internal and external alterations

APPLICANT: PURPOSE BUILD GROUP 2

RECOMMENDATION: GRANT PLANNING PERMISSON SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q87WF1FPLKB00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a vacant retail premises (formerly Northgate Bedding Centre) situated within the Town Centre Fringe and on the eastern side of the A167 Northgate and on the northern side of the junction of Chesnut Street with Northgate.

2. The building, which represents a mid-20th century redevelopment of the site, is flat-roofed and features extensive areas of glazing to the Northgate frontage and the front half of the Chesnut Street frontage. Whilst mainly two storeys in height, the rear part of the building is single storey.
3. The surrounding area is a mix of commercial uses including shops, restaurants, hot food takeaways, offices, a cinema, a car repair garage; residential flats; and a Salvation Army hostel. Chesnut Street leads to a mixed light industrial area while on the western side of Northgate, behind the street frontage, lies North Lodge Park.
4. The site is situated within the Northgate Conservation Area and within the setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers, situated immediately to the south of the application site on the opposite corner of the junction of Northgate and Chesnut Street.
5. Planning permission is sought for the change of use, conversion and extension of the building to provide a mixed-use retail and residential development comprising the following:
 - Ground Floor: Two smaller retail units proposed to the Northgate frontage of the building, each with a floor area of 120m² (1,292 sq. Ft); and four apartments (1no. 2-bed and 3no. 1-bed); First Floor: eight apartments (3no. 2-bed and 5no. 1-bed); and Second Floor: twelve duplex apartments (12no. 1-bed), with the en-suite bedrooms provided within the roof space (2nd floor mezzanine).
 - External amenity areas to 16 of the 24 apartments (the four first floor apartments at the rear of the building (apts 8, 9, 10 & 11) and the twelve duplex apartments (apts 13-24 inclusive), the latter being provided with external amenity areas at second floor level);
 - Cycle lockers and 7no. parking bays are proposed at the rear together with a delivery bay for the two retail units and bin storage areas.
 - Walls: Fine textured render (colour to be agreed), fibre cement dark grey cladding; Roof: Marley Modern dark grey concrete tiles; Windows & doors: Dark grey UPVC with opaque coloured panels where applicable; and Rainwater goods: Black UPVC downpipes, gutters and brackets;
 - Landscaping to rear parking area;
6. The footprint of the building would remain as existing other than the single storey delivery/goods handling bay at the rear which is to be removed. The proposal is to extend upwards to provide an additional storey and a pitched roof to the building. The exterior of the building would be remodelled and revitalised with a pitched roof provided above the additional floor with the ridgelines of the roof to be kept below that of the adjoining building to the north in keeping with adjacent property.

MAIN PLANNING ISSUES

7. The main issues for consideration are:

- a) Principle of the development;
- b) Impact on heritage assets;
- c) Scale, design and appearance and impact on visual amenity;
- d) Impact on residential amenity;
- e) Highway safety;
- f) Other matters.

PLANNING POLICIES

8. Relevant Local Plan policies include those seeking to ensure that new development:

- Is located inside the development limits as defined by the Borough of Darlington Local Plan (E2, CS1 and CS10);
- makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
- Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural and environmental townscapes (CS14);
- protects and, where possible improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (CS16);

9. Also relevant are saved Policy S9, which allows small new shops, limited extensions to existing shops, and class A2 services within the defined fringe shopping areas, and saved Policy T26, which advises that parking standards may be relaxed within the Northgate Fringe Shopping Area where a significant proportion of employees are able to use public transport or to ensure the retention of an existing building.

RESULTS OF TECHNICAL CONSULTATION

10. No objections in principle have been raised by the Council's Highway's Engineer, Environmental Health Officer, Northumbrian Water or the Local Lead Flood Authority. The Conservation Officer has raised concerns regarding the impact of the proposal on heritage assets.

RESULTS OF PUBLICITY AND NOTIFICATION

11 . Five letters of objection have been received, including one objection from Friends of Stockton and Darlington Railway, raising the following concerns:

- Impact on character and appearance of Northgate Conservation Area;
- Design of proposal does not have regard to nearby historic buildings; and not in keeping with the North Road Rail Heritage Quarter;
- Too many houses in multiple occupation / overcrowded area;
- Too much pressure on already over-stretched infrastructure;
- Why keep the shops as there are too many empty shops already;

- Homes are very small which is not good for health and wellbeing of residents;
- Not enough greenspace;
- Anti-social behaviour due to lack of occupation of similar developments;

12. Comments in support of the application state:

- Design is deliberately contemporary and will be a spectacular feature in the Northgate Conservation Area;
- Will visually improve important route into town;

13. One letter of support has been received from Campaign to Protect Rural England stating:

- the conversion of this redundant building would provide much needed high-density housing in the town centre; and
- It will contribute to the number of dwellings Darlington is expected to provide for, so pressure is taken off greenfield sites.

PLANNING ISSUES/ANALYSIS

(a) Principle of the development

14. The application site is within the development limits and the conversion of part of the building to residential apartments is acceptable in principle in the context of Saved Local Plan Policy E2 and policies CS1 and CS10. Appropriate alterations to the existing commercial element of the building is acceptable in principle subject to other development management considerations set out in the development plan.

(b) Impact on designated heritage assets

15. The site is situated within the Northgate Conservation Area and within the setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers, situated immediately to the south of the application site on the opposite corner of the junction of Northgate and Chesnut Street.

16. The Conservation Officer has raised no objections to the principle of the conversion of the premises to mixed use, however has objected on the basis of the impact of the proposed alterations on the significance of the Northgate Conservation Area and setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers.

17. The Conservation Officer considers that the proposed alterations are not appropriate to the character of the area and would lead to harm to the setting of the listed buildings, citing the use of the render and cladding which would create a harsh contrast in the street scene, making the building more visually obtrusive and clearly visible within the sight lines looking from the north and south along Northgate. The Conservation Officer also considers that the addition of the floor

level increases this impact further, as the existing building is more subservient to the church and an increase in height would see this subservience eroded.

18. The comments of the Conservation Officer have been considered carefully and discussions have been undertaken with the agent. The existing building, is a 20th century redevelopment which has no visual or architectural merit in itself, and is falling into disrepair. The current flat roofed, 2-storey building also appears as a somewhat incongruous feature on a prominent, corner site, in between predominantly taller, 3-storey buildings.
19. The proposed conversion scheme has been designed so that the proposed second floor of the building is set back from the existing frontages of the building and the mezzanine floor level is provided within the roof space, with the building still being of a lower height than the adjoining building to the north, so as to reduce any impact on the setting of the church. It is considered therefore that views of the church when travelling along Northgate will not be affected to any significant degree, and views of the Church when travelling northwards will be largely unaffected. Overall, with the limitations that the present building holds, it is considered that the proposed development has been sensitively designed such that the resultant building is of an improved appearance compared to the existing building.
20. Taking into consideration the appearance of the existing building, whilst it is the view of officers that the proposal will have a slight positive impact on the character and appearance of the Conservation Area, and will not adversely affect the setting of the listed buildings, taking into account the differing views of the Conservation Officer, and in line with the NPPF, if harm is found to be caused, it is considered that this would be 'less than substantial'. In this case the LPA must weigh the harm against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this case therefore, if harm is considered to be caused, the agent has set out what are considered to be the public benefits arising from the development being;
 - Bringing a vacant building back into use;
 - Retention of two smaller retail units more likely to be attractive to prospective tenants; and
 - The provision of residential apartments in a sustainable location.
21. In this case, taking into account the visual appearance of the existing building, and the views of officers in terms of its limited impact on the Conservation Area and the setting of the listed building, it is considered that if 'less than substantial harm' is caused by the development, that on balance, this would be outweighed by the public benefits identified and that the proposal therefore does not conflict with Policy CS14 in this regard.

(c) Scale, design and appearance and impact on visual amenity

22. Noting the consideration in terms of impact on designated heritage assets above, it is also considered that the impact of the proposals is acceptable in

terms of its scale, design and appearance and impact on visual amenities. The frontage to Northgate and Chesnut Street and the palette of materials proposed is an appropriate response to the site constraints, and will result in an overall improvement to the visual appearance of the building and street scene in which it is located. It is recommended that a condition be attached to any approval stating that materials should be in accordance with those detailed within the application and securing submission and agreement of the colour of the fine textured render to be applied externally and specific details of the proposed limited area of landscaping to the rear.

23. Overall, subject to the above conditions, the proposals are acceptable in respect of their scale, design and appearance and impact on the visual amenities of the locality such that they do not conflict with Policy CS14 or CS2 in this respect.

(d) Impact on residential amenity

24. The site is within a mixed-use area with commercial being the predominant use. There are some properties nearby which have flats above shops to the west and north, with residential apartments at Northbeck House beyond, and given the existing building use, its redevelopment for a similar use with apartments above, is unlikely to impact on the residential amenity of these existing properties. The main issues of residential amenity are therefore related to ensuring an acceptable level of amenity for occupiers of the proposed scheme and ensuring that any construction impacts are within acceptable limits given the presence of existing residential uses in the area.
25. A noise assessment undertaken by Apex Acoustics (2 June 2020 Reference 7923.1 Revision B) was submitted in support of the application. This involved the measurement of existing noise levels in three locations on the site, to assess the impact of road traffic noise on the proposed development, which is the dominant noise source in this location. The assessment also considers the impact of extract ventilation plant servicing adjacent commercial premises as well as noise from within the proposed retail premises on the ground floor.
26. The assessment concludes that with mitigation by way of a certain standard of glazing, installation of a specific standard of trickle vents, as well as a mechanical ventilation strategy, appropriate noise levels in accordance with the guidance can be achieved in internal spaces associated with the development and any adverse impacts on health and quality of life mitigated and reduced to a minimum.
27. In relation to impact of the proposed retail premises associated with the development on the residential properties the assessment concludes that with specific construction of the separating walls and floors the agreed internal noise levels can be achieved in the residential areas. A proposed construction build up for both the separating walls and floors is put forward in the assessment.
28. In view of the above, the Environmental Health Officer has recommended planning conditions 12-16 (below) which aim to ensure the development

incorporates the mitigation set out within the noise report in looking to protect residential amenity.

29. An air quality assessment has also been submitted prepared by Apex Air dated 26 May 2020 (Reference 7923.2, Revision A). The assessment considers potential air quality impacts as a result of the construction and operational phases of the development as well as any impacts on the development itself from existing air quality given the introduction of sensitive receptors.
30. The assessment concludes in relation to the construction phase of the development, with good practice dust control measures, the potential air quality impacts from dust generated during demolition, earthworks, construction and track-out activities are predicted to be not significant. Potential impacts associated with the operational phase of the development (i.e. associated with increased traffic) are also predicted to be negligible and in relation to the proposals having the potential to expose future occupants of the apartments to poor air quality, pollutant concentrations were predicted to be below relevant air quality objectives across the development area. The assessment therefore concludes the site is considered suitable in this location from an air quality perspective. As there are existing residential properties in this area and given the conclusions of the submitted air quality assessment, the Environmental Health Officer has not objected on air quality grounds.
31. Also recommended are planning conditions requiring submission and compliance with a Construction Management Plan, that no external plant associated with the scheme shall be installed until a scheme to reduce noise and vibration has been submitted to the LPA and agreed in writing, and a limit on opening hours of the retail units to between 7:00 and 22:00, with any deliveries and waste collections limited to the same time period.
32. Subject to the above conditions, the proposal would have an acceptable impact on the living conditions of residents and would comply with policy CS2 and CS16 in this regard.

(e) Highway Safety

33. The ground floor frontage is to be retained within retail use however the existing frontage would be split to create two smaller units of 120 sqm. Rear access to the units would be maintained with defined storage areas, commercial bin storage and defined delivery parking complementing the existing arrangements. Customer parking is available nearby both within defined on-street areas on Beck Road and within Garden Street cap park which is approximately 150m from the development.
34. The application proposes a total of 24no. residential apartments, 20 of which are single bedroom and the remaining 4 being 2 bed units. This falls below the threshold for a formal transport assessment. It is likely that this would produce around 10 vehicle trips in the am/pm peak hour and as such it is not considered sufficient to warrant refusal based on traffic impact.

35. The Tees Valley Design Guide advises that generally parking provision should be based on 1.5 spaces per unit for flatted developments giving a theoretical requirement of 36 spaces. However parking provision may be viewed differently for town centre accommodation and areas which have good links to public transport or other alternative means of sustainable travel. It is proposed to provide the development with 7no. dedicated parking spaces, 12no. secured cycle lockers and a dedicated delivery bay for the two retail units. Based on the town centre fringe location and access to sustainable modes of transport the parking proposals are considered to be acceptable.
36. Frequent bus services are located nearby with both inbound and outbound stops on Northgate located within 100m walking distance of the site. A controlled pedestrian crossing facility is also with 50m of the site at a location that would otherwise be difficult to cross safely given the width of Northgate and the high traffic volumes during peak hours.
37. Overall, and taking the above into account, the Highways Engineer has raised no objection to the development on highway safety grounds. The proposal is therefore considered acceptable and does not conflict with Policy CS2 and T26 in this regard.

(f) Other matters

38. One matter raised by objections is the size of the flats and the impact of living in such small spaces on the health and well-being of residents. The flats are part of a high-density development with the provision of a choice of one and two bedrooms, all with living space and kitchen provided on an open plan basis. Whilst there is a demand for this type of living, particularly in central areas, the aim of the plan is to provide a good mix of dwelling type, size and tenure and there is no planning reason to suggest that the size of the apartments proposed would result in an impact on the health and wellbeing of residents who choose to live there. The Private Sector Housing Team has been consulted and has made no comments on the proposals.
39. A further matter raised by objection is a lack of greenspace. Whilst it is acknowledged that the amenity areas of the flats are limited by the nature of the development, and that the proposal does not provide greenspace, the location of the development is such that the residents would have good access to local greenspace at North Lodge Park to the west and other local areas of greenspace beyond.
40. The potential for anti-social behavior due to lack of occupation of similar developments has also been raised as an objection. Whilst this is noted, there is no evidence to suggest that anti-social behaviour will increase as a result of the proposed development, and indeed, the aim of the proposal would be to have occupation of the ground and upper floors of the building which has the potential to reduce any anti-social behaviour in the vicinity of the building due to increased supervision. Durham Constabulary has provided some advice in relation to

measures to reduce crime, such as alarms, security standards for doors and security standards for cycle lockers, which has been provided to the applicant to consider in the development process. One matter raised by Durham Constabulary is a lack of defensible space to the ground floor apartments, with no clear boundary between the street and the residential units aside from the physical structures of the cycle stands and bin storage area. It is recommended that a planning condition be attached to any approval relating to submission and agreement of boundary treatment to the rear of the building prior to occupation.

PUBLIC SECTOR EQUALITY DUTY

41. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

42. The proposed development complies with the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of highway safety and residential and visual amenity and would not harm the setting of heritage assets. It is therefore recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019034 – 000 Location and Block Plan
L019034 – 100 Proposed ground floor plan
L019034 - 101 Proposed first floor plan
L019034 - 102 Proposed second floor plan
L019034 – 103 Proposed second floor mezzanine plan
L019034 – 104 Proposed Elevations and section
L019034 - 105 Proposed bin and cycle store
L0190354 – 106 Site Location Plan

REASON – To define the consent

3. All external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON – To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

4. Prior to the application of the fine textured render to the external surfaces of the building, details of the colour of the render shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON - To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

5. E2 Landscaping
6. Prior to the occupation of the development hereby approved, details of boundary treatment to the rear of the ground floor flats, shall be submitted to and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be in place prior to occupation of the development and shall be retained as such thereafter.

REASON - In the interests of residential amenity.

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

REASON – In the interests of residential amenity.

8. The opening hours of the retail unit(s) shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

9. Times for deliveries and waste collections to the retail units shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

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

REASON – In the interests of residential amenity.

11. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in

writing:

a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

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

REASON – In the interests of residential amenity.

12. The mitigation measures/minimum façade sound insulation provisions (glazing performance, trickle vent performance, ventilation strategy) as detailed within Table 1 of the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Reference: 7923.1 Revision B) shall be implemented in full prior to the first occupation of the apartments, and thereafter shall be retained and maintained for the life of the development. No changes to mitigation proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

13. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to installation precise details of the window glazing as well as any acoustic trickle vents to be installed as part of the development (including their acoustic performance) shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

14. The mitigation outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B) in relation to the wall and floor construction (separating elements) between the retail units and residential apartments shall be implemented in full prior to the first occupation of the apartments. No changes to the proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

15. At the reasonable request of and/or following a complaint from residents of the proposed development to the Local Planning Authority, the applicant shall

employ a suitably qualified acoustic consultant to carry out an assessment of noise from the retail units on the residential apartments. The sound insulation testing shall be in accordance with the methodology in BS EN ISO 16283-1:2014 (airborne sound insulation) and BS EN ISO 16283-2:2018 (impact sound insulation) and the scope and methodology to be used in the assessment shall be agreed in advance with the Local Planning Authority. The assessment shall demonstrate to the satisfaction of the Local Planning Authority compliance with NR17 inside the residential apartments. If this is not the case, suitable mitigation measures shall be submitted and agreed in writing with the Local Planning Authority including a timescale for implementation.

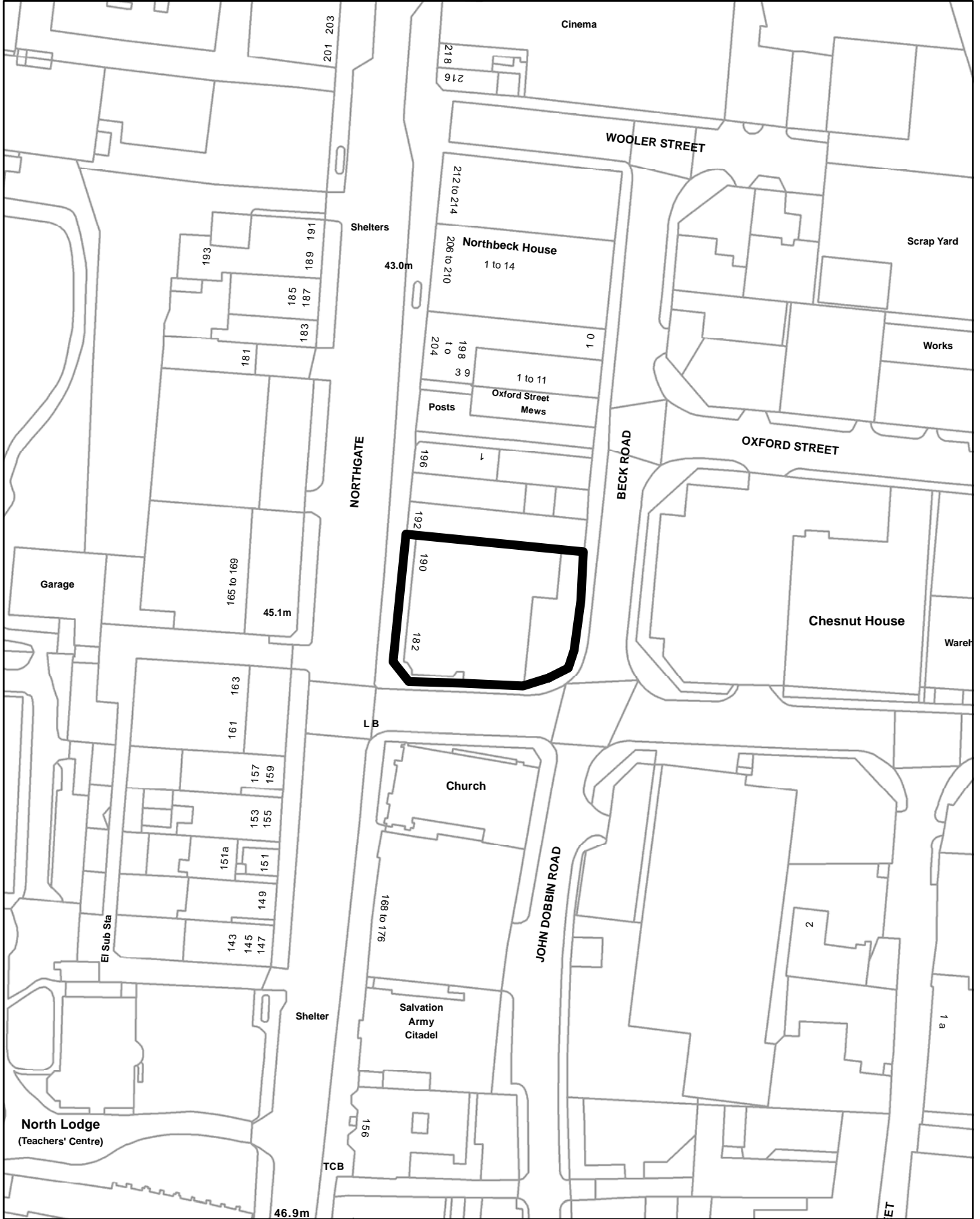
REASON – In the interests of residential amenity.

16. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to the installation of any mechanical ventilation strategy, precise details of the system(s) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of noise and overheating to determine an appropriate strategy with windows closed. It shall be shown to the satisfaction of the Local Planning Authority that the internal noise levels associated with any mechanical units and associated ductwork linked to the system, as well as when combined with other noise sources shall not exceed relevant guidance levels in living rooms and bedrooms. The assessment(s) shall be carried out taking into account the Association of Noise Consultants and Institute of Acoustics 'Acoustics Ventilation and Overheating: Residential Design Guide, January 2020, Version 1.1.' and any associated guidance. The system(s) shall be installed prior to the first occupation of the apartments and in accordance with approved plan and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of residential amenity.

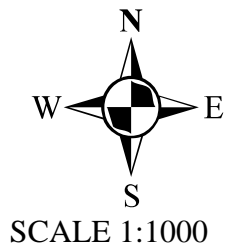
INFORMATIVES

Prior to the commencement of the development 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.



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PLANNING REF No: 20/00266/FUL



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DARLINGTON BOROUGH COUNCIL**PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 5th August 2020**

APPLICATION REF. NO:	20/00248/FUL
STATUTORY DECISION DATE:	14 August 2020
WARD/PARISH:	Northgate
LOCATION:	58 Montrose Street
DESCRIPTION:	Conversion of existing dwelling into 2 No. 2 bed flats including demolition of existing garage, creation of refuse and cycle storage areas and alterations to windows and doors (as amended by plan received 12 May 2020)
APPLICANT:	Other Ambition Investments

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The existing property is a dwelling on the end of a terrace on Montrose Street. The property has a two storey extension to the rear along with a garage accessed of a lane to the side. There is a yard accessed via the garage and through the dwelling. The existing property has a lounge, dining room and kitchen on the ground floor and three bedrooms and a bathroom on the first floor. A solid wall, approximately 2m high provides the shared boundary with No 56 Montrose Street.
2. Montrose Street predominately comprises of terraced dwellings with a convenience store located on the junction with Haughton Road. A building containing 10 apartments has recently been built to the rear of No 2 and 2A Montrose Street which is at the opposite end of the street to the application site.

3. In response to the comments made by residents, the planning application has been amended and now involves the conversion of the single dwelling into two flats. The ground floor flat would comprise two bedrooms (one ensuite) and a lounge/kitchen/dining room whilst the first floor flat would be two ensuite bedrooms and a lounge/kitchen/dining room.
4. There would be no external alterations to the front elevation but there would be some alterations to the doors and windows in the two storey extension overlooking the yard area. The garage would be demolished to create a small yard area for the first floor flat and the remainder of the yard would be for the ground floor flat. Each yard would have a separate access to the lanes and cycle parking and bin storage areas would be provided in each one.

MAIN PLANNING ISSUES

5. There is no recent planning history for the property. The main considerations are whether the proposal is acceptable in the following terms:
 - a) Planning Policy
 - b) Residential Amenity
 - c) Highway Safety
 - d) Impact on the Visual Appearance and Character of the Area
 - e) Other Matters

PLANNING POLICIES

6. The relevant Local Plan policies are those that consider:
 - Whether the property is within an area where there is a high concentration of houses in multiple occupation and if not, does the change of use raise any highway safety and residential and general amenity issues (saved Policies H17 and H18 of the Local Plan 1997)
 - The general amenity and health and safety of the local community (CS16 of the Core Strategy 2011)
 - Vehicular access and parking provision suitable for its use and location (CS2 of the Core Strategy 2011)
 - Darlington's distinctive built characteristics that positively contribute to the character of the local area and its sense of place (CS2 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer and Environmental Health Officer has raised no objections to the principle of the change of use.
8. The Council's Private Sector Housing Manager has raised no objections to the proposed development

RESULTS OF PUBLICITY AND NOTIFICATION

9. The planning application originally involved the conversion of the property into three flats and eleven objections were received from ten households. Whilst the

nature of the planning application has now changed, the issues raised at that time can be summarised as follows:

- *The demolition of the garage will weaken the rear property wall and the property dividing wall*
- *The property is too small to have two flats on the ground floor*
- *The proposal will impact upon and overlook neighbouring dwellings*
- *There will be noise nuisance*
- *The development is overcrowded*
- *Where will extra waste and recycling bins go?*
- *Three extra dwellings will make existing parking problems even worse*
- *Neighbour will have two households looking into kitchen windows*
- *Rear access to the site will be limited with limited access for means of escape*
- *Increase in noise and disturbance*
- *There has been problem tenant elsewhere on the area and houses abandoned for long periods of time*
- *Not in keeping with Montrose Street which is all single family houses*
- *Flats have been built behind Montrose Street and more flats are not necessary*
- *They will reduce value of neighbour's houses*
- *The houses in the street should be kept the same and look the same*

10. Following the amendments to the planning application, six objections have been received from four households and the comments can be summarised as follows:

- *No provision for off street parking as the garage is being removed;*
- *Parking on Montrose Street is already very limited;*
- *The property is too small for two flats;*
- *There will be very little room left in the yards once the cycle stores and wheelie bins are in;*
- *The proposal is not in keeping with the rest of Montrose Street which is all single houses;*
- *Flats tend to be for younger and louder tenants which will spoil neighbours being able to enjoy their own property;*
- *This will lead to overlooking of neighbouring properties and cutting off light for the Eastmount Road back yards*
- *There is a potential noise issue*
- *Back lanes will be damaged when materials are being delivered*
- *It is being assumed that the occupants will be cyclists and not have a car*
- *The flats could attract antisocial behaviour*
- *The yards are too small for the storage of refuse bins and more bins on the street for collection will be a trip hazard*
- *There will be too many comings and goings*
- *The flats will reduce the value of the existing houses. The street should remain as single houses*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

11. Saved policy H17 of the Local Plan states that the subdivision of dwellings into smaller units of accommodation will not be permitted where there is already a high concentration of houses in multiple occupation or it involves the subdivision of small two storey family houses (less than 115m²).
12. Areas of high concentration are, typically, continuous residential frontages or streets where upwards of a quarter of the original dwellings are in multiple occupation which is not the case at Montrose Street and the floor area of the property exceeds 115m² (approximately 136m²).
13. Saved Policy H18 of the Local Plan 1997 states in areas where there is not already a high concentration of houses in multiple occupation, the subdivision of dwellings into smaller units of accommodation is permitted provided that there is no material adverse effect on:
 - a) The quiet and private enjoyment of other dwellings and gardens
 - b) The adequacy of available off street parking and amenity spaces
 - c) The free flow and safe flow of traffic
 - d) The visual and noise characteristics of the surroundings
14. These issues will be considered in detail below.

b) Residential Amenity

15. The existing property is a three bed dwelling. There is a kitchen and dining room window (ground floor) and one bedroom window (first floor) within the two storey storey extension which all currently overlook the rear yards of the neighbouring dwellings on Montrose Street. A solid wall provides the shared boundary between the yards of the application site and the adjoining dwelling which provides a privacy barrier at ground floor level. There is also a lounge window and a bedroom window in the rear elevation of property. A small landing window can be found in the gable end at first floor level which faces onto the rear elevations of the dwellings on Eastmount Road.
16. The windows and doors would be altered in the two storey extension to facilitate the internal alterations resulting in there being two bathroom windows (obscured) and a bedroom window at first floor level and two bedroom windows and a door at ground floor level. The level of overlooking from the first floor flat will be the same as the existing situation and the ground floor windows would be still be partially screened by the boundary wall. The lounge and bedroom windows in the rear elevation remain unchanged and the opening in the gable elevation remains a landing window.
17. Overall, whilst the building would be occupied by two families rather than one, the number of habitable windows has not increased, and the levels of overlooking would not increase beyond the existing situation.

18. The number of overall bedrooms within the property would increase from three to four as a result of the conversion to two flats.
19. It is considered that the potential increase in comings and goings that would result from there being two households within the property would not be so adverse to significantly impact on the amenities of the neighbouring properties and the wider area. The potential behaviour of the future occupants has been raised by the objectors, but officers consider that this concern, whilst acknowledged, is not a justifiable reason to refuse the application and no evidence has been provided to substantiate such claims to enable more weight to be attached to this material consideration.
20. The Council's Environmental Officer has not objected to the application but recommended that a condition is imposed to control the hours of construction and deliveries in the interest of residential amenity
21. The proposed conversion would accord with saved policy H18 of the Local Plan 1997 and CS16 of the Core Strategy 2011.

c) Highway Safety

22. The property is within walking distance of the town centre and the bus stops on Haughton Road. It is also close to the cycle path on Haughton Road and the wider cycle network. The property is within a sustainable location.
23. Montrose Street is typical of terraced street close to the town centre with most residents being reliant on on-street parking. There is a mix of controlled and uncontrolled parking areas with some parking being restricted to Resident Permit holders only, some Two Hour Only parking whilst other areas are unrestricted.
24. Montrose Street no longer provides a through route to Haughton Road as it would have done historically and as a result it is generally just used for local access and carries relatively little traffic. Generally, car ownership and use levels are lower within flatted developments/HMOs close to town centres and as a result a single space per flat would be acceptable. The existing property is a three bed dwelling and therefore the required car parking provision remains unchanged (2 spaces required for a three bed dwelling). The proposed change of use does not impact upon the highway from any increased demand for parking.
25. Future occupants will be eligible for a resident parking permit and they would be encouraged to make use of the parking provided across the frontage of the dwelling. Whilst the loss of the garage does result in the loss of a parking space, the garage does not meet the minimum internal dimensions to be considered a practical usable space and is therefore unlikely to be used for the keeping of a vehicle. A planning condition would need to be imposed that all gates open inwards and not over the public highway (lanes)

26. Cycle parking and an area for refuse storage is provided for both flats. This offers assurance that bins will not be stored on the highway other than being presented for collection and the cycle storage will also help promote sustainable travel options as an alternative to the motor vehicle.
27. The Council's Highways Engineer has not objected to the planning application. Having considered this advice and the comments made by the residents, the proposed change of use is acceptable in highway safety and parking terms and would accord with saved policy H18 of the Local Plan and policy CS2 of the Core Strategy 2011.

d) Impact on the Visual Appearance and Character of the Area

28. The front elevation of the property would remain unchanged. The gable end elevation of the building would remain unchanged, but the existing garage would be replaced a new boundary wall and gate. A pedestrian gate would be inserted into the rear boundary wall and the existing doors and windows in the two storey extension would be realigned. The external alterations are acceptable, and a planning condition can be imposed to agree appropriate materials for the brickwork, windows and gates.
29. The property would retain its residential use albeit in the form of two properties rather than one and the external alterations are minimal and therefore the character of the building and the wider street would not be adversely affected.
30. The proposal would accord with saved policy H18 of the Local Plan 1997 and CS2 of the Core Strategy 2011.

e) Other Matters

Internal Layout

31. The internal specification of a proposed residential development may fall outside the direct remit of Development Management, but all new and converted residential developments should have consideration of the Housing Health and Safety Rating System to ensure they do not contain any Category 1 hazards which was introduced under the Housing Act 2004. In response to some of the objector's comments, Officers have sought advice from the Council's Private Sector Housing Team and the proposed conversion would meet the overall floor area requirements for each flat and for the room sizes. The Team has suggested that the ground floor bedroom window would need to be openable and fitted with blinds or solar film to prevent excessive heat loss and this would be a matter for the applicant to comply with and not enforceable under planning legislation.

Permitted Changes of Use

32. It is worth commenting that a Class C3 (dwellinghouse) property can change to a Class C4 (small houses in multiple occupation) property without the need for planning permission provided that the property is not occupied more than 6 residents; (which includes unrelated individuals) and they share basic amenities. This is relevant as it shows that in some circumstances, dwellinghouses can be

occupied by six unrelated people without having to apply for planning permission.

33. The impact that the proposed change of use may have on the value of existing properties is not a material planning consideration and the planning application should not be refused on such grounds.

THE PUBLIC SECTOR EQUALITY DUTY

34. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. It is considered that this proposal does not raise any issues that would discriminate between persons who share a protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

35. 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 AND RECOMMENDATION

36. The property is not in an area where there is already a high concentration of houses in multiple occupation. The proposed works are acceptable in terms of residential amenity, highway safety and parking and general amenity. The proposal would accord with the local development plan.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.
REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.
3. All bathroom windows shown on the approved plan shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.
REASON - To safeguard the amenities of the neighbouring dwellings.

4. No works or demolition activities, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays.

REASON: In the interests of the amenity of the area

5. All gates shall open inwards and not outwards over the public highway

REASON: In the interests of highway safety

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

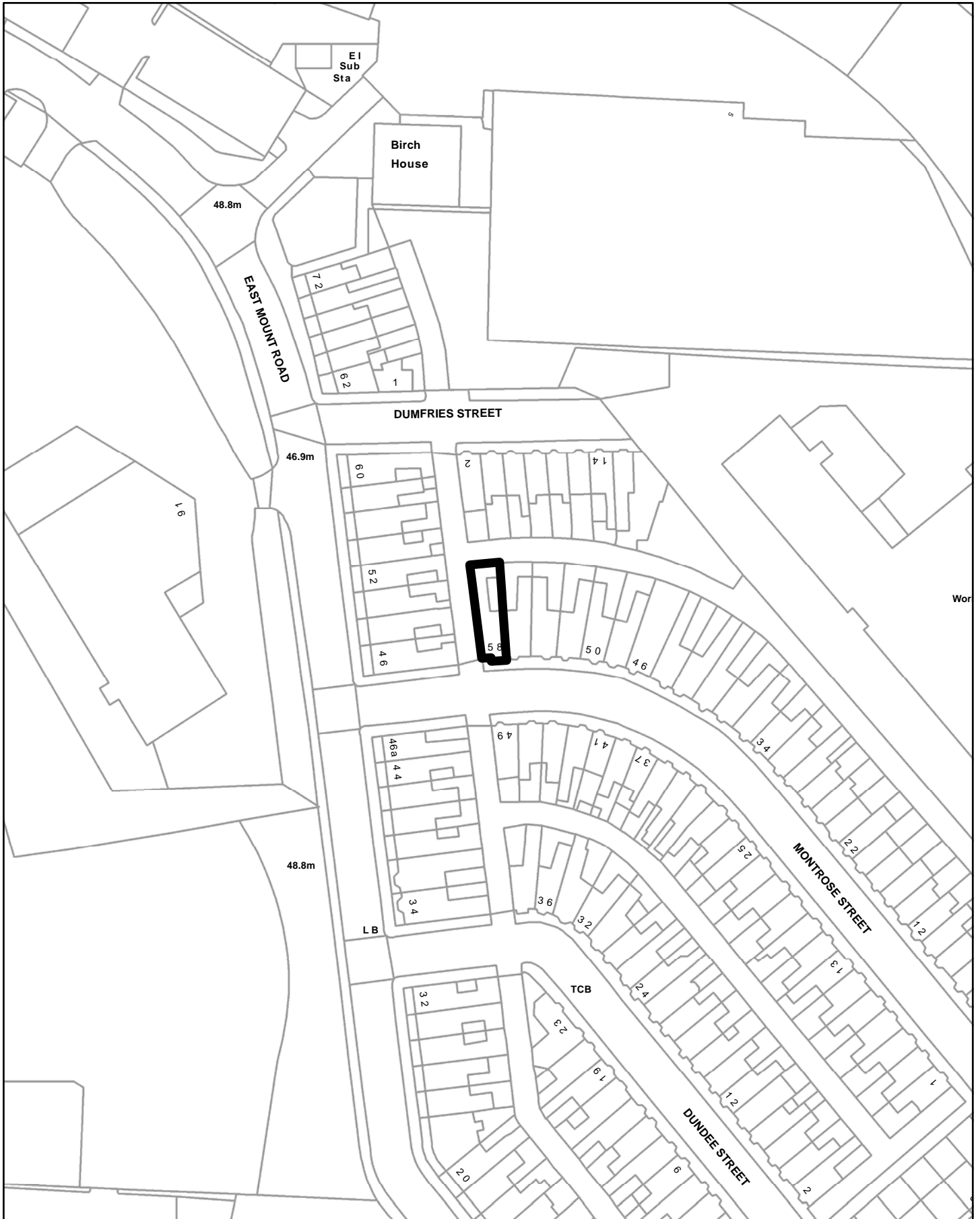
- a) Drawing Number 2020/0016/0002 REV D – Plans and Elevations as Proposed

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

INFORMATIVES

Street Naming

Prior to the commencement of the development 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.

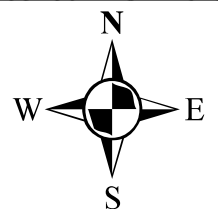


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DARLINGTON BOROUGH COUNCIL

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