

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th October 2021

APPLICATION REF. NO:	21/00797/OUT
STATUTORY DECISION DATE:	9 th September 2021 (EOT 29 th October 2021)
WARD/PARISH:	PARK EAST
LOCATION:	10 Chatsworth Terrace DARLINGTON DL1 5DH
DESCRIPTION:	Outline planning permission for residential development of up to 3 dwellings with all matters reserved
APPLICANT:	MR PETER SMITH

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

APPLICATION AND SITE DESCRIPTION

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=QVRND8FP0F600>

1. The application site is situated to the west side of Chatsworth Terrace, which lies in a predominantly residential area to the south of the town centre. Allotments are situated immediately to the west and south of the site, to the north is the existing property of 10 Chatsworth Terrace, a two-storey residential dwelling, and to the east is the highway, with neighbouring terraced dwelling houses beyond. The Grade II registered Park and Garden, South Park, is situated to the south, beyond the allotments. The immediate area consists of a mix of two storey, traditional terraced and semi-detached dwellings.

2. The site, which measures some 0.03 hectares currently contains three existing brick-built garages, an outbuilding, and a vegetable garden, and is in the ownership of 10 Chatsworth Terrace.
3. This application seeks outline planning permission for the erection of up to three dwellings on the site. The application is submitted in outline with all matters of detail reserved for future consideration.

MAIN PLANNING ISSUES

4. The main issues for consideration are:
 - (a) Principle of the proposed development;
 - (b) Impact on Heritage Assets;
 - (c) Impact on visual amenity and residential amenity;
 - (d) Contaminated land;
 - (e) Highway Safety;
 - (f) Ecology.

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 and CS1);
 - 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 Highways Engineer, Environmental Health Officer or Ecology Advisor, subject to conditions. The Conservation Officer has raised some concerns regarding impact on the nearby Grade II Registered Park (South Park) which will be considered further in the following sections of this report.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Nine letters of objection have been received. The main issues raised relevant to this application are:
- Impact on character and appearance of the area;
 - Density of proposed development;
 - Environmental harm to surrounding allotments;
 - Loss of daylight and privacy to surrounding properties;
 - Noise and disruption and lack of access during building works;
 - Lack of available car parking;
 - Loss of openness;
 - Loss of outlook;
 - Impact on highway safety;
 - Will lead to additional significant demand on on-street parking;
 - Impact on Heritage Assets (South Park);
 - Impact on wildlife / nature conservation;
8. Other matters raised regarding, potential tenure of the new housing and restriction of views are not material planning considerations and have therefore not been taken into account in the consideration of this proposal. Also raised is the issue of potential damage to foundations. This is noted however there is no evidence to suggest that this will occur, and this matter can be adequately dealt with by other mechanisms including the Building Regulations and the Party Wall Act.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

9. The proposed site is located within the development limits of the main urban area of Darlington and is not identified as open land in Policy E3 of the Local Plan (1997). The proposal therefore accords with the locational requirements of policy E2 of the Darlington Local Plan 1997 and CS1 of the Core Strategy.

b) Impact on Heritage Assets

10. The site as existing forms a small area which holds three garages and extended garden for No. 10. To the immediate west of the site are allotment gardens. To south of the site lies the Grade II Registered Park and Garden, South Park.
11. When looking at the proposed site, it has been detached from the allotment gardens since the mid-20th century with the formation of the existing gardens. However, the Conservation Officer has highlighted that development has never encroached past this point and ensured that there are open views onto South Park. When looking from the Public Footpath to the north of South Park, the southern end of Chatsworth Terrace, is visible. The site while having existing garages is of a low level and non-primary use. The

Conservation Officer considers that the development of dwellings should see development of a greater height and scale.

12. The Conservation Officer also considers that looking at the proposed site and the natural grain of the street, three dwellings would create an over-intensive development which could set a harmful precedent with a potentially negative and harmful impact on the South Park Registered Park and Garden. As such, he considers that it may be more appropriate to consider a development of up to two dwellings on the site.
13. In response to the Conservation Officer's comments, the agent has submitted a brief Heritage Impact Assessment, which considers the impact of the proposal on the Registered Park and Garden. It indicates the distance of the site from the park, being circa 100 metres, and separated by trees and allotment gardens with limited views to and from the park. It sets out that the detailed design of the dwellings would be considered at Reserved Matters stage and this would aim to achieve a scheme that compliments the existing dwellings within the street, both in terms of scale, design, and layout, and that does not detract from the immediate street scene or the wider surroundings.
14. Whilst the concerns raised by the Conservation Officer are noted and have been carefully considered, given the distance from the park, the limited visibility of the site itself, and the nature of the site within an existing built-up area of which the development would be seen in the context of, it is not considered that the proposal would have a harmful impact on heritage assets, and scale, design and appearance would be considered further at Reserved Matters stage. Whilst the Conservation Officer seeks to limit development to two dwellings, given the above, it is not considered that there is sufficient justification to do so.
15. Overall, the proposal would not be considered harmful to heritage assets and complies with Policy CS14 in this regard.

c) Impact on visual and residential amenity

16. The site is occupied by existing garages and is within a street occupying a mixture of both semi-detached and terraced, traditional two-storey dwellings. It is apparent that a scheme could be designed on the site that would sit well within the existing street scene in terms of density, layout, and disposition of the dwellings. Nevertheless, these issues as well as the design, scale and appearance of the proposed buildings would be for consideration as part of a future Reserved Matters application, along with a landscaping scheme, to assist in assimilating the new dwellings into their surroundings.
17. Whilst some objections have raised concerns regarding a loss of openness and outlook arising from the development of the site (as opposed to a loss of view which is not a material planning consideration), it is acknowledged that the development of the site will result in a different outlook and the presence of larger scale buildings than is currently the case, however there is sufficient distance between existing dwellings and the site, so as to achieve a satisfactory relationship between dwellings that would mirror

the relationship between existing dwellings on the west and east side of the Terrace, and which would not result in an overbearing impact.

18. Levels across the site vary considerably, gradually rising from west to east, and reducing marginally from north to south, and it is considered appropriate in these instances that a planning condition is attached to any approval to secure submission and agreement of finished floor levels of the proposed new dwellings.
19. It is recommended, due to the close relationship with existing dwellings, that a planning condition requiring submission and agreement of a Construction Management Plan, together with the standard restriction on construction working hours, be attached to any approval. Also recommended, is a planning condition to secure submission and agreement of details of boundary treatment within the site.
20. Whilst it is noted that some objections raise concerns regarding noise and disturbance during construction works, these impacts are of a temporary nature and can be mitigated with the above Construction Management Plan and restriction on hours of construction.
21. In view of the above, there is considered to be no conflict with policy CS2, CS14, CS16, or the Design SPD in this regard. Matters such as layout, scale, design and appearance and landscaping would be dealt with by way of a reserved matters application should planning permission be granted.

d) Contaminated land

22. The Environmental Health Officer has been consulted and has indicated that a (Phase 1) and site investigation (Phase 2) should accompany any subsequent reserved matters planning application. It is not expected that a site with a history of domestic use like this would require extensive remediation, but a layer of clean topsoil may be required to be brought in for any new garden areas. The desktop study and site investigation will be required to confirm this.
23. Accordingly, the Environmental Health Officer has recommended that the full range of contaminated land conditions (CL1-CL6) be attached to any approval. Subject to these conditions, the proposal does not conflict with Policy CS16 in this regard.

e) Highway safety

24. It is proposed for the site is to be accessed via the existing highway infrastructure of Chatsworth terrace. The street is part of the adopted highway network and features footways both sides along with street lighting provision. Thus, the Highways Engineer considers that there is a safe means of access available for both vehicular and pedestrian access subject to precise details of the internal layout which may require amendments to vehicle crossing locations.

25. Given that the proposal is for a maximum of three dwellings and is likely to generate an additional two, two-way vehicles trips in the am/pm peak hours, it would be difficult to refuse on highway safety or traffic impact grounds given that one additional vehicle movement is generated approximately every half hour. The site is in a sustainable location within the town centre fringe and as such benefits from alternative sustainable transport options other than private car usage. The nearest bus stops are located within 400m walking distance, with Darlington station also within easy walking distance. In order to further promote use of sustainable forms of transport, secure cycle parking should be provided for each new residential dwelling.
26. A review of the past 5 years of recorded police injury collisions (PICs) demonstrates that there has been just one 'minor' incident recorded at the junction of Leafield Rd. There is therefore no pattern of incident to suggest that there is any inherent road safety concern at this location, or that a very minor intensification of use would cause any material road safety concern and thus warrant refusal under NPPF guidelines.
27. Currently dwellings on Chatsworth Terrace are a mix of terraced properties to the eastern side which are reliant upon on-street parking, whilst the semi-detached properties located to the western side generally have some in curtilage parking provision and are still partly reliant upon on-street parking. Several objection letters raise issues with competition for parking demand, however this is an existing situation which may be exacerbated by commuter parking as the street is otherwise unrestricted and not part of a residents parking zone (ZPZ). Where adequate parking provision is made, this application should not have any further detrimental impact.
28. The application is submitted with "all matters reserved" and as such no indicative site layout is provided, however the site is currently partially occupied by three existing garages and corresponding driveways. It is therefore clear that there would be a loss of some existing parking provision under the ownership of 10 Chatsworth Terrace as indicated by the blue line on the ownership plan. In order for the proposal to be acceptable parking provision should be made for both the new dwellings and to mitigate the loss of parking for the existing dwelling. For the existing dwelling, parking could be created within the curtilage by construction of a new vehicle crossing and in curtilage driveway within the frontage of the site. In order to provide sufficient mitigation the Highways Engineer has recommended that two parking spaces are provided and that this is secured by an appropriately worded condition.
29. The two new parking spaces for No 10 Chatsworth Terrace should be provided prior to the demolition/redevelopment of the garages in order to minimise impact of parking and residential amenity during construction and maintained thereafter for use by the occupier of No 10.
30. Overall, the Highways Engineer considers that if this application is appropriately conditioned to secure parking for both the new dwellings and to mitigate the parking loss of No, 10 Chatsworth Terrace, the proposal would have a neutral impact with regard to parking requirements, and the new dwellings (maximum of three) will generate very

little new traffic, and not demonstrate the 'severe impact' required to justify refusal under NPPF guidance. Consequently, the Highways Engineer has raised no objections and the proposal is in accord with policy CS2 in this regard.

f) Ecology

31. Several objections have raised concerns regarding impact of the proposal on wildlife and nature conservation. The Council's Ecology Advisor has confirmed that due to the site being hard standing and garden with no mature tree cover, he would not expect to see an ecological assessment for a development of this size. The garages on site would be low risk for bats and no risk assessment would be required.
32. Biodiversity net gains as required by the NPPF could be delivered by the inclusion of built-in nesting opportunities for birds and invertebrates into the fabric of the new builds. Details and implementation of such features can be secured by planning condition. Subject to this, the proposal is considered to accord with Policy CS15 in this regard.

CONCLUSION AND RECOMMENDATION

33. 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 impact on heritage assets, highway safety, residential and visual amenity, and ecology. Internal highway layout, scale, design, appearance, and landscaping would be considered at Reserved Matters stage. It is therefore recommended that planning permission be granted subject to conditions.

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.
35. Accordingly it is recommended **THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A1 Outline (Reserved matters)
2. A2 Outline (Implementation Time)
3. PL (Accordance with Plan)

Site Location Plan

02 Block Plan / site layout plan

4. B4 External materials
5. E3 Landscaping (Implementation)
6. Prior to the commencement of the development, precise details of internal driveway(s) and vehicle parking shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces/garages and the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – In the interests of highway safety.
7. Prior to the commencement of the development, precise details of 2 No, in curtilage vehicle parking spaces for No, 10 Chatsworth Terrace, shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces/garages and the development shall not be carried out otherwise than in complete accordance with the approved details. Parking Spaces shall be made available prior to the demolition of existing garages and retained permanently thereafter.
REASON - In the interests of highway safety.
8. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – In the interests of highway safety.
9. 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.
10. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.
REASON – In the interests of highway safety.
11. Prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To provide adequate facilities to encourage the use of sustainable modes of transport.

12. Prior to the commencement of the development and any site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

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.

13. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and 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. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation 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. 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.

14. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised, and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and 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 - 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.

15. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a 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. 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 - 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.

16. 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.

17. 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 and shall be submitted and agreed in writing with 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

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

REASON – In the interests of visual and residential amenity.

19. Prior to the occupation of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the agreed boundary treatment shall be in place prior to the occupation of the development.

REASON – In the interests of visual and residential amenity.

20. Prior to the commencement of the development hereby approved, details of measures to secure biodiversity net gains, to include built-in nesting opportunities for birds and invertebrates into the fabric of the new builds, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the agreed measures shall be fully implemented in the carrying out of the development and shall remain in place thereafter.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) and to provide biodiversity net gains in accordance with the requirements of the National Planning Policy Framework.

INFORMATIVES

Section 184 Crossover

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 Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

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.

Section 59

The Developer is required to enter into an agreement under Section 59 of The Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard The Public Highway from damage caused by any Construction Traffic serving your development. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this Matter.