

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4th September 2024

APPLICATION REF. NO: 22/00190/FUL

STATUTORY DECISION DATE: 11th September 2024

WARD/PARISH: Hummersknott

LOCATION: 85 Carmel Road North

DESCRIPTION: Demolition of existing bungalow and garage, erection of 5 no. residential dwellings with private amenity space, access including alterations to front boundary, replacement fencing and wall to west and south boundaries, landscaping and associated works (amended plans received 2nd and 5th October 2023; Amended reports, additional plan, Nutrient Calculator and Provisional Nutrient Certificate received 22 February 2024; Biodiversity Net Gain reports and Ecology Reports received 22 April 2024 and 3 May 2024; Drainage information received 23 May 2024; Amended Biodiversity Management Plan received 9 August 2024; amended site layout plan received 12 August 2024)

APPLICANT: Mr Stainsby

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R7RKICFPLMU00>

APPLICATION AND SITE DESCRIPTION

1. The planning application site is located on Carmel Road North and comprises a bungalow and detached garage with associated garden space to the front and rear, all set behind a 2m high brick wall and recessed gate on the Carmel Road frontage.
2. The site is within a residential area with St Clare's Abbey (Grade II and II* listed and which has been converted into residential units, known as St Clare's Court) located to the north and further dwellings to the south on Hummersknott Avenue and The Headlands. The grounds of Carmel College are located to the west and further residential properties and Abbey Junior School are to the east and south east respectively. Danesmoor, which is a Day Nursery, is a Grade II listed building on the opposite side of Carmel Road North.
3. There are trees within and on the edge of the site which are covered by tree preservation orders dated 1951, 1962 and 1985. As well as the 2m high wall on the Carmel Road North frontage there is a 2.8m high brick wall on the northern boundary, a variety of timber fences along the southern boundary and a metal fence on the western boundary.
4. Planning permission is sought to demolish the existing bungalow and garage, which is of no particular architectural merit and to redevelop the site for residential purposes. The scheme originally consisted of nine dwellings but following comments made by the Council's Highways Engineer (see paragraph 21) the number of dwellings has been reduced to five. Due to the nature and shape of the site, the proposal is a linear development with a single road and footway running through providing access for the dwellings. Four of the dwellings are located to the south of the access road with the fifth dwelling being located at the head of the development. The dwellings to the south of the access road are two storeys with the fifth dwelling being 2.5 storeys and each dwelling has a double garage.

MAIN PLANNING ISSUES

5. The main planning issues for consideration are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Highway Safety and Parking Matters
 - c) Impact on Heritage Assets
 - d) Impact on the General Street Scene
 - e) Residential Amenity
 - f) Flood Risk and Drainage
 - g) Land Contamination
 - h) Biodiversity Net Gain
 - i) Trees and Landscaping
 - j) Nutrient Neutrality

PLANNING POLICIES

6. The relevant local development plan policies are as follows:

Darlington Local Plan 2016 - 2036

- 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
- H3: Development Limits
- H4: Housing Mix
- H8: Housing Intensification
- ENV1: Protecting, Enhancing & Promoting Darlington's Historic Environment
- ENV3: Local Landscape Character
- ENV4: Green and Blue Infrastructure
- ENV7: Biodiversity and Geodiversity and Development
- ENV8: Assessing a Development's Impact on Biodiversity
- IN1: Delivering a Sustainable Transport Network
- IN2: Improving Access and Accessibility
- IN4: Parking Provision including Electric Vehicle Charging
- IN6: Utilities Infrastructure
- IN8: Broadband Infrastructure

Other relevant Documents

- Supplementary Planning Document – Design of New Development (2011)
- National Planning Policy Framework 2023

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer, Environmental Health Officer, Senior Arboricultural Officer, Ecology Officer have raised no objections to the principle of the planning application subject to the imposition of recommended planning conditions.
8. The Lead Local Flood Authority and Northumbrian Water have raised no objections to the planning application.
9. Northern Gas Networks have raised no objections.
10. Natural England have raised no objections.
11. The Archaeology Team from Durham County Council have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

12. A total of twelve objections were received based on the original development proposals to redevelop the site with nine dwellings.

13. Following the submission of amended plans in October 2023, which reduced the number of dwellings within the development from nine to five, seventeen objections have been received. The comments can be summarised as follows:

- *An additional junction will be dangerous due to significant number of children crossing the road at school times.*
- *An additional junction will result in an increase in traffic generation (residents, visitors, deliveries) onto a very busy road.*
- *The development will lead to an increase in noise and disturbance for properties on Hummersknott Avenue*
- *There will be a loss of privacy.*
- *The entrance does not meet the minimum requirements for distance between junctions.*
- *Inadequate space within the plot to service a two lane road.*
- *The entrance will be close to two other existing road junctions.*
- *The development will lead to an increase in pollution.*
- *Very concerned over the drainage for the site development*
- *The existing site is boggy and retains water and the development could lead to flooding of properties on Hummersknott Avenue*
- *The development will lead to an increase in noise from future occupants of the development.*
- *Concerns over the erection of fencing and wall on the south boundary in terms of outlook , the position of the structures and ownership of existing fencing*
- *Trees will be impacted upon by the development.*
- *Outlook from existing dwellings will be impacted.*
- *Layout and density of the development is overcrowded.*
- *Adverse impact on wildlife*
- *New entrance will be hazardous for pedestrians and joggers.*
- *Increase noise onto No 145 Hummersknott Avenue from use of turning head and footpath.*
- *We would like some assurance of any measures to reduce noise and dust throughout any demolition and construction phase.*
- *The entrance will be on a hill leading to highway safety concerns.*
- *Any walls and fences need to be constructed to allow the egress of surface water.*
- *Existing junctions are already problematic, and the proposal will exacerbate the issue.*
- *No environmental justification for demolishing an existing house and building five more.*
- *There is no biodiversity net gain for the development.*
- *Inadequate visibility splays*
- *Street lighting will cause light pollution.*
- *There is no affordable housing within the development.*
- *Concern over the impact on trees over the position of fencing*

14. Comments have also been made with regard to there being a covenant on the site to prevent building on the land. Members are advised that the presence of a restrictive covenant is not a consideration material to the grant of planning permission. The planning authority should not take the covenant into account or seek to analyse the covenant's true meaning and legal effect.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

15. 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 (2023) supports the plan led system providing that planning decisions should be "genuinely plan-led" (NPPF para 15).
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. The proposed development would constitute a small, windfall development which would make a contribution towards the achievement of the housing requirement.
17. The site is located within the development limits of the main urban area; therefore, the proposal accords with policy H3 of the Local Plan. The principle of redeveloping the site residential purposes can be supported in general policy terms subject to compliance with other relevant national and local policies.
18. The proposed development would be situated on land that is currently the garden of No 85 Carmel Road North. As the existing dwelling is also to be demolished, there is an argument that the proposal is not a form of backland development, however, Policy H8 of the Local Plan does state that a limited scale of backland or garden development may be acceptable providing it does not have a significant adverse impact upon the following, which will be considered as part of this Report along with all other material planning considerations:
 - a) Rear garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats.
 - b) The privacy of existing homes and gardens of neighbours or occupiers of the new development.
 - c) Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours.
 - d) Existing trees, shrubs, and other wildlife habitats.
19. It is noted that a comment has been made with regard to the development not including any affordable housing. Policy H5 of the Local Plan states that developments of less than 10 dwellings will not be required to make an affordable housing contribution.

b) Highway Safety and Parking Matters

20. A development proposal for five dwellings falls well below the threshold to require a formal transport assessment (typically 50 dwellings units or 30 two-way trips in the peak hour). It is therefore considered that the traffic generation from the proposal can be accepted on the highway network without further assessment of capacity or offsite mitigation works. The site is in a sustainable location with good walking and cycling links to existing infrastructure, including the nearest bus stops which are within 200m walking distance which accords with the requirements of Policy IN2 of the Local Plan.
21. The site is to be accessed directly via Carmel Road North (B6280) which as a key route forming part of the strategic highway network (SRN). It was considered by Officers that the original development proposal for nine dwellings could not be supported on highway grounds, as the highway Authority does not wish to permit the indiscriminate introduction of new junctions on the strategic highway network [SRN] as a matter of good network management practice and accepted junction spacing standards could not be met owing to close proximity of nearby junctions.
22. Camel Road North is designated as a classified road (B6280). Current design guide standards advise that junction spacing for such a category of road should be 90m adjacent and 60m for opposite junctions. Spacing with Hummersknot Avenue and Abbey Road falls short of both these requirements and as such a new junction was not permitted whereby it would be required to meet all current adoptable highway standards including junction spacing.
23. However, residential developments which do not exceed 5 dwellings may be accessed via a standard dropped kerb type access rather than a properly formed junction, and then served internally via a private shared drive. This arrangement has been agreed with the applicant, in order to be able to bring redevelopment of the site forward after significant negotiation over highway standards.
24. The precise details of the access arrangements, including visibility splays, can be secured by the imposition of an appropriate planning condition.
25. The development would be served via a 4.8m wide bitmac private estate road with a 2.0m footway to provide a safe means of pedestrian access. Whilst a 4.8m wide carriageway is below the minimum carriageway width of 5.5m, it is a recognised national design standard included within Manual for Streets (MfS) and is therefore considered a safe and suitable standard for a private development, where the local highway authority does not require developments of up to and including 5 dwellings, to be served via an adopted highway.
26. A planning condition will be required to secure appropriate locations for bin stores to ensure waste can be collected from the kerbside rather than from within the site.
27. The development fully meets and exceeds minimum parking standards within the Tees Valley Design Guide due to the provision of garages and driveway spaces. The garages would also provide adequate cycle storage. Any risk of overspill parking onto Carmel

Road North is therefore considered to be suitably addressed. The garages would each include an electric socket for the charging of an electric vehicle.

28. The amended development is considered to be acceptable on highway safety grounds following the submission of plans which have reduced the number of dwellings from nine to five where traffic generation is likely to be 3-4 two-way trips in am/pm peak hours, or just 1 additional vehicle movement every 15-20 minutes. It would therefore be difficult to recommend refusal based on traffic impact or highway safety.
29. A review of the most recent 5-year period of data, shows that Just 3 'minor' personal injury collisions have been recorded along the full length of Carmel Road North, all at separate locations. As such there is no evidence to suggest any inherent road safety concerns or pattern of incident which would be made worse by a development of such small scale.
30. The proposed development, subject to the imposition of appropriate planning conditions, will be acceptable in terms of highway safety and vehicle and cycle parking provision in accordance with policies DC1, H8, IN2 and IN4 of the Local Plan.

c) Impact on Heritage Assets

31. A Heritage Impact Assessment submitted in support of the planning application confirms that there are three designated heritage assets within close proximity of the site which include grade II and II* Listed Buildings; St Clare's Abbey and associated structures and boundary wall, St Clare's Abbey Chapel and Danesmoor. The area is not a designated Conservation Area, and no further designations are identified.
32. The northern wall of the application site is the boundary with St Clare's Abbey. The wall is part of the listed building and is approximately 2.8m high. The application site has historically formed a buffer zone between development and public view and the private functions of the Abbey. This was considerably dissolved in the 1970s when the application site was developed for a private dwelling (the existing bungalow) with large garden. Whilst discreet in its nature, this brought increased activity closer to the Abbey grounds. Recent conversion of the Abbey to dwellings and the subsequent approval of a football pitch and horse menage within its curtilage have eradicated the sense of tranquillity experienced at the former Abbey.
33. The linear development has been designed to ensure that the proposed dwellings are primarily located closer to the southern boundary of the application site, away from the northern boundary wall, and the reduction in the number of dwellings has a positive impact in heritage terms. The Abbey building is approximately 80m from the proposed dwellings and the northern boundary wall and garden buildings with the grounds of the Abbey would be unaffected by the proposed development. The layout of the development will ensure that there would still be views across the Abbey site from outside its curtilage.

34. It is considered that the proposed development will not have an adverse impact upon the setting of the Abbey. Danesmoor is separated from the application site by Carmel Road North and its setting would remain unaffected by the proposed development.
35. The Archaeology Team from Durham County Council have advised that having considered the nature of the development and the previous uses of the site, there are no objections from an archaeological point of view.
36. Overall, the significance and settings of the heritage assets would be sustained, and the development proposals would accord with policy ENV1 of the Local Plan and the National Planning Policy Framework 2023.

d) Impact on the General Street Scene

37. The existing property is a single storey bungalow with a detached garage to the rear. The front of the site, between the bungalow and the existing two metre high wall is a hardstanding area used for the parking of vehicles. To the rear of the bungalow there is an extensive garden.
38. The proposal involves a linear form of development within the site with a single internal road and footway giving access to five dwellings. Four of the dwellings would be located on the south side of the access road with the dwelling on Plot 1 orientated to face onto Carmel Road North. The dwelling on Plot 5 is orientated to face east at the head of the development. Each dwelling will have a double garage attached to the side apart from the dwelling on Plot 1 where the garage is detached and positioned in front but to the side of that dwelling. A 1.8m high boundary wall would run from the garage on Plot 1 to the internal highway edge to create some private amenity space for the dwelling on Plot No 1 and to create an entrance into the site. The area between this wall and the footway on Carmel Road North would be an open landscaped area.
39. Close boarded fencing (1.8m high) would be erected along the majority of the south boundary of the site but there would be a section of 1.8m high boundary wall on the south and west boundaries around turning head and the dwelling on Plot 5. The dwellings would have open fronted gardens apart from the dwelling on Plot 5 which would have a 1.2m high wall and gate to the front. The existing wall on the northern boundary would remain unchanged. A planning conditions have been recommended to secure appropriate materials for the boundary walls.
40. The dwellings on Plots 1 to 4 are two storey, 5 bed properties with a front gable projection on the left hand side and a central, recessed entrance. The dwellings have a dual pitched roof, and they would be constructed from red brick, UPVC grey composite windows with a slate roof.
41. The dwelling on Plot 5 is a 2.5 storey dwelling with four bedrooms on the first floor and a fifth bedroom and bathroom within the roof space. This dwelling would have a front gable projection on both the left and right hand side of a recessed entrance. To the rear there would be a single storey extension and two dormer extensions within the roof

slope. A balustrade would be placed across two first floor rear windows above the single storey extension. This dwelling would also have a dual pitched roof and be constructed from red brick, UPVC grey composite windows with a slate roof.

42. Notwithstanding St Clare's Abbey, the dwellings in the local area are primarily two storey dwellings with open front gardens and private amenity space to the rear. Spruce Grove opposite the site is a three storey development and No 85 Carmel Road North, the application site, is a bungalow.
43. The application site is within Character Zone 4 (Outer Suburbs) of the Council's Supplementary Planning Document on Design for New Development. Under the provision of the SPD, developments comprising 2.5 storey buildings are generally considered to be acceptable within Character Zone 4. The SPD also advises that within this Zone, buildings can be detached, set within its own grounds and design features such as dormers and gables are acceptable. Brick and slate are appropriate examples of external material.
44. It is clear that the proposed development would generally accord with the guidance contained within the Design SPD, which is a document that Policy DC1 of the Local Plan states development must have regard to.
45. The proposed development would result in an improved street frontage onto Carmel Road North which currently comprises a bungalow set behind a high brick wall. The open area to the front at the access point would add a green edge to the site and street which would continue along the northern edge of the internal road.
46. The existing garden is not visible from any public vantage points, and it is a private, enclosed, domestic garden. The loss of the garden for residential purposes would not have an adverse impact on the character and appearance of the area and other extensive, private greenspaces remain in the area, for example the grounds of St Clare's Abbey and Carmel College playing fields.
47. The proposal would reflect the local environment, creating an individual sense of place and it responds positively to the local context in terms of scale, form, height, materials (which will be secured by a planning condition) and the development would accord with Policy DC1 and H8 of the Local Plan in this regard.

e) Residential Amenity

48. The guidance within the Council's Design SPD states that there needs to be a minimum of 21m between habitable rooms in two storey developments and 12.5m between habitable room and non habitable room.
49. The proximity distance between the rear elevations of the proposed dwellings on Plots 2, 3 and 4 and the existing dwellings to the south on Hummersknott Avenue ranges between 27m to 29m which exceeds the guidance within the Design SPD. The St Clare's

Abbey building to the north of the site is approximately 80m from the proposed dwellings.

50. The dwellings on Plots 1 and 5 are orientated to be east facing, resulting in their side elevations facing the dwellings on Hummersknott Avenue. The proposed dwellings are approximately 30m and 39m from the neighbouring properties which exceeds the guidance in the Design SPD for habitable to non habitable rooms.
51. No 83 Carmel Road North is a detached dwelling to the south east of the dwelling on Plot 1. The proposed dwelling on Plot 1 is located to the rear of No 83 Carmel Road North and so there will be some views from the front windows of the new dwelling across this neighbouring property. However, any views will be indirect and would not be so adverse to justify a refusal reason on such grounds.
52. The dwelling on Plot 5 includes a single storey rear extension with two glass balustrades across first floor windows. The balustrades are for safety purposes rather than for the creation of an external seating area and therefore the amenities of the neighbouring dwellings should not be adversely affected by these features. However, a planning condition has been imposed to prevent the single storey extension from being used as a balcony area, without having to first apply for planning permission.
53. The proposed development primarily complies with the proximity distance guidance set out in the Design SPD and so the development should not lead to unacceptable privacy levels and any impacts on No 83 Carmel Road North by the dwelling on Plot 1 would not justify a reason to refuse the planning application on such grounds.
54. The site would be enclosed on the south and western boundaries by walls and fencing which are 1.8m high. The 2.8m high wall on the northern boundary will remain unchanged. There are also some trees and hedging on the south boundary which will provide some screening of the dwellings. The outlook from the dwellings on Hummersknott Avenue will undoubtedly alter as a result of the development, however, the planning system is not necessarily intended to protect an outlook that a resident may enjoy at a particular point in time but to maintain an outlook that meets or maintains an acceptable standard of amenity. Due to the separation distances between dwellings, the boundary treatments and the scale and height of the dwellings, it is considered that the development will not have an overbearing and dominant impact when viewed from the neighbouring properties and their gardens. As the dwellings are detached, rather than semi detached or terraced, acceptable views and levels of sunlight across the site and from between the proposed dwellings would be maintained.
55. With regard to the erection of new fencing, it is important to acknowledge that the applicant could erect new fencing and walls along the rear boundaries of the site without having to apply for planning permission provided that they do not exceed 2m in height. The proposed walls and fencing on the south and west boundaries are slightly below this limit (1.8m). The Local Planning Authority would not have any records as to the ownership of the existing fences, however, if they are not within the ownership of

the applicant, they cannot be removed without the owner's consent and any new fencing and walls will have to be positioned alongside the existing fences.

56. A planning condition has been recommended to secure the submission of finished floor levels of the proposed dwellings to ensure that the local planning authority can assess the impact of any increases in ground levels between existing and proposed dwellings, if such works are to take place.
57. The proposed layout includes a turning area and footway at the western end of the site, to the front of the dwelling on Plot 5 and to the north of Nos 145 and 147 Hummersknott Avenue. These neighbouring properties to the south of the site and possibly the occupants of St Clare's Abbey will experience traffic noise associated with the proposed development due to the presence of the road. The submitted plans show that a 1.8m high wall will be erected adjacent to turning head, which along with the existing 2.8m high wall to the north will provide an element of noise mitigation to reduce adverse effects to these neighbouring properties. Furthermore it is considered that the extent of traffic movements that would be generated by the development would not result in noise which would lead to a material detrimental impact on the general amenity of the local community.
58. The site is currently a domestic garden and whilst the number of dwellings and occupants will increase, the general noise that may be associated with the new development would also not be sufficiently adverse to justify a reason to refuse the planning application.
59. The proposal does not include details of any street lighting and as the internal road and footway would not be adopted, the local highway authority would not install such features. However, a planning condition has been recommended for external lighting details should they be proposed.
60. In terms of safeguarding the future occupants of the dwelling from external noise sources, it was agreed with Environmental Health that a Noise Assessment was not required in support of the planning application but noise mitigation measures would be required for any dwelling with a direct line of sight onto Carmel Road North to protect it from road traffic noise. As a result, a planning condition has been recommended to secure appropriate mitigation measures for the dwelling on Plot 1 of the development.
61. The dwellings on Plots 2, 3 and 4 are oriented so that the gable ends face onto the road, and while the dwelling on Plot 5 does face the road it is the furthest into the site and will not require any specific mitigation to protect against road traffic noise.
62. A further planning condition has been recommended to ensure that fencing around the amenity space of the dwelling on Plot 1 is constructed in a manner which will protect the occupants from road traffic noise.

63. Planning conditions to secure the submission of a Construction Management Plan and control the hours of demolition, deliveries and construction have been recommended.
64. It is considered that the proposed development, subject to planning conditions, would be acceptable in residential amenity terms and would comply with policies H8, DC3 and DC4 of the Local Plan.

f) Flood Risk and Drainage

65. The application site is entirely within Flood Zone 1 with a low flood risk (Policy DC2 of the Local Plan). A Flood Risk Assessment (FRA) has been submitted in support of the planning application, along with a Drainage Strategy.
66. The FRA highlights that the site is within an area considered to be at very low risk of surface water flooding but within the site boundary there are some medium and high risk areas towards the western portion of the site, which confirms comments made by local residents with regard to an area of the site which retains surface water.
67. As the proposal is not a “Major Development”, a scheme of this scale would normally fall outside of the remit of the Lead Local Flood Authority (LLFA) as a consultee. However, due to the comments that have been made by residents, the LLFA were asked to comment on the proposal and they have advised that whilst noting that there is an area of existing flood risk on the site as a result of surface water flooding, the FRA states *During preliminary levels design, the floodpath shown to the west side of the development has been maintained by designing levels as close to existing as possible. Finished floor levels of the proposed dwellings have been raised above the depth of any potential flooding. The road will also be drained through gullies and drives will have permeable paving, alleviating potential flood risk.*
68. The LLFA has advised that this will address flood risk to the new properties and furthermore, as the proposed development will have positively drained road, property drives and hardstanding, this will address the water that can currently collect and pond on the site. The LLFA have no objection to proposals in principle in respect of surface water management.
69. Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. They do not offer comment on aspects of planning applications that are outside of their area of control. Having considered the application and supporting information, Northumbrian Water have raised no objections to the planning application subject to a planning condition being imposed to ensure the development is carried out in accordance with the Flood Risk Assessment.
70. Subject to the imposition of an appropriate planning condition, the proposed development would accord with policy DC2 of the Local Plan in this regard.

g) Land Contamination

71. A Geol Consultants Ltd 'Phase 1 Preliminary Contamination Risk Assessment has been submitted in support of the planning application. The OS mapping indicates the site has been agricultural land since the earliest published mapping in 1856, until 1970 when it became residential land-use. A parcel of marshland and woodland has historically been recorded on the site since 1856, and was later replaced by woodland in 1915, in turn replaced by a pond / marsh by 1939, with the pond no longer recorded by 1964. The Landmark Information Group, Envirocheck Report records 1 no. area of potentially infilled land (water) within the site boundary, which relates to an unknown filled ground feature (pond, marsh, river, stream, dock), mapped in 1954, which correlates with the OS mapping as being a historical pond / marsh. Topsoil and localised made ground are expected to be present over the site area. A conceptual model identifying possible pollutant linkages has been developed for the site and although assessed as low risk further site investigation works including ground gas monitoring is recommended. Appropriate planning conditions relating to land contamination have been recommended by the Council's Environmental Health Officer. The development would accord with Policy DC1 of the Local Plan in this regard.

h) Ecology and Biodiversity Net Gain

72. The planning application has been supported by a Preliminary Ecological Appraisal and Roost Assessment (2024) which concludes that there was no evidence of protected species found on site during the site survey, and there was extremely limited potential for protected species to be using the site. Therefore, no further surveys have been recommended. Precautionary measures of working have been made to reduce the risk of harm to protected species that could be present on site e.g., amphibians, terrestrial mammals, and nesting birds. The development would accord with policy H8 in this regard.

73. The planning application has been supported by a Biodiversity Net Gain Metric which shows that the proposed landscaping scheme would result in -0.75 % net gain in habitat units and a 71.25% increase net gain in hedgerow units. This recommended landscaping meets the requirements set out in Policies ENV7 and ENV8 of the Local Plan for achieving a biodiversity net gain.

74. A Biodiversity Net Gain Management Plan (BNGMP) has also been submitted which meets the requirement to submit a Habitat Management and Monitoring Plan (HMMP). Appendix 3 of the BNGMP shows the recommended landscaping plan as input into the BNG Metric and the Council's Ecology Officer has advised that the general management prescriptions are acceptable.

75. Appropriate planning conditions have been recommended to ensure the Management Plan is fully implemented.

i) Trees and Landscaping

76. There are trees within and on the edge of the site which are covered by tree preservation orders dated 1951, 1962 and 1985. The planning application has been

supported by Tree Survey which surveyed a total of 18No. individual trees, 5No. groups of trees and 7No. hedges.

77. The trees and hedges that were surveyed have been categorised as being Category B (moderate) or Category C (low quality) specimens.
78. An Arboricultural Method Statement (AMS) has also been submitted in support of the planning application which states that in order to facilitate the proposed development, part of a Leyland cypress hedge to the front of the site and located on the south boundary with No 83 Carmel Road North would need to be removed and a group of fruit trees on the northern boundary of the site would need to be removed. None of the trees to be removed are part of any tree preservation order.
79. The AMS identifies where fencing and garages would encroach into the root protection areas of the retained trees along with confirmation of how such works will be carried out without impacting the trees, for example, fence posts are to be located so they will not damage or require removal of tree roots and garage foundations will be laid under direct on site arboricultural supervision. The AMS also includes tree protection measures for the retained trees. The Councils Senior Arboricultural Officer has raised no objections to the proposals and the development would accord with Policies H8 and ENV4 of the Local Plan.
80. As part of the achieving a biodiversity net gain for the site (see Paragraph 73) a landscaping scheme has been recommended which will include tree planting, grassland and hedgerow planting to the front of the site and also alongside the internal road. The landscaping would be maintained by a private management company. A planning condition has been recommended to secure the submission of the landscaping scheme and the development would accord with Policies, H8 and ENV4 and DC1 of the Local Plan in this regard.

j) Nutrient Neutrality

81. 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. 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.
82. 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.

83. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) 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
84. 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 Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
85. The information required to enable the Local Planning Authority to undertake the screening assessment and where necessary, appropriate assessment, is provided by the submitted Nutrient Budget Calculator, Habitat Regulations Assessment and Provisional Nutrient Credit Certificate. This information 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. The submitted nutrient budget calculator 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.
86. The applicant has used Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget for the proposal. The assumptions and inputs used by the applicant within this calculator are satisfactory and are an accurate reflection of the site and its location.
87. This proposal for five dwellings would increase the total annual nitrogen load arising by 7.81kg per year. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 7.81 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 7.81kg that needs to be mitigated.
88. 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 has been submitted. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place. Subject to such a condition, the Local Planning

Authority as the Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

89. 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 the condition as set out above.
90. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they have raised no objections subject to the imposition of the planning condition set out above.

THE PUBLIC SECTOR EQUALITY DUTY

91. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The dwellings would be constructed to meet Category 2 of the Building Regulations (accessible and adaptable dwellings) (Policy H4 of the Local Plan).

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

92. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

93. The application site is within the development limits for the urban area and therefore the principle of redeveloping the site for residential purposes can be supported in general planning policy terms subject to compliance with all other applicable local and national policies.
94. The number of dwellings has been reduced from nine to five properties following highway safety concerns and subject to planning conditions relating to securing a suitably designed access in the form of a dropped crossing, there are, in principle, no highway objections to the amended scheme.
95. The development conforms with the guidance within the Council's adopted Design SPD and will not have an adverse impact on the visual appearance of the local area and the significance of the neighbouring heritage assets would be sustained.

96. Subject to the imposition of appropriate planning conditions, the proposed development would not have an adverse impact on the amenities of the local community.
97. Flood risk has been mitigated by an acceptable drainage strategy and a net gain in biodiversity has been achieved through on site landscaping which would be managed in accordance with national guidance. The scheme has achieved nutrient neutrality by the purchasing of nutrient credits.
98. The proposed development is considered to be consistent with national and local development plan policy.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING PLANNING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - a) Drawing Number 313 SArch S3 XX DR A 1009 MU Site Plan As Proposed
 - b) Drawing Number 313 SArch S3 XX DR A 1050 P01 Autotracking and Visibility Splay
 - c) Drawing Number 313 SArch S3 XX DR A 1020 P02 Entrance Boundary
 - d) Drawing Number 313 SArch S3 XX DR A 3000 P05 House Type A Proposed Elevations
 - e) Drawing Number 313 SArch DG XX DR A 3000 P02 Proposed Double Garage Elevations
 - f) Drawing Number 313 - SArch - DG - ZZ - DR - A - 2000 - P02 Proposed Double Garage Plans
 - g) Drawing Number 313 - SArch - S3 - 00 - DR - A - 1010 - P05 Proposed Boundaries
 - h) Drawing Number 313 - SArch - S3 - XX - DR - A - 3001 - P05 House Type B - 5 Bed Proposed Elevations
 - i) Drawing Number 313 - SArch - S3 - ZZ - DR - A - 2000 - P06 House Type A - 5 Bed - Proposed Plans
 - j) Drawing Number 313 - SArch - S3 - ZZ - DR - A - 2001 - P05 House Type B - 5 Bed Proposed Plans

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

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

the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

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

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

REASON – In the interests of highway safety and residential amenity

4. 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 residential amenity

5. Prior to the commencement of the development, precise details of the access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The access shall take the form of a dropped crossing limited to a maximum width of 5.5m; with appropriate tactile paving and visibility splays of between a minimum of 4.3 x 2.4m and a maximum of 7.0m x 2.4m or as close as is deliverable within the constraints of the site. The development shall not be carried out otherwise than in complete accordance with the approved details and the access shall be completed and in place prior to the first occupation of the development.

REASON – In the interests of highway safety

6. Prior to the commencement of the development, precise details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local

planning authority. The development shall be carried out in accordance with the approved levels.

REASON: In the interests of residential amenity and visual appearance of the surrounding area

7. Prior to the first occupation of the development hereby approved, 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

8. Notwithstanding any description of the external materials in the submitted application, and prior to any dwelling being built above damp proof course, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved, in writing, by the Local Planning Authority. The details shall include but not be limited to brickwork, roof tiles, windows, doors and the development shall not be carried out otherwise than in complete accordance with any such approved details.

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

9. Prior to any dwelling being built above damp proof course, details of landscaping shall be submitted to, and approved by, the Local Planning Authority prior to site clearance/demolition work commencing on site. Such landscaping shall be provided either within the first planting season after the completion of the development or any individual phase thereof or prior to the buildings being occupied and thereafter permanently maintained. Any trees, hedges or shrubs removed, dying, severely damaged or becoming seriously diseased within thirty years of planting shall be replaced by trees, hedges and shrubs of similar size and species to those originally approved and planted.

REASON - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

10. Prior to any dwelling being built above damp proof course, details of a bin store shall be submitted to, and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with any such approved details. The agreed bin store shall be in place prior to the first occupation of the dwellings and remain in situ for the lifetime of the development.

REASON – In the interests of the amenity of the area

11. Prior to the dwelling on Plot 1 being built above damp proof course, a scheme for protecting the dwelling on Plot 1 from excessive road traffic noise shall be submitted to,

for approval in writing by the Local Planning Authority. The scheme shall include details of the specification of the windows, glazing (Rw value) and means of ventilation (windows closed) to be installed and the development shall not be carried out otherwise than in complete accordance with the approved details. The agreed details shall be installed prior to the first occupation of the dwelling on Plot 1 and shall remain in situ for the lifetime of the development.

REASON – To safeguard the amenities of the future occupants of the dwelling.

12. The flat roof of the single storey extension to the rear of the dwelling on Plot 5 shall not be used as a roof terrace, garden or viewing area and no alteration shall be carried out to the main building giving access to that area without prior written permission of the Local Planning Authority to whom a planning application must be submitted

REASON - To enable the Local Planning Authority to assess any impacts on the amenity and privacy of nearby residents.

13. Prior to any dwelling being built above damp proof course, details of the materials for the proposed 1.8m and 1.2m high boundary walls shown on Drawing Number 313-SArch-S3-00-DR-A-1010-P05 shall be submitted to, and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with any such approved details.

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

14. Prior to the first occupation of the development a close boarded timber fence and/or wall 1.8 metres in height with a minimum surface density of 10kg/m² with no gaps in the structure and with the ground shall be installed in accordance with the submitted Boundary plan (Drawing No 313-SArch-S3-00-DR-A-1010-P05) and thereafter shall be retained and maintained for the duration of the development. No changes to the boundary treatment shall be made without the prior written approval of the Local Planning Authority

REASON – To safeguard the amenities of the future occupants of the development.

15. CL2 - Phase 2 Site Investigation Strategy
16. CL3 – Phase 2 Investigation Works
17. CL4 - Phase 3 Remediation and Verification Strategy
18. CL5 - Construction/Remediation works.
19. CL6 - Phase 4 Verification and Completion Report

20. The electric charging points shown on Drawing Numbers 313 SArch DG XX DR A 3000 P02 and 313 - SArch - DG - ZZ - DR - A - 2000 - P02 shall be a single phase 13 amp socket (minimum requirement) and shall be in place and available for use prior to the first occupation of each dwelling hereby approved. The electric vehicle charging point shall be retained in situ for the lifetime of the development.

REASON: In order to ensure the development complies with Policy IN4 of the Darlington Local Plan 2016 – 2036.

21. The cycle store shown on Drawing Number 313 - SArch - DG - ZZ - DR - A - 2000 - P02 shall be in place and available for use prior to the first occupation of each dwelling hereby approved. The cycle store shall be retained in situ for the lifetime of the development

REASON: In order to encourage the use of sustainable modes of transport

22. Development hereby approved shall not be carried out otherwise than in complete accordance with the drainage scheme contained within the submitted document entitled “Flood Risk Assessment” dated May 2024 and produced by CK21 Limited The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 3310 and ensure that surface water discharges to the surface water sewer at manhole 3302. The surface water discharge rate shall not exceed the available capacity of 2.9l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and Policy DC2 of the Local Plan.

23. The development hereby approved shall not be carried out otherwise than in complete accordance with the details contained within the document entitled “Arboricultural Method Statement to BS5837:2012” dated 11 February 2024 and produced by Arbtech Consulting Limited.

REASON – In the interests of the visual appearance of the site and local area.

24. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations contained within the document entitled “Preliminary Ecological Appraisal and Preliminary Roost Assessment ” dated April 2024 and produced by Arbtech Consulting Limited.

REASON; In the interests of habitat protection and the biodiversity of the site

25. In the event of the scheme involving any external lighting, details of the lighting scheme, including lighting contours and illuminance levels, shall be submitted to and approved in writing by the Local Planning Authority prior to any dwelling being built above damp proof course. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of amenity and biodiversity

26. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations contained within the document entitled “Biodiversity Net Gain Management Plan ” dated August 2024 and produced by Arbtech Consulting Limited.

REASON; In the interests of habitat protection and the biodiversity of the site

27. All boundary treatments shown on the approved plans shall be erected on all boundaries prior to the first occupation of the dwelling hereby approved.

REASON: In the interests of residential amenity

28. The dwellings hereby approved shall fully comply with Category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1(Access to and use of dwellings).

REASON: In order to comply with policy H4 (Housing Mix) of the Darlington Local Plan 2016 – 2036

29. If piled foundations are proposed, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

REASON - In the interests of amenity

INFORMATIVES

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.

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects to discuss the need for any agreements under Section 278 of the Highways Act 1980 to carry out any works within the highway.