

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 April 2024

APPLICATION REF. NO:	23/00178/FUL
STATUTORY DECISION DATE:	12 th June 2023
WARD/PARISH:	NORTH ROAD
LOCATION:	Power Play Snooker and Pool Eldon Street DARLINGTON DL3 0NN
DESCRIPTION:	Demolition of 2 No. existing buildings and erection of 12 No. residential dwellings (4 No. 3 bed houses and 8 No. 2 bed houses) with parking provision (Bat report received 26th May 2023) (Nutrient Neutrality assessment / budget calculator received 9th October 2023) (Revised drainage strategy received 2nd February 2024)
APPLICANT:	NEPI INCREMENTUM LIMITED

RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO A 106 AGREEMENT (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=RQ4OGCFPIAU00>

APPLICATION AND SITE DESCRIPTION

1. The application site is situated on Eldon Street, to the north of the town and to the west of North Road. It comprises a vacant snooker and bingo hall, and small business premises formerly occupied by the Darlington Deaf Club and Deaf Innovation organisation. The building has had various uses since its opening in 1913. Initially constructed as The Essoldo Cinema, the building ceased being used as a cinema in 1962 and has since been used as a bingo club and more recently as a snooker and pool hall.

2. The building, the main body of which is no longer in use, is constructed of red brick with slate roofing tiles. Its footprint is rectangular, with a central projecting gable, inset panels, stepped eaves, and ground floor projections on the southern elevation providing entrance into the building.
3. The Site is located within a residential area and is bound on all sides by terraced housing. There are several other community buildings, including Rise Carr Sports and Social Club and Phoenix Centre further west on Eldon Street. To the north and northwest are North Park and North Cemetery. To the south lies the Morrisons supermarket and several commercial, industrial, and retail uses. Further various outlets are also based on North Road to the east and Whessoe Road to the south.
4. Pre-application discussions have identified that the building has architectural and historic merit. Whilst not listed, it is considered to have a degree of significance worthy of consideration as part of any planning application as a non-designated heritage asset.
5. The proposal is for the demolition of the existing buildings on the site and the construction of 12 No. residential dwellings. The homes include 4 No. 3-bed homes and 8no 2-bed homes. All new dwellings are proposed as affordable rent via a registered provider (North Star Housing Group). The development includes the following:
 - Dwellings to be in terraced form to reflect the predominant type of existing housing in the locality.
 - Dwellings would be two-storey in height and constructed with similar proportions to existing properties.
 - Buildings to front onto Eldon Street with outdoor spaces to the front and rear.
 - Buildings would be finished in facing brickwork with feature course beneath horizontal panel cladding and grey concrete slate roof tiles with terracotta colour concrete ridge tiles. Windows would be UPVC finished in grey, with composite doors finished in grey and set under a small canopy. A contrasting course of brickwork would add interest to the building, with central properties having window surrounds spanning the lower and upper floors.
 - Pedestrian access to be from Eldon Street.
 - Provision of 12 No. parking bays located at the rear of the properties and accessed via roller shutter doors.
 - EV charging provision to be provided via ducting to the rear parking spaces.
 - On street parking also available capable of providing an additional 10 No. parking spaces. In-curtilage parking spaces will have minimum dimensions of 5.5m x 2.7m, with a minimum 6m clearance onto Eldon Street North Back. The existing width of the back lane is to be widened to 6m along the entire northern site boundary, with this widened section to be tarmacked and finished with a pin kerb to tie into the extent of the existing adopted highway.
 - Cycle spaces to be provided for each dwelling in the form of secure storage sheds.
 - Each dwelling will have an allocated garden space to the front of the property. Shrubs and planting are proposed to be distributed around the site and lining paved pathways.

- Metal fencing is proposed to the front of properties at 1200mm in height to provide enclosure, with 1800mm masonry walls to the rear offering security and privacy to rear yards.
- Rear yards would be hard surfaced, providing parking for vehicles and cycles. A new dropped kerb line to the existing back lane would provide a service strip for vehicles to allow access to rear courtyards. Refuse Collection and Servicing.
- Household refuse storage to be provided within the rear yards, with refuse collection taking place from the roadside on the back lane, consistent with existing arrangements in the area.

MAIN PLANNING ISSUES

6. The relevant issues to be considered in the determination of this application are:
- (a) Principle of the proposed development
 - (b) Impact on non-designated heritage assets.
 - (c) Impact on visual and residential amenity.
 - (d) Highway safety and sustainable transport.
 - (e) Flooding and Drainage.
 - (f) Impact on ecology
 - (g) Nutrient Neutrality.
 - (h) Planning obligations
 - (i) Other matters

PLANNING POLICIES

7. The following policies are relevant in the determination of this application:

Local Plan (2022)

- 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
- H1: Housing Requirement
- H3: Development Limits
- H4: Housing Mix
- H5: Affordable Housing
- ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment
- ENV3: Local Landscape Character
- ENV5: Green Infrastructure Standards
- ENV7: Biodiversity & Geodiversity & Development
- ENV8: Assessing a Development's Impact on Biodiversity
- 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
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)

First Homes Policy Position Statement (2022)

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 or the Local Lead Flood Authority, subject to conditions. The Conservation officer has objected to the proposed development, and this is considered further within the report.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Nine letters of objection have been received raising the following concerns :
- Highway safety concerns; lack of parking; volume of existing traffic.
 - Doctors' surgery already at capacity.
 - Already over-crowded and no more people needed in the area. There are empty properties in Eldon Street continuously.
 - Rise Carr Club is in worse condition and is empty, would be more suitable.
 - Lack of community space in the area.
 - Pollution during demolition (noise, dust, traffic, etc.).
 - Impact on amenity, noise.
 - Building should be re-purposed.
 - Will encroach on the privacy of Lansdowne Street residents.
 - Chip shop business will suffer (customers use the area at the front of the snooker hall as parking and this prevents disturbance to residents in the street).
 - Do not need anymore two bed houses as the local streets are full of these. Three bed adaptable homes would be better for the area.
 - Current roads / alleys not coping with the current levels of traffic and many repairs to the roads have been required.
 - The ward is deprived and has had no money spent on it during the last 30 years.
 - Snooker hall is a nice old building that has historically been, and should again, be a centre for the community.
10. A response from Darlington Association on Disability has been received raising the following point:

- It is disappointing to see that no provision has been made for a wheelchair user to get to and from the dwelling as a pedestrian.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

11. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. The proposal would be a small-scale windfall development which would contribute towards the achievement of this requirement.
12. The site is not designated for any particular use in the Local Plan. 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 the main urban area; therefore, the proposal accords with policy H3.
13. The existing uses on the site are classed as community facilities as such policy IN10 applies. The policy sets out that the loss of any community facilities will only be permitted if it can be demonstrated that certain criteria is met. This includes that; i) there are sufficient alternative facilities nearby; or, ii) the facility is no longer needed; or, iii) there is no management and funding resources existing or that could be generated to sustain the facility; or iv) the community facility cannot be secured or sustained through the partial redevelopment of the site.
14. The applicant has put forward information explaining how the snooker hall has become unviable to run and provided financial running costs over recent months. Snooker teams have found alternative facilities at Cockerton Club, Salters Lane Golf Club, and the Grey Horse at Haughton. In the lead up to the closure of the facility opening hours were reduced and demand was limited. Alternative sources of income have also been explored. It was emphasised in the statement that there was not a significant level of use of the building (evident in reduced hours) and rising costs have contributed towards the business becoming unviable. Options have also been considered for the building's retention, involving a scheme of apartments whilst maintaining space for community use. It is set out that this approach would result in an unviable scheme, with the costs of conversion outweighing the financial return. Concerns are also raised with the quality of such a development.
15. It is considered that the loss of the snooker/bingo hall meets several of the criteria set out in IN10 (particularly criteria i, ii and iv) and it is acknowledged that the use is a business and therefore needs to be viable. There are no policy concerns with the loss of the snooker/bingo hall. Following relocation of Darlington Deaf Club premises, planning permission was granted in 2018 (17/01170/FUL) for change of use of the more modern flat roof building within the site, to storage and associated office space, for a Haberdashery business. In this context, the loss of that element of the community use, has been accepted

previously as a matter of principle. The applicant has advised that the Haberdashery business would be looking to relocate should planning permission be granted.

16. In summary, it is considered that the principle of residential development is acceptable on the site given that it is located within the development limits of the main urban area (H3). The application has also demonstrated compliance with criteria within policy IN10.

Housing Mix

17. 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 give consideration to a site's location, physical constraints, character, and surrounding context.
18. The Council's latest SHMA (2020) evidence suggests an overall housing mix of 6.5% - 1 Bed, 32% - 2 Bed, 50% - 3 Bed and 11.5% 4 Bed +. The proposal proposes a mix of two and three bed properties, which are shown as being in greater need in the SHMA.
19. The planning statement sets out that the tenure would be affordable rent and North Star Housing Group is identified as the registered provider who would manage the properties. Darlington Borough has a substantial need for affordable homes and detailed evidence is provided in the SHMA (2020). The assessment identifies a need of 233 affordable dwellings per annum over the plan period. The affordable need is broken down into 163 households unable to afford per annum and 70 aspiring to homeownership per annum. As such there is a greater demand for affordable rent. The scheme would assist in meeting those needs.
20. Policy H5 sets out the requirement that 20% of market led developments should be affordable in the North Road Ward with a tenure split of 50% affordable rent and 50% affordable home ownership. This is not applicable as the scheme is for 100% affordable housing. The NPPF states, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for home ownership. It goes on to state that exemptions to this include proposals which are exclusively for affordable housing.
21. The Written Ministerial Statement on First Homes outlines that where specific developments are exempt from delivering affordable home ownership products under paragraph 65 of the Framework, they shall also be exempt from the requirement to deliver First Homes. As such no First Homes will be required from the scheme.
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. These requirements 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. The original proposal involved one of the proposed homes being built to M4(3)(a) standard and the other 11 to M4(2) standard. However, since that time, North Star Housing Group have been in contact as the eventual owner and landlord of the homes, with some concerns around the requirement for adaptable homes to M4(3) in this case as policy H4 of the Local Plan states that regard should be had to the sites suitability and viability. In this instance the scheme is being brought forward as a fully affordable scheme by North Star and is based on an established financial model with funding from Homes England. The provision of an accessible unit renders this model unviable, and it is also questioned whether it is a suitable location for accessible units given their 2-storey design. Justification has been provided to set out the concerns of North Star.
24. The information submitted has been considered and, in this instance, it is considered that whilst the development will not be fully meeting the requirements of policy H4, with all dwellings to M4(2) standard and no M4(3) standard, they will be overproviding in terms of the former and meeting needs. This slight deviation from H4 also needs to be considered in the context of the wider benefits of the scheme in that all units are to be affordable rent. Overall, based on the justification provided by North Star, it is considered that there is a greater benefit in delivering the 12 affordable units to M4(2) standard and losing the M4(3) standard on one unit, than the delivery of the scheme not being possible due to viability concerns. In the context of this argument, the M4(2) standard should be required by planning condition.

b) Impact on non-designated heritage assets

25. It was highlighted by officers at pre-application stage that the snooker/bingo hall building has a degree of architectural and historic interest worthy of consideration in the assessment of any planning application relating to the site's redevelopment. The building is therefore considered to be a non-designated heritage asset.
26. Section D of policy ENV1 is relevant. It states that proposals which would remove or harm the significance of a non-designated heritage asset will only be permitted where the benefits are considered to outweigh the harm. Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of a non-designated heritage asset, through measures such as good design. As the proposal involves the demolition of the buildings this balancing of benefit against harm should be conducted.
27. The NPPF (at paragraph 209) makes it clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to state that "in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
28. The Conservation officer was consulted and has objected to the proposed development on the basis that the building is of heritage significance, that the building should be converted, and that insufficient justification has been provided for its demolition.

29. In view of the building being considered a non-designated heritage asset, the application has been supported by a Heritage Statement prepared by a Conservation professional. It identifies that the building possesses historical, architectural, and communal interest, and that there are no other designated heritage assets affected by the proposed development. The assessment concludes that the overall significance of the building is low, however any significance would be lost through the building's demolition. The report states the following:

'The survival of the building and the dominance within the street provides the community with a tangible link to the past. However, this link is only with the building given the cessation of the community use. The empty building provides a negative connotation associated with reduced employment in the steel and mining industries, anti-social behaviour, and a degraded local environment. Whilst providing evidence of a past time, it is also having an adverse impact upon the current associations with that history. It is recognised that the Site has some heritage value as a community building with some architectural interest; and that the loss of the building will have a low level of harm. The level of harm needs to be weighed in the planning balance alongside proposals for redevelopment and the benefits this would bring'.

30. In terms of the policy requirement to demonstrate that the benefits outweigh the loss, the applicant has put forward some detailed information. This demonstrates that the applicant has fully explored the potential to retain the building for community use, either in whole or in part. Detailed information has been provided to demonstrate that the building is no longer viable (and the business has ceased trading), and no interest has been expressed in the redevelopment (or use) of the site by other parties. Competitive teams have since relocated and there is no longer considered to be a need for the building and its use within the community.
31. The applicant has concluded that there is no reasonable prospect of the building being brought into viable community use, with the demand for the facilities provided no longer there, and as a result the loss of the community facility is considered to comply with policy IN10 as considered above.
32. Consideration has been given to the conversion of the building, including proposals incorporating a community space for public use. It was concluded that this option was unviable not least due to the constraints of the building and the evidenced lack of need for the community space / the lack of a reasonable prospect of the building being retained for use by the community. In particular, the Heritage Impact Assessment confirmed the following:

'The applicant has considered the conversion of the building to apartments and plans demonstrate that the size of the building and particularly its depth are a considerable hinderance to a successful scheme, resulting in large rooms, rooms without windows and inevitably problems with fire escape routes, amenity, and other matters. The viability of a conversion scheme is also a concern as the costs of conversion, along with the problematic floor plan render the conversion unviable in this location which is dominated by small two-

storey terraced houses. The proposed scheme seeks to develop a row of 12 two-storey affordable terraced homes. The houses would be set behind small front gardens to mirror those to its west and be in line with the existing adjacent terrace. The rear yards extend to the lane, providing a new footpath within the site boundary for pedestrians, widening the lane at this point’.

‘It is our assertion that the building is unsuitable for conversion based on the depth of the floor plan and the associated costs of repair, reinstatement, and conversion. Whilst the re-use of the building could contribute to sustainable communities (either as a community building or some form of residential development), this is unlikely to result in economic vitality due to the lack of community need for such a building, and the awkward nature of the housing conversion which would result’.

‘The condition of the building is deteriorating through general wear and the effects of anti-social behaviour. Without ongoing financial investment in the repair of the building the condition will continue to decline. Mothballing the building is unrealistic when an alternative use has not been found. In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. However, having no use or viable future prospect means that the risks of decay are further exemplified. The owner cannot justify large investments in repair given that a viable future has not been identified, they continue to keep the site secure and prevent further deterioration where possible’.

‘The loss of the building is considered to be a justifiable proposition, particularly when the immediate environment can be enhanced through provision of low-level housing to reflect local characteristics. This would alleviate problems with anti-social behaviour and would improve the communal experience moving through this area. Another building further west along Eldon Street has remained vacant for several years and is having an adverse effect on local amenity, which is a real concern for this Site if redevelopment does not progress quickly. The fallback position is a site which considerably declines. The loss of the building can in part be mitigated through building recording prior to demolition’.

33. The benefits derived from the Proposed Development centre on the fact that the application proposes a fully affordable scheme of 12 no. properties to be offered for rent at a discounted market value.
34. The proposed development would contribute towards meeting the need for affordable housing within Darlington and would contribute towards addressing the existing shortfall in properties available for social rent. The contribution being made holds significant weight in the overall planning balance and is considered to outweigh the harm derived through the demolition and loss of a building with limited architectural, historic, and social interest.
35. The National Planning Practice Guidance (NPPG) states that “public benefits may follow from many developments and could be anything that delivers economic, social, or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be

of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits. Within the submission it is apparent that, as well as the above benefit in terms of the provision of affordable housing, the development results in the following additional benefits:

- Removal of a building which attracts anti-social behaviour.
- Redevelopment of the Site will improve the appearance of the local area providing a strong street frontage.
- Development of a scale, design and use which is typical of the local housing stock.
- Provision of housing in a sustainable location and on a brownfield site.
- Widening of the rear lane to provide a footpath within the site boundary.
- Increased natural surveillance with the rear lane for security purposes.
- Removal of the unsightly metal security fencing.
- Provision of soft landscaping and biodiversity net-gain.
- Economic benefits from construction employment during the build phase.

36. Although the Proposed Development would result in the loss of a non-designated heritage asset; this loss is outweighed by the contribution towards meeting the need for affordable housing delivered through the site's redevelopment alongside the range of public benefits set out above.

37. The NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. It is considered that building recording to level 2 should be secured by condition prior to commencement of works to demolish or strip out the building.

38. Subject to the above condition, the Proposed Development is therefore considered to be acceptable in accordance with Policy ENV1 of the Darlington Local Plan.

c) Impact on Visual and Residential Amenity

Design, Layout and appearance.

39. Policy DC1 requires that detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. Eldon Street forms one of several rows of terraced properties arranged in grid-like form in the immediate locality. Terraces tend to be uniform in layout but have a varied range of styles and finishes.

40. The scale and proportions of the proposed dwellings are considered to reflect those within the local area. Eaves and ridge heights would be set slightly lower than existing terraces, thereby ensuring the new development does not appear imposing within the street scene.

The proposed terrace would feature detailing above doors and windows, properties within the centre of the terrace would have vertical cladding and detailing around ground and first floor windows. Materials, specific details of which would be required by planning condition, would be chosen to be consistent with those found nearby, and would include facing brickwork to ground floor with horizontal cladding above separated by a feature brick stretcher detail. Grey thin profile interlocking concrete tiles would be incorporated to the roof, which feature heavily in the area. At the request of officers, the applicant has provided amended plans which include GRP chimney features to the dwellings, to break up the roof line and to better reflect the roof scape elsewhere within the immediate locality.

41. Overall, the design and layout of the development is acceptable. The proposal incorporates features from existing properties, such as detailing around windows and doors, whilst introducing new features to provide the terrace with its own identity. Also incorporated is amenity space to the front with pedestrian access, reflecting the immediate row of terraces to the east and west.
42. The design of the dwellings incorporates energy efficiency measures with properties built to modern standards of construction. High-performance double-glazed windows and doors are proposed throughout, with approach to construction intended to result in the delivery of energy efficient homes.
43. Proposed landscaping, details of which would be required by planning condition, would help to soften the development and boundary treatment is considered appropriate to define boundaries, defensible space and provide privacy to plots. Overall, the proposal is considered to comply with the requirements of policy DC1 in this regard.

Residential Amenity General

44. The proposed terrace would have similar proportions to neighbouring buildings with eaves and ridge heights set slightly lower than existing two storey terraces. In terms of amenity, the layout would reflect existing patterns of development in the locality. Suitable separation distances are provided between existing dwellings and the new dwellings, which exceed those set out in the Design SPD (over 23 metres rear elevation to properties to the rear in Lansdowne Street) and the proposals provide an acceptable standard of privacy for existing and new residents. The proposal would provide suitable levels of outlook, sunlight and daylight between the new dwellings and existing properties and complies policy DC1 and DC4 in this regard.

Land contamination.

45. The application has been submitted with a Phase 1 Environmental Assessment dated January 2023 prepared by Roberts Environmental Ltd (Reference: 230101.R.001, Version 1.0) which considers the history of the site and surrounding area and potential contamination risks taking into account the proposed residential end use of the site. It includes the findings from a site walkover and derives a conceptual site model. The site historically comprised undeveloped agricultural land and was later shown to form part of some allotment gardens before buildings were developed on the site. Surrounding land

uses identified includes allotments gardens to the north of the site, as well as tanks, railway sidings and locomotive works to the south.

46. Potential sources of contamination are identified including from the anticipated presence of made ground given the developed nature of the site, as well as the potential presence of asbestos containing materials inside the building given its age, which is to be demolished.
47. Based on the Phase 1 and given areas of soft landscaping are proposed as part of the development, the Environmental Health Officer has recommended land contamination conditions CL2 – CL6 are attached to any permission granted. These conditions cover a Phase two site investigation strategy, Phase two site investigation works, Phase three remediation and verification strategy, and construction / remediation works. Subject to these conditions, the proposal is acceptable in terms of land contamination and complies with policy DC4 in this regard.

Demolition/Construction impacts

48. Given the site is in the middle of a residential area there is inevitably going to be some disturbance to existing residents as a result of the works. While the Environmental Health Officer has not objected to the application, they have recommended a Construction Management Plan submission / compliance condition to minimise potential disturbance.

d) Highway safety and sustainable transport

Access and sustainability.

49. The site is accessed directly via Eldon Street which consists of predominantly terraced dwellings which are reliant upon on street parking. The site frontage has existing bitmac footways, and street lighting and will enable direct primary access to each dwelling, with additional secondary access being available from the rear of the site, from adopted back lane known as Eldon Street North Back. The local highway network has good resilience, with many routes being available to access Eldon Street, both from the east via North Rd and via Whessoe Rd and Westmoreland Street from the west. Additional routes cross Eldon Street including Eldon Place, Derby St, and Cross St, with additional minor back lanes also adding local access points. As such any traffic generated is quickly diffused within the local highway network.
50. The site is in a sustainable location with good access to public transport. The nearest bus stops in relation to the site are located on Westmoreland Street to the south within proximity to the junction with Derby Street. The bus stops are within an approximate 80m walking distance of the site. Additional inbound and outbound services are available on North Rd to the east which are served by multiple bus services. The bus stops are within an approximate 350m walking distance of the site and have raised access kerbs. Eldon Street is partially classified as an advisory on road cycle route. To the east, connections can be made across the A167 North Road towards traffic free routes through Albert Hill and beyond towards Red Hall and Haughton. To the east, links through North Park are available

linking into further cycle routes west towards Faverdale and Cockerton areas of the town. The site therefore has good links to local cycle infrastructure.

51. The Highways Engineer has noted the comments raised by the Chairman of Darlington Association on Disability regarding the need to provide improved pedestrian access to the development. Eldon Street does not have dropped kerb provision and as such the inclusion of dwellings up to M4(2) standard raises the potential of a future mobility impaired resident having no accessible route to or from the adaptable dwelling or the wider development. As an absolute minimum the Highways Engineer has requested that dropped crossings are provided to provide an accessible route to bus stops and other amenities located on North Road. Unfortunately, the Council has a very limited budget available for such works, therefore a financial contribution of £6,000 is sought to deliver improvement to pedestrian infrastructure in the vicinity of the development (dropped crossings and tactile pavement to provide an accessible route within Eldon Street) in the interests of accessibility and highway safety. This would involve paired dropped crossings at four locations between the development and A167 North Rd. This is considered further elsewhere within this report.

Traffic Impact & Road Safety

52. Whilst the number of dwellings proposed falls below the generally recognised threshold of 50 or more dwellings which is the trigger point for submission of a formal Transport Statement or Assessment, SAJ Transport Consultants Ltd, have been commissioned by the applicant to assess any highways and transport related impacts associated with this planning application.
53. Whilst the scope of the submitted Transport Statement (TS) does not include detailed analysis of existing vehicle movements and parking demand which could occur under the existing use class of the site, it is accepted that the existing site could attract an occupier which generates significantly more vehicle movements than the 12 dwellings proposed without the requirement for a change of use planning application. Based on comparison of similar site locations where TRICs database trip rates have been presented it is likely that the 12 new dwellings would generate in the region of 5-7 two-way trips in the AM and PM peak hours. This equates to approximately one vehicle movement every 10 minutes within peak hours. It is therefore accepted that the trips generated from the proposed residential development can be accommodated on the local highway network without the requirement for additional junction capacity assessment or traffic impact mitigation works. It is also accepted that the generated trips could be 'netted off' potential extant uses of the building, most recently as a snooker and Pool venue, whilst the site has also operated as a bingo club, which would have presented greater peak hour vehicle movements.
54. The traffic associated with the proposed development is considered minimal, particularly when offset with the potential traffic generation associated with the extant permissions of the site. The proposed development does not therefore present a 'severe impact' on the operation of the local highway network as required to warrant a recommendation for refusal under NPPF guidance.

55. A review of the most recent 5-year period of recoded Police data shows that no personal injury collisions (PICs) have occurred within Eldon Street, with just one 'minor' incident being recorded at the junction of North Rd (A167) and Eldon Street. The PIC data does not indicate any existing highway safety patterns or concerns within the vicinity of the site or give cause to conclude that such incident would occur because of the proposed development.

Parking

56. Dedicated in curtilage parking is to be provide for each new dwelling at a rate of one space per unit. Access for vehicular parking is from the rear of the site via an adopted back lane known as Eldon Street North Back. The lane serves the rear of the existing properties on the northern side of Eldon Street and those located on the southern side of Lansdowne Street. The lane is approximately 4.8m in width. Several existing properties have direct access to the lane for vehicular parking, with several garages present with roller shutter doors.

57. In order for in curtilage parking to be used, it must be practical and convenient for occupiers. Whilst in curtilage parking via the frontage of dwellings would be preferable in that respect, this would be incongruous within the existing street scene, and effectively remove any capacity for on street parking across the site frontage. There are many examples of existing garages and parking spaces located off similar back lanes which operate without issue. The proposed in curtilage parking arrangements are improved over many more historic examples, with be improved access via roller shutters rather than gates, widening of the rear lane and ensuring that spaces are a practical size to accommodate most vehicles.

58. Local Plan Policy IN 4 requires that every new residential property which has a garage or dedicated parking space within its curtilage should include an electrical socket suitable for charging electric vehicles (minimal single phase 13-amp socket). As all dwelling have a dedicated in curtilage space, the provision of an electric vehicle charge point can easily be provided for each dwelling, the provision of which can be secured via a suitably worded condition.

59. Whilst the concerns and objections of nearby residents are noted, they are largely existing issues within Eldon Street, central of which, is that residents are reliant upon on street parking, which is a typical characteristic of terraced streets within the North Rd Ward. Whilst is not reasonable within the scope of this planning application to expect such existing issues to be addressed by the applicant, the scope of any mitigation required must be limited only to any additional impact demonstrated by the proposal. In this context, it is concluded that the application demonstrates sufficient parking to be in line with current design guide standards. With reference to the Councils own Ward profile data, North Road has levels of car ownership which are significantly lower than the national rate, with 43.7% of households not owning a car compared to an average of 26.8% in England and Wales.

60. Whilst the frontage of the site is available for parking, this will remain as the current arrangement, i.e. informally and on a first come first served basis. It will not be allocated or within formally marked bays. As such existing residents will still be able to make use of

available on street parking, subject to availability. The previous parking demand associated with the existing building would also be removed, as is any other more intensive use which could have been implemented under the current use Class E, which could include retail, gymnasiums or other leisure uses.

61. Given the historic nature of the rear lanes, the applicant would be advised that to deliver the required widening works to achieve a 6.0m wide running carriageway, significant works may be required to achieve a suitable line and level for the proposed bitmac widening and kerb edging. As such, the Highways Engineer has requested that a suitably worded Planning Condition is applied to any approval granted to show precise construction details of the widening and the extent of accommodation works required to the rear lane. The bitmac path/carriageway widening should be constructed to 480mm full carriageway construction and have a 25mm kerb face to be sufficiently robust for vehicular use.
62. No Construction Management Plan (CMP) has been provided at this time. This is acknowledged by the applicant within the TS, where the applicant intends to submit a site-specific plan once a principal contractor is appointed and the number of vehicles likely to be generated by the construction process is known, where vehicle movements generated by the construction process are likely to be associated with the delivery of plant and construction materials, as well as construction staff travelling to and from the site. A Construction and Demolition management Plan will be secured by a Planning Condition as also requested by the Environmental Health Officer to ensure that demolition and construction works do not have a detrimental impact on surrounding residents, both for on-site activities and transport arrangements for servicing the site.
63. Subject to the above, the Highways Engineer has raised no objections, and the proposal complies with policies DC1 and IN1-4 in this regard.

Sustainable transport

64. This development site has good public transport accessibility; in line with the SPD (supplementary planning document) and the Darlington Local Plan Policy IN2 it is within 400m of bus stops. There are bus stops on Westmoreland Street these being the Westmoreland Street/Derby Street bus stops that are served by the number 3A which operates every 30 minutes during the day with no evening service Monday to Saturday and no service during the day or evening on a Sunday. However, there are also bus stops on North Road, these being the North Road/Brougham Street bus stops which are served by multiple bus services, the most frequent being the number 5/5A which operates every 30 minutes during the day and every 60 minutes on an evening Monday to Saturday and every 60 minutes during the day and an evening on a Sunday. The site is also near North Road Railway Station which provides an hourly train service.
65. There are cycle routes within the area of the development site. It is welcomed to see that cycle parking has been considered for this development site; within the Design and Access Statement it states, *'Cycle spaces will be provided for each dwelling in the form of secure storage sheds, with larger sheds made available for the 3-bed properties.'* Cycle storage should be in line with the most recent cycle guidance issued (Cycle Infrastructure Design -

Local Transport Note 1/20 July 2020) it states that for long stay requirement for residential cycle parking should be 1 space per bedroom. It should be safe and secure, this can be achieved with storage within a garage or a lockable, appropriately sized shed/container. The full details of the cycle parking should be submitted and agreed via a suitably worded condition.

66. This development is subject to a sustainable transport contribution in line with the SPD. This will be based on £500 per 2 bedroomed dwelling, £750 per 3 bedroomed dwelling. The contribution would be used to improve the walking and cycling infrastructure in the surrounding area. This is considered further elsewhere within this report.
67. Subject to the above, the Transport Planning Officer has raised no objections to the proposed development.

e) Flooding and drainage

68. The site is brownfield land comprising of built development and areas of hardstanding providing parking for the associated former use of the building. The site is in Flood Zone 1 and is at a low risk of tidal and fluvial flooding. There are no overland flows affecting the site and flooding due to ground water is of low risk. There have been no records of sewer flooding in the area and flood risk from artificial sources is considered low. 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.
69. The applicant has submitted a Flood Risk Assessment and drainage strategy alongside the application. The Local Lead Flood Authority has considered the information submitted and has confirmed that the applicant has provided sufficient information to satisfy the Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition. Also recommended is a condition removing householder permitted development rights as the plots contain critical elements of surface water attenuation structures beneath ground. The surface finish proposal above attenuation is "permeable block paving" which is integral to the long-term drainage strategy.
70. Northumbrian Water were consulted on the proposals and have provided no response; however, the application demonstrates that the developer has been engaging with the organisation to ensure that the proposed discharge of surface water rates to the combined sewer are acceptable.
71. Subject to the above recommended conditions, the proposal complies with policy DC1 and DC2 of the Local Plan.

f) Impact on ecology

72. The site is brownfield land but would still be required to provide net gains for biodiversity in line with policy ENV7. The requirement for biodiversity net gains is reiterated in policy ENV8 of the Local Plan which also states that this should be demonstrated by using the Defra Biodiversity Metric. The policy sets out the assessment and mitigation process applicants are required to follow.
73. The application has been supported by an Ecological Appraisal, prepared by OS Ecology. This identifies that the building and wider site is of low ecological value. The main building within the site is of low suitability for bats and nesting birds, and that due to the nature of the site and immediate surroundings all other protected or notable species are considered absent.
74. The ecological appraisal does identify that the wider environment provides suitable foraging habitat for bats. Whilst there is no connectivity between the site and these areas of habitat, the presence of roosting bats cannot be discounted, and the appraisal recommends that further survey work be undertaken to confirm the presence/absence of roosts. As such, a Bat Survey was submitted. This concluded that habitat on the site and within the immediate surroundings are of low to negligible value to foraging / commuting bats, it comprises of dense residential development with small yards, though higher quality habitat is present within 100m of the site.
75. The Ecological Appraisal and bat survey have set out a series of recommendations in terms of avoidance, mitigation, and compensation. It is recommended that a planning condition is attached to secure compliance with these.
76. The biodiversity net gain assessment submitted sets out that the site has no biodiversity value at present and the development will deliver a net gain in biodiversity units through the delivery of the landscaping proposed as part of the development. Further details of the precise landscaping proposals, which should be informed by the recommendations within the submitted Ecological Appraisal, can be secured by condition. Subject to accordance with such a condition, the proposed development would deliver net gains in biodiversity and would be in accordance with policies ENV7 and ENV8 of the Local Plan.

g) Nutrient Neutrality

77. 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.
78. The Teesmouth and Cleveland Coast protected area is a wetland habitat comprising an area of complex of coastal habitats centred on the Tees estuary and include habitats such as sandflats, mudflats, rocky foreshore, saltmarsh, sand dunes, wet grassland, and freshwater lagoons. These habitats support internationally important populations of breeding and nonbreeding waterbirds including but not limited to breeding Little Tern (A195), passage Sandwich Tern (A191), wintering Red Knot (A143), Redshank (A162) and Ringed Plover

(A136) as well as a significant assemblage of wintering waterbirds and high density of benthic invertebrates.

79. The Conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely.
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.
 -
80. 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.
81. 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.
82. 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.

Population Growth and Average Occupancy Rate:

83. 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.
84. 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.

85. 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.
86. 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.
87. 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.

Local population growth in Darlington

88. 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.
89. 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.
90. 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 an gain of 0.98 persons per dwelling.
91. 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.

92. It is considered that such as 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.

Screening assessment

93. The Screening Assessment requires the Local Planning Authority as the Competent Authority to consider and conclude whether the potential for 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.
94. The information required to enable the LPA to undertake the screening assessment and where necessary appropriate assessment is provided by the applicant's submitted Nutrient Budget Calculator (11th October 2023), Revised Nutrient Assessment and Provisional Credit Certificate.
95. This information provided by the applicant is considered sufficient to enable the Local Planning Authority as the Competent Authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
96. The submitted nutrient budget calculator (11th 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. Mitigation measures cannot be considered at the Screening Stage but should be considered as part of an Appropriate Assessment.

Appropriate Assessment

97. 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 satisfactory and are an accurate reflection of the site and its location. This proposal for 12 dwellings would increase the total annual nitrogen load arising by 19.57kg per year.
98. 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 19.57 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 19.57kg that needs to be mitigated. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. 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.

99. The Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

Appropriate Assessment Conclusion

100. This assessment has found that 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. So, 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 condition as set out above.
101. 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. This has been received and therefore officers are 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.

h) Planning obligations

102. 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.
103. 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 .
104. In this instance the following planning obligations have been agreed with the applicant:
- A developer contribution of £6,000.00 is sought, to deliver improvements to pedestrian infrastructure in the vicinity of the development (dropped crossings and tactile pavement to provide an accessible route within Eldon Street) in the interests of accessibility and highway safety.
 - A sustainable transport contribution in line with the SPD. This will be based on £500 per 2 bedroomed dwelling, £750 per 3 bedroomed dwelling.

105. It should be noted that the intention was to secure the affordable housing in perpetuity through a section 106 agreement. North Star has advised that stipulating 100% affordable within the section 106 will impact on the grant from Homes England as the view taken will be that if the site could only come forward for affordable the land would be cheaper, hence a grant is no longer required. They have, therefore, requested that there is no requirement within the section 106 for the scheme to be affordable in perpetuity, albeit the proposals clearly relate to an affordable housing scheme. It has been agreed in this instance that the affordable housing scheme can be secured by condition which will include a requirement to demonstrate the arrangements to ensure that the affordable housing is affordable for both first and subsequent occupiers (this is the standard affordable housing condition requiring submission and agreement of the affordable housing scheme). It is considered that the above condition is required as the provision of affordable housing has been given weight in the planning balance within this recommendation.
106. Policy ENV5 sets out that in areas of open space deficiency (identified in the Planning Obligations SPD or equivalent) schemes between 11 and 19 dwellings will be required to make a financial contribution towards the improvement of off-site green infrastructure in the local area, calculated using the referenced formula. This should be equivalent to the additional need generated by the development and where this would deliver greater benefits to the wider community than on-site provision. The site is near North Park and well served by amenity open space which is of a good quality. It is therefore considered that a contribution towards open space provision is not required on this occasion.
107. The above were considered with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

i) Other matters

108. The site is 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 and should be considered. Given the size of the site and location within the main urban area extraction is unlikely to be appropriate. Extraction prior to development would also potentially result in the site being unsuitable for residential. Much of the southwestern part of the borough is covered by this designation and therefore a significant area would remain.

THE PUBLIC SECTOR EQUALITY DUTY

109. 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

110. In summary, the principle of development of this site is acceptable in this location. The proposed development complies with the relevant policies in the development plan and has an acceptable impact on heritage assets with the loss of this non-designated heritage asset outweighed by the provision of affordable housing in the local area. 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.

RECOMMENDATION

THE DIRECT OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITHIN SIX MONTHS TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

- i) Highways contribution (improvements to pedestrian infrastructure in Eldon Street) £6000 (to be costed)
- ii) Sustainable transport contribution in line with the SPD. This will be based on £500 per 2 bedroomed dwelling, £750 per 3 bedroomed dwelling.

*Triggers for payment to be agreed.

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.

GENERAL

1. A3 (Standard 3-year time limit)

APPROVED PLANS

2. PL (Accordance with Plans)

Site location Plan

4017-HMH-DD-2B4P-DR-A-1010-P02_2B4PHOUSE Revised 2B4P House Plan

4017-HMH-DD-3B5P-DR-A-1020-P02_3B5PHOUSE Revised 3B5P House Plan

4017-HMH-DD-SBXX-DR-A-1041-P04_Rear Elevation Street scene

4017-HMH-DD-SPXX-DR-A-1001-P07_ Revised Proposed site plan

4017-HMH-DD_B1XX-DR-A-1040-P06 Revised Street elevations and block plan

MATERIALS

3. B4 External Materials

AFFORDABLE HOUSING

4. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - a) the numbers, type, and tenure of the affordable housing provision to be made.
 - b) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – The provision of affordable housing within the scheme was given significant weight in the planning balance. To comply with Council housing policy.

HERITAGE IMPACTS

5. The buildings 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 will be affected by the development.

NUTRIENT NEUTRALITY

6. 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

M4(2) STANDARD

7. The dwellings hereby approved shall fully meet building regulations category M4(2) adaptable and accessible dwelling standards.

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

EV CHARGING POINTS

8. Prior to the first occupation of the development hereby approved details of the type and location of an electrical socket suitable for charging electric vehicles for each property with a dedicated garage or parking space, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

LAND CONTAMINATION

9. Prior to the commencement of the development and any site investigation works, (excluding site preparation and demolition) or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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

10. Prior to the commencement of each phase of the development (excluding site preparation and demolition) or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and

Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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

11. Prior to the commencement of the development (excluding site preparation and demolition) or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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

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

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

13. The Phase 3 Remediation and Verification works shall be conducted, supervised, and documented by a "suitably competent person(s)" and in accordance with the agreed

Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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

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

CONSTRUCTION IMPACTS

14. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following, unless the Local Planning Authority dispenses with any requirements specifically and in writing:
 - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
 - c) Construction Traffic Routes, including parking areas for staff and visitors.
 - d) Details of wheel washing.
 - e) Road Maintenance.
 - f) Warning signage.

- g) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

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

- 15. 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.

HIGHWAYS

- 16. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme of delivery.

REASON - To secure an appropriate form of vehicular and pedestrian access is constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

- 17. No part of the development to which this permission relates must be brought into use until offsite access works are completed and any internal 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.

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

- 18. No part of the development shall be brought into use until the access, parking, maneuvering, and turning areas for all users within the development, 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 retained for their intended purpose at all times.

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.

TRANSPORT POLICY

19. Prior to the first occupation of the development hereby approved, details of secure cycle parking shall be submitted to, and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the agreed details prior to the occupation of the dwellings and shall be retained as such thereafter.

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

FLOODING AND DRAINAGE

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

- Detailed design of the surface water management system.
- A build program and timetable for the provision of the critical surface water drainage infrastructure.
- A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- A Section 104 adoption agreement entered into before construction.
- Amended Flood Risk Assessment (FRA) & Drainage Strategy

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with Policy DC2 of the Darlington Borough Local Plan 2016-2036 and the National Planning Policy Framework 2021.

21. The development permitted by this planning permission shall only be carried out in accordance with an amended and approved Flood Risk Assessment (FRA) & Drainage Strategy and the following mitigation measures detailed within the FRA.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site or alterations or removal

of the permeable block paving shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - The plots contain critical elements of surface water attenuation structures beneath ground. The surface finish proposal above attenuation is "permeable block paving" which is integral to the long-term drainage strategy.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site or alterations or removal of the permeable block paving shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - The plots contain critical elements of surface water attenuation structures beneath ground. The surface finish proposal above attenuation is "permeable block paving" which is integral to the long-term drainage strategy.

23. 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.

24. 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 building.
- A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

LANDSCAPE AND MEANS OF ENCLOSURE

25. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing (excluding demolition and site access work) and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be

replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area and to achieve Biodiversity Net Gain.

26. The boundary treatment for each dwelling as specified on the submitted drawing (4017-HMH-DD-SPXX-DR-A-1001-P07_) shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity

ECOLOGY

27. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Appraisal (Land off Eldon Street, Darlington, OS Ecology, May 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

INFORMATIVES

Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission, other permissions may be required from Darlington Borough Council acting as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; permissions through New Roads and Street works Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place prior to commencement of works.

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 184/278 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.

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.

Local Lead Flood Authority

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. Sufficient storage within the system to accommodate a 1 in 30-year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval.

The developer will need to provide a detailed program including timetable for the construction of the main surface water drainage infrastructure.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore, new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations.

1. 1 in 30-year event.
 2. 1 in 100 years plus 20% climate change.
 3. 1 in 100 years plus 40% climate change.
- Drainage systems can be designed to include a 20% allowance for climate change.
 - A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to people/property/critical infrastructure/third parties elsewhere.
 - If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.
 - The Councils flood risk team are not aware of any previous flooding of the site; however, this does not mean that the site has never been subject to previous flooding.
 - Sewers for Adoption has been replaced by “Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England (“the Code”) (DCG) Version 2.1 25 May 2021.