

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 20 December 2023

APPLICATION REF. NO: 23/00782/FUL

STATUTORY DECISION DATE: 7th November 2023

WARD/PARISH: PARK WEST

LOCATION: Site Of Former Blackwell Grange Golf Club (East)
Carmel Road South Darlington

DESCRIPTION: Residential development consisting of 44 No. dwellings, with associated access, landscaping, SUDS pond and infrastructure, demolition of agricultural building and the regeneration of Blackwell Grange historic parkland (Amended CMP received 30th August 2023, Additional information regarding Vibration received 30th August 2023) (Amended plans / additional information received 28th September and 2nd October 2023)

APPLICANT: ESH HOMES

RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972 TO ENSURE THAT THE DEVELOPER ENTERS INTO A SECTION 106 AGREEMENT AND THEN SUBJECT TO PLANNING 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=RZ2J6DFPKMZ00>

APPLICATION AND SITE DESCRIPTION

1. The application site is in the Blackwell area on the southwestern edge of the Urban Area. The site was formerly used as part of the Blackwell Grange golf course, a use which

ceased several years ago. To the north of the site is parkland originally associated with Blackwell Grange which is currently operated as a hotel and the building group associated with this is located further to the north. An area of residential development is located to Northeast. The site is adjoined by Carmel Road South to the West and Grange Road to the East with Bland's Corner to the immediate south. The site forms part of the grounds to the Grade II* Listed Blackwell Grange Hotel and Grade II Listed outbuildings. Part of the parkland, to the north of the proposed housing, is designated as Local Wildlife Site. The wider northern section beyond the proposed housing is also identified as Parkland and a Green Wedge in the Local Plan.

2. Planning permission is sought for the construction of 44no. dwellings (Use Class C3), including new access, SuDs ponds, landscaping, and demolition of an existing building. The proposal includes the following:

- The main access point from A67 Carmel Road South, with pedestrian footpaths providing access to the green space to the north of the site and to the cycle route to the west.
- Car parking is provided per plot, with House types 2, 5 and 6 benefiting from double integrated garages, whilst other properties utilise external double garages. All properties also have 2no external parking spaces on driveways, allowing total 4no. minimum parking bays per dwelling. In total there are 176No. parking bays provided on site.
- 44 dwellings, formed from 7 house-types of varying sizes and four different material palettes with a resulting mix of 28 different house varieties across the site.
- Properties are 2 to 2.5 storeys in height, with maximum eaves height at 5.4m and roof height. The 2.5-Storey properties utilise rooms in the roof, limiting the scale across the development with dropped eaves throughout to create a low-lying design. The development comprises of a mix of 22 x 4 bed dwellings, 12 x 5 bed dwellings and 10 x 6 bed dwellings.
- SUDs ponds to the northern and southern east boundary, providing areas of natural habitat and flora, retaining species on site, and providing a level of habitat replenishment.
- Several pedestrian links to the north and west, connecting residents to the adjacent parkland to the north of the site and to the cycle route to the west; including a 6m pedestrian boulevard dictated by a sewer easement and providing a footpath and cycle route through the grounds.
- A Pumping Station to the northern section of the site.
- Associated landscaping including a Landscape Buffer along the eastern and western boundaries, retaining numerous existing trees, and providing a buffer to the adjacent roads.
- Design that achieves reduced carbon emissions and incorporates energy efficiency measures and low carbon technologies including Use of air source heat pumps for the heating system, 125mm cavity fully filled with Eco bead insulation, PV panels installed to the roof of all plots, Electric vehicle chargers installed to every plot, 45-degree flow rate heating, Dual zone heating system, Smart control thermostats.

3. The planning application also includes regeneration of the Blackwell Grange Parkland, to provide an improved area of useable public open space. This element of the proposal includes.

- Generation of enhanced grassland meadows.
- Creation of a community orchard.
- Expansion and enhancement of the existing pond.
- Addition of extra parkland tree planting in key areas to enhance the existing areas.
- Reinstatement and repairs to selected walls and railings enclosing the parkland as well as the addition of new pedestrian gates/entrances.
- Interpretation boards/lecterns provided to key areas of the site.
- Mown footpaths to be created providing informal walkways throughout the site.
- Crushed stone footpath to be created to allow access from Blackwell Lane – Grange Road.
- Installation of hedgehog hibernacula.
- Installation of amphibian hibernacula.
- Installation of bird and bat boxes and insect hotels.
- Seats, litter bins and dog waste bins.

Planning Obligations

4. Under the provision of the planning application, there was a need for the Council as landowner to make a Cabinet resolution whereby it resolved to comply with the planning obligations relating to the development site pursuant to the planning permission. The resolution mirrored the wording of a Section 106 Agreement and the Council resolved to make the payments and comply with the onsite deliverables required in relation to the site. The resolution included that the Council would not dispose of the site without requiring the person to whom the land would be sold to entering into a Section 106 Agreement in the same terms as the cabinet resolution. This process was followed as the Council owns the application site and the Council, as landowner, cannot enter into a Section 106 Agreement with the Council, as local planning authority.

5. The applicant would enter into an agreement under Section 111 of the Local Government Act 1972, committing to entering into a Section 106 Agreement once they acquire the site. The applicant will then take on all the responsibilities under the Agreement.

Statement of Community Involvement

6. Whilst a formal Statement of Community Involvement has not been produced, both DBC Estates team and the applicant, have engaged with residents prior to, and during the application process, including meetings between the applicant and individual residents to discuss any concerns. The applicant has also stated their intention to engage with the community during construction works to ensure there is utmost clarity, should planning permission be granted.

MAIN PLANNING ISSUES

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

- (a) Principle of the proposed development
- (b) Impact on designated heritage assets.
- (c) Impact on non-designated heritage assets.
- (d) Impact on visual and residential amenity.
- (e) Highway safety and sustainable transport.
- (f) Flooding and Drainage.
- (g) Impact on ecology
- (h) Nutrient Neutrality.
- (i) Planning obligations
- (j) Other matters

PLANNING POLICIES

7. 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 (2021) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15). The following policies are relevant in the determination of this application:

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

ENV1: Protecting, Enhancing & Promoting Darlington’s Historic Environment

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development’s Impact on Biodiversity

ENV9: Outdoor Sports Facilities

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN3: Transport Assessments and Travel Plans

IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure
IN10: Supporting the Delivery of Community and Social Infrastructure

Tees Valley Minerals and Waste Development Plan Documents (2011)

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

Design of New Development SPD (2011)

Planning Obligations SPD (2013)

RESULTS OF TECHNICAL CONSULTATION

8. No objections in principle have been raised by the Council's Highway Engineer, Transport Planning Officer and Environmental Health Officer, the Historic Environment Record Officer, Ecology Officer, Senior Arboricultural Officer or the Local Lead Flood Authority, subject to conditions. National Highways have raised no objections subject to a financial contribution towards the improvement of Bland's Corner Roundabout. The Council's Conservation Advisor has raised no objections. Northumbrian Water has raised no objections subject to a condition. Historic England has made no comments on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

9. 120 letters from residents have been received in total. Some individual letters included both points of support and objection. For the purposes of this report, where a letter contained any objection, it was categorised as an objection even if there were elements of support within it. 109 letters were categorised as objections, and 11 were categorised as letters of support.
10. The points raised in support of the proposal are:
- Parkland regeneration is welcomed.
 - Parkland regeneration should be kept as natural as possible.
 - Support re-opening of the existing gateway at the top of the parkland on Blackwell Lane nearest to Manor Road.
 - Support for buffer zone to the north of the new housing with the parkland to protect privacy.
 - Support for planting of new trees for future generations.
 - Support for management proposals.
11. The concerns raised as objections to the proposal are:
- Contrary to the Local Plan.
 - Additional housing is not required.
 - Loss of greenspace / parkland; Green corridor approach to Darlington.
 - Land used for recreation and community events.

- Flood Risk; Concerns regarding drainage.
- Extra strain on current water and sewage infrastructure in the area.
- Risk to structural integrity of existing and proposed buildings, subsidence risk.
- Impact on wildlife; Local Wildlife site; Loss of biodiversity; Discrepancies in BNG metric.
- Impact on heritage assets (Blackwell Grange Hotel).
- Impact on non-designated heritage assets (archaeology).
- Concerns regarding demolition of stone carriage building; Should be retained as a community asset.
- Highway and pedestrian safety; Concerns regarding pedestrian access points to Parkland on Grange Road and Blackwell Lane; Unsafe access; Increase in traffic; No assessment of pedestrian risk of crossing from the new access points.
- All new gateways should be pedestrian only; Failure of scheme to provide footway connectivity on Carmel Road South and Grange Road.
- Concerns regarding people parking on Blackwell Lane; Visitors to parkland will exacerbate existing parking problems; Parking restrictions required.
- Bus services nearby are poor, developer should contribute to cycle track along Grange Road into town to encourage sustainable travel.
- Insufficient parking provision; Insufficient provision for charging of electric vehicles.
- Density of housing; Insufficient parking provision for visitors to the parkland.
- Impact on visual amenity; poor design, appearance, materials on approach to Darlington; Concerns regarding scale of buildings; Not in accordance with Local Plan.
- Impact of proposed play area on residential amenity.
- Concerns regarding formal paths on parkland.
- Residents would be subjected to noise, fumes and dust from Bland's corner roundabout, Impact on residents of the Spinney due to proximity of new dwellings.
- Insufficient provision made to enable disabled people to access the town centre or other amenities.
- Loss of and impact on trees; Concerns regarding accuracy of tree report; Discrepancy between constraints report and final layout.
- Should be a plan for maintenance of trees.
- Insufficient provision for affordable housing.
- Concerns regarding the introduction of a hard path in the parkland.
- Concerns regarding existing shortage of services, NHS, dentists, school places.
- Concerns regarding crime and vandalism.
- Increased pollution and impact on air quality.
- Development of site 403 would reduce area of the parkland with a consequent impact on Health and Wellbeing benefits.
- Noise and disturbance during construction.
- Concerns regarding inputs into nitrate calculations / nutrient neutrality assessment.
- Concerns regarding use of weedkiller on the golf course over recent weeks.
- Object to improved grassland.

12. In addition to the above a letter has been received from a housebuilder seeking confirmation that the proposed access and associated S278 works, will not prejudice

the delivery of Bland's corner highway improvements as set out in the Infrastructure Delivery Plan. The works are integral to the delivery of the local plan, and as such are of primary importance to both DBC Highways and National Highways. The proposed Blackwell development is not prejudicial to the delivery of these works, and the developer will also be required to make a financial contribution towards the cost of infrastructure delivery.

13. One objection has raised concerns that Historic England have declined to comment on the application when they have in the past had input into other planning applications with heritage aspects. Whilst the organisation was consulted, it is their decision as to what level of involvement, if at all, they would have on a particular application. Nevertheless, in this case, the Council has sought advice from a conservation specialist as part of the determination process.
14. Several objections have raised concerns regarding impact on value of existing housing. This is not a material planning consideration and cannot be considered in the determination of this planning application.
15. Several objections have raised concerns regarding weedkilling that has taken place within the parkland in recent weeks. The weed killer was applied by the applicant in preparation for the species rich enhanced grassland as part of the parkland restoration. The purpose was to ready the area for seeded mixes to be sown, which was carried out at this time of year. Whilst the applicant has been made aware of the concerns raised, particularly in respect of signage to prevent owners from allowing pets onto the affected areas, planning permission is not required for these works. As above, this issue cannot be taken into account in the determination of the planning application.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

16. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. It expects these to be delivered as per the housing trajectory at appendix A of the Local Plan.
17. Policy H2 of the Local Plan allocates this site (403 – Blackwell Grange East) for housing development which will contribute towards meeting the Boroughs quantitative and qualitative need for housing over the plan period. It outlines a yield for indicative purposes only of 72 homes for the site, all of which are anticipated to be delivered during the plan period.
18. Policy H3 seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies. The site is located within the development limits of Darlington; therefore, the proposal accords with policy H3.

19. This proposal is therefore in principle compliant with the locational requirements established in Policies H2 and H3 of the Local Plan (2016 - 2036) as it is a site allocation and is located within development limits. Whilst the proposal is being brought forward for a number of dwellings significantly less than the yield of 72 in Policy H2 the yield in the policy is only indicative and prior to detailed technical works being undertaken. This site does have a range of constraints such as a water main easement through the centre of it and its proximity to the Local Wildlife Site, Green Wedge, Parkland and Listed Buildings. These constraints have informed the scale and layout of the proposed development along with the provision of larger properties which is reflective of the local context.

Housing Mix

20. Policy H4 of the Local Plan states that proposals for housing development will be encouraged to provide an appropriate mix of housing types, sizes and tenures which have regard to local needs as identified within the most up to date Strategic Housing Market Assessment or other relevant evidence. A suitable housing mix should also consider a site's location, physical constraints, character and surrounding context.
21. The Council's latest SHMA (2020) evidence suggests an overall housing mix of 6.5% - 1 Bed, 32% - 2 Bed, 50% - 3 Bed and 11% 4 Bed +. The scheme proposes 16 no. 4 bed dwellings (36.3%), 23 no. 5 bed dwellings (52.3%) and 5 no. 6 bed dwellings (11.4%) of 7 different house types. The mix proposed does not align with the percentages sought in the SHMA and a significantly greater number of larger dwellings are proposed. However, this site is in a sensitive location in terms of its proximity to the historic parkland and Blackwell Grange and associated listed buildings and therefore the character of the development has to reflect its surrounding context which is predominantly larger detached or semi-detached properties. In addition, any proposal on this site is required to restore the remaining parkland area so any development needs to maximise its revenue to ensure this can be realised. This site is also relatively small scale compared to the other allocations in the Local Plan so it is unlikely to mean that the required housing mix will still not be achieved overall.
22. Policy H4 requires proposals to provide 45% of all new dwellings to meet building regulations category M4(2) adaptable and accessible dwelling standards and 9% to meet M4 (3 a or b) wheelchair user dwellings standard. At this time the Council will only be requesting the M4(3) a, wheelchair adaptable standard. The planning statement submitted sets out that all homes on the site will achieve M4(2) standards which is welcomed, and the applicant has now provided amended plans to show that the Austin House Type will achieve M4(3)a standard which constitutes just under 16%, exceeding the 9% requirement. The standards will need to be secured through an appropriate condition, which is set out at the end of this report. They will assist in meeting the housing needs of older people and those with disabilities in the local area as identified in the SHMA (2020).

23. Policy H5 requires proposals in the Park West Ward to provide 30% affordable housing, of which, 65% for affordable rent and 30% for affordable home ownership. The Council's First Homes Policy Position Statement (2022) also sets out a requirement that 25% of affordable homes secured should be delivered as First Homes. This would make up a proportion of the affordable home ownership tenure split. Policy H5 states that affordable housing should normally be provided on-site alongside market housing to provide balanced communities but does establish exceptions to this including any other circumstances where the Council considers off-site provision preferable to on-site provision. The applicant has acknowledged affordable housing is required and is proposing to provide this in the form of an off-site contribution. The applicant has provided a statement which sets out a range of factors that have informed the rationale for an off-site provision including the following:
- Esh has been in consultation with two prominent registered providers (Believe Housing and Home Group) to seek their views on acquiring any potential affordable dwellings on the site. The information provided by these parties demonstrates that there is no market for affordable dwellings at this location.
 - The executive character, design, low density provision of detached dwellings set in large private gardens, does not lend itself to affordable provision on-site, which would comprise smaller house types.
 - The provision of affordable dwellings on the site, would have a negative impact on sales prices. The negative impact would affect the level of specification for the parkland restoration which could be afforded, in turn having a detrimental impact on the creation of a high-quality residential environment. The restoration of the parkland is a key requirement of the development.
 - Due to the executive nature of the scheme and location, the proposed elevations and specification, which will significantly increase build cost. These have been applied to complement the character of existing dwellings and landscape. However, applying the same elevations to affordable and intermediate tenure dwellings would result in an increase in build cost to what can be obtained by the sale of the dwelling to a Registered Provider. The level of discounting of any plots for affordable home ownership (shared ownership, discount market value and first homes) under an intermediate style scheme these will still be unaffordable for a first-time buyer.
 - An offsite contribution would enable a proportion of homes to be constructed by Darlington Borough Council for future schemes in their pipeline across the borough for sites which provide affordable housing.
24. On the basis of the information provided it has now been demonstrated in accordance with part c of Policy H5 that in this case off-site affordable housing contribution will be preferable to on-site provision on this occasion. The sum to be provided shall be equal to the difference between the open market valuation of the affordable units which would have been provided on-site and the purchase price that the Registered Provider would have been willing to pay for these units i.e., transfer price.
25. The above contribution is discussed further in the Planning Obligations section of this report.

26. In view of the above, the proposal is considered to be acceptable in principle subject to consideration of the detail against other relevant policies.

b) Impact on designated heritage assets

Impact on the setting of Listed Buildings

27. The site is part of the grounds of Blackwell Grange Hotel which is located to the northern end and is a grade II* listed Building, with associated listed outbuildings. The current application proposes 44 dwellings and does not occupy the full site allocation with the remainder of the application site being restoration of the parkland.
28. Specific Heritage Issues and requirements identified as part of the local plan site allocation include the following:
- a. The site forms part of the grounds to the Grade II* listed Blackwell Grange Hotel (and Grade II listed outbuildings). Development should protect the setting of the Grade II* listed Blackwell Grange and its parkland curtilage. Proposals should be informed by the recommendations of the Heritage Impact Assessment (2020). There is the potential to better reveal the approach to Blackwell Grange along the historic drive from Grange Road.
 - b. A development scheme would need to restore the remaining parkland area to the Grade II* Listed Building, undertake an ecological survey and propose adequate mitigation for any impact on the adjacent Local Wildlife Site-.
 - c. Any development will be required to be of the highest quality, ensuring it is low lying, wooded in character including the planting of a perimeter tree canopy and creative and innovative in design.
 - d. There are a number of TPO trees/groups on the site. Some form a strong continuous tree belt along the boundaries with the highway. There are also a number of single TPO trees across the site. The trees should be retained and maintained.
29. When looking to allocate the land for development within the Councils Local Plan, a heritage impact assessment (HIA) was prepared to consider the impacts of development on neighbouring heritage assets and this assessment along with its recommendations has also been considered. It is noted that the allocation requires proposals to be 'informed' by the recommendations of that heritage assessment (2020). Whilst there are no particular recommendations set out within this HIA this refers to the report as a whole for the purposes of the policy.
30. With regards to the development potential of the site and the heritage implications through the allocation process this concluded that: any potential development will have some impact to the setting and significance of Blackwell Grange. However, it considered that with consideration to the layout, design and landscaping potential harm by development can be sufficiently mitigated against. The site was subsequently allocated.

31. In terms of the area proposed for housing, as identified in the Heritage Statement submitted in support of the application, there is no significant intervisibility between the Grade II* listed Grange building and the site, nor with any other designated heritage asset and so no harm to the setting of designated heritage assets has been identified in terms of the construction of 44 dwellings to the southern end of the wider site. In addition, it is noted that the design, layout and architectural style of the buildings is informed by a character appraisal.
32. It is noted that there is a wide variety of housing ages and types within the vicinity of the site. Whilst in general the housing proposed are large, detached properties, it is considered that the mix of house styles and forms which have arts and crafts elements create interest and a suitable mix in design. These are not standard house types and at two storeys in height are considered to comply with the requirements of part C of the allocation requirement in respect of their low-lying nature. In addition, the planting proposed to the north boundary and the setting in of built development from the site boundary will ensure an appropriate landscape buffer and transition between the parkland and housing, creating screening and reducing any intervisibility.
33. The existing tree planting and landscaping shelter belts that surrounds the site are to be retained and reinforced with new planting with new connections from the site to the parkland to the north. The parkland proposals include the intention to interpret areas within the landscape including the former icehouse and Mill Lane which will enable the parkland setting to be better understood and the heritage values to be communicated to the public. Details of the interpretation boards can be secured by a suitably worded planning condition.
34. The landscape strategy also notes that there is the intention to repair elements of the boundary wall in accordance with details of a BGP report dated July 2023, and this is considered in more detail in section c) of this report.
35. The submitted HIA makes reference to the storage of stonework in the site (para 4.28), which originates from the Bishop of Durham's Manor House at Feethams by the River Skerne in central Darlington. The stonework was apparently excavated in 2012 prior to the construction of the DfE offices and river side park. Whilst this is not part of the heritage value of the wider site, opportunities perhaps exist for this to be reused as part of the wider landscaping/development proposals for the site. There is a risk that this may be lost during construction and therefore the developer has indicated that the intention is for this to be re-used to create seating throughout the parkland.
36. It should be noted that the application proposes to use 2 metres high timber acoustic fences for the rear boundaries backing on to Carmel Road South and Grange Road. This will be screened from the roads to some degree during the summer months by the retained and enhanced native planting but will be highly visible during the winter months and is not considered an acceptable form of boundary treatment in this sensitive historic location. Brick walls will be a more sensitive and appropriate boundary treatment in these locations. This site is located on one of the main routes in and out of

Darlington in a sensitive and characterful location and this modern domestic form of enclosure would be completely at odds with this parkland location. It is also in conflict with parts ai to aiii of Policy DC1 which requires proposals to reflect the local environment, respond positively. In this regard, this element of the proposal is not considered acceptable, and a suitably worded planning condition should be attached to any approval to require submission and agreement of boundary treatment prior to occupation.

37. Overall, it is considered that any potential harm to heritage assets has been sufficiently mitigated by retention of the majority of trees on the site together with significant landscaping both within the housing site and in the restoration works to the parkland, together with the proposed sensitive design and layout of the development. Boundary treatment can be agreed by condition to ensure that it is appropriate in this sensitive historic location and meets other necessary requirements in terms of amenity.
38. The scheme would bring the economic and social benefits of increased housing provision, delivery of an allocated housing site along with additional heritage benefits in respect of investment into the landscaped parkland. In this respect the proposal is considered to comply with policies DC1, ENV1 and H3 in this regard. Further consideration on the design and visual elements of the proposal as well as proposed landscaping, is considered elsewhere in this report.

c) Impact on non-designated heritage assets

Archaeology

39. An Archaeological Evaluation (Report 5865, ASDU, November 2022) together with a Geophysical Survey (Report 5829, ASDU, September 2022) was submitted in support of the application. This work found no significant archaeological remains and the Historic Environment Record Officer has confirmed that no further work is required. The proposal complies with policy ENV1 in this regard.

Repairs to wall

40. The historic walls forming part of the boundary of the wider site are important to the overall parkland setting of Blackwell Grange and its historic context. Along with the verdant boundaries and post and rail sections of fencing. The main feature of the site is the heavily treed parkland boundary particularly to the northwest and the east of the site and the areas around the entrance area to the hotel.
41. A detailed condition report and update report has been prepared by BGP alongside a programme of recommended repair work.
42. It is noted that combined the boundary walls, tree lined boundary as well as areas of planting collectively contribute to the overall character and setting of the parkland.

43. The works to the external walled boundaries are not affected by the housing development per se, but form part of the wider package of works to restore the landscape parkland. As such these works will potentially be phased and the reports identify areas of work that are needing to be undertaken for stability reasons and to prevent further deterioration, alongside more general, maintenance and repairs. The report makes several recommendations based on the overall wall conditions and due to the extent of the wall breaks these works down by particular areas.
44. Each area then has a suggested programme of works depended on the condition of the wall and the extent of repair works required. Generally, the Council's Conservation Advisor agrees with the conclusions in the report for those specific areas and the extent of works identified to each section of wall.
45. There are general recommendations within the report such as tree clearance within 0.5m of the wall, removal of all ivy etc which is understandably advised from a structural point of view to allow access and clearance for rebuilding/repairs and also for long term maintenance. However, collectively these informal sections of landscaping combined with the walls add interest to the site boundaries. Large scale removal of associated planting/ivy self-seeded trees and bushes could cumulatively have a transformative impact in respect of the landscaping around the parkland boundary. Therefore, any impacts on repairs to the wall must be balanced alongside the impacts on trees and associated landscape features.
46. The extent of works to the walls therefore should be one of a conservative approach to maintenance/repair and rebuilding is employed to the works. To both ensure retention of historic fabric and ensure that the adjacent areas of landscaping are retained or reinforced/replanted following removal to facilitate the works to conserve that combined character.
47. Depending on the timing of the works, there may also be the need to revisit condition and extent of works required (alongside any impacts on landscaping and ecology), therefore the Council's Conservation Advisor has recommended an appropriately worded phasing condition to cover such eventualities, and subject to this raises no objections due to the long-term maintenance and repair of the walls being of benefit to the setting of the wider heritage asset and therefore conserving its setting and significance.

Loss of 'coach house' / agricultural building

48. The HIA carried out as part of the allocation made specific references at that time including retention and reuse of the 'coach house' agricultural building. The building is identified by the submission HIA (Archaio Environment limited) as dating from approximately 1855-96 and noted to be a former agricultural building. As set out above it is noted that the allocation requires proposals to be 'informed' by the recommendations of that heritage assessment (2020). Whilst there are no particular recommendations set out within this HIA this refers to the report as a whole for the purposes of the policy.

49. The loss of this building would result in the loss of historic fabric although this building is undesignated directly lying within the grounds of the wider estate it has collective interest. It is considered the loss of the building would be at the lower end of less than substantial harm. The applicants Heritage Statement sets out:

'The development will result in the loss of a late 19th century agricultural building, but this is fire damaged and much altered and only a part of a small complex of associated buildings the other elements of which were demolished some time ago'.

50. The applicant has also provided detailed information as to the significance of the building and its conclusions include the following points:

- The building has Limited artistic interest due to the design of its north elevation and re-use of historic stone fragments which have been noted and appreciated by the public in recent years.
- Later alterations to metal doors, the removal of windows and carpentry and insertion of internal mezzanine etc are of no architectural interest and have reduced the architectural interest of the building. The loss of the remainder of the farm group demolished in the 1970s further reduces its architectural interest. There are no identified designed views of the building. It can fleetingly be seen from Carmel Road next to which it was built most likely for purely functional reasons. Other views are mostly concealed by mature tree growth. There is no view to or from Blackwell Grange
- The building's use as part of the 20th c golf course, and more recent awareness in the last decade as part of the historic landscape around Blackwell Grange provides limited communal historic interest.

51. The applicant has acknowledged the history of the building and has indicated that the art stone feature to the central front elevation of the building will be used as part of the entrance feature, while the winged wall approach to the entrance will be constructed of the reclaimed stone from the building.

52. The resulting impact of harm tests set out in paragraph 202 of the NPPF require any resulting harm to the significance of a designated heritage asset to be weighed against the public benefits of a proposal and the resulting impacts of the loss of a non-designated heritage asset to be taken into account when determining an application.

53. The wider scheme would bring the economic and social benefits of increased housing provision, delivery of an allocated housing site along with additional heritage benefits in respect of investment into the landscaped parkland. In this respect, the loss of this historic structure is considered to be offset by the balanced approach set out in paragraphs 202 and 203 of the NPPF and the associated wider public benefits that the development would bring.

54. In the context of the above the building is of limited heritage significance and whilst the agricultural building will be lost as part of the development, this will allow the optimum viable use of the site and is compensated for by further public benefits through the substantial heritage benefits on-site planting and boundary restoration and through the restoration and management of the parkland. The Council's Conservation Advisor has raised no objections to the demolition of this building, subject to a condition to require a suitable building recording should take place to enhance the Historic Environment Record. A level 2 is likely to be sufficient based on the guidance of Historic England Understanding Historic Buildings, Good Recording Practice.

d) Impact on Visual and Residential Amenity

Design, Layout and appearance (including proposed landscaping)

55. As considered above, the mix, scale, design and appearance of the proposed dwellings, is considered acceptable in the context of the site and the local area and comply with the requirements of the allocation statement. The layout and disposition of dwellings is acceptable, with sufficient space between dwellings, off-set from site boundaries and inward facing, set within small clusters around the internal estate roads with use of shared spaces, creating a varied street scene. Additionally, the planting proposed to the north boundary and setting in of the built development from the site boundary will ensure an appropriate landscape buffer and transition between the parkland and housing, creating effective screening and reducing any intervisibility.

56. External materials are to consist of bricks in varying mixes of red, roofs finished with grey concrete interlocking tiles with black composite fascia's, soffits, and barge boards and black UPVC gutters and downpipes, coloured oak composite front doors in conservation green, anthracite grey and golden oak and UPVC windows in varying colours to match or complement the doors. Contrasting bricks or alternatively Art stone details are used on two house types as string courses, window heads, quoins, cills and gable details. White render links to examples in the local area and is used sparingly as gable details. Concrete tile cladding is also utilised over certain gables, which reflects typical 1930s details in the local surrounding area around the development location. Windows are traditionally proportioned with a vertical emphasis. Glazing bar details link to the arts & crafts period and reflect local examples such as Blackwell Grange Hotel. Bays, across some house-types, are flat roofed, and create an alternative focal point on larger properties.

57. The development site contains a series of open spaces, including two suds ponds, a central boulevard, clusters of trees and an ecological junction to the north between the site and the wider parkland.

58. Boundary treatments within the site consist of a mixture of 1200mm high iron racecourse railings to fronts, 750mm brick walls around roadways incorporating native hedgerow species at key points across the site. 1.8m High timber fences separate

between rear gardens, retaining privacy between homes, and a 2m high brick wall is utilised where these boundaries meet the street frontage, tying into the development.

59. As indicated in section c) of this report, it should be noted that the application proposes to use 2 metres high timber acoustic fences for the rear boundaries backing on to Carmel Road South and Grange Road. This will be screened from the roads to some degree during the summer months by the retained and enhanced native planting but will be highly visible during the winter months and is not considered an acceptable form of boundary treatment in this sensitive historic location. Brick walls will be a more sensitive and appropriate boundary treatment in these locations. This site is located on one of the main routes in and out of Darlington in a sensitive and characterful location which this modern domestic form of enclosure would be completely at odds with in this parkland location. It is also in conflict with parts ai to aiii of Policy DC1 which requires proposals to reflect the local environment, respond positively. In this regard, this element of the proposal is not considered acceptable, and a suitably worded planning condition should be attached to any approval to require submission and agreement of boundary treatment prior to occupation.
60. The existing tree planting and landscaping shelter belts that surrounds the site are to be retained and reinforced with new planting with new connections from the site to the parkland to the north. The development retains the openness and green infrastructure functions of green wedges and retains the special landscape, heritage and ecological qualities of Blackwell Grange parkland through its restoration, which complies with Policy ENV3. It also complies with policy ENV4 in terms of enhancing and creating green links between green and blue infrastructure features. Consideration regarding direct impact on trees is considered below.
61. The wider parkland restoration includes generation of enhanced grassland meadows, creation of a community orchard, the expansion and enhancement of the existing pond, addition of extra parkland tree planting in key areas to enhance the existing areas and the installation of ecological features including hedgehog and amphibian hibernacula, bat and bird boxes and insect hotels. The restoration includes reinstatement and repairs to selected walls and railings enclosing the parkland as considered above as well as the addition of new pedestrian gates/entrances.
62. The parkland restoration also contains key links across the site between Grange Road and Blackwell Lane in the form of a crushed stone footway and mown footpaths providing informal walkways throughout the site. Street furniture in the form of seats, litter bins and dog waste bins are also provided in convenient locations throughout the site.
63. Policy ENV5 of the Local Plan (2016 - 2036) requires developments of over 20 dwellings to deliver new green infrastructure to meet the additional need generated by the proposal subject to the quantity, quality or accessibility of existing provision. ENV5 also requires measures to be put in place to secure the long-term maintenance of green infrastructure and open space facilities that are provided. The proposal, through the

restoration of the parkland, provides significant public open space and this is considered to reflect the requirements of this policy.

Impact on trees

64. Criteria d of the allocation statement states that there are a number of TPO trees/groups on the site and some form a strong continuous tree belt along the boundaries with the highway along with a number of single TPO trees across the site. It states these trees should be retained and maintained. The proposal retains a significant number of trees and tree groups within the layout.
65. Criteria C of the allocation statement also requires development to be wooded in character including the planting of a perimeter tree canopy. The plans demonstrate that a perimeter tree canopy will be provided, and the development would be wooded in character through the retention of existing trees and the planting of additional trees throughout the development and along streets which should enable the development to follow the distinctive wooded character that the west end of Darlington already possesses.
66. A Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan were submitted in support of the application. The details demonstrate that of a total of 1375 overall trees, 115 would be removed. These would comprise, 3 No. trees defined as being in the A1 category, 38 No. trees defined as being in the B Category, 65 trees defined as being in the C category and 9 trees not falling within either of those categories (unclassified). To accommodate the required visibility at site access, this would involve the removal of some 21 trees, and of those trees, one is categorised as being in A1 condition (tree 424, Oak) a tree that was identified as having Ivy on the stem, restricted visibility and its crown form suppressed.
67. The total loss of trees required to carry out the development comprises some 8% of the total trees currently within the site, and the development proposes the planting of 149 trees within the housing and parkland site. Whilst the loss of trees is acknowledged, weight is given to the compliance with the allocation statement in terms of the retention of significant belts of trees along boundaries that define the character of the area, and the achievement of a scheme that is wooded in character, and the significant mitigation provided by compensatory planting and enhancement through additional planting.
68. The Council's Senior Arboricultural Officer has raised some concerns regarding trees on the periphery of the site adjacent to dwellings potentially becoming threatened due to loss of sun light in rear gardens and dwellings, however he acknowledges that this is not backed up by evidence. Overall, he considers the conclusions and recommendations of the submitted reports to be sound and raises no objections subject to compliance with the recommendations of the report in terms of protection of trees during the construction process. This can be secured by a suitably worded planning condition.

Subject to this, the proposal is considered to comply with policies DC1, DC3, H2 and ENV3 in this regard.

Residential amenity general

69. The existing residential properties that share a boundary with the proposed residential element of the proposal are 7 and 8 The Spinney. The proposed dwellings are in accordance with the recommended privacy distances as set out in the Design of New Development Supplementary Planning Document at some 30 metres rear elevation to rear elevation (plots 37 and 38 to nos. 7 and 8 The Spinney) and some 23 metres from the side elevation of plot 39 and the rear elevation of No. 7 The Spinney.
70. Internally within the development, the proposed new dwellings are laid out in such a way as to provide adequate privacy and amenity for the residents of the proposed scheme, again in accord with the thresholds set out within the SPD.
71. Objections were raised in terms of the impact of the proposed playarea on the residential amenity of existing residents of Grangeside. Although the proposed play equipment was some distance from the boundaries of these properties, this concern has been noted and the playarea has been removed from the scheme to ensure no loss of amenity for existing residents and given that such existing facilities are available in the local area.

Construction Management Plan

72. The applicant has submitted a suite of documents which comprise a Construction Management Plan, including the following documents.
 - Dust Mitigation/Assessment Report, Homes by Esh
 - Construction Management Plan Drawing Number BWG-CMP-001 Revision G dated 07.11.2023, Homes by Esh
 - Noise at Work (Reference ECP024, Issue: 1, Revision O), Homes by Esh
 - Wheel Washing Safety Method Statement, Homes by Esh dated 02.11.2023.
73. The Environmental Health Officer is satisfied with the documents submitted and has recommended a condition that the development is carried out in accordance with these together with a condition restricting hours of construction / demolition activities and deliveries. Details have also been submitted to illustrate the proposed piling, including confirmation of which plots will be piled (plots 1, 2 (including garage), and 40) and that vibration monitoring is to be carried out throughout the works and this is considered to be acceptable subject to a condition requiring that any changes to the proposed piling should be agreed with the Local Planning Authority.

Noise

74. A Noise Assessment Report dated July 2023 by njd Environmental Associates ref NJD22-0116-001R V2 has been submitted with the planning application. Noise measurements

were taken at two locations ML1 adjacent to Carmel Road South and ML2 Grange Road (A167). Noise monitoring took place at each location for a 24hr period mid-week in September 2022. Calculations have been carried out using CAdnaA noise modelling software to determine internal and external noise levels at the proposed residential properties.

75. The internal ambient day-time level of 35dB LAeq,16h inside living room and bedrooms and internal ambient night-time level of 30dB LAeq,8h and 45dB LMax inside bedrooms contained within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' will be achieved for the majority of properties with a window open. However certain plots on the western, eastern and southern perimeters with a line of sight to the roads will require enhanced glazing and acoustic ventilation to achieve these internal ambient levels as detailed in Figure 4 in the Noise Assessment Report. The mitigation measures proposed are detailed in Section 7 of the report.
76. Gardens facing towards Grange Road and Carmel Road South, respectively are proposed to have a 2.0m high acoustic fence installed around the perimeter of the garden. The location of this fencing is also shown in Figure 4. The acoustic fencing proposed will be close-boarded, with no gaps and have a minimum superficial mass of 12kg/m². It is noted that the details of this boundary treatment may be subject to change pursuant to the boundary treatment condition referenced elsewhere in this report for visual amenity reasons, however this can be controlled by a suitably worded planning condition.
77. An acoustic design statement has been produced to support the noise assessment which acknowledges that there have been inherent layout constraints and due to these constraints not all bedrooms can be located on the screened side of the plot or located any further from the roads without compromising other aspects of the development. As a result, internal guidance levels cannot be achieved with windows open, and the report acknowledges to which the Environmental Health Officer agrees that this is common for sites adjacent to transportation noise sources.
78. The proposed mitigation for the site has been based on the most exposed plots i.e. those within close proximity to Grange Road (A167) and requires the installation of glazing Rw + Ctr 29dB e.g 6/12/4mm and acoustic ventilation Dnew + Ctr 39 dB e.g Greenwood EAR42W to ground floor and first floor living rooms /bedrooms, on selected facades within the western, southern and eastern areas of the site with the applicable elevation marked on a plot by plot basis in Figure 4 and 5 in the Noise Assessment Report.
79. A separate noise impact assessment has considered the cumulative noise effect of the air source heat pumps (ASHP) at the proposed dwellings during both the daytime and night-time periods assuming all ASHPs are in operation as a worst case. This is documented in njd Environmental Associates Air Source Heat Pumps – Noise 17/00181/FUL July 2023 ref: NJD22-0116-003 which concludes that internal noise levels can be achieved during both daytime and night-time periods, with windows open and is

considered to be below the Lowest Observed Adverse Effect Level (LOAEL) Noise Policy Statement for England.

80. Further to queries from the Environmental Health Officer, façade mitigation has now been added to plot 11 on the ground floor and the noise impact assessment has been updated to reflect this. The Environmental Health Officer has raised no objections subject to a condition requiring implementation of the mitigation measures (unless agreed otherwise on discharge of the boundary treatment condition outlined in elsewhere in this report).

Land contamination

81. A Phase 1 Geoenvironmental Appraisal, Phase 2 Geoenvironmental Appraisal, Ground Gas Assessment and Remediation Strategy produced by Coast Consulting Engineers have been submitted to support the planning application. The desk study shows that the proposed development site has not been subject to any former contaminative uses and is largely undeveloped more recently being a golf course and before that parkland. There is a small storage building and compound to the west of the site which is also the site of former buildings.
82. The Phase 2 Geoenvironmental Appraisal dated 4 November 2022 Report Ref: 22093-02 Revision B details the site investigation works undertaken which involved the excavation of 19 trial pits to obtain soil samples for analysis and the installation of 5 gas monitoring boreholes. Information on the investigation rationale has been included within the reporting with 3 trial pits (TP17 – TP19) targeted to the western boundary the location of the compound. As expected, made ground up to a maximum depth of 1.3m was found in the location of TP17 -TP19 but no significant contamination was observed during the investigation.
83. Samples from across the site were taken for analysis which were screened against the LQM/CIEH suitable for use levels and for lead Defra C4SL. Two samples taken exceeded screening criteria (exceedance of Benzo(a)pyrene, Benzo(b)fluoranthene and Dibenz(ah)anthracene recorded within the topsoil TP01 at 0.1m and lead (209 mg/kg) in TP19. All 14 samples were screened for asbestos and no asbestos containing material detected. I agree that the contamination found near surface in TP01 is likely to be associated with the use of this area as a trackway for the former golf course.
84. The conceptual model assessing risk from potential pollutant linkages concludes that the site is of low risk but that mitigation measures will be required to prevent end users encountering the made ground and to break the pollutant linkages.
85. The Ground Gas Assessment letter addendum report dated 16 January 2023 Ref: 22093-03 concludes the site is of low risk from ground gas Characteristic Situation 1 (CS1) and no gas protection measures are required to the dwellings.

86. The Remediation Strategy dated 16 January 2023 Report No 220932-04 details the remediation work required to break potential pollutant linkages and recommends that the most pragmatic approach will be to remove and dispose off-site the identified localised contamination at TP01. Validation testing is to take place to confirm the cleanliness of the remaining soils in this area. The made ground within the existing compound was found to contain marginally elevated concentrations of lead. The following remedial options are included within the report:
- Complete removal and off-site disposal of these soils.
 - Removal from gardens and placement beneath less sensitive areas such as beneath areas of hardstanding.
 - Where soils are to remain, then provision of a clean cover system to sever the pollutant linkage comprising a minimum 600mm of clean cover in gardens (150mm clean topsoil and 450mm clean subsoil), and 450mm of clean cover in areas of POS (150mm clean topsoil and 300mm clean subsoil).
87. The area of the existing storage building has not been sampled and the Environmental Health Officer has recommended for clarity that the above recommendation and subsequent remedial works applies not only to the location of TP19 but the whole of the compound area including the existing building once demolished where made ground is encountered.
88. Additional testing of clean topsoil will be required prior to re-use to confirm suitability prior to placement in gardens and POS and the Environmental Health Officer agrees that this shall be undertaken in accordance with YALPAG – ‘Verification Requirements for Cover Systems: Technical Guidance for Developers, Landowners and Consultants, V4.1, dated June 2021’. It is not expected that subsoil/topsoil will be imported onto site, however if this is the case it should be sampled in accordance with the requirements of the YALPAG guidance.
89. Overall, the Environmental Health Officer is satisfied that the site is suitable for its intended end use. To secure the remediation required and in the event that unforeseen contamination is encountered two planning conditions are recommended: CL5 unexpected contamination and CL6 Implementation of Remediation Strategy and Verification and Completion Report. These standard conditions have been reworded to take account of the small area of the site (the location of the existing storage building/compound) which has not yet been subject to any site investigation works which are to take place after demolition. Subject to these conditions, the proposal complies with policy DC3 and DC4 in this regard.

Air Quality

90. A screening air quality assessment for Blackwell Grange, Darlington produced by njd Environmental Associates dated September 2022 Report Ref: NJD22-0116-002R has been submitted to support the application.

91. The screening assessment does not consider the construction phase, but the Environmental Health Officer is satisfied that the dust control measures are adequately addressed in the submitted Construction Management Plan. It is agreed that due to the size of the development and number of residential properties/parking spaces the traffic flows as a result of the scheme will not give rise to the IAQM 'Land-Use Planning & Development Control: Planning for Air Quality' (January 2017) assessment criteria of AADT of >500, once distributed on the local road network. There is a significant distance buffer for the majority of the proposed properties and the diffusion tube analysis at nearby Blackwell on the A66 (roadside location) is significantly below the AQ annual mean objective for NO₂ of 40ug/m³. The Environmental Health Officer therefore agrees with the conclusions within the report that air quality is not a prohibitive factor in the determination of the planning application.
92. In the context of the above, the proposal is acceptable in respect of policies DC1, DC3 and DC4 in this regard.

e) Highway safety and sustainable transport

Access & Visibility

93. The site is to be accessed via a new protected right turn or 'ghost island' priority junction, to be designed to DMRB standards appropriate to the speed limit (40mph). This was planned and in concept form when both the Storey Homes site opposite, and this allocation were identified as potential residential development sites, with junction spacing, crossing facilities and footways being master planned in basic form.
94. Revised visibility splays have now been submitted and are increased in line with the advice given i.e., visibility splays of 4.5m x 90m are demonstrated in each direction, and therefore considered acceptable. The larger 'x' splay of 4.5m is secured to improve flow and capacity from the minor junction arm, where this is increased from the minimum requirement of 2.4m to enable drivers to join the major arm without stopping when a gap is available. This assists exiting drivers join Carmel Rd South, where peak hour flows are high.
95. Pedestrian links are to be provided into the site in the form of a new 2.0m wide footway located north of the site access on the eastern side of Carmel Rd. This will terminate at a new pedestrian crossing island located south of the Storey Homes site access. This provides a safe means of pedestrian crossing and gives connectivity to wider highway infrastructure to the north, including bus stops located north of the site access. All routes should include dropped crossings and tactile paving.
96. Where a new junction is introduced to the existing highway network, this creates new turning and slowing manoeuvres in the vicinity of the site. Resurfacing will therefore be required in each direction of approach, to ensure that a surface of suitable skid resistance value is provided. Further works will include widening/haunching of the

carriageway, drainage investigation and capacity review given increased impermeable area, kerbing works associated with new footways, signage lining and street lighting.

97. All offsite highway works will be subject to highways technical approval as part of the Section 278 process and be subject to an independent Stage 1-2 road safety Audit. Technical approval is a separate process to planning approval. The identified scope of off-site works must be completed prior to occupation of the first dwelling in the interests of highway safety.
98. The S278 plan submitted by Coast Consulting Engineers (22100 261 T2) shows a small area of offsite works adjacent to Bland's Corner Roundabout. Whilst this is on Grange Rd (A167), it forms part of the National Highway's network, where any such works will require separate prior consent and approval with our neighbouring Highway Authority.
99. The submitted swept path analysis auto tracks, show that the junction form does not perform as required for large vehicles. The extracts below are for an 11.2m refuse vehicle, however they show overrunning of the vehicle body at the pedestrian crossing location, as well as the 'right in' manoeuvres being taken from the straight on northbound lane rather than the protected right turn. Despite this the body of the vehicle still encroaches over the footway at the exact location persons would wait to cross. Modifications will therefore be required to the junction geometry; this can be picked up as part of Section 278/38 technical approval.

Internal Site Layout

100. The internal layout of the site is generally considered acceptable and in accordance with the highway design standards set out in the Tees Valley Design Guide for Residential Development. The internal road layout uses both conventional 5.5m wide roads with separate 2.0m wide footways, and shared space type carriageways which require a 6.0m running carriageway within additional 0.5m wide margins located on each side.
101. A shared space design of footway/carriageway is used to serve plots No. 14-18 which is approximately 75m in length. The design speed of shared space designs is 16kph (10mph). Given the straight geometry of the shared space road 75m is considered an absolute maximum length, given that no horizontal deflection is included within the design to reduce vehicle speeds.
102. The internal site layout will be subject to a 20mph speed limit with traffic calming features used where carriageway geometry enables speeds exceeding 20mph. Raised tabletops should not be placed within shared space or at junction radii where this encourages indiscriminate parking and footway overrun.
103. Visibility drawings have been submitted which demonstrate that sufficient forward and junction visibility is secured within the internal layout where forward stopping sight distance of 25m is required for the 20mph internal speed limit. Swept path analysis is

submitted and demonstrates that the site can accommodate the access and turning movements of an 11.2m Phoenix Duo2 refuse vehicle.

104. Footways extend throughout the site, in standard 2.0m wide bitmac construction and terminate at transitions to private shared driveway or shared space designs, where a continuous level surface is maintained to provide accessibility for persons with visual or mobility impairment.

Parking

105. Parking fully meets and exceeds the minimum standards set out in the Tees Valley Design Guide. All properties across the site are of considerable size with the smallest units being 4 bed dwellings, which require a minimum of 3 in curtilage spaces per dwelling. As a minimum, all dwellings have at least 4 in curtilage parking spaces, both within garages and driveways. Garages are provided for all dwellings, either as an integral or detached design. Cycle parking is suitably addressed where a garage is provided as all garages accord with minimum internal space requirements. Electric vehicle charging provision is both a local plan and Building Regulations requirement, an in curtilage EVCP will therefore be provided for each dwelling.

Traffic Generation & Impact

106. A transport Assessment has been prepared by Tetra-Tech on behalf of Homes by Esh to review the accessibility of the site for pedestrians, cyclists or users of public transport, as well as to consider the impacts of traffic generated by the proposed development and assess its impact on the local highway network.
107. Trip generation rates and vehicles distribution is derived from the Story Homes 'Willows' development located opposite with surveyed trips and distribution used to predict and assign to the local road network the numbers of vehicle trips likely to be generated by the proposed development. This was a previously agreed methodology discussed prior to submission of the application and is considered to be robust.

The proposed 44 No dwellings are predicted to generate the following peak hour trips:

Weekday AM Peak Hour 08:00 to 09:00 Arrivals - 8 Departures- 19. **Total 2-way = 27**

Weekday PM Peak Hour 17:00 to 18:00 Arrivals – 18 Departures – 14 **Total 2-way = 32**

108. The approved trip assignment suggests 70% of vehicles will be to/ from the south, Bland's Corner/A66 roundabout, and the remaining 30% will be to/ from the north A67/Elm Ridge roundabout. Applying the above to Table 5-1 suggests during the weekday AM peak hour the split of proposed development traffic will be 19 south and 8 north while in the PM peak it will be 23 south and 9 north.

109. Whilst overall generation is not particularly high given the relatively small quantum of development (44 No dwellings), generation rates are higher than average with generation and distribution at a traffic sensitive location close to the A66 Bland's Corner Roundabout and as such will contribute towards Local Plan cumulative impact on the Strategic Road Network (SRN).
110. Various mitigation schemes are identified within the Local Plan Infrastructure Delivery Plan (IDP) including E15 (Bland's Corner Improvements Phase 1) and E19 (Bland's Corner Phase 2.) as well as other A66 corridor improvements. Local Plan Policy IN1 sets out that contributions will be sought from developers as a potential means of funding these mitigation schemes. The development has been identified as contributing to a cumulative impact on A66 Bland's Corner roundabout. This necessitates an improvement scheme to increase the capacity of the junction and maintain traffic flow along the strategic and local road networks. A contribution of up to £120,000 will be provided through a Section 106 agreement. This is in accordance with Local Plan Policy IN1c and the associated Infrastructure Delivery Plan and has been agreed with National Highways. This is dealt with in Section (i) below.
111. A review of the most recent 5-year period of recorded Police accident statistics has been undertaken. The overall frequency of accidents on the road network local to the site is low. The proposed development is not expected to have any noticeable traffic impacts and so no further highway safety assessment is required.
112. Whilst the issues with swept path analysis and junction design are identified above, these issues can be addressed later and are covered by the recommended conditions in relation to construction of adoptable roads and footways (including programme of works), provision of satisfactory visibility splays, delivery of off-site highway works, and provision of parking.
113. Subject to the above, the Highways Engineer has raised no objections to the proposed development and the proposal is considered to comply with policies DC1, IN1, IN2, IN3 and IN4 in this regard.

Sustainable Transport

114. This development site is required to comply with the SPD (Supplementary Planning Document) and Policy IN2 within the Darlington Local Plan regarding public transport, which states - *SPD - 'all new development should provide easy access for those who wish to use public transport. Accessibility is based on 80% or more of the site being within 400m walking distance of a bus stop.'* Local Plan - *'All new major development should be accessible by public transport. It is therefore expected that 80% or more of dwellings on a site will be within a 400-metre walking distance of a bus stop served by a regular daytime service (at least every 30 minutes). Where appropriate, financial contributions to provide a supported or extended bus service for up to 5 years, and bus stop infrastructure will be sought where sites are not currently served by regular services.'*

115. The Transport Planning Officer has agreed that the most appropriate public transport option for this development site is to provide a safe route through the development site to the bus stops on Grange Road (A167). A safe route is required to be provided through the development to The Blackwell Grange Hotel bus stops on Grange Road (A167) which are served by frequent bus services. There would also be a requirement for a crossing point at the entrance of the Blackwell Grange Hotel, this would include a dropped crossing and tactile paving. The Sustainable Transport team would encourage the developer to promote to potential residents the public transport options for the site.
116. A safe route to school will also follow the safe walking route that is being provided to the bus stops that will take pupils safely onto Grange Road to access schools in this direction. The safe route to school is required to be a sealed surface and lit at regular intervals. Details of the construction and lighting are to be agreed.
117. A figure has been agreed in principle for the sustainable transport contribution to be used to contribute towards the cost of the safe route to school path that connects the development with the bus stops on Grange Road and the figure agreed is £44,000 to be paid within 12 months of the commencement of the development. This is considered further in section (i) of this report.
118. The Transport Planning Officer has raised no objections subject to a condition to require the provision of the footpath prior to the occupation of the 11th dwelling. This has been agreed to reflect the build out of the housing site and to ensure that there is safe access from the site through to the path.
119. The development site is located within the vicinity of the cycling network with there being advisory cycle routes and signed cycle routes close by that connect to the wider cycle network. The whole site is required to meet the guidance as set out within the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020). This is also the case for cycle parking/storage for the development it states that the long stay requirement for residential cycle parking should be 1 space per bedroom. From the information submitted it is stated that each dwelling will have a garage provided, either as an integral or detached design, this is acceptable in terms of cycle parking.
120. The Transport Policy has raised no objections subject to a condition requiring details of the footpath and its implementation prior to the occupation of the 11th dwelling, the provision of the cycle parking and EV charging points, prior to occupation. Subject to the above the proposal complies with policies DC1, IN2 and IN4 in this regard.

f) Flooding and Drainage

121. In accordance with the NPPF Policy DC2 of the Local Plan requires proposals of this scale to provide a flood risk assessment. It also requires proposals to mitigate and adapt to climate change by being designed to incorporate a range of measures such as the provision of SUDs and use of rainwater harvesting.

122. The Environment Agency 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 2021 and policy DC2 of the Local Plan.
123. A Flood Risk Assessment and Drainage Strategy was submitted in support of the application, and these concluded that the risk of flooding from these sources is considered to be low. Management of surface and foul water is achievable and not considered to bring about any adverse impacts. Suds including permeable surfacing, ponds and flow controls have been included as part of the drainage strategy. The Local Lead Flood Authority has raised no objections to the proposed development subject to conditions regarding implementation of the proposed mitigation measures and the surface water management scheme prior to occupation. The proposed development complies with policy DC2 of the Local Plan in this regard.
124. It should be noted that the development does not meet the thresholds for consultation set by the Environment Agency, and they have confirmed that they would have no comments to make on the application. Northumbrian Water has responded to a consultation on the application and has noted that the development proposal would be served by Stressholme Sewerage Treatment Works (STW), which has the dry weather flow (DWF) capacity to accept the domestic flows (Foul) generated by the construction of the 44 No. dwellings.
125. There is only one storm overflow between the proposed development site and Stress Holme STW. The location of which is immediately upstream of the works and is fully compliant with its permit from the Environment Agency. It is very difficult to accurately forecast the impact a development of this size would have on the existing number and duration of storm spills from a single storm overflow. The drainage proposal submitted as part of the application, suggests that this development will discharge surface water directly into a local watercourse which significantly reduces the volume of flows which would be generated from the development which would discharge into the public sewerage system.
126. The government introduced the storm overflows discharge reduction plan, setting out stringent new targets to protect people and the environment. Northumbrian Water has produced a drainage and wastewater management plan for the Darlington catchment. The storm overflow in question has been identified for improvements between 2030 -2035.
127. Northumbrian Water has confirmed that it has no objections to the proposed development subject to a condition requiring compliance with the drainage scheme within the submitted Flood Risk Assessment and Drainage Strategy.

g) Impact on ecology

128. Criterion b and e of the allocation statement in the Local Plan require an ecological survey to be undertaken and adequate mitigation to be provided for any impact on the adjacent Local Wildlife Site which is primarily designated for its habitat for Great Crested Newts.
129. Policy ENV7 sets out the overarching principles for the protection of sites and features of biodiversity and geodiversity importance. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for. Development will be expected to minimise the impact on and provide net gains for biodiversity, including establishing coherent and resilient ecological networks.
130. Policy ENV8 of the Local Plan also requires proposals to provide net gains in biodiversity as prevailing in national policy. Whilst the 10% requirement in the Environment Act has yet to be implemented the Council is encouraging proposals to achieve a minimum of 10%. This should be demonstrated by using the Defra Biodiversity Metric. The policy also sets out the assessment and mitigation process applicants are required to follow.
131. The application was submitted with a Preliminary Ecological Appraisal (PEA), and various other supporting documents including a Biodiversity Metric, Biodiversity Management and Monitoring Plan, Bat Surveys and a Preliminary Bat Roost Assessment / Ground Level Tree Assessment all to be read in conjunction with the detailed landscaping plans for both the housing element of the proposal and the parkland restoration.
132. The Preliminary Ecological Appraisal provided a baseline assessment of the site and identified the potential for major negative impacts to arise on great crested newts and common toads, moderate negative impacts on breeding birds and hedgehogs and minor negative impacts on Durham BAP priority habitats and notable butterflies during the construction phase of the proposed housing development scheme and the proposed landscape restoration scheme.
133. The spread of Himalayan balsam, giant hogweed, Japanese knotweed and other invasive non-native plants on-site or off-site also has the potential to generate major negative impacts on the affected environment. There are also assessed to be potential minor negative impacts on breeding birds, great crested newts, common toads and hedgehogs during the operation phase of the proposed housing development scheme.
134. The proposed mitigation strategy is based upon habitat retention, enhancement and creation at the housing development site, with significant habitat enhancements within the wider Blackwell Grange Parkland. Habitats to be retained within the housing development are primarily the peripheral belt of broadleaf woodland along the east and west boundaries, some of the existing scattered trees and a small area of grassland in the north of the development. Significant enhancements include the planting of native hedgerows, seeding of native flower-rich grasslands, planting of native hedgerows and

creation of swales that form part of the Sustainable Urban Drainage Scheme (SUDS) for the site. For the parkland this includes generation of enhanced grassland meadows; creation of a community orchard; Expansion and enhancement of the existing pond; Addition of extra tree planting in key areas to enhance the existing areas; Installation of hedgehog hibernacula. Installation of amphibian hibernacula.

135. The Council's Ecology Officer has reviewed the PEA and agrees with its conclusions in terms of mitigation as below:

- Appointment of a trained ecologist to provide advice on-site and oversee the proposed impacting works.
- The development will be subject to a Natural England Great Crested Newt District Level Licence (DLL) to enable off-site mitigation to be Barrett Environmental Ltd BE001418.015 Preliminary Ecological Appraisal (revised) Blackwell Grange Parkland, Darlington July 2023 59 delivered in respect of the potential harm to the local population of this fully protected species. This will be obtained before any works commence on the site. No on-site mitigation for great crested newts will be required under the DLL.
- Clearance of vegetation and scrub and removal of shrubs and trees will be implemented outside both the bird breeding season and the hedgehog hibernation seasons (September / October). If the works must be undertaken at any time between November and August, affected areas will be checked for nesting birds or hibernating hedgehogs as appropriate by the appointed trained ecologist / ECoW before and during the works. Works could be delayed in this instance if any active bird nests are found until the young within these nests have fledged.
- Excavations will be backfilled at the end of each working day. If any excavations must be left open overnight, these must be adequately secured and either completely covered or ramped on at least one side to prevent animals from falling into them and becoming trapped inside. Open excavations must be checked by a designated member of the construction team at the beginning of each working day for any animals that have not escaped.
- Biosecurity measures will be enforced during any vegetation clearance, ground excavation or other works causing ground disturbance on or within a minimum 7m radius of the areas identified as being affected by Himalayan balsam, giant hogweed or Japanese knotweed to avoid spreading these invasive non-native species of flora either on-site or offsite via clothing, footwear, tyres and other equipment. These will include making site personnel aware of their presence through induction, signage and fencing, together with rigorously cleaning of all items that come into contact with plants and impacted soils to remove rhizomes, seeds and any other debris. An invasive non-native species management plan will also be required to deal with their treatment and removal in accordance with current UK environmental legislation.
- Installation of bird nest units in a proportion of the new dwellings, particularly to provide accommodation for swifts.
- Provision of amphibian and hedgehog hibernacula around the peripheries of the SUDS basins and within the boundary woodland.

- Installation of drop kerbs in strategic locations to enable amphibians and hedgehogs to climb easily off-road surfaces.
- Provision of gaps in strategic locations under fences to allow hedgehogs to easily access back gardens.

136. In addition to the above, the Ecology Officer has recommended the following further actions, which along with the proposed mitigation recommended by the PEA, can be required as part of a suitably worded condition.

- Updated badger walkover survey within a couple of weeks before construction is expected to start to ensure there are no new setts that may be impacted as badgers will move and can establish a sett quickly, despite there were being badgers during the initial survey.
- Ongoing monitoring, in line with the Biodiversity Management Plan (see below).

Bats

137. A Preliminary Bat Roost Assessment (PBRA)/Ground Level Tree Assessment (GLTA) has been completed on the trees to be lost to the residential development. With further action from the surveys being two ariel inspections of six trees which had suitability for bat roosts undertaken on the 31/10/2023 and the 09/11/2023. The inspections identified that trees 425 and 459 would require further bat surveys in the optimal season (May to August), and the remaining trees inspected (except tree 1649) and a further 15 identified trees will require soft felling under a method statement. A subsequent Bat Method Statement was submitted on the 16th November.

138. The Council's Ecology Officer has advised that the recommendations and actions set out in the Bat Method Statement are adhered to, to be secured by a suitably worded planning condition, including (but not limited to):

- Two further surveys for trees 425 and 459 during optimal season.
- Pre-felling inspection of trees.
- Soft felling for the remainder of the trees under the supervision of suitably qualified ecologists.

139. The lighting design plan supplied meets the specifications for Darlington Borough council. The plan outlines the type of luminaires, which have with rear shields and an upwards lighting ratio of zero which is suitable for use in areas with bats.

Biodiversity Enhancement / Biodiversity Net Gain

140. With the enhancements that will take place both within the housing site, and the significant habitat enhancements within the wider parkland restoration area, the development achieves a net gain of 10.53% habitat units.
141. A Biodiversity Management Plan has been submitted and this sets out how and when the monitoring of biodiversity will be carried out. This includes monitoring of bats, bird nests, habitat features and GCN post-construction with the appropriate suitably qualified ecologist appointed being the LPA ecologist with the support of the local wildlife groups to increase community engagement and environmental education within the area. There is a requirement for this to be adhered to throughout the 30-year period of management and this can be secured by way of an appropriately worded planning condition.
142. Subject to the above, the proposal complies with Policies ENV7 and ENV8 of the Local Plan.

h) Nutrient Neutrality

143. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
144. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.
145. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
146. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.

147. During the introduction of Nutrient Neutrality into the River Tees catchment in March 2022, Natural England's guidance recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). A standard calculator produced by Natural England works off such an assumption.
148. On behalf of the Tees Catchment, Stockton on Tees Borough Council commissioned ORS to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the river Tees catchment to ensure that a suitable robust and evidence-based approach can be taken.
149. Based on local evidence, ORS concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021, and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.
150. Justification is given by ORS that within the Tees catchment, many of the people occupying new homes would have already been residents living within the local area and would therefore not have added to the number of people living in the area. Had these new homes not been provided, it is unlikely that this would have had any material impact on the natural population change – there would still have been broadly the same number of births and deaths recorded over the decade.
151. However, despite the internal migration within the Tees catchment, it is also acknowledged that there is variation between each authority and therefore an individual figure will be adopted by each of the various Tees Catchment Authorities.
152. In determining the figure to be used to assess population growth arising from new dwellings with Darlington Borough, the Local Planning Authority has been mindful of the requirement of the Habitat Regulations and the need to employ a precautionary approach to ensure that the methodology taken is both reasonable and would prevent an impact on the SPA.
153. Although it is noted that within the 2011-2021 baseline period each new dwelling within Darlington yielded an average of 0.64 persons per dwelling, applying a sensitivity test of +10% would increase that growth to a figure of 0.77 (figures 7 and 8 of the ORS report) which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.
154. The research shows that for the Borough if we used the baseline period of 2011-2021 it would show an increase of 0.64, whilst the highest 5-year average would show an increase of 1.1 per dwelling. Due to the recent accelerated growth, which was partly down to a period of constraint, suggests the highest 5-year average is not a resilient

figure and a more appropriate approach would be to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates a gain of 0.98 persons per dwelling.

155. Consequently, rather than simply apply a 10% buffer to the average population growth, Darlington Borough Council have in line with the Habitat Regulations opted to follow a precautionary approach (which will be subject to future reviews) and have resolved to use the figure of 0.98 persons per dwelling derived from the 'adopted annual housing requirement' in the Darlington Borough Local Plan with a 10% buffer applied.
156. It is considered that such an approach gives a robust evidenced based approach and that a local population growth figure of 1.1 persons per dwelling for Darlington is more appropriate than Natural England's 'starting point' of 2.4 persons per new dwelling.
157. The Screening Assessment requires the Local Planning Authority as the Competent Authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
158. The submitted nutrient budget calculator (12th October 2023) demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar. An appropriate assessment needs to be undertaken.
159. The applicant has used Natural England's Nutrient Budget Calculator tool for the river Tees catchment to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs used by the applicant within this updated calculator are considered to be satisfactory and are an accurate reflection of the site and its location. This proposal for 44 dwellings would increase the total annual nitrogen load arising by 107.65 kgs per year.
160. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 107.65 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 107.65 kgs that needs to be mitigated.
161. At the time of writing, the applicant has received written confirmation from Natural England that they have been allocated the above credits but have not yet received the countersigned provisional credit certificate to allow the Appropriate Assessment to be completed. It is anticipated that the provisional credit certificate will be available in the coming weeks, at which point this will be sufficient evidence for this form of mitigation

to be considered robust and achievable and appropriately located within the Tees catchment.

162. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place. This should set out that prior to the occupation of the proposed dwellings the final signed credit certificate needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and in place.
163. To conclude, based on the evidence available at the time of writing, the proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA. Once the Signed Provisional Nutrient Credit Certificate is received, it can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to the application of the required conditions set out above.
164. Once the above stage is reached, and prior to issuing a decision on this application in accordance with regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England must be consulted on this Screening and Appropriate Assessment. A response must then be received from Natural England confirming they have no objection to the proposed development provided that all mitigation measures are appropriately secured in any planning permission.
165. Subject to the above, the receipt of the Signed Provisional Nutrient Credit Certificate, the completion of the Appropriate Assessment, and a 'no objection' to the above from Natural England, officers will be able to conclude that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to appropriate planning condition as set out above.

i) Planning obligations

166. The application triggers a requirement for developer contributions in line with the requirements of the Darlington Local Plan 2016 – 2036 and the Planning Obligations SPD.
167. 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:
- a. Necessary to make the development acceptable in planning terms.
 - b. Directly related to the development; and
 - c. Fairly and reasonably related in scale and kind to the development 126.
168. In this instance the following planning obligations have been agreed with the applicant:

- £918,000 Affordable Housing Contribution
- £44,000 sustainable transport contribution
- £120,000 towards improvement scheme (A66 Bland's Corner roundabout) to increase the capacity of the junction and maintain traffic flow along the strategic and local road networks.
- A Landscape Management Plan would be included within the Agreement.

169. Policy IN10 of the Local Plan sets out that if a need is demonstrated for additional education provision, then a planning obligation should be sought which should be calculated using the prescribed formula. The Education department were consulted on the application and have indicated that there are sufficient school places to meet projected pupil yield from this development and therefore no 106 contributions for additional school places are required.

170. NHS Northeast and North Cumbria Integrated Care Board has requested a financial contribution healthcare and have indicated that; *'Local GP Practices are keen to maintain / improve their access and an increase in patient numbers may require adjustments to existing premises/access methods'*. Based on a formula, the requested contribution is £21,252 and it is considered that this is based on the Neasham Road GP Practice being affected, being a practice that falls within the Darlington Primary Care Network which is at full capacity with regards to space requirements to deliver services to their patient list size and S106 funding would support creating extra capacity for them to provide appropriate services to patients.

171. Whilst the above is noted, it is not considered that the request is sufficiently evidenced and as such there is no certainty that it would be sufficiently relevant to the development being proposed.

j) Other matters

172. The site is located in a gypsum (deep) safeguarding area protected by policy MWC4 of the Tees Valley Minerals & Waste DPD Core Strategy (2011). The policy sets out the circumstances when non-mineral development will be permitted in these mineral safeguarding areas. Much of the south western part of the borough is covered by this designation. This proposal is considered to comply with part c of the policy, which states that, the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource. The site is an allocation for housing in the Local Plan and forms part of the Council's housing land supply and therefore required to contribute towards the achievement of the Council's housing requirement. Extraction prior to development would also potentially result in the site being unsuitable for residential development which it is allocated for and there is a significant safeguarded area for gypsum remaining in the Borough.

173. Policy DC3 of the Local Plan seeks to support improvements to health and wellbeing by ensuring new developments are age friendly, inclusive, safe and attractive and easily

accessible by foot or bicycle. They should also seek to integrate dementia friendly design principles. The applicant has demonstrated satisfactorily how the proposal incorporates these measures.

174. Policy IN8 of the Local Plan requires this proposal to ensure that broadband connectivity and ducts are provided for the development. The applicant has issued a statement confirming the following and the proposal is therefore acceptable in this regard:

'The dwellings at Blackwell Grange will be constructed in accordance with approved document R and meet both requirement RA1 & RA2 – meaning that the dwellings will provide physical infrastructure and network connections which have gigabit ready physical infrastructure and a connection to a gigabit capable network. The dwellings will also be in line with the requirements R1 whereby high speed ready in building physical infrastructure is provided'.

175. Policy DC5 of the Local Plan seeks development proposals such as this which generate a significant number of construction phase jobs to secure appropriate commitments and targets for employment skills and training, including apprenticeships. The supporting information states that the housebuilder achieves this through the following:

- Delivering targeted local employment and providing training opportunities for those furthest from the job market. We prioritise the employment of local people on our projects, either direct or within our supply chain, and have a range of interventions which allow us to reskill people from all backgrounds. We directly employ 54 apprentices (8% of our workforce) - 27 study at New College Durham and 32 are Durham residents.
- Raising aspirations, improving employability skills and changing perceptions by sharing the diverse range of rewarding careers the construction sector has to offer. We prioritise local people for work experience, T-Level placement, and internships, and deliver construction-themed initiatives through the award-winning Get into STEM and Building My Skills programmes, and recently launched 'Construction in the Curriculum' and 'Constructing Careers' programmes.
- Our employees and our supply chain partners are our most important assets. We are committed to providing a range of development and training opportunities, upholding our 'Gold' Armed Forces Employer Covenant (2023) and providing industry leading mental health and wellbeing support to ensure a happy, engaged and productive workforce.

176. The above demonstrates that the development will provide a variety of skilled jobs, which will provide opportunities for training and job progression.

THE PUBLIC SECTOR EQUALITY DUTY

177. 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

178. In summary, the principle of development of this site is acceptable given that it has been identified as a housing allocation in Local Plan policy H2 and as it has been included within the development limits of the Darlington Urban Area (policy H3). The proposed development complies with the relevant policies in the development plan and has an acceptable impact on heritage assets. The proposal would result in a significant enhancement to the area through the concurrent parkland restoration with any loss of tree cover sufficiently mitigated by compensatory provision together with significant enhancement. Subject to the proposed conditions the development would be acceptable in respect of highway safety, ecology, flood risk and drainage and residential and visual amenity.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO AN AGREEMENT PURSUANT TO SECTION 111 OF THE LOCAL GOVERNMENT ACT 1972 TO ENSURE THAT THE DEVELOPER ENTERS INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)

- £918,000 Affordable Housing Contribution
- £44,000 sustainable transport contribution
- £120,000 towards improvement scheme (A66 Bland's Corner roundabout) to increase the capacity of the junction and maintain traffic flow along the strategic and local road networks.
- A Landscape Management clause would be included within the Agreement.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF DARLINGTON LOCAL PLAN 2016-2036, WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

GENERAL

1. A3 (Standard 3-year time limit)

APPROVED PLANS

2. PL (Accordance with Plans)

BWG-SL-001 REV K Site Layout Plan
BWG-ED-001 Enclosures details
BWG-ENC-001 REV C Enclosures Layout
BWG-MCP-001 Overall POS MC Plan
BWG-POS-001 POS MC Plan Rev B
BWG-SG-001 Sales Garage Floor Plan
BWG-SG-001 Sales Garage Foundation Design
BWG-SS-001 Street scene
D334_L_100_REV I Landscape Strategy
D334D204 REV A Construction Details
BWG-MF-001 REV B Materials finishes layout.
D334_L_209_REV F Bat and Bird Box location Plan
BWG-BBP-001 REV B Bat and Bird Box location Plan
BWG-EV-001 EV Charging point locations
D334 L 201 REV P Parkland Landscape Strategy
D334_L_208_REV E Seat and Bin Locations
D334 P 205 REV D Parkland Tree Planting
D334_P_206_REV C Orchard Planting
D334_L_202_REV A Pond Layout
D334 P 207 Pond Planting
BWG-BTP-001 Rev B Railing Plan
22100-01-T2 Engineering Layout sheet 1
22100-02-T6 Engineering Layout sheet 2
22100-03-T8 Engineering Layout sheet 3
22100-04-T2 Engineering Layout sheet 4
22100-05-T2 Engineering Layout sheet 5
22100-06-T4 Engineering Layout sheet 6
AU-M4(3)-01 Austin House Type Plans
AU-M4(3)-02 MAT TYPE 1 Austin Mat Type 1
AU-M4(3)-02 MAT TYPE 2 Austin Mat Type 2
AU-M4(3)-02 MAT TYPE 3 Austin Mat Type 3
AU-M4(3)-02 MAT TYPE 4 Austin Mat Type 4
AU-M4(3)-03 Roof Plan and section
HOUSE TYPE MOOD BOARD TYPE 1 REV J
HOUSE TYPE MOOD BOARD TYPE 2 REV J
HOUSE TYPE MOOD BOARD TYPE 3 REV J
HOUSE TYPE MOOD BOARD TYPE 4 REV H
BR-01 The Brunel Proposed floor plans.
BR-02 The Brunel Proposed elevations Mat Type 1
BR-02-MT02 The Brunel Proposed elevations Mat Type 2
BR-02-MT02 The Brunel Proposed elevations Mat Type 3
BR-02-MT02 The Brunel Proposed elevations Mat Type 4
BR-03 The Brunel Proposed roof plan section.
DA-01 The Darwin Proposed plan.
DA-02 The Darwin Second floor and roof plan
DA-03 The Darwin Mat Type 1
DA-03-MT02 The Darwin Mat Type 2
DA-03-MT03 The Darwin Mat Type 3
DA-03-MT04 The Darwin Mat Type 4
DA-04 The Darwin Proposed section.
DRL-GD-002 Double Garage Design
FR-01 The Franklin proposed plans.
FR-02 The Franklin proposed second floor and roof plan.
FR-03 The Franklin Mat Type 1
FR-03 The Franklin Mat Type 2
FR-03-MT03 The Franklin Mat Type 3
FR-03-MT04 The Franklin Mat Type 4

FR-04 The Franklin Proposed section.
MO-01 The Morris Proposed plans.
MO-02 The Morris Mat Type 1
MO-02 The Morris Mat Type 2
MO-02-MT02 The Morris Mat Type 3
MO-02-MT03 The Morris Mat Type 4
MO-03 The Morris Proposed roof plan section.
NI-01 The Nightingale Proposed floor plans.
NI-02 The Nightingale Mat Type 1
NI-02-MT02 The Nightingale Mat Type 2
NI-02-MT03 The Nightingale Mat Type 3
NI-02-MT04 The Nightingale Mat Type 4
NI-03 The Nightingale Proposed Roof Plan section.
P-DE-001 Herringbone Drive Detail
WO-01 The Wordsworth Proposed Floor Plans.
WO-02 The Wordsworth Mat Type 1
WO-02-MT02 The Wordsworth Mat Type 2
WO-02-MT02 The Wordsworth Mat Type 3
WO-02-MT03 The Wordsworth Mat Type 4
WO-03 Wordsworth Proposed roof plan section.
22100 101 P5 SUDS Maintenance Plan
22100 501 REV P2 Pumping Station
22100 95 T5 SUDS Sections

HILLSIDE CONDITION

3. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 2 unless a further planning application specific to one or more of the severable areas is submitted and approved by the Council in substitution for that part of the approved development. If such an application is approved, the remaining severable areas may still be developed as approved in this planning permission, it being intended that this Planning permission should permit each severable area separately and severably from the others.

REASON: For the avoidance of doubt

M4 STANDARD

4. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted plans.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036

HIGHWAY

5. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed

and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

REASON - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

6. There must be no access or egress by any vehicles between the highway and the application site Carmel Rd South A167, until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 4.5 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and always retained for their intended purpose.

REASON – In the interests of highway safety.

7. The following schemes of off-site highway mitigation measures must be completed as indicated below:

The proposed 'Ghost Island' Junction access to be located on Carmel Rd South in accordance with DMRB CD123 along with details of footways and pedestrian crossing facilities which link to the surrounding cycling/pedestrian infrastructure. Works include but are not limited to, resurfacing works, kerbing and drainage signage and lining. Prior to occupation of the first dwelling.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within three months of the granting of planning permission or within such extended time as may be agreed in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local

Planning Authority within three months of the granting of planning permission or within such extended time as may be agreed in writing by the Local Planning Authority.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON - To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

8. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and always retained for their intended purpose.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

CONSTRUCTION IMPACTS

9. The development shall not be carried out otherwise than in complete accordance with the Construction Management Plan received 14th November 2023 produced by Esh Homes (documents listed below) unless otherwise agreed in writing by the Local Planning Authority

Dust Mitigation/Assessment Report, Homes by Esh
Construction Management Plan Drawing Number BWG-CMP-001 Revision G dated 07.11.2023, Homes by Esh
Noise at Work (Reference ECP024, Issue: 1, Revision O), Homes by Esh
Wheel Washing Safety Method Statement, Homes by Esh dated 02.11.2023.

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

10. The piling shall take place in accordance with the details submitted on 16th November 2023 (confirmation of plots and vibration monitoring). Any change to the piling proposals should be agreed with the Local Planning Authority prior to any such works.

REASON – In the interests of residential amenity.

11. No construction or demolition activities, including the use of plant and machinery, 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 without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

TRANSPORT POLICY

12. A footpath connecting the development hereby approved to the bus stops on Grange Road, via the existing access to Blackwell Grange, shall be constructed prior to occupation of the 11th dwelling. Details of the path shall be submitted to and approved by the Local Planning Authority in accordance with the above timescale, including details of the construction, lighting, and arrangements for long term maintenance.

REASON – To provide a safe route to school in the interests of pedestrian safety.

13. The cycle parking provision as show in the submitted plans, shall be in place prior to the occupation of the dwellings hereby approved and shall be maintained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

14. The EV Charging points as shown on plan BWG-EV-001 and supporting specifications shall be in place prior to the occupation of the dwellings hereby approved and shall be maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan

FLOODING AND DRAINAGE

15. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Blackwell Grange Flood Risk Assessment & Drainage Strategy” dated “12th December 2022”. The drainage scheme shall ensure that foul flows discharge to the foul public sewer at manhole 7901 and ensure that surface water discharges to the highway drain on Grange Road.

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

16. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy - 22100-FRA1 - dated 22.09.2023 REVISION E and the following mitigation measures.

Discharge of Surface Water • Repairs and cleansing to Highways Drainage to an adoptable standard as agreed with ESH. Communicated via email on the 30th of October 2023.

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

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

17. The buildings hereby approved shall not be brought into use until: - • 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 buildings.

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

LAND CONTAMINATION

18. Any contamination not considered in the 'Coast Consulting Engineers Blackwell Grange Remediation Strategy dated 16 January 2023 Report No 22093-04 Revision A' but identified during the construction/remediation works or from the soil sampling in the location of the existing storage building/compound following the demolition of the said building 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 advance and 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.

19. 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 'Coast Consulting Engineers Remediation Strategy dated 16 January 2023 Report No 22093-04 Revision A'. 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 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 properties which require remediation works, shall not be occupied until all 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.

NOISE

20. With the exception of the proposed acoustic fence (further details required by condition 21) the noise mitigation measures shall be implemented in full in accordance with the requirements of the 'NJD Environmental Associates Noise Assessment Report reference NJD22-0116-001R Version 3 dated September 2023' unless otherwise agreed in writing by the Local Planning Authority. All noise mitigation measures shall be completed prior to the occupation of that particular property. No changes to the noise mitigation shall be carried out without the prior written agreement of the Local Planning Authority and the measures shall be retained and maintained for the life of the development.

REASON – In the interests of residential amenity.

LANDSCAPE AND MEANS OF ENCLOSURE

21. Prior to the development hereby approved being occupied, details of an appropriate means of enclosure to gardens backing onto Grange Road and Carmel Road South (with an addendum to the noise report), shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be in place prior to the occupation of the dwellings hereby approved. All other boundary treatment, as set out in drawing No. BWG-ENC-001 Rev C and BWG-ED-001 shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

22. E3 Landscaping (Implementation)

TREES

23. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan' (Blackwell-East, Blackwell Lane Darlington, ARB/AE/2942, Elliott

Consultancy Limited, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. Notwithstanding the approved specification, none of the following activities shall take place within the segregated protection zones in the areas of the trees.

- a) The raising or lowering of levels in relation to existing ground levels.
- b) Cutting of roots, digging of trenches or removal of soil.
- c) Erection of temporary buildings, roads, or carrying out of any engineering operations.
- d) Lighting of fires.
- e) Driving of vehicles or storage of materials and equipment.

REASON – To ensure a maximum level of protection to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

HERITAGE IMPACTS

24. The building known as the 'Coach House' shall not be demolished until an appropriate programme of historic building recording (level 2) and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning.

REASON - To ensure that an appropriate record is made of the historic building fabric that may be affected by the development.

25. Notwithstanding the information within the submitted Wall Surveys and Repair Specification, further details shall be provided prior to repairs to each section of wall (A-K), to include confirmation of the required extent of works (alongside any impacts on landscape / ecology). No works shall take place until the details have been agreed in writing by the Local Planning Authority.

REASON –To both ensure retention of historic fabric and ensure that the adjacent areas of landscaping are retained or reinforced/replanted following removal to facilitate the works to conserve that combined character.

26. Prior to the occupation of the development hereby approved, details of the size, type, and location of the proposed interpretation panels shall be submitted to, and approved in writing by, the Local Planning Authority. These shall be in place prior to the occupation of the development hereby approved and shall be retained as such thereafter.

REASON - To recognise the heritage significance of the site.

ECOLOGY

27. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Preliminary Ecological Appraisal (Blackwell Grange Parkland, Grange Road Darlington, Barrett Environmental Limited, July 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of biodiversity.

28. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the 'Parkland Restoration non-native Invasive Plant Management Plan (Complete Weed Control, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of biodiversity.

29. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Method Statement (Blackwell Grange, Darlington, Eco North, November 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASONS – In the interests of biodiversity.

30. The development shall not be undertaken otherwise than in complete accordance with the submitted Biodiversity Management Plan for a minimum period of 30-years from the commencement of development.

REASON – In the interests of ecology and to ensure that 10% biodiversity net gain is achieved throughout the overall development in accordance with the requirements of the NPPF and Policy ENV8.

NUTRIENT NEUTRALITY

31. Prior to the first occupation of the development, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

INFORMATIVES

Section 278/38

The Developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 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.

Street Naming and Numbering

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.