

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 9 May 2012**

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<b>APPLICATION REF. NO:</b>	11/00121/FUL
<b>STATUTORY DECISION DATE:</b>	2 May 2012
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Former Walled Garden, Walworth Road, Walworth
<b>DESCRIPTION:</b>	Proposed creation of a vehicular access within the existing boundary wall and the erection of one holiday lodge (Additional Supporting Information received 23 March 2012)
<b>APPLICANT:</b>	Mr John Westmarland

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**APPLICATION AND SITE DESCRIPTION**

The application site lies on the corner of Walworth Road and Archdeacon Lane and it measures approximately 0.18 hectares. It is a former walled garden which was until recently part of the adjacent property known as Walworth Castle Gardens. Historically it has contained a fern house but it is now a cleared site enclosed by stone walls 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 a vehicular access within the existing stone boundary wall and the erection of a single storey three bedroomed holiday lodge building within the site.

Whilst the site contained an orchard and forms part of the designated Walworth Castle Parkland, the trees within the site have since been removed but these works did not require consent from the Local Planning Authority as the trees were not covered by a tree preservation order and the site is not within a conservation area.

Walworth Castle Hotel is a Grade I listed building. The garden walls, gate piers and greenhouse (Walworth Castle Garden) to the north of the Hotel are Grade II listed buildings and the aforementioned garden walls form the eastern boundary of the application site. The Lodge which is within the grounds of Walworth Castle Hotel and its linking walls and gate piers are also Grade II listed buildings. The stone boundary wall is curtilage listed due the relationship of the wall with the above listed gardens walls etc, greenhouse and Walworth Castle. A separate proposal (reference number 12/00122/LBC) seeking listed building consent for the vehicular access forms part of this Agenda

## **PLANNING HISTORY**

The most recent entries for the application site are:

11/00310/LBC In August 2011 listed building consent was GRANTED for the insertion of a gated access for pedestrian use

11/00310/CON In September 2011 the details reserved by condition 2 (colour scheme) and 4 (lintel and coping stones/material) attached to listed building consent 11/00310/LBC were APPROVED

11/00415/FUL In August 2011 planning permission was GRANTED for the insertion of gated access into existing stone boundary wall

11/00415/CON In September 2011 the details reserved by condition 2 (colour scheme) and 4 (lintel and coping stones/material) attached to planning permission 11/00414/FUL were APPROVED

## **PLANNING POLICY BACKGROUND**

The following policies are relevant:

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

- E2 Development Limits
- E4 New Buildings in the Countryside
- E9 Protection of Parklands
- E12 Trees and Developments
- E14 Landscaping of Development

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

- CS1 Darlington's Sub Regional Role and Locational Strategy
- CS2 Achieving High Quality, Sustainable Design
- CS6 Vibrant, Cultural and Tourism Offer
- CS14 Promoting Local Character and Distinctiveness
- CS15 Protecting and Enhancing Biodiversity and Geodiversity
- CS16 Protecting Environmental Resources, Human Health and Safety
- CS17 Delivering a Multifunctional Green Infrastructure Network

The Government published the new National Planning Policy Framework (NPPF) on 27 March. The NPPF indicates that:

- Core Strategy policies still prevail, unless there is more than a limited degree of conflict with the NPPF provisions;
- Saved local plan policies can only be used if they are consistent with the NPPF provisions.

In this case, the relevant Core Strategy policies and saved Local Plan policies identified above and discussed below do not significantly conflict with NPPF and are consistent with all the guidance set out in the new national planning policy framework

## **RESULTS OF CONSULTATION AND PUBLICITY**

Five letters of objection have been received and they can be summarised as follows:

- *I would like to raise an objection to the proposed erection of a holiday lodge at the Former Walled Gardens, Walworth Road, Walworth. I am firstly concerned about the impact a holiday lodge will have on our property. Casual tenants staying for short periods of time will not need to be concerned about the impact they will have on us as neighbours. Our garden and that of our neighbour back directly onto the site and I am very concerned that we will have to put up with loud music, screaming kids, barking dogs, and footballs kicked over the walls.*
- *I am even more concerned about the long term intentions for this site. The owner has already tried to apply for 4 lodges, and once permission has been granted for one lodge the council will find it very hard to refuse permission for further lodges in future years. When we bought our property from Mr Westmarland we enquired about his intentions for the garden, he made no mention about holiday lodges and said he was keeping it for his daughter. Had we known that he would build holiday lodges we would not have bought the house. Our previous home was sited next door to a farm which then changed its name to "Oakfield Lodge" which may sound quaint but the owner was granted permission for holiday lodges which in reality became static caravans, the so called tourists were in reality travellers with no desire to travel. Prospective purchasers of our house were put off by the idea of living next to a caravan site. Rural East Lancashire is now full of so called holiday lodges where people actually live there permanently, blatantly flouting the rules. If this were to happen in Walworth it would completely ruin the character of the village and have a devastating affect on its inhabitants as well as having an adverse impact on real tourist attractions such as the castle, Archers Ice Cream and Ulnaby farm shop.*
- *My other concern is for the listed structures that would be permanently ruined as a result of this development. The owner has already shown his complete disregard for listed buildings. The house we own which we bought from Mr Westmarland was formerly the greenhouse for the walled garden, when Mr Westmarland was granted planning permission to convert the greenhouse into living accommodation and conservatory there was a condition that the greenhouse was restored first and within three years of the approval date, in order that urgent attention was given to restoring it. The greenhouse was then left untouched until we bought the property with barely two months left till the end of this 3 years. The greenhouse by this point was rotten beyond repair and now has to be replaced completely at great expense. I have no doubt that the same has happened to the former fern house upon which this holiday lodge is proposed to be built. The council should hold individuals accountable for the maintenance of listed structures not permit them to profit by neglecting them or demolishing them.*
- *Quarry cottage has views into the said land which has completely been destroyed. All the trees have been taken away which I suspect without planning permission. This area of land should have remained a walled garden as the land suggests. It should have also been sold with as a whole lot with its previous attachment, never split.*
- *The owner knew that by retaining the said land and selling the separate dwelling with land adjoining would land lock himself, however he knew exactly what he was doing! I cannot believe permission was granted to put a black glossed gate, bang in the middle of a listing wall?!? This should NEVER have been given.*
- *The council have created a hazard by giving him permission to put the gate in as he parks his cars/work vans on the main 60mph country road. By creating an entrance to his land for him and potential holidays to park would also be a hazard. Walworth Castle entrance is clearly where and entrance should be on the main road, at a clear*

*distance from the brow on the hill. There are already two further exits from this road, further up which are particular dangerous. The wall directly opposite has suffered a number of knocks and had to be rebuilt due to cars not having sufficient time to slow down when cars are coming out of our private road or the road opposite (to Darlington).*

- *The wall is in keeping with Walworth Castle, part of Walworth's heritage. It should remain this way as listed walls are*
- *Quarry Cottage and its tenants have clear views of the beautiful Walworth Castle; they do not want to view a holiday park which is what this land could possibly turn into?!? One lodge will become two and so*
- *Walworth is a medieval hamlet with quaint cottages and its historic Castle. People want to visit the castle for this reason and not to view a potential caravan site. Whilst Walworth attracts short attracts visitors to the castle, I would question whether people would come and stay in lodges short term to holiday here. Caravan sites to Darlington i.e. Hurworth and Middleton St George have never been a success. They attract long term tenants like travellers who have a different way of living than the residents of Walworth. I therefore feel that giving grant to lodge would not be for holiday makers but for long term tenants like travellers which would devalue the area.*
- *He should not profit or gain through this land. The land should be retained and kept as a garden as originally sold.*
- *I firstly find it appalling that the council would initially have given permission in the first place to a gate in the middle of a listed wall. The owner of the plan knows exactly what's he's doing, purposing land locking himself with only one solution which should have been declined? This wall along with Walworth Castle forms part of the history and heritage of Walworth. He and other workman are parking on the pathway leaving NO room for my pushchair to pass on the foot path; in addition they are causing a hazard on a 60 mile an hour road. Cars travel sometimes in excess of this speed limit!*
- *A large entrance would not only destroy a listed wall, but would not be in keeping with the Castle or the history of Walworth. This land belonged to Walworth Castle Gardens and should be kept that way. Walworth Castle is positioned further down the hill, safer for drivers coming over the brow on the hill to slow down if cars are leaving the Castle. The exit that is requested is an accident waiting to happen!*
- *We live opposite this land and now see right in it. Was he given permission to take down all those beautiful trees? In addition has he been given permission for water supply to be put in? He knows exactly what he is doing. He did the same with part of the previous land sold (i.e. attached to this land). He persisted and persisted for a caravan which was finally granted. He created an access to this land by just knocking wall down and rebuilt it without planning permission. He knew once he did this he could get planning permission for a property. My suspicions are exactly the same for this.*
- *We do not want to look onto a holiday lodge; our houses have been private for over 100 years. We moved here 13 years ago wanting the privacy and the views of Walworth Castle. We certainly don't want to look onto a holiday park*
- *If he's keen to make a business, one lodge would not be enough. He'll then say it's not profitable and apply for a house or more lodges. Do I need to say more?*
- *He will purely be advertising and making a profit by having a holiday lodge next door to Walworth Castle? You would completely agree to permission for a lodge on Walworth Castle grounds as this is for the purpose and profit of Walworth Castle and their holiday makers.*
- *Finally I disagree that a man who purposely landlocked himself, should gain through his own misfortune. He has already destroyed the area by removing beautiful trees. Planning permissions should be declined outright to knock down a listed Wall, which I*

would regard as a piece of history, to make profit from Walworth Castle's heritage and its present successful Hotel.

- *I would like to bring to your attention that almost all the trees have been removed from the premises without any notification. I would like to know if any of these trees had TPOs on them*
- *When the applicant sold the market garden he knew full well that access would not be granted via the market garden or the Castle, although this did not defer him from trying to hold onto the land mentioned in this planning application. The applicant sold the majority of the Market Garden and it is the neighbouring property which currently goes under this name. I would be interested to know what the proposed holiday cottage would be called, as any name bearing the wording Walworth and accommodation, customers will assume that the property will be under the ownership of Walworth Castle Hotel*
- *The former fern house which is shown on the Maps collapsed in 2009. The applicant has owned this property since 1985 and has given over 24 years to maintain the grounds, wall and market garden. I believe he has neglected to maintain his properties in order to build accommodation on the footprints and further profit from his neglect. This has proven to be the case when he sold the Market Garden. I believe this is “garden grabbing”*
- *We have worked hard over the past 12 years to grow the name and reputation of Walworth Castle Hotel. We have taken the hotel from an unrated hotel with a poor reputation to a three star, rated by the AA and Best Western. I feel if this application is approved, then this goes against all the hard work we have put into enhancing the property and the holiday cottage will be riding on our coattails in terms of advertising, marketing and promotion. We are very passionate about Walworth Castle as not only is it where we work but we live in the Lodge.*
- *The historical feature is the garden itself and the listed wall. By adding a holiday cottage will not enhance this feature. The holiday cottage will be clearly visible from the Castle bedrooms as well as Walworth Lodge and the Bungalow. The whole property will be visible not just the roof*
- *There is a variety of different accommodation styles in the area for visitors to enjoy, including ample hotel room of varying grades including Redworth Hall (1.5miles from Walworth); Headlam Hall (4.5miles); camping at Staindrop (11.5miles) bed and breakfast at Piercebridge (3 miles) holiday cottages at Gainford (5.5miles) to name but a few. I believe that shoehorning a holiday cottage onto a small piece of land to gain the maximum amount of profit from the sale of the market garden. I don't believe that a single holiday cottage will boost the economy*
- *The Hotel provides cheaper accommodation to wedding guests in our west wing rooms and offers family rooms in the main castle. If a guest wants to bring a cycle we offer a cycle lock up so they can use local cycle routes. I would like to confirm that we live in the Lodge therefore this name can't be used.*
- *The holiday cottage would not be hidden from public view as there are rooms which would directly overlook it.*
- *Walworth Road has a speed limit of 60mph. The entrance to Walworth Castle Hotel is further down the road from where the proposed entrance to the walled garden. We have had customers complaining of near misses from cars overtaking on the brow of the hill. Within a few hundred yards we will have 4 entrances onto Walworth Road, being the one for the Castle, the Lodge, Archdeacon Lane plus another entrance leading to four other houses. I believe that the additional entrance will be dangerous*
- *I think that the conservation of the area is of utmost importance and by removing a 16 metre section of curtilage listed wall would be completely against everything that English Heritage stands for. The wall was listed as recently as 2011, which confirms that the*

*Council also feel that the wall is of importance. Surely maintenance would be the responsibility of the applicant who has had the responsibility for 27 years*

- *If the wall was made wide enough for vehicles access, it would drastically change the heritage of the area and this period feature. As well as being against vehicle access to the area, I am also against the building of a holiday lodge.*
- *The guests would have a direct view into my house and garden (The Lodge), which is unacceptable. We decided to move to this area because of my privacy and by approving this development it will infringe that right*

Three letters of support for the proposal have been received which state the following:

- *I wish to add my support for the above applications. Having read the letters of objection I fail to see why a holiday lodge shall be problematic. The proposed siting would not be visible as the land is totally enclosed by high walls. Surely the Council should be promoting tourism and investment in the parish especially as at the moment the site has no purpose.*
- *Think this would be a great addition to the already established area, especially with the Walworth Castle Hotel & Ice Cream Parlour close by. Great for rural tourism to the area, much needed. Don't see anyway in which it would have a negative impact on the area or any local businesses, if anything I think it would be a great addition. Fully support the application.*
- *I would like to support the above planning applications. I pass this way daily and think it would make a perfect place for holiday cottage/lodge. I think it would truly enhance the area and Walworth Castle Hotel bringing in more tourists and money to the area. In the current economic climate any person willing to invest their own money in such a venture should be applauded.*
- *The wall I believe was only listed last year, so why has this become such an issue. It is clear to see that the wall has been altered at the lodge house without planning or consent.*
- *The highway also seems to be a big issue. It was not an issue when planning was granted for Castle Farm and this in my opinion is no different to the current application at the walled gardens.*

### **Consultee Responses**

**Northumbrian Water** has raised no objections to the proposed development

**Northern Powergrid** has raised no objections to the proposed development

**English Heritage** has recommended that the application should be refused

**Environment Agency** has recommended that planning permission be refused as the application has not be accompanied by information to justify non main drainage facilities

The **Council's Highways Engineer** has objected to the planning application on highway grounds

The **Council's Transport Policy Officer** has raised no objections to the principle of a holiday lodge in this location in general policy terms but they do support the concerns that have been raised by the Highways Engineer

The **Council's Environmental Health Officer** has raised no objections to the proposal subject to the imposition of conditions relating to the submission of a Desk Top Study for contaminated land and a Construction Management Plan if the application was granted

The **Durham County Council Archaeology Section** has recommended that planning permission be refused as an archaeological evaluation of the site has not been carried out

## **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

Planning Policy  
Impact upon the setting of the Listed Buildings  
Highway Safety  
Residential Amenity  
Archaeological Matters  
Foul Drainage

### **Planning Policy**

The proposed site is located in the open countryside beyond the development limits identified on the Local Plan Proposals Map (saved Local Plan policy E2). Policy CS1 of the Core Strategy states that development outside the limits to development will be limited to that required to meet identified rural needs. Policy E2 of the Local Plan indicates that development outside the development limits should be beneficial to the rural economy or to the needs of rural communities. Saved Local Plan Policy E4 also states that new buildings in the countryside should wherever possible be located with and be visually related to existing buildings.

The applicant has stated that the proposal will provide family orientated holiday accommodation in a rural setting within close proximity to a number of tourist attractions in the Darlington District. The applicant believes that the holiday lodge will increase the tourism trade not only in Darlington but surrounding areas, thus helping to boost the local economy. It is accepted that in this regard this proposal will be beneficial to the rural economy and is in accordance with Saved Policy E2 of the Local Plan.

The National Planning Policy Framework (NPPF) indicates that local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, and that this should include supporting the provision of tourist facilities in appropriate locations.

Policy CS6 of the Core Strategy states that to support the sustainable growth of tourism in Darlington, a range of visitor accommodation, including provision to meet the needs of disabled people, will be encouraged in appropriate locations, easily accessible by a choice of means of sustainable transport. The Council's Transport Policy Officer considers that the application is within a sustainable location and it is accessible by from cycle routes and Public Rights of Way

Overall this proposal is regarded to accord with Para 28 of the NPPF as well as saved policy E2 of the Local Plan and policies CS1 and CS6 of the Core Strategy. These policies do not conflict with the NPPF so they can be given full weight in decision making at this time.

Other general planning policies which are relevant to this policy include Policy CS2 which states that all development proposals should reflect or enhance the natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place; should provide vehicular access suitable for its use and location and easily connect to key social and community facilities and incorporate appropriate utilities provision, promoting sustainable neighbourhoods.

Policy CS14 of the Core Strategy states that the Boroughs built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected by protecting, enhancing and promoting the quality and integrity of Darlington's designated national or nationally significant built heritage

Policy CS16 of the Core Strategy states that new development should protect the general amenity and the health and safety of the community.

### **Impact upon the setting of the Listed Buildings**

Setting is the surroundings in which a heritage asset is experienced. A central aspect when experiencing and understanding Walworth Castle is its relationship to its immediate surroundings of lodge, garden, walled gardens and boundary walls. This phase in the Castle's evolution overlays and obscures its previous defensive character and relationship with the now deserted medieval village. It was a transformative stage and apart from the remaining keep and the commanding views south, this phase now defines the Castle, providing it with a genteel and prestigious character that is of considerable historic and aesthetic value. When considering the whole it follows that any development to one part will affect the setting of the other parts

Walled gardens often present a challenge to conservation, especially when they are in separate ownership to their original house, as is the case here. They need an associated viable use that can repair and maintain the walls whilst their intrinsic character as an enclosed but basically open space needs to be respected. Continued use in horticulture or as a garden is ideal but where new building within the garden is an option then retaining the significance of the space is best achieved through low-density development that uses a design that is low-scale and low-key and appropriate materials.

The holiday lodge would be a single storey timber structure with a slate roof. The approximate measurements are 17.5m long; 11m wide with an overall height of 5.2metres under a ridged roof. The lodge would be sited at the north end of the site with the remainder left as hard standing for the access road and grassed amenity space.

English Heritage and Officers have considered that impact of the proposed development upon the listed buildings and whilst it is recognised that the proposal is low density it is of a standard holiday lodge design which has a very basic character employing materials that lack reference to the walled garden and the wider environs of Walworth Castle. Furthermore the large breach in the boundary wall to create the vehicular access is a very obvious and unsubtle change to the external boundary of the castle grounds.

The design of the proposed holiday lodge and the breach of the boundary wall have a strong harmful impact on the significance of the walled garden and so has a negative impact on the significance of the grade I listed Walworth Castle and Hotel. The degree of harm is considered to be "less than substantial", as the fact that the walled garden addresses the more utilitarian northern side of the Castle and is partially obscured by high walls must be acknowledged.

Paragraph 134 of the NPPF states that in such cases the degree of harm should be weighed against the public benefits of the proposal. The potential to repair and maintain the wall is a form of public benefit as is arguably the creation of tourist accommodation however these factors are not considered to outweigh in importance the design of the proposed access and lodge .



Policy CS14 of the Core Strategy requires that developments protect and enhance the quality and integrity of Darlington's built heritage. The development is considered to be contrary to this policy and the National Planning Policy Framework

### **Highway Safety**

Planning permission and listed building consent has previously been granted for a pedestrian access in the walled garden boundary wall. This proposal involves the creation of an opening within the boundary wall to create a vehicular access directly off Walworth Road. The access is located quite centrally within the boundary wall of the walled garden and it recesses back into the application site. The opening would be 16 metres wide on the boundary tapering down to 5m where a set of battened gates would complete the enclosure. A granular drive would be created within the site leading from the access to the holiday lodge.

Advice within the Darlington Borough Council Design Guide recommends a desirable junction spacing of 90 metres for this category of road. The distance between the proposed access and the existing Walworth Road/Archdeacon Lane junction to the north is approximately 25 metres. The advice contained within Manual for Streets 2 is that *“the need for additional junctions on existing routes should be assessed in the round, considering a wide range of factors, such as the need for access at particular locations, the impact on the size of development blocks, the potential for interaction between adjacent junctions and the consequent effect of user delay and road safety”*.

In this instance the key factor is the potential for interaction between adjacent junctions. The Council's Highways Engineer considers that the interaction between the proposed junction and existing adjacent junctions could impact on road safety.

Whatever the type of access, safety considerations will be paramount and good visibility will be of particular importance. In regard to the proposed splay at the access this will provide the opportunity for some vehicles to pull off the road without obstructing traffic flow however it will not significantly improve the driver's ability to see in both directions. The national speed limit applies in this location and the required distance on the visibility splay appropriate to such a speed is 215m. This distance may be reduced if it can be demonstrated that the speed of vehicles on the main road is below 60mph. The visibility splay required would be 2.4m x 215m and the proposed splay on the wall will not meet this requirement. Although the carriageway edge is not very well defined the existing footway is only 1.8m wide and with this footway width it will also be difficult for the splay to achieve the requisite distance from the carriageway i.e. 2.4 metres

The Council's Highway Engineer considers that it is likely that the access would lead to an increase in conflict of traffic movements close to an existing junction resulting in conditions prejudicial to highway safety and that the proposed splays are inadequate to meet the necessary visibility requirements for the safety and convenience of the traffic associated with the proposed development.

The Council's Transport Policy Officer considers that due to the small scale nature of the proposed development, the application site is within a sustainable location but they do support the detailed concerns that have been raised by the Highways Engineer

### **Residential Amenity**

The lodge contains three bedrooms, a kitchen and a lounge and would provide family accommodation. There are other residential properties in the immediate locality (Apple Barn and

Walworth Castle Gardens) and slightly further afield including The Lodge within the grounds of Walworth Castle Hotel.

It is considered that the use of the site for the siting of one lodge would not significantly harm the amenities of the neighbouring dwellings in terms of noise taking into account the close proximity of the Hotel and its surrounds and that the former use of the site was part of a residential dwelling. If any approval was to be granted, it would need to be subject to planning conditions restricting the number of lodges; the ability to extend the building or to erect any further detached buildings within its grounds. It would also be appropriate to secure the submission of a Construction Management to cover details such as dust, hours of construction etc.

The eaves level of the holiday lodge is approximately 2.3m from ground level and there would be no direct views from the lodge into any of the surrounding buildings which would adversely impact upon their amenities due to the height of the boundary walls and the proximity distances between the buildings.

### **Archaeological Matters**

One of the principles of the National Planning Policy Framework states that planning should “*conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations*” Para 128 of the NPPF continues “*Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment, and where necessary, field evaluation*”

Policy CS14 of the Core Strategy requires that developments protect and enhance the quality and integrity of Darlington’s archaeology.

The Scheduled Ancient Monument (SAM) of Walworth Village is located to the north of the application site and the Durham County Council Archaeology Section considers that it is plausible the deserted village extends south and into the application site. The application site is not part of the SAM but if buried archaeological deposits are shown to extend into the area they could be argued to be of similar significance. The fact that there has previously been a building on the site does have a bearing on the development but the depth of disturbance caused by the building is unknown. The buried remains, if present, may lie too deep to be disturbed by the proposed development but this has not supported by any documentation or assessment. Additionally the connecting services are likely to go deeper than the foundations for the lodge building.

The Durham County Council Archaeology Section has stated that the potential of there being remains of national significance within the site is high unless data is submitted to indicate otherwise and therefore the application, in its current form is contrary to the National Planning Policy Framework.

### **Foul Drainage**

The proposal involves the use of a non mains foul drainage system but the application does not include an assessment of the risks of pollution to the water environment. The Environment Agency has recommended that planning permission be refused on that basis.

The applicant has been supplied with a Non Mains Drainage Information form to complete and return to the Local Planning Authority to enable the Environment Agency to formulate an opinion on their particular area of concern and whilst Members will be updated on any further outcomes on the matter at the Planning Applications Committee, Officers recommend that one of the refusal reasons should relate to this issue unless it is satisfactorily resolved

### **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 proposal is regarded to accord with Para 28 of the National Planning Policy Framework as well as Saved policy E2 (Development Limits) of the Borough of Darlington Local Plan and policies CS1 (Darlington's Sub Regional Role and Locational Strategy) and CS6 (Vibrant, Cultural and Tourism Offer) of the Darlington Core Strategy Development Plan Document 2011.

However, it is considered that the proposed lodge and vehicular access will have a "less than substantial" harmful impact upon the setting of the Grade I listed Castle by virtue of their design and the public benefits of this proposal do not outweigh the harm. The proposal would be contrary to the National Planning Policy Framework in this respect.

It is also considered that the creation of the vehicular access would be likely to increase the conflict of traffic movements close to an existing junction resulting in conditions prejudicial to highway safety and the visibility splays are considered to be inadequate. The creation of the vehicular access is also considered to have an adverse impact upon the character and visual appearance of the boundary wall and the wider street scene by virtue of its design and location within the length of the existing means of enclosure. It is considered that the proposal would be contrary to Policy CS2,

The Environment Agency and the Durham County Council Archaeology Section have recommended that the application be refused as the submission does not contain information to allow them to make a judgement on the acceptability of the proposal in relation to foul drainage and potential impact upon archaeological remains

### **RECOMMENDATION**

**PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:**

1. The proposed development is considered to cause less than substantial harm upon the setting of the Grade I listed Walworth Castle Hotel by reason of the design of the vehicular access and the lodge and the public benefits of the proposal do not outweigh the harm. The proposal would be contrary to the National Planning Policy Framework and Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011
2. The use of the proposed access to the development would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard

and inconvenience to all users of the road. The proposal would be contrary to Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011

3. The proposed splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of the traffic associated with the proposed development. The proposal would be contrary to Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011
4. The proposed development involves the use of a non-mains foul drainage system but the application has not satisfactorily shown that the system will not create any risks of pollution to the water environment. The development would be contrary to the requirements of Circular 03/99: Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development
5. The application site has the potential to include heritage assets with archaeological interest. However, the application has not been accompanied by a desk based assessment or a field evaluation report and therefore the Local Planning Authority is unable to make an assessment as to whether or not any heritage assets are present on the application site and if so, whether they will be adversely affected. The planning application would be contrary to Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 and the National Planning Policy Framework 2012