

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 August 2011**

**Page**

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<b>APPLICATION REF. NO:</b>	11/00415/FUL
<b>STATUTORY DECISION DATE:</b>	22 August 2011
<b>WARD/PARISH:</b>	WALWORTH
<b>LOCATION:</b>	Former Walled Garden, Walworth Road, Walworth
<b>DESCRIPTION:</b>	Insertion of gated access into existing stone boundary wall (as amended by plans received 18 July 2011)
<b>APPLICANT:</b>	Mr John Westmorland

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**APPLICATION AND SITE DESCRIPTION**

The application site measures approximately 0.18 hectares and it is a former orchard which was once part of the adjacent property known as Walworth Castle Gardens. The applicant has recently sold the Walworth Castle Gardens but retained the orchard area. The site is situated on the corner of Walworth Road and Archdeacon Lane and the boundary fronting these highways consist of a stone wall approximately 2.3 metres high. Walworth Castle Hotel lies to the south of the application site and two residential properties known as The Apple Barn and Walworth Castle Gardens lie to the east

The proposal involves the creation of an opening in the stone wall fronting Walworth Road, approximately 1 metre wide and the erection of a timber vertical boarded gate. The applicant has requested the insertion of this pedestrian entrance to allow him to maintain and repair the internal boundary walls of the site as he currently cannot gain access without having to obtain consent from the neighbouring landowners.

The boundary wall is curtilage listed and a separate application for listed building consent (reference number 11/00310/LBC) forms part of this Agenda.

Members need to be aware that work commenced on site and a section of the wall was removed but the outer leaf has subsequently been rebuilt following the conclusion reached by Officers that both listed building consent and planning permission was required for the works.

## **PLANNING HISTORY**

The application site is included within the wider planning history for the adjacent Walworth Castle Gardens when the site formed part of the curtilage for that property. There are no recent entries for any developments within this actual site.

## **PLANNING POLICY BACKGROUND**

The following policies are relevant:

### **Borough of Darlington Local Plan 1997**

Policy E2 – Development Limits

Policy E9 – Protection of Parklands

### **Darlington Core Strategy Development Plan Document 2011**

Policy CS14 - Promoting Local Character and Distinctiveness

## **RESULTS OF CONSULTATION AND PUBLICITY**

The consultation exercises for the application expire on 5 August 2011 and no objections have been received so far. However, any objections that are subsequently received will be mentioned verbally at the Planning Committee

The **Council's Highways Engineer** has raised no objections to the development

## **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposed works are acceptable in terms of

- Planning Policy
- Visual Appearance and Character of the Surrounding Area
- Highway Safety

### **Planning Policy**

The application site lies outside of the development limits for the Borough and it forms part of the wider Walworth Castle Parkland. Policy E9 (Protection of Parklands) of the Borough of Darlington Local Plan 1997 states that development affecting the designated Parklands will not be permitted where it detracts from their character or appearance or prejudices the survival or reinstatement of historic features.

The application site is also located within the largely agricultural Tees Lowland area as designated by the Darlington Core Strategy Development Plan Document 2011. Policy CS14 (Promoting Local Character and Distinctiveness) of the DPD seeks to protect the character of the landscape character of the Tees Lowland area.

### **Visual Appearance**

The existing wall is constructed from random stone with a coping stone on top. It forms part of a boundary treatment that runs along the length of the Walworth Road. There is a public footpath and grass verge which runs alongside the boundary wall.

The pedestrian access would be approximately one metre wide and a timber vertical boarded gate would be inserted into the opening. The opening would be sited approximately 52 metres to the south of the road junction between Walworth Road and Archdeacon Lane. The height of the gate would be in excess of 2 metres but still below the overall height of the boundary wall. The applicant has submitted amended plans which confirm that:

- The coping stones will overhang the entrance by 50mm
- The existing stone will be salvaged and rebuilt into the reveals
- Lime mortar will be used
- The gate would be a painted ledged framed and battened gate on crooks and bands
- The gate will be secured with a hasp and staple lock

The impact of the works upon the visual appearance and character of the listed buildings is discussed within the Officers report for listed building consent (11/00310/LBC) which also forms part of this Agenda. In general terms, it is considered that the creation of the access and the insertion of the gate would not have an adverse impact upon the visual appearance and character the surrounding area and it accords with the relevant development plan policies.

### **Highway Safety**

The Council's Highway Engineer has stated that as the proposal is for pedestrian access into the site only there are no highway objections to the proposed development. He has requested that a planning condition be imposed to prevent the gate from opening over the public highway

### **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 pedestrian gate would be inserted into a stone boundary wall of a site last used as an orchard to the adjoining property known as Walworth Castle Gardens. The application site is now within a different ownership to the Castle Gardens and the applicant has stated that the access is required to maintain the site and the boundary walls. It is considered that the access is acceptable in this location and would not raise any visual amenity or highway safety issues. The development would comply with the following policies within the development plan:

#### **Borough of Darlington Local Plan 1997**

Policy E2 – Development Limits

Policy E9 – Protection of Parklands

#### **Darlington Core Strategy Development Plan Document 2011**

Policy CS14 - Promoting Local Character and Distinctiveness

**RECOMMENDATION**

FOLLOWING THE EXPIRY OF THE COUNCIL'S CONSULTATION EXERCISES ON 5 AUGUST 2011 PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. Prior to the commencement of the development details of a colour scheme for the gate hereby approved shall be submitted to and agreed in writing by the Local Planning Authority and the development shall not be carried otherwise than in complete accordance with the approved details  
REASON: In the interest of the visual appearance of the development and the locality
3. The gate hereby approved shall open inwards and not outwards over the public highway  
REASON: In the interest of pedestrian safety
4. B5 – Detailed Drawings (Accordance with Plan)

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

The proposed pedestrian gate would be inserted into a stone boundary wall of a site last used as an orchard to the adjoining property known as Walworth Castle Gardens. The application site is now within a different ownership to the Castle Gardens and the applicant has stated that the access is required to maintain the site and the boundary walls. It is considered that the access is acceptable in this location and would not raise any visual amenity or highway safety issues. The development would comply with the following policies within the development plan:

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