

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 September 2022

APPLICATION REF. NO: 22/00501/CON

STATUTORY DECISION DATE: 5th July 2022

WARD/PARISH: SADBERGE & MIDDLETON ST GEORGE

LOCATION: Land At Rear Of High Stell MIDDLETON ST GEORGE
DARLINGTON

DESCRIPTION: Part Approval of condition 9 (CMP) attached to planning permission 15/00976/OUT dated 01 July 2016 (Outline planning permission for residential development up to 200 dwellings including highway improvements, public open space, landscaping, and associated works)

APPLICANT: HOMES BY CARLTON LIMITED

RECOMMENDATION: APPROVE (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=RBNYMKFPIGM00>

1. This application relates to the same site as dealt with elsewhere on the agenda under planning application reference number 21/00503/FUL and flowing from the proposed variation of the condition in relation to the phasing plan, seeks permission to discharge the planning condition relating to the Construction Management Plan to ensure that all requirements of the suite of approvals are met in carrying out the development. This condition was attached to the original outline permission (15/00976/OUT). As set out in the above report, this condition was partially discharged by appeal in July 2019, as it

related to the first 50 dwellings. As 22/00503/FUL seeks to vary the condition requiring a trigger point for delivery of the second access road, this requires a fresh Construction Management Plan for the remaining phases of the development.

2. The first phase of development (dwellings 1-50) is nearing completion. The submitted Construction Phase Health & Safety Plan and accompanying Delivery & Directions Instructions confirms that Phase 2 – 4 will continue to be developed by the same single developer, Homes by Carlton delivering approximately 30 dwellings per annum. The information submitted in support of the application states that the remaining phases (dwellings 51-198) will continue to utilise the existing access arrangement via The Greenway / Grendon Gardens, as used to deliver Phase 1. No second access via High Stell would be created due to constraining factors outside of the control of the applicant.

MAIN PLANNING ISSUES

3. The main issues for consideration are:
 - (a) Impact on residential amenity;
 - (b) Highway Safety;

PLANNING POLICIES

4. The site now forms a commitment in the Local Plan, being an extant planning permission (policy H2) and this application seeks discharge of a condition of the original outline approval to bring details in line with the application dealt elsewhere on this agenda under planning permission reference number 22/00503/FUL. Relevant policies are those that deal with residential amenity and highway safety as set out below.
 - The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements (policy DC1 and IN4) .
 - The proposal is sited, designed, and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (policy DC4).

RESULTS OF TECHNICAL CONSULTATION

5. The Council's Highways Engineer and Environmental Health Officer have raised no objections to the proposed discharge of condition.

RESULTS OF PUBLICITY AND NOTIFICATION

6. A total of 22 No. objections have been received from local residents raising the following concerns:
 - Highway safety issues / traffic congestion / pedestrian safety;

- Dangerous parking taking place;
 - Insufficient infrastructure; deterioration of roads since the development commenced;
 - Route through The Greenway and Grendon Gardens not sufficient for entire development;
 - Proposal affected by nutrient neutrality;
 - Developer does not comply with agreed delivery / construction times;
 - Impact on residential amenity;
 - Protected species in area;
 - Inadequate consultation;
7. Middleton St George Parish Council has objected to the proposed development, raising the following concerns:
- The proposals remove the High Stell access point;
 - The trigger point should be retained as originally intended to fairly distribute the traffic to the development;
 - The original approved plans show two access points;
 - Appeal inspector allowed appeal only in relation to the first 50 dwellings (and that future phases would be enabled when the second access was brought forward);
 - To take all the development traffic from the entire 198 houses (all four phases) in addition to the all the construction traffic, would constitute a severe impact on residential amenity in terms of noise, dust, traffic safety hazards;
 - Parish Council regularly receive complaints from residents regarding the development including the developer not adhering to agreed delivery / construction times;
 - The proposal will cause damage to the road surface of The Greenway / Grendon Gardens;
 - The proposal will cause damage to the drainage system;
 - Inadequate evidence to support application / discharge of conditions including inadequate road safety audit;
 - Impact on highway safety;
 - Proposal will promote car use and is not sustainable development;
 - Parish Council traffic surveys are evidence of traffic issues in the locality; cumulative impact of traffic from all developments should be taken into account;

PLANNING ISSUES/ANALYSIS

a) Impact on residential amenity

8. The application has been submitted with a proposed Site Plan with Material Storage Compound Shown; a Construction Phase Health and Safety Plan prepared by Temple Safety Ltd which contains mitigation measures which would minimise the construction phase of the development for nearby residents; A Proposed Phasing Plan for the development; and Delivery and Directions Instructions for site vehicles.
9. In addition to reviewing the above, the Environmental Health Officer has also undertaken a site visit and noted that a large proportion of Phase 1 of the development

has already been completed. The site compound and materials storage area are well away from Grendon Gardens/The Greenway, there is now a tarmacked road into the development (which will cut down on dust) and the site appears to have been connected to mains power meaning potentially noisy diesel generators are no longer required on site.

10. Based on the site visit, background documents and the current situation in terms of the omission of the second access, the Environmental Health Officer has confirmed no objections to the proposed discharge of condition. Whilst several objections cite issues regarding noise, disturbance, and disruption in terms of the first phase of the development, an element of this relates to the connection to existing services which is now complete. It is noted that some concerns relate to an apparent lack of accordance with the current CMP in terms of delivery and construction times, and this can be monitored to ensure that any lack of compliance is addressed with the developer. Accordingly, the Environmental Health Officer has raised no objections to the proposed discharge of condition.

b) Highway safety

11. The submitted CMP follows the measures set out as part of the upheld Appeal considered by the Planning Inspectorate Decision (Ref: 3223152). The first phase of development is now substantively completed, whilst the next phases will be delivered by the same developer, Homes by Carlton, at the same build out rate as Phase 1 (30 dwellings per annum). A further 148 dwellings are proposed across three phases, at approximately 50 dwelling per phase. Based on this phased approach it is not expected that daily vehicle movements associated with construction would exceed those already experienced by residents as part of phase 1 and the Council's Highways Engineer raises no objections to the discharge of the condition.

CONCLUSION AND RECOMMENDATION

12. The proposed details are considered acceptable in terms of residential amenity and highway safety.

PUBLIC SECTOR EQUALITY DUTY

13. 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.
14. Accordingly it is recommended **THAT DISCHARGE OF CONDITION 9 OF 15/00967/OUT (as it relates to Phase 2 -4) BE APPROVED.**