

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 6 February 2008**

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<b>APPLICATION REF. NO:</b>	<b>07/01176/ADV</b>
<b>STATUTORY DECISION DATE:</b>	<b>27 January 2008</b>
<b>WARD/PARISH:</b>	<b>PARK EAST</b>
<b>LOCATION:</b>	<b>Clock Tower Lodge, South Park, Parkside, Darlington, DL1 5JS</b>
<b>DESCRIPTION:</b>	<b>Erection of flag pole (retrospective application) (Additional information received 8 January 2008) (Amended Description)</b>
<b>APPLICANT:</b>	<b>DIRECTOR OF CORPORATE SERVICES</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is the lodge building within the grounds of the South Park, close to its entrance from Parkside. The site lies within the Stanhope Road / Grange Road Conservation Area and the park is included within the Register of Parks and Gardens of Special Historic Interest, compiled by English Heritage, and is of town wide amenity and recreation value.

Planning consent is sought for the display of an advertisement in the form of a flag, affixed to the front gable element of the building by a flagstaff. The flagpole itself is a height of some 5m, fixed in an upright position by two brackets above the first floor window.

**PLANNING HISTORY**

None relevant

**PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are relevant:-

E9 – Protection of Parklands  
E39 – Advertisements in Built-up Areas.

**RESULTS OF CONSULTATION AND PUBLICITY**

No objections were received as a result of the neighbour consultation exercise.

The Council's Highways Officer has been consulted and has raised no objections to the advertisement.

The Council's Conservation Officer has been consulted and has raised no objections to the advertisement.

## **PLANNING ISSUES**

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

- Planning Policy
- Visual Amenity
- Impact on the character or appearance of the Stanhope Road / Grange Road Conservation Area and the Parkland
- Highway Issues

### **Planning Policy**

The Advertisement Regulations 2007 and PPG 19: Outdoor Advertisement Control (1992) make it clear that in determining an application for express consent to display an advertisement the Local Planning Authority shall have regard to the issues of amenity and public safety, taking account of any material factors. While development plan policies themselves can therefore be a material consideration in the determination of applications for advertisement consent, they cannot themselves be decisive.

Policy E39 (Advertisements in Built-up Areas) of the Borough of Darlington Local Plan 1997 permits advertisements where there would be no adverse effect on amenity or public safety. The policy goes on to clarify that decisions will be judged against the need for the scale, location and design of the advertisements, to respect the character, appearance and architectural details of the building, the need to safeguard local visual amenity, the need to preserve or enhance the distinctive character of Conservation Areas and the need to protect the amenity and appearance of residential areas and the villages.

Policy E9 (Protection of Parklands) of the Borough of Darlington Local Plan 1997 states that development affecting the parks or gardens of landscape or historic interest will not be permitted where it detracts from their character or appearance or prejudices the survival or reinstatement of historic features.

The proposal is considered to be acceptable in the context of the above issues. These matters will be considered in more detail in the following sections of this report.

### **Visual Amenity**

The flagstaff and flag is considered to be satisfactorily located on the building to the extent that it does not detract from its character or appearance, mask any architectural features or detract from the character or appearance of the surrounding area.

### **Impact on the character or appearance of the Stanhope Road / Grange Road Conservation Area and Parkland**

There is a general duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that in determining applications in Conservation Areas, regard is had to the desirability of preserving or enhancing the character or appearance of that area. It is considered that the flagstaff and flag advertisement preserves the character or appearance of the Conservation area, or at the very least has a neutral impact, thereby meeting the necessary tests established by case law.

The listed status of the park does not introduce any further level of planning control over development but, as with the Conservation Area status, PPG15: Planning and the Historic Environment (1994) requires Local Planning Authorities to consider the impact of development proposals will have on the park area. Given the comments above the officer view is that the flagstaff and flag advertisement will have a neutral impact on the character or appearance of the parkland.

### **Highway Issues**

The proposal is not considered to raise any issues in respect of public safety. The Highways Officer has been consulted on the proposal and has raised no objections.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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**

The proposed flag advertisement will have no significant impact on amenity and public safety and the proposal therefore complies with policy E39 (Advertisements In Built Up Areas) of the Borough of Darlington Local Plan 1997 and PPG19 Outdoor Advertisement Control (1992). The proposals would not have an adverse impact on the character or appearance of the Parkland. The development raises no crime prevention issues.

### **RECOMMENDATION**

IT IS THEREFORE RECOMMENDED THAT ADVERTISEMENT CONSENT BE GRANTED, SUBJECT TO THE FOLLOWING STANDARD CONDITIONS CONTAINED IN SCHEDULE 2 OF THE TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

- 1) AD1 – 5 Advertisements

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The proposed flag advertisement will have no significant impact on amenity and public safety and the proposal therefore complies with policy E39 (Advertisements In Built Up Areas) of the Borough of Darlington Local Plan 1997. The proposals would not have an adverse impact on the character or appearance of the Parkland. The development raises no crime prevention issues.