

Planning Applications Committee Agenda



1.30 pm Wednesday, 22 August 2018
Committee Room No. 2, Town Hall,
Darlington. DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introduction/Attendance at Meetings
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 25 July 2018 (Pages 1 - 4)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 5 - 56)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Decision on Appeals - The Director of Economic Growth and Neighbourhood Services will report that –
the appeal by Darlington Cricket and Athletic Club against this authority's conditions No.s 2 (hours of operation) and 7 (time period for the erection of the cricket nets) attached to Application Reference 17/00282/FUL at Darlington Cricket Club, South Terrace, Darlington for Construction of all weather cricket practice area incorporating 2 No. lanes contained within cages and nets (Retrospective application) (Additional information received 10 June 2017 and 1

August 2017) has been PART approved. The appeal against condition 2 has been dismissed and the appeal against condition 7 has been approved and the condition reworded. Copy of Inspector's Decision Letter enclosed.

RECOMMENDED – That the report be received.
(Pages 57 - 60)

PART III

EXCLUSION OF THE PUBLIC AND PRESS

9. RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act
10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 8 August 2018 (Exclusion Paragraph No. 7) –
Director of Economic Growth and Neighbourhood Services
(Pages 61 - 68)
11. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
12. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 14 August 2018

Town Hall
Darlington.

Membership

Councillors Baldwin, Galletley, Lister, Johnson, Mrs D Jones, Kelley, Knowles, Lee, Lyolette, McEwan, Storr, C Taylor, J Taylor and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Shirley Burton, Democratic Manager, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and

8.30 a.m. to 4.15 p.m. Fridays E-Mail: shirley.burton@darlington.gov.uk or telephone
01325 405998

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Agenda Item 3

PLANNING APPLICATIONS COMMITTEE

25 July 2018

PRESENT – Councillor Baldwin (in the Chair); Councillors Johnson, D Jones, Kelley, Knowles, Lister, Lyonette, Storr, C Taylor, J Taylor and Tostevin. (11)

APOLOGIES – Councillors Galletley, Lee and McEwan. (3)

ABSENT –

ALSO IN ATTENDANCE –

OFFICERS – Dave Coates, Head of Planning, Development Management and Environmental Health and Andrew Errington, Lawyer (Planning) within the Resources Group. (2)

PA15. DECLARATIONS OF INTEREST – There were no declarations of interest reported at the meeting.

PA16. MINUTES OF MEETINGS – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 27 June 2018.

RESOLVED – That the Minutes be approved as a correct record.

NOTE - APPLICATIONS FOR PLANNING PERMISSION – The following standard conditions are referred to in those Minutes granting permission or consent:-

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

PA17. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) Planning Permission Granted

18/00415/FUL - West Park Hospital, Edward Pease Way, Darlington. Installation of a self-contained Combined Heat and Power (CHP 100kWHE 175kWth) unit for the purposes of generating electricity and heat on a concrete plinth within the rear delivery/maintenance yard (additional plan received 26 June 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the comments of a representative of the applicant).

RESOLVED – That planning permission be granted subject to the following conditions:

1. A3 - Implementation Limit (Three Years).
2. During the commissioning and prior to the use of the Combined Heat and Power Unit for the purposes of generating heat and power, a noise impact assessment shall be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound. The rating level ($L_{Ar,Tr}$), as defined in BS4142:2014, from the Combined Heat and Power Unit shall not exceed the day-time and night-time background noise level ($L_{A90,T}$) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority. Any mitigation measures shown to be necessary following the assessment shall be implemented within a timescale to be agreed in writing with the Local Planning Authority and thereafter shall be retained and maintained for the life of the development to the satisfaction of the Local Planning Authority.

Reason - In the interests of residential amenity.

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

(a) CHP 1/1 Rev A – Existing and Proposed Elevations

(b) 14498 Rev D – External Enclosure Model with Head Trim Radiator

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

(2) Planning Permission Withdrawn

18/00435/TF - Land At Former Croft House, Hurworth Place, Darlington. Works to various trees protected under Tree Preservation Orders 2004 (No 12) and 1995 (No 3) Crown clean of 1 No. Lime tree (T751) to remove deadwood, epicormic growth and crossing branches, Crown lift 1 No. Weeping Beech tree (T764) to 4m above tennis court, Crown lift 1 No. Beech tree (T757) to 5.5m over road, Remove epicormic growth up to 4m and deadwood from 1 No. Lime tree (T761) and remove deadwood from 4 No. Lime trees (T753, T754, T752, T756) (amended description).

(NOTE – This application was withdrawn from Committee prior to the meeting at the request of the applicant).

PA18. NOTIFICATION OF APPEALS – The Director of Economic Growth and Neighbourhood Services reported that Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mr and Mrs Corr against this Authority’s decision to refuse planning permission for the demolition of existing stable block and erection of a two-storey dwelling, incorporating stables on the ground floor at land adjoining Ashtree Cottage, Sadberge Road, Middleton St George, Darlington (Ref No. 17/00375/FUL).

RESOLVED - That the report be received.

PA19. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA20. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 11 JULY 2018 (EXCLUSION NO. 7) - Pursuant to Minute PA14/Jun/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 11 July 2018.

RESOLVED - That the report be noted.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 22nd August 2018

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.
- 2) Letters of objection and representation from the public.

Index of applications contained in this Schedule are as follows:-

Page	Address/Site Location	Reference Number
1	Land Adjacent Cockerton Club Woodland Road Darlington	17/00237/FUL
24	Castle Farm Walworth Road Walworth	18/00420/CU
34	15 Lakeside Darlington	18/00482/FUL
40	Land At Former Croft House Hurworth Place Darlington DL2 2DQ	18/00435/TF

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 August 2018

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APPLICATION REF. NO:	17/00237/FUL
STATUTORY DECISION DATE:	31 August 2018
WARD/PARISH:	PIERREMONT
LOCATION:	Land Adjacent Cockerton Club, Woodland Road
DESCRIPTION:	Proposed redevelopment of the site for residential purposes, comprising 20 dwellings and associated car parking (additional and amended plans and information received 16 January 2018 and 17 April 2018)
APPLICANT:	Partner Construction Limited

APPLICATION AND SITE DESCRIPTION

The application site measures approximately 0.38 hectares and is an area of waste land with access off Woodland Road (A68). Cockerton Band and Musical Institute lies immediately to the west of the application site and residential dwellings form the north and east boundaries. The Moorlands Surgery and its associated car park are also located to the north. A flatted development, known as Squires Court, lies to the south on the opposite side of Woodland Road. Cockerton District Centre is located to the west.

The site incorporates land last used as a garage and car wash facility and also land used as a hard standing area to the rear and belonging to the Cockerton Band and Musical Institute.

The site lies on the edge of the Cockerton Village Conservation Area and there are two properties adjacent to the entrance (Nos 178 and 180 Woodland Road) which are Grade II listed buildings. There are trees within the site which are covered by a Group Tree Preservation Order dated 1952.

A planning application (See Planning History) for the erection of 46 apartments in two three storey blocks was refused in 2014 for the following reason:

In the opinion of the Local Planning Authority, the proposed buildings by virtue of their siting, scale and design would have an overbearing impact when viewed from the rooms and gardens of dwellings on Newlands Road resulting in harm to outlook and therefore loss of residential amenity for occupiers of those dwellings. The development would therefore be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Development Plan Document 2011.

An appeal against the decision was lodged and dismissed in 2015. The Planning Inspector agreed that the scale, mass and layout of the flatted development would be detrimental to the living conditions of the nearby residents, whose enjoyment of their private gardens, conservatories and houses would be significantly and permanently harmed by the overbearing presence of the northern building and, by disturbance generated by cars being parked in such close proximity to some of their homes.

This planning application is for the erection of twenty residential dwellings with associated landscaping and parking provision. The dwellings are all three bed properties. The dwellings would be 2.5 storeys with the third bedroom within the roof space. Vehicular and pedestrian access would be from Woodland Road with the site being served by a single spine road which would run along the eastern boundary. There would be a total of 41 parking spaces, some of which will be located along the shared boundary with the gardens of the dwellings on Newlands Road. The scheme will involve the loss six trees and a group of self seeded trees and shrubs will need to be removed to facilitate the development, of which three are part of the Group Tree Preservation Order dated 1952.

Amended and additional plans have been submitted in January and April 2018 to show the proposed boundary treatments, some amendments to the design of the dwellings, the spatial relationship between the existing and proposed dwellings and in response to initial comments made by the Council's Highways Engineer.

Planning Obligations

The proposal has been the subject of an extensive viability assessment. The outcome of this exercise has resulted in the scheme accommodating one affordable housing unit on site, which would be secured by a planning condition. This process will be considered in more detail elsewhere within this report.

Environmental Impact Assessment Requirements

The proposed development does not meet the required thresholds set out in the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 to trigger the local planning authority to carry out a "Screening" procedure on this individual application and having also considered the scheme alongside existing known planning applications and permissions in the locality an Environmental Impact Assessment is not required to support the application.

Application documents, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.

PLANNING HISTORY

The relevant entries are as follows:

A planning application (reference number 03/00289/FUL) for the redevelopment of the site for the erection of thirty two flats was submitted in 2003. The applicant lodged an appeal against the Council's non-determination of the application and a Public Inquiry was held. The appeal was ALLOWED, subject to conditions, on July 2004. A Costs Application in relation to the above appeal was also allowed in July 2004.

A subsequent and identical planning application (reference number 03/01231/FUL) for the redevelopment of the site for thirty two flats was also submitted in 2003 and was REFUSED

A planning application (reference number 14/00276/FUL) for the proposed redevelopment of the site for residential purposes comprising two three storey apartment buildings to accommodate 46 dwellings (39 No. Class C2 units and 7 No. Class C3 units) with associated access, car parking and landscaping was REFUSED in December 2014. An appeal against the decision was DISMISSED in September 2015

PLANNING POLICY BACKGROUND

The relevant local and national development plan policies are:

Borough of Darlington Local Plan 1997

E2 - Development Limits
S10 – Safeguarding the District and Local Centres
E12 -Trees and Development
E13 – Tree Preservation Orders
E14 - Landscaping of Development
T8 - Access to Main Roads

Darlington Core Strategy Development Plan Document 2011

Policy CS1 - Darlington's Sub Regional Role and Locational Strategy
Policy CS2 - Achieving High Quality, Sustainable Design
Policy CS4 - Developer Contributions
Policy CS9 – District and Local Centres and Local Shops and Services
Policy CS10 - New Housing Development
Policy CS11 - Meeting Housing Needs
Policy CS14 - Promoting Local Character and Distinctiveness
Policy CS15 – Protecting and Enhancing Biodiversity and Geodiversity
Policy CS16 – Protecting Environmental Resources, Human Health and Safety
Policy CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

National Planning Policy Framework 2018

Other Documents

Design of New Development Supplementary Planning Document 2011
Supplementary Planning Document on Planning Obligations 2013
Interim Planning Position Statement 2016

RESULTS OF CONSULTATION AND PUBLICITY

The Local Planning Authority issued 156 consultation letters with local residents, erected 4 Site Notices and placed an advert in the local press. A total of 3 letters of objection were received to the original proposal and the comments can be summarised as follows:

Highway Matters

- *I approve of the housing but worry that we are going to have another road leading onto Woodland Road. In Squires Court there are elderly residents who already have trouble crossing the road to the bus stop without adding even more cars*

Residential Amenity

- *There are no sectional plans to show the relationships with existing dwellings in Newlands Road, Willow Road and Deneside Road*

- *The dormer windows should be in the west facing elevation rather than the east facing elevation to reduce overlooking of existing properties*
- *There are no fences being proposed on the boundary with Newlands Road. Existing fences are not close boarded fences and would be subject to car headlights showing through and existing properties will suffer a loss of privacy and security to their homes and property*
- *The development will result in rear facing light pollution due to the location of proposed street lighting*
- *The dormer windows affords the opportunity of overlooking of properties on Newlands Road*
- *There are level differences between the existing dwellings and the site and the developer should be responsible for land retention and suitable drainage*

Impact on the Street Scene

- *A two storey development will blend into the local area much better and enhance this particular site*

Design and Layout Matters

- *The dwellings facing Newlands Road should be pushed further towards the Club and the garden space should be at the front creating a cottage look and feel*

A petition with 35 signatories has been received from the occupiers of Squires Court objecting to the planning application on the following grounds:

- *The traffic on this part of Woodland Road is extremely heavy since it is constantly coming and going in both directions. The additional traffic which will be caused by this proposal will add to an already overloaded road. Ambulances and police vehicles have to use this road in order to get to the hospital and adding to the traffic will impede their progress*
- *It is currently very difficult for pedestrians to cross the road as there is no properly designated crossing and adding to the traffic which will be caused by the development will only exacerbate this problem*

Following the submission of the amended plans in January 2018, three letters of objection have been received and the comments are summarised below:

- *The amended plans do not overcome by previous concerns about traffic. We find it extremely difficult now to cross the road to get to bus stops from Squires Court and anymore traffic is not unacceptable unless we get a pedestrian crossing;*
- *I would like more clarification on the boundary finish at the north end of the site as it borders onto my land (No 30 Newlands Road). There is a considerable difference in levels. When this land was cleared for a previous application gentle slope between levels was removed to give a straight drop. Following heavy rain soil began to slide into the site which had to be shored up with boarding to prevent this happening in the future and I don't think a close boarded fence will do this*
- *The 1.8m high fence on the boundary of Newlands Road will not address security concerns due to the local of new parking spaces right next to existing properties fences. With the average family car around 1.5m in height, this provides easy access to this properties with no proposals to safeguard residents and their property*

- *Moving properties on 1 – 5 and 6 – 13 further away from the Newlands Road would allow the whole of the road and parking scheme for these properties to be moved accordingly producing sufficient space between parking plots and existing boundaries*
- *There has been land slippage from the gardens on Willow Road and Newlands Road into the site*
- *Any street lighting show be low level in intensity and should not directly face existing residents*
- *If the development was a two storey development, it would enhance and complement the local area and the site and reduce overlooking and loss of privacy in the upper bedrooms of existing properties*

No further letters of objection have been received following the submission of further amended plans in April 2018.

Consultee Responses

The **Council's Capital Asset and School Place Planning Officer** has confirmed that due to the scale of the development, there is no requirement for a planning obligation towards school place provision

The **Council's Sustainable Transport Officer** has raised no objections to the proposal

The **Council's Senior Arboricultural Officer** has expressed concerns over the loss of the trees which are covered by a tree preservation order and he has also advised that one of the other trees to be felled is worthy of a tree preservation order. However if the application is to be recommended for approval, a condition for tree protection measures needs to be imposed and the landscaping scheme is acceptable in principle.

The **Council's Highways Engineer** has raised no objections subject to appropriate planning conditions

The **Council's Heritage Asset Officer** has raised no objections to the proposed development

The **Council's Environmental Health Officer** has raised no objections

Northumbrian Water has raised no objections subject to the imposition of a planning condition relating to a scheme for foul and surface water drainage

Historic England advised that they do not wish to comment on the application and advice should be sought from the relevant in-house specialists

The **Durham County Council Archaeology Team** has confirmed that the potential for undisturbed buried heritage assets on the site is low and therefore they have no objections to the scheme

The **Environment Agency** has advised that the development does not fall within their remit for consideration

PLANNING ISSUES

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

- Principle of the Development
- Impact on Character and Appearance of the Area and Setting of Heritage Assets
- Impact on non-designated Heritage Assets (Archaeology)
- Highway and sustainable transport issues
- Surface water and flood risk
- Land contamination
- Design and layout

- Residential Amenity
- Ecology
- Impact on Trees
- Developer Contributions
- Delivery

Principle of the Development

Section 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 (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997 states that most new development will be located inside the development limits. The site is shown on the Proposals Map of the Local Plan as being located within the development limits and therefore the principle of redeveloping the site for residential purposes is considered to be acceptable in general planning policy terms.

The site was identified in the Council's Interim Planning Position Statement (2016) as capable of accommodating a sustainable housing development, subject to the submission of an acceptable scheme in relation to other material considerations. Whilst the Interim Planning Position Statement is not part of the local development plan, it should be considered a material consideration when determining the application.

Impact on Character and Appearance of the Conservation Area and the Setting of Heritage Assets

Paragraph 192 of the National Planning Policy Framework 2018 (the NPPF) states that in determining planning applications local planning authority should take account of, amongst other matters, the desirability of new development making a positive contribution to local character and distinctiveness. Policy CS14 of the Darlington Core Strategy Development Plan Document 2011 is also about promoting character and local distinctiveness.

The application site is located outside but on the edge of the Cockerton Village Conservation Area. The Conservation Area Character Appraisal for the Conservation Area states that this site, which was formerly Ruck Engineering site, has a negative effect on its setting and gateway entrance to the Village.

The properties that are adjacent to the proposed access to the site (Nos 178 and 180 Woodland Road) are Grade II listed buildings.

The proposed development has been designed in response to the characteristics of the Conservation Area and the adjacent listed buildings in terms of scale and design. The southern terraced block is relatively modest in scale, particularly when viewed in the context of the three storey Squires Court flatted development on the opposite side of Woodland Road. The scale and massing of this terrace would not harm the Conservation Area nor the setting of the listed buildings.

The building finish includes a mixture of red brick and off-white render in direct response to many of the buildings within the Conservation Area. Also the alternate material is designed to have a vertical emphasis consistent with other buildings to create a visual break in the building

mass. The terraced form incorporates 'traditional' style flat roofed dormers and oriel windows to the first floor to break up the mass and add 'intrigue' to the streetscape.

The distinctive architectural qualities of the Conservation Area result largely from the continuous line of buildings fronting the Green, with individual plot frontages of approximately consistent width (based on medieval plot width) and with variation in height, being mainly 2 storey, but with various eaves heights. Roofs are generally simple duo-pitch with overhanging eaves to the street frontage with varied chimneys adding further interest to the roofscape.

The scheme has been amended to include variations in the roof line with chimney stacks and alternating dormers, adding interest to the roof scape.

The frontages in the Conservation Area display a variety of facades, with the earliest buildings being of brick or render. The earliest surviving roofs are of red clay tiles with later roofs of Welsh blue slate. There are no objections to the use of brick and render to break up the elevations of the proposed buildings.

Window openings in the Conservation Area have predominantly vertical proportions. The earliest windows are Yorkshire sliding sashes, with a variety of later windows which relate to the various dates of buildings. The fenestration patterns of the window openings within the buildings have been amended and the window proportions now have a vertical emphasis and the surround detailing is less complicated with brick headers and artstone cills proposed throughout. The dormer framing also matches the roof material which ensures they blend into the roof slope and are no longer overly prominent.

All materials for the external surfaces including windows and doors would be conditioned to ensure a good quality development on this prominent site. As stated, following discussions with Officers, the design of the development has been revised and it is now considered to be acceptable.

The design intention is not to mimic the listed buildings. The proposed development adopts a series of design cues from the Conservation Area and listed buildings but is intentionally different in overall scale and appearance. The development should improve the setting of the listed buildings and the gateway to the conservation area.

It is considered that this proposal would enhance this currently unattractive brownfield site and it would not harm the significance of the heritage assets (the Conservation Area and the setting of the listed buildings)

In summary the proposal is considered to be in accordance with National Planning Policy Framework 2018 and with Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.

Impact on non-designated Heritage Assets (Archaeology)

The Archaeological Team from Durham County has advised that the site has been previously built upon which will have disturbed archaeological remains so the potential for undisturbed buried heritage assets on the site is low. They have no objections to the development on archaeological terms.

Highway and sustainable transport issues

Policy CS2 (Achieving High Quality Sustainable Design) of the Core Strategy seeks to ensure that new developments provide vehicular access and parking provision that is suitable for its use and location reflecting the standards set out in the Tees Valley Design Guide and Specification: Industrial and Estate Development

The development utilises an existing access into the site which will be upgraded to serve the private access road into the proposed development. Visibility from the proposed access is in line with the current guidance for a 30mph speed limit and an accident report has been carried out as part of the submitted Transport Statement which shows that there is not a significant accident problem on the local highway network at this location. The Transport Statement reviews the potential traffic generation in connection with the development and reports that an additional 11no. car trips will be generated in the peak hours which can be accommodated on the local highway network without a detrimental impact.

Internally, the layout does not accord to adoptable standards for a variety of reasons, however it has been confirmed by the applicant that the internal highway would be retained as private and would not be adopted by the local highway authority. The carriageway (shared surface) would be 6m wide with an additional 0.5m hard margin which is acceptable. The separate footway would always be preferable in terms of accessibility, where parked cars can obstruct access to in curtilage paths for disabled users. Autotracks have been submitted to demonstrate that an 11.2m refuse vehicle can turn around within the turning facility provided and that the access junction is suitably sized with appropriate junction radii. The previously submitted layout showed a localised pinch point at the access where the road width narrowed down to 4m in width, restricting the passage of two way traffic. This has now been amended accordingly and now permits two way traffic given the increased width. Parking provision across the site is generally acceptable, the previous concerns regarding accessibility of the parking spaces allocated to Plots 20 & 15 have now been addressed. Whilst it is always preferable to have parking within the curtilage of each dwelling this is not an approach used in this application but as this will not become an adopted highway this arrangement will be acceptable as part of this scheme.

Off-site highway works are proposed in connection with the development and include rationalising the access junction to safe adoptable standards in relation to forming the proposed junction access and any tie in works i.e. footway widening, tactile paving across the access junction, creation of car parking spaces and access for existing cottages and resurfacing in front of the existing cottages whereby there is no vast open space as there is in the existing situation. Other works should include the provision of tactile paving to the existing crossing island to improve pedestrian facilities and white lining works on Woodland Road to create a ghost island right turn facility to assist right turning traffic into the development and channel through traffic along the main carriageway. Any redundant vehicle access points on Woodland Road should be reinstated to the same specification as the surrounding footways. Footways at the access should also run beyond the beginning of the shared access area. These works would be secured by appropriate planning conditions.

There are current parking restrictions in force along Woodlands Road which will protect the highway from potential parking outside the curtilage of the development and create a safe access point for all users. However given the introduction of active frontage onto Woodland Road with 5 new properties it is recommended that the existing parking restrictions be further reinforced with “no waiting, no loading” restrictions to be provided along Woodlands Road around the new site access junction, and extending into Deneside Road, the extent of which should be agreed

with the local highway authority. The restrictions should be in place before occupation of the first dwelling and this would be secured by a condition.

A Road Safety Audit has been carried out on the proposed access arrangements and highlighted the issue of the existing parking within the vicinity of the current access along the frontage of the adjacent properties. It was suggested that the parking arrangement be reviewed and measures be put in place to prevent parking on the footways i.e. bollards. This issue has also been raised during this consultation process and further details can be supplied as a condition of this application. No further Road Safety issues were raised in connection to the new development proposals.

In-curtilage parking is being provided in accordance with the Tees Valley Design Guidance for 3 bedroomed properties (two spaces per property) and is acceptable.

There is a frequent bus service along Woodlands Road which will adequately serve the new development with the nearest bus stops on Woodland Road within 400 of the application site. The site is also close to an advisory cycle route on Willow Road, connecting traffic to traffic free cycle routes.

The Council's Highways Engineer and Sustainable Transport Officer have raised no objections to the proposed development.

Surface water and flood risk

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy states that new development will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding.

The site is on the edge of Flood Zone 2 but within Flood Zone 1. In such circumstances, the Environment Agency has confirmed that the proposal falls outside of their remit for providing advice and comments.

It is expected that the foul drainage will be connected to the Public Combined Sewer and surface water drainage will connect to the existing surface water sewer to the south of the site but Northumbrian Water has requested that a condition is imposed to secure a scheme for the disposal of foul and surface water.

Land contamination

The southern part of the site was formerly occupied by Drivers Filling Station with up to seven underground tanks and the central part of the site by Ruck Engineering Ltd with an above ground diesel tank.

The planning application has been supported by appropriate Geotechnical assessments and a Reclamation Method Statement which have been reviewed by Environmental Health and an independent consultant on behalf of the Council. The Contamination and Geotechnical Assessment report refers to a number of previous site investigations carried out on the site between 2004 and 2014. Previous investigations proved elevated concentrations of hydrocarbons on the central and southern parts of the site. A hydrocarbon plume was also identifiable within the permeable sand strata but this has decreased below the analytical detection limit between 2005 and 2014, and is assumed to have naturally dispersed and attenuated over the last ten year

period since monitoring commenced. The interlayered nature of the clay and sand units appears to have restricted the movement of the shallow groundwater onsite and off-site migration.

The conceptual model identifies that remediation is required and the Revised Reclamation Method Statement proposes the following:

- Removal of relic structures including all foundation, service ducts and pipework etc.
- Installing a clean cover solution beneath the garden and landscaped areas comprising a 0.3m capillary break layer in the southern area only and a 0.6m thick clean soil cover to all areas of the site.
- Concrete protection for in ground-structures.
- Gas protection measures in buildings to mitigate soil gas and a vapour barrier.

On completion of the reclamation/remediation works verification will be carried out and a completion report will be submitted. It has been confirmed that the FWS Contamination and Geotechnical Assessment is acceptable but in relation to the Revised Reclamation Method Statement concerns were raised regarding the proposal to only install a capillary break layer in the southern part of the site. Hydrocarbon contamination was also identified in made ground and shallow soils on the central part of the site, so it is unclear why a capillary break layer was not proposed in this area too. However following further discussions, it has been concluded that a capillary break layer is not required in the central/ northern section of the site due to no free phase hydrocarbons being reported in this area during the subsequent 2014 investigations and the fact that the location of the former hydrocarbon hotspot is located under car parking and hard standing with no landscaping or garden areas. Environmental Health and their consultants have accepted the explanation put forward and recommended the imposition of appropriate planning conditions.

Design and Layout

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network

Policy E14 (Landscaping of Development) of the Local Plan states the new development will be required to incorporate appropriate hard and soft landscaping which has regard to the setting of the development in its form, design and plant species and which enhances the appearance of the development and its setting.

The development comprises 2.5 storey three storey bed dwellings with a bedroom in the roofspace resulting in dormer windows in the front facing roof slopes. The dwellings on the southern boundary of the site are orientated to front onto Woodland Road as a continuation of the street scene and form a positive spatial relationship with the adjacent existing dwellings at the entrance to the site. Each dwelling in the development has a small front garden and private amenity space to the rear and the shared surfaces and external pedestrian areas are all overlooked so users are in a safe and secure environment. The palette of materials are a mix of brick, artstone and render and grey slate roof tiles. A 1.8m high timber fence would enclose the rear gardens and a 1.2m high timber fence would delineate between the development and the adjoining Club House land in the south west corner.

The landscaping scheme would need to be secured by a planning condition.

The overall design and layout of the development is considered to be acceptable and would accord with the guidance contained within the Council's adopted Supplementary Planning Document on Design for New Development.

Residential Amenity

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF which seeks to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings.

The proximity distances between existing and proposed dwellings that need to be met are contained within the Council's adopted Design SPD.

The eastern boundary of the site mainly adjoins the rear gardens of traditional semi detached dwellings in Newlands Road. The gardens are not particularly extensive and they are enclosed by a mix of fencing and hedges and they currently enjoy a good degree of privacy due to the trees and hedges in the application site which would be removed to facilitate the development.

Due to the realignment of the internal highway layout, the proposed dwellings that face the rear elevations and gardens of Newlands Road have been repositioned a further 0.5m away. Sectional plans that have been submitted with the planning application indicate that the proximity distance between the new dwellings and those on Newlands Road is approximately 23m to 24m with the existing dwellings being located on a ground level that is elevated above the application site. As a result of the difference in ground levels the dormer windows within the front elevation of the new dwellings would be at a similar height to the first floor windows of the existing dwellings and the separation distance is considered to be acceptable and will not lead to any significant loss of privacy.

The dwellings to the north on Willow Road are located on land that is significantly higher than the application site and the proximity distance between the new and existing dwellings is in excess of 38m which is also acceptable.

Squires Court on the opposite side of Woodland Road is approximately 24m from the front elevation of the new dwellings on the south boundary of the site and the spatial relationship between these dwellings and those to the east of the entrance are considered to be acceptable and will not lead to any adverse loss of privacy conditions.

The sectional plans show that the existing dwellings will be on a higher ground level than the application site resulting in the overall height of the new dwellings will be lower than the existing properties. The dwellings are split into small blocks of two, three and four properties rather than being a continuous terrace (apart from the five dwellings on the Woodland Road frontage) which will reduce the visual bulk of the buildings and it is considered that this proposal will not have an overbearing impact on the neighbouring dwellings which was the refusal reason associated with the previous submission for three storey apartment blocks on the site.

The comings and goings of persons associated with this development will not have an adverse impact on the neighbouring dwellings and garden areas despite the parking spaces being located alongside the shared boundary and the front entrances of the dwellings facing Newlands Road.

The planning application has been accompanied by Noise Assessments and a letter from the Secretary of Cockerton Band and Musical Institute. The Assessment involved the measurement of existing noise levels at four locations on the site considered to be most exposed to noise, in looking to establish whether the appropriate noise levels, as detailed in relevant guidance will be achieved for internal and external spaces. The main noise sources at the development site are road traffic from the A68 and activities associated with the adjacent Cockerton Band and Musical Institute (entertainment noise, noise from external mechanical services, vehicle movements).

In relation to the daytime period the assessment predominantly focusses on noise from road traffic (from the A68) and any impacts on external garden areas. Noise readings from Location 1 were used as this is around the same distance from the road as the rear gardens of the proposed dwellings closest to the road (Plots 1-5). The assessment concludes that noise in garden areas will be below 55dB LAeq in accordance with BS8233 across the site (and below 50dB LAeq in many cases), with mitigation in the form of an acoustic fence (1.8m high acoustic lapped/close boarded fence) which is only considered necessary at either end of the row of houses Plots 1-5. Gardens of dwellings further into the site will require no specific mitigation as they will be screened more by intervening buildings and are further from the road. In relation to noise from road traffic and internal noise levels (day and night) the noise assessment concludes that based on certain building envelope specifications (walls, roof) and glazing and ventilation configurations relevant noise levels will be met. The proposed 1.8m close boarded fence around the entire site boundary which will further reduce any impact.

In relation to noise associated with Cockerton Band and Musical Institute the most recent noise measurements (June 2017) were taken on a Friday and Saturday when there was an entertainment event in Club (band with amplified sound system) in looking to represent worst case. The previous noise assessment (2014) had found the dominant route for music noise egress from the concert hall to be from vents in the wall and this was a potential option for mitigation to be agreed with Club management. Some remedial works have now been carried out on the club (including bricking up of ventilation openings that allowed music break out) and the current assessment details that music egress is much reduced and it is established that there was no significant influence from music noise on the measured sound levels (masked somewhat by prevailing traffic noise). The degree of impact on the proposed development is within suitable limits to protect residential amenity based on the same building envelope specifications considered previously.

The report goes on to provide some discussion/assessment of noise from mechanical services which is considered mainly in relation to the night-time period as this is when the background noise level is lower and there is greater potential for an adverse effect given that this plant operates into the night. Previously recommended work has now also been done in relation to the plant (confirmed in a letter from Secretary of premises), which included the replacement of cooling fan units with new quieter ones which switch off automatically at the end of service, as well as the replacement and relocation of the floor mounted compressor. The assessment concludes that noise from plant would have a low impact in accordance with BS4142 which is likely to be even lower given the recommended works that have now been carried out.

In summary the assessment concludes that following some remedial works to the adjacent club premises and with certain mitigation measures (relatively standard), suitable noise levels will be achieved (in accordance with the guidance) in relation to internal and external spaces during relevant daytime and night-time periods.

It is proposed that the site will be enclosed by a 1.8m high close boarded fence and some of the objections raised by occupiers on Newlands Road is that their rear gardens which are at a higher level than the application site have a history of land slipping from their gardens into application site and that a close boarded fence would not be sufficient. The applicant has been made aware of the concerns. The new fencing would be positioned against any existing fencing and they are confident that this form of enclosure will be acceptable and would not lead to any landslips. Furthermore, if the proposed development effects the neighbouring gardens during the construction phase, that would be a civil matter between the developer and the neighbouring occupier.

In relation to lighting, the location of any external lights will have to have regard to light spill and glare on neighbouring property but also the level of illumination will need to be appropriate from an ecological point of view as well, which would be secured by a planning condition.

The proposal is considered to be acceptable in residential amenity terms.

Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, sites of biodiversity or geological value, recognise the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, and remediate and mitigate despoiled, degraded, derelict and contaminated land, where possible.

The Ecology Report in support of the planning application states that the trees will provide potential roosting and foraging opportunities for bats and a small number of locally common birds are likely to nest within the scrub and use the remainder of the site for foraging purposes. Due to the site being separated from the nearby Beck by the A68 and housing it is considered very unlikely that any species such as badger or otter that use the watercourse would enter the application site. There are no water bodies on the site and no presence of great Crested Newts.

The site overall has local ecological value and the scheme will result in some ecological impacts. In order to mitigation for this loss, the Report highlights key mitigation measures and habitat enhancement measures (for example the provision of bird and bat boxes within trees, the use of native species in the landscape scheme, ecological external lighting) and these are considered to be acceptable and can be secured by planning conditions.

Impact on Trees

Policy E12 (Trees and Development) of the Local Plan seeks to ensure that new development takes full account of trees and hedgerows on and adjacent to the development site. The layout and design of the development should wherever possible avoid the need to remove trees and hedgerows and to provide their successful retention and protection during development.

There are trees within and adjacent to the application site which are covered by a Group Tree Preservation Order dated 1952. There are also trees within the site which are not covered by an Order. The remainder of the site was until recently overgrown with a variety of scrub and shrubs.

A Tree Report in support of the application indicates that six trees and a Group of self-seeded trees and shrubs will need to be removed to facilitate the development. One of the trees is an Oak tree that needs to be removed for health and safety reasons.

A Silver Birch tree on the Woodland Road frontage would need to be removed in order to build the dwellings. This tree is not considered to be covered by a preservation order and it has low amenity value.

There is a Sycamore tree located on the north boundary of the site which is not covered by a preservation order. The Council's Senior Arboricultural Officer has advised that this tree is in reasonable health and condition and he has advised that the tree could be worthy of a tree preservation order. Having viewed the site from the surrounding streets, there are only restricted views of this tree between some of the dwellings on Newlands Road and Willow Road and the car park of the Surgery. Due to the limited amenity value that this tree has, which is one of the criteria that a tree must fulfil to be worthy of protection, Officers do not consider it to be worthy of an order and it can be removed to facilitate this development. This was also agreed when the previous scheme to develop the site was being considered.

Three of the six trees to be removed are covered by a tree preservation order and they have been highlighted to be removed as they would be sited very close to the proximity of the proposed dwellings. These trees are a Lime, an Oak and a Sycamore tree and they are highlighted as being Category A trees located to the south of the Club building. The Council's Senior Arboricultural Officer has confirmed that the trees are in reasonable condition and he has expressed strong concerns over their removal but if the application was to be approved he has recommended appropriate protection measures are put in place for the retained trees.

The preserved trees that would be lost are exactly the same as those that would have been lost as part of the previous scheme for the flatted development and that planning application was not refused by Members for this reason. This site would be very difficult to develop without resulting in the loss of trees and whilst tree removal is never ideal, on balance, these are considered to be very exceptional circumstances whereby the loss of the three trees that the Council's Arboricultural Officer has raised concerns about, has to be accepted in order to achieve the redevelopment of this site that has been vacant and overgrown for many years resulting in it having an adverse impact on the character and appearance of the locality and the Conservation Area and being a potential attraction for antisocial behaviour.

The amenity value of the unprotected Sycamore tree is not considered to be high enough to be worthy of a preservation order and there are other existing mature trees on the Woodland Road frontage (those retained within the development site and others within the grounds of the Club) that provide extensive tree coverage for the locality and it is considered that the loss of the preserved trees would not significantly harm the character and visual appearance of this tree lined area.

A landscaping scheme for the site has been submitted which consists of the planting of ornamental native trees, ornamental shrub planting and native shrub planting. The landscaping scheme is considered to be acceptable provided that any new trees that are planted are of a 16cm girth and containerised or air potted.

In order to gain access to the root protection areas of some of the retained trees, ground protection measures will be required which will provide both a working area and space for scaffolding and allow access around the buildings. Furthermore, protective barriers will be erected around all retained trees. Whilst no visual signs were found to indicate the presence of bats, caution must be exercised and an assessment for bats will be carried out prior to any tree works. Also, where possible tree works should be carried out in the period from August to the end of February in order to avoid bird nesting season unless an inspection find no nesting birds.

The tree works, methods statement and protection measures contained within the Tree Report can be secured by a planning condition.

Developer Contributions

Under the provisions of the Council's adopted Supplementary Planning Document on Planning Obligations, a proposal of this scale would require 20% affordable units on site (two units) and planning obligations/financial contributions towards green infrastructure improvements; childrens play improvements and sport provision. The applicant advised that fulfilling these requirements would affect the viability of the scheme and the site being brought forward and developed and therefore the proposal has been the subject of an extensive viability assessment exercise involving the District Valuer (DV).

The DV advised Officers that the viability assessments submitted on behalf of the applicant shows that a scheme which fully complies with all the requirements of the aforementioned Planning Obligations SPD would not be viable but the DV also advised that in their opinion the following two options would still result in a viable development:

- A scheme of 18 market housing units and two onsite affordable units without any Section 106 contributions;
- A scheme of 20 market housing units and all Section 106 contributions but no affordable units on site

The applicant and their financial consultants do not fully agree with the response from the DV and continue to stand by their position on the viability of the scheme. However, following further discussions with Officers and in the interests of securing development on the site and addressing the impact that the site currently has on the Conservation Area, the applicant has confirmed that they will progress with the site with a reduced development margin (profit) and they can provide one onsite affordable unit within the scheme. The inclusion of one affordable unit would reduce the development margin to 17% which is below the industry recognised 20%. The applicant has advised that the inclusion of a second affordable unit would reduce the margin to a level which would make the development of the site too high risk and could not be supported by any developer.

The applicant has made enquiries with a number of Registered Providers and North Star have expressed an interest if the unit is secured by a planning condition.

Officers have considered the response from the applicant and also taken into account the history of this site. There have been a number of attempts to redevelop this site and it is clear that one of the obstacles that faces any developer for this site are the financial implications of the construction costs. If this was not the case, the site would not have been left vacant for over 15 years. As with any business venture, profit levels have to reach a certain level to incentivise a developer to take a risk of developing a site in the first place and whilst the accepted profit level

across the country is 20%, the applicants are committing to a developers profit of 17% on this site with one affordable unit on site.

The existing site is an important gateway to the Conservation Area and leaving the site derelict will continue to harm the appearance of the Area and the street scene potentially leading to attracting antisocial behaviour. The proposed development will greatly improve the appearance of the site and Conservation Area and redeveloping the site will add to the housing offer within the Borough.

Taking all of these matters into consideration, Officers consider that having one affordable unit on site is welcomed and is the more appropriate that securing financial contributions and is an acceptable outcome to these protracted discussions. The unit would be secured by a planning condition and there would be no requirement for a Section 106 Agreement in this instance.

Delivery

One of the aims set out in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified by the Council. As a result, Officers have imposed a planning condition to ensure the development commences within a time period of 18 months from the date of the planning permission, which is consistent with recent decisions on housing applications.

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 application site is within the development limits as defined by the Borough of Darlington Local Plan 1997 and therefore the general principle of the proposed development would accord with local development plan. The site is in a sustainable location and amendments have been made to the design of the buildings and the layout of the site following discussions with Officers in order to ensure that the development would not harm the significance of the heritage assets or have an adverse impact upon the local highway network.

The scheme is acceptable in residential amenity, ecological and flood risk and drainage terms. It is unfortunate that three protected trees would need to be removed to facilitate the proposed development but Officers considered that there are exceptional mitigating circumstances to accept the tree removal.

The scheme has been the subject of detailed viability assessments and the applicant is willing to progress with a reduced profit margin and to include one onsite affordable unit which has been accepted by Officers. The redevelopment of this prominent location will improve the visual appearance of the site and the wider Conservation Area and the scheme would contribute towards the Council's housing figures and number of affordable units in the Borough

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

General

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission
REASON; In the interests of achieving an improved rate of housing delivery in the Borough
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number SD-2-.01 Rev A Proposed Floor Plans and Elevations
 - b) Drawing Number SD.10.02 Rev N Site Plan as Proposed
 - c) Drawing Number SD.10.03 Rev N Proposed Colour Layout
 - d) Drawing Number SD.10.04 Rev D Proposed Boundary Treatments
 - e) Drawing Number SD.10.05 Rev N Proposed Surface Treatments
 - f) Drawing Number SD.10.06 Rev D Edge Study – Proposed Sections
 - g) Drawing Number SD.40.01 Rev A Street Scenes
 - h) Drawing Number 584-PAR Location Plan

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

Affordable Housing

3. Prior to the occupation of any unit within the development, a scheme for the provision of one affordable housing unit shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development shall include:
 - a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - b) A plan to show the location of the affordable unit within the scheme;
 - c) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
 - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
 - f) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Unless otherwise agreed by the Local Planning Authority
REASON: To comply with Council Housing Policy.

Materials

4. No dwellings hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those dwellings have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of residential amenity

Highway

5. No dwellings hereby approved shall be erected above damp proof course level until precise details the offsite highway works including: footways at the entrance of the shared drive, forming the proposed access junction and any tie in works i.e. footway widening, creation of car parking spaces and access for existing cottages and resurfacing in front of the existing cottages, the provision of tactile paving to the existing crossing island to improve pedestrian facilities and white lining works on Woodland Road to create a ghost island right turn facility and reinstating of footway to remove redundant vehicle access points on Woodland Road have been submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the works shall be completed prior to the occupation of the first dwelling

REASON: In the interests of highway safety

6. Prior to occupation of the first dwelling, the parking restrictions on Woodlands Road should be upgraded to include “No waiting, No Loading” restrictions and extended into Deneside Road. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway safety

Ecology

7. The development hereby approved shall not be carried out otherwise than in complete accordance with the mitigation and recommendations contained within the document entitled “A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington – Report No 5” dated January 2017 and produced by E3 Ecology Limited unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity

8. Notwithstanding the mitigation measures outlined in the document entitled “A Code for Sustainable Homes Assessment of Land at Cockerton, Darlington – Report No 5” dated January 2017 and produced by E3 Ecology Limited, the precise details of the bat and bird boxes and the lighting scheme for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the first dwelling.

REASON: In the interests of biodiversity

9. There shall be no site vegetation clearance between 1st March to the 31st August unless an ecologist has undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

REASON: For the avoidance of doubt and in the interest of biodiversity and having regard to Part 11 of the National Planning Policy Framework.

Trees

10. The development hereby approved shall not be carried out otherwise than in complete accordance with the document entitled "Arboricultural Impact Assessment for Trees on Land Adjacent to Woodland Road, Cockerton, Darlington – Revision E" dated March 2017 and produced by All About Trees. None of the following activities shall take place within the segregated protection zones in the area of any retained trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

Landscaping

11. No dwellings hereby approved shall be erected above damp proof course level until a landscaping scheme has been submitted to, and approved in writing by the Local Planning Authority and, upon approval of the scheme, it shall be fully implemented concurrently with the carrying out of the development or within such extended period as may be agreed in writing by the Local Planning Authority. All new trees within the landscaping scheme shall be 16cm girth in containers and air potted and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - In the interests of the visual amenities of the area.

Contamination

12. Any contamination not considered in the FWS Revised Reclamation Method Statement 1835OR04/25 January 2017, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

13. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

Noise

14. The mitigation measures (noise) outlined in the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202) submitted with this application shall be implemented in full prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development
REASON: In order to protect the amenities of the future occupants of the development

15. Notwithstanding the mitigation measures outlined within the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202), no dwellings hereby approved shall be erected above damp proof course level until precise details of the acoustic fence to be installed have been submitted to and approved in writing by the Local Planning Authority. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the fence shall be fully installed prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development
REASON: In order to protect the amenities of the future occupants of the development

16. Notwithstanding the mitigation measures outlined within the Noise Assessment Report by Blue Tree Acoustics dated 2 November 2017 (reference 01861-250202), no dwellings hereby approved shall be erected above damp proof course level until precise details of the glazing specifications (including sound reduction performance) and acoustic trickle vents (including their acoustic performance (Dn,e,w) for all windows for habitable rooms on all dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development
REASON: In order to protect the amenities of the future occupants of the development

Construction Management Plan

17. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
 - a) Dust Assessment report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of dust control measures to be put in place. The Dust Assessment report should follow 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 construction phase and should follow guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
 - c) Construction Traffic Routes.
 - d) Details of wheel washing.
 - e) Road Maintenance.

f) Warning signage.

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

REASON: In the interest of the highway safety and residential amenity

Amenity

18. Construction work shall not take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority

REASON: In the interests of residential amenity

19. If piled foundations are proposed, prior to the commencement of the development 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 and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details

REASON: In the interests of residential amenity

Drainage

20. The development hereby approved shall not commence until a detailed scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Local Lead Flood Authority. Thereafter, the development shall take place in accordance with the approved details

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**Borough of Darlington Local Plan 1997**

- E2 - Development Limits
- S10 – Safeguarding the District and Local Centres
- E12 -Trees and Development
- E13 – Tree Preservation Orders
- E14 - Landscaping of Development
- T8 - Access to Main Roads

Darlington Core Strategy Development Plan Document 2011

- Policy CS1 - Darlington's Sub Regional Role and Locational Strategy
- Policy CS2 - Achieving High Quality, Sustainable Design
- Policy CS4 - Developer Contributions
- Policy CS9 – District and Local Centres and Local Shops and Services
- Policy CS10 - New Housing Development
- Policy CS11 - Meeting Housing Needs
- Policy CS14 - Promoting Local Character and Distinctiveness
- Policy CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- Policy CS16 – Protecting Environmental Resources, Human Health and Safety
- Policy CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

National Planning Policy Framework 2018**Other Documents**

Design of New Development Supplementary Planning Document 2011

Supplementary Planning Document on Planning Obligations 2013

Interim Planning Position Statement 2016

INFORMATIVES**Highways**

The Developer is required to submit detailed drawings of the proposed off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S. Brannan 01325 406663) to discuss this matter.

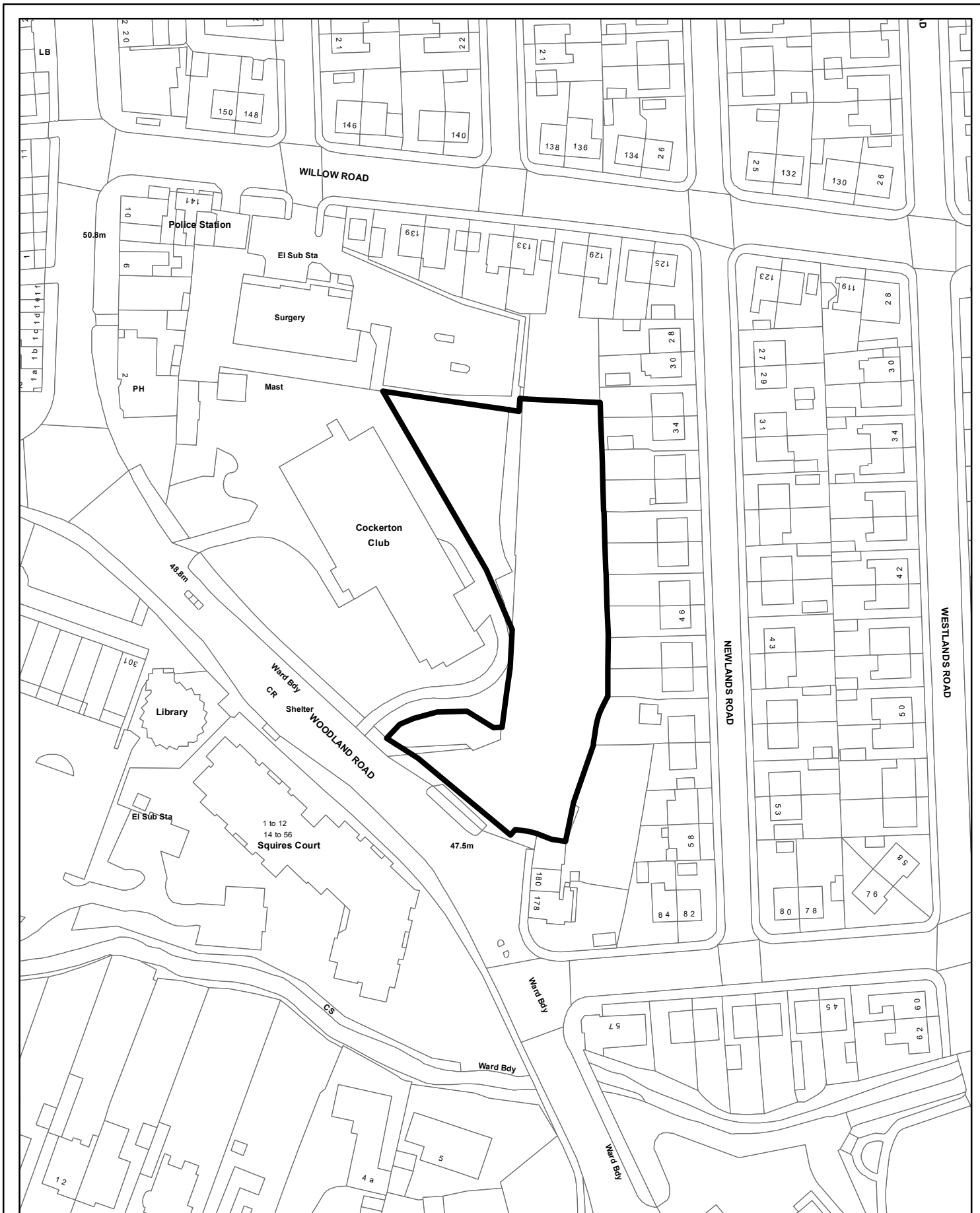
The applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

Amendments to the existing street lighting may be required to cover the proposed access arrangements and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr. Martin Clarkson 01325 406652) to discuss this matter.

The applicant is advised that amendments will be required to the Traffic Regulation Orders and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter

Contaminated Land

The YALPAC Technical Guidance for Developers, Landowners and Consultants on Development of Land Affected by Contamination, Verification Requirements for Gas Protection Systems and Verification Requirements for Cover Systems provides further advice and information to assist in complying with the requirements of the land contamination planning conditions. The guidance can be found on the Council's website at the following link: <http://www.darlington.gov.uk/contlandplanningguidance>



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PLANNING REF. No. 17/00237/FUL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 August 2018

Page

APPLICATION REF. NO:	18/00420/CU
STATUTORY DECISION DATE:	25 August 201822
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Castle Farm, Walworth Road, Walworth
DESCRIPTION:	Change of Use of ground floor of existing domestic garage to Commercial Kennels for up to 8 dogs (Use Class Sui Generis) and creation of parking area for 4 No. vehicles and new vehicular access from Walworth Road (amended plans and additional information received 19 June 2018, 21 June 2018 and 25 July 2018)
APPLICANT:	Ms J Emmerson

APPLICATION AND SITE DESCRIPTION

The application site is part of a former working farm, comprising the main dwelling and a range of former farm buildings located on the north side of the C39, Walworth Road, approximately 0.5km to the south west of Walworth Village. Paddocks to the north and west of the site, together with an area of woodland to the northeast known as Tomtit Wood, are in the ownership of the applicant. Two Public Rights of Way (Footpaths Nos 2 and 3 respectively) pass through and around the farm buildings. A group of former farm buildings, now in residential use, are located on the opposite side of the road and some of them are Grade II listed buildings.

In 2014 (see Planning History) planning permission was granted by the Members of the Planning Applications Committee for some extensions to the main dwelling, a cattery (for personal use) and the erection of a detached triple garage/workshop. This planning application is seeking planning permission for a change of use of the ground floor of the garage to commercial dog kennels, with an enclosed outdoor area, a parking area for up to four vehicles and a new separate access onto the C39. A length of hedgerow (approximately 25m) would be removed to facilitate the access point.

The approved garage is a stone built structure to house two vehicles and plant and machinery on the ground floor with a workshop in the roof space accessed from an external flight of steps on the eastern end. The approved plans also show a timber carport on the west end of the garage to provide a third covered parking space. The garage has been partially completed.

The proposal involves very limited external alterations to the building, namely inserting glazing into the garage door openings. Internally, the building would have a secure lobby area; eight

compartments for the keeping of the animals and a welfare area with a wc. There would be no extensions to the building and the carport would be retained and used as an external storage area. Immediately to the north of the building there would be a patio and artificial grass exercise area which would be enclosed by a 1.2m high mesh and post fence.

A footpath would link this area to parking spaces for four cars and a new 4.2m wide road constructed from crushed compacted stone would lead from the parking area through the paddock to the west of the buildings and to a new separate access point into the C39. A section of hedgerow would need to be removed to facilitate the access, a set of vertical boarded gates would be erected and a tarmac access would be constructed over the grass verge that runs alongside the carriageway.

The proposed kennels would operate between 07:30 to 19:30 Monday to Saturday only. The kennels would be closed on Sundays and Bank Holidays.

Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.

PLANNING HISTORY

The most recent planning entries for the application site and the associated farm buildings are:

14/00590/FUL In November 2014 planning permission was GRANTED for a change of use and alterations to existing agricultural building to domestic use and erection of a timber cattery building, together with erection of two storey side extension and single storey rear extension to dwelling and detached triple garage with workshop in the roof space

15/00543/ATH In September 2015 an application seeking the prior approval of the Local Planning Authority to convert an agricultural building to a dwelling was APPROVED. (This building has been demolished and therefore this approval cannot be implemented)

15/00670/FUL In September 2015 planning permission was GRANTED for the erection of a single storey extension to the side

18/00402/FUL In July 2018 planning permission was GRANTED for the erection of a two storey side extension, single storey rear extension and detached triple garage

PLANNING POLICY BACKGROUND

The following policies are relevant to the proposed development:

Borough of Darlington Local Plan 1997

E2 - Development Limits

E5 - Change of use of Buildings in the Countryside

E12 - Trees and Development

Darlington Core Strategy Development Document 2011

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS16 - Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework 2018

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received from four households and the comments can be summarised as follows:

Highway Safety

- *Our property (The Farmhouse) is a listed building and it within a conservation area opposite the existing access to Castle Farm. All entrances to the developments have extremely poor visibility splays. Walworth Road is a “rat run” used by all types of HGV vehicles and is used extensively by individual cyclists and cyclist clubs*
- *The increased new vehicle movements that the kennels will bring can only increase the risk to existing road users and pedestrians as there are no footpaths*
- *The access is on a bend and this will cause road safety issues for people turning into and out of the proposed area as it is on a bend with a small dip that restricts visibility on a 60mph road*
- *There is a concern over the impact of this development on the drainage ditches to ensure that flooding of the roads and the homes opposite does not occur again*

Amenity

- *The proposed development will result in substantial noise with dogs barking in the vicinity spoiling the existing peaceful environment*
- *The existing dogs can be heard at the Walworth Hotel*
- *There has been numerous occasions when dogs from Castle Farm have escaped and made their way up to Walworth Hotel*
- *This will lead to an increase in noise pollution. Existing dogs in the area, including Castle Farm are currently a nuisance*
- *I do not believe the proposed use will be meet the advisory measures from Environmental Health on noise pollution from barking dogs*
- *The parking area will be adjacent to gardens causing noise and pollution at all times of the day and night.*
- *If approved the kennels would be located closer to the neighbouring dwellings than the Castle Farm farmhouse and there is no mention of any acoustic attenuation.*
- *The cattery was conditioned as personal use in the interests of highway safety*

Impact on Public Right of Way

- *The outside area for the dogs will create a noise issue when walkers pass by as the dogs will bark and intimidate walkers and dissuade walkers from using the countryside*
- *The Public Right of Way should be kept open at all costs*

Heritage Assets

- *The listed buildings and conservation area will be spoilt by the kennels*

Drainage

- *Existing drainage in the area is inadequate and the proposal will lead to an increase in flooding*

Non planning Matters

- *There are other kennels in the area and I would question the need for additional facilities*
- *We are concerned that the proposal will lead to an increase in the number of dogs taken for a walk around the grounds of Walworth Hotel which is private property*

- *Officers should take account of dog kennel license and legislation requirements*

Consultee Responses

The **Council's Highways Engineer** has raised no objections

The **Council's Environmental Health Manager (Commercial)** has raised no objections subject to the imposition of conditions that secure the hours of operation and that no dogs are kept overnight

The **Council's Heritage Officer** has raised no objections

The **Council's Public Rights of Way Officer** has raised no objections

Walworth Parish Meeting has objected to the planning application on the following grounds:

- *Concerns about the new entrance onto Walworth Road. Dog owners dropping off at peak traffic times on dangerous stretch which is very busy at commuter times.*
- *Concerns about noise from kennels for all neighbours*
- *Concerns about expansion to larger business later. Eight dogs is probably not a sustainable business so this could be a stepping stone to a larger and more questionable business plan*
- *Concerns as cats and dogs escape frequently and it could get worse*

PLANNING ISSUES

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

- Planning Policy
- Residential Amenity
- Visual Appearance and Character of the Area
- Highway and Parking Matters
- Impact on Listed Buildings
- Impact on Public Rights of Way
- Impact on Trees
- Drainage

Planning Policy

The site lies outside of development limits as defined by the Proposals Map of the Borough of Darlington Local Plan 1997. Saved policy E2 of the Local Plan states that outside development limits, agricultural and forestry operations, small scale development beneficial to the rural economy or rural community, developments by service providers, and countryside related recreation and sport development may be permitted outside of development limits provided that harm to the character and appearance of the rural area is avoided.

Policy CS1 of the Darlington Core Strategy Development Plan Document 2011 states that outside development limits, development will be limited to that required to meet identified rural needs.

Saved policy E4 of the Local Plan states that the change of use of existing buildings in the countryside will be permitted where the structure is sound and capable of conversion without significant rebuild and extension and also provided that the use does not create unacceptable traffic, amenity and disturbance problems. The supporting text for this policy explains that there is no reason why existing buildings cannot be converted to uses which may help to diversify the

rural economy. The change of use of buildings in the countryside could support the rural economy.

The proposal involves the conversion of a new domestic garage to a commercial use within the countryside. Arguably, the use of the building as a dog kennel may not be considered a use that would support or meet an identified rural enterprise or need and therefore the proposal could be considered contrary to local development plan policy even though some customers may be from the surrounding rural area and the scheme would accord with the requirements of Policy E4 of the Local Plan.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990).

If dog kennels are not considered to meet Saved policy E2 and policy CS1, this report will highlight the material planning considerations that Officers consider would support setting aside the local development plan policies and recommending approval in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Residential Amenity

The scale of the proposed business is considered to be relatively small and the dogs would be housed within the building with the doors on the north west facing elevation (facing away from the dwellings on the opposite side of Walworth Road) and the outdoor area is to the north of the building which is further away from the neighbouring dwellings and this should help reduce some noise that would be generated by any animals on the site.

The new access point is located further south of the residential properties and therefore, the occupants should not be adversely affected by the comings and goings of vehicles at this point.

The parking area will be screened from the neighbouring dwellings by the existing hedgerow.

The Council's Environmental Health Manager (Commercial) has raised no objections to the proposal subject to the imposition of conditions to control the hours of operation and that no dogs are kept overnight. It is also appropriate to control the number of dogs, associated with the business that are on site.

Visual Appearance and Character of the Area

When considering the planning application for the garage in 2014, the design of the building was amended to make it more appropriate in terms of scale and appearance in this rural setting.

The external alterations to the garage would involve the insertion of glazing and a doorway within the existing garage door openings. The frames would be woodgrain UPVC but precise details can be secured via a planning condition. The alterations would not be visible from the Walworth Road but they would be visible via the Public Footpath that runs through the farm buildings. The external alterations would not harm the character of this new build garage subject to the use of appropriate planning conditions. There are no other alterations to the garage from the previous approval.

The parking area and access road would be located within a maintained grass paddock area. There would still be a large amount of paddock area retained within the wider site and these hard standing areas and any vehicles using them would not be highly visible from Walworth Road due to existing hedgerow that bounds the site and runs along the highway edge.

The mesh and post fencing to enclose the outdoor area for the dogs is appropriate for its rural setting.

The crossing within the highway verge and the removal of a section of the hedgerow would not harm the appearance of the country road. Precise details of the design of the gates can be secured by a planning condition.

It is considered that the proposed development would not harm the visual appearance of the area and a commercial business of the scale that is being proposed would not adversely harm its character.

Highway and Parking Matters

It is unlikely that the proposal will generate a significant increase in traffic due to the relatively small scale nature of the business. The proposed access arrangements are located in a suitable point on Walworth Road in order to maximise visibility in both directions. Plans have been submitted to show visibility splays appropriate to the speed limit to the south of the proposed access, with visibility requirements suitable for a 50mph speed limit located to the north of the access. Actual travelling speeds are lower due to the bend acting as a speed reducing feature and this is considered to be acceptable. This also offers significant betterment over the existing access arrangements to the farm house and buildings.

The access would be constructed in a sealed material from the carriageway edge to the highway boundary to prevent loose material being dragged onto the highway. Any access gate installed would need to be located within land owned by the applicant and should not open outwards over the highway. The gates need to be set far enough back to allow a car to pull off the carriageway should the gate be closed and the submitted plans show that this can be achieved.

The internal drive and turning facility is sufficient in terms of parking provision and will allow for vehicles to enter and exit in forward gear.

Any works within the highway will need to be to adoptable standard to ensure road safety and that the road access is sufficiently robust. The access is located at a point where a drainage ditch is located and as such the access must be constructed in such a way as to maintain this function, as large diameter pipes or culvert will be needed and this can be agreed as part of the S184 process.

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

Impact on Listed Buildings

There are Grade II listed buildings on the opposite side of Walworth Road. They are a group of former farm buildings that have been converted into dwellings. The building that is on the roadside, closest to the application site is not a listed building but the properties behind are designated heritage assets.

It is considered that the proposal would not harm the setting of the listed buildings.

For clarification, the site and the dwellings opposite are not within a Conservation Area.

Impact on Public Rights of Way

Footpath Number 3 in the Parish of Walworth runs through the farm on close proximity to the garage. This Footpath needs to remain safe and accessible during the construction phase of the development and also following completion. A management plan would be secured by the imposition of a planning condition.

An Informative can be attached to any approval to make the applicant aware that a Temporary Traffic Regulation Order would be required to close the Footpath during the construction phase.

In response to the objections, the Council's Public Right of Way Officer has acknowledged that users of the Footpath may experience noise from dogs barking but this would be short lived as users pass through the farm. The outdoor exercise area for the dogs is enclosed by a 1.2m high fence and it would be the responsibility of the applicant to ensure that users do not feel intimidated by any dogs and to ensure any dogs are confined within the kennels or the outdoor area. The submitted plans show that there is no direct access to the kennels or the outdoor area from the Footpath.

Footpath No 2 runs to the east of the farm, further away from the application site would be an alternative route for users to join the wider Footpath network.

Impact on Trees

There are two trees within the hedgerow that runs along the highway verge. The root protection areas of these trees would not be affected by the proposed development and protective hedges fencing would be erected to protect them during the construction phase. A Tree Protection Plan has been submitted in support of the planning application and the measures would be secured by a planning condition

Drainage

Foul water would be disposed of via the existing private drainage system and surface water would be disposed of via a soakaway. As previously stated, the access is located at a point where a drainage ditch is located and as such the access must be constructed in such a way as to maintain this function, as large diameter pipes or culvert will be needed and this can be agreed as part of the S184 process.

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

Applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, it could be argued that the conversion of the garage to commercial dog kennels would be contrary to local development plan, but Officers consider that the small scale nature of the use is a material planning consideration that would support setting aside the local development plan. The proposal would not adversely affect the amenities of the residential dwellings on the opposite side of the road, subject to the imposition of appropriate planning conditions and the application does not raise

any visual amenity or highway safety concerns. The proposal would not harm the setting of the listed buildings on the opposite side of the road and appropriate planning conditions can ensure the retention of the trees within the hedgerow.

It is considered that the proposed change of use and associated works are acceptable in this rural location.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
2. B4 - Details of Materials
3. Prior to the commencement of the use, precise details of the, height, design, location and materials of the access gate shall be to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of the visual appearance of the area
4. Prior to the commencement of the development, a Public Right of Way Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details as to how Footpath Number 3 in the Parish of Walworth will remain safe and accessible during the construction phase and following the completion of the proposed development. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: To ensure that the Public Footpath can continue to be used.
5. Notwithstanding condition 3, the approved access gate shall not open outwards over the public highway
REASON: In the interests of highway safety
6. The business hereby approved shall not operate outside the hours of 07:30 to 19:30 Monday to Saturday only. The kennels and associated access shall be closed on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of residential amenity
7. The business hereby approved shall be for no more than eight dogs unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of residential amenity
8. No dogs associated with the business hereby approved shall be kept in the kennels or external areas overnight unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of residential amenity
9. The proposed development shall not be carried out otherwise than in complete accordance with the document entitled "Tree Protection Plan and Method Statement" produced by Wardman Brown unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the visual appearance of the area and to ensure the retain of existing trees during the construction phase of the approved development.

10. The development hereby approved shall be carried out in complete accordance with the approved plans listed below:

- a) L017114-012 Rev A Proposed Plans and Elevations
- b) L017114-014 Rev B Proposed Site Layout Plan
- c) L017114-015 - Overall Site Layout Plan
- d) L017114-016 - Visibility Splays

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

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997

E2 - Development Limits

E5 - Change of use of Buildings in the Countryside

E12 - Trees and Development

Darlington Core Strategy Development Document 2011

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS16 - Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework 2018

INFORMATIVES

Highways

The applicant is advised that works are required within the public highway to construct a new vehicle crossing and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs Lisa Woods - 01325 406702) to arrange for works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works

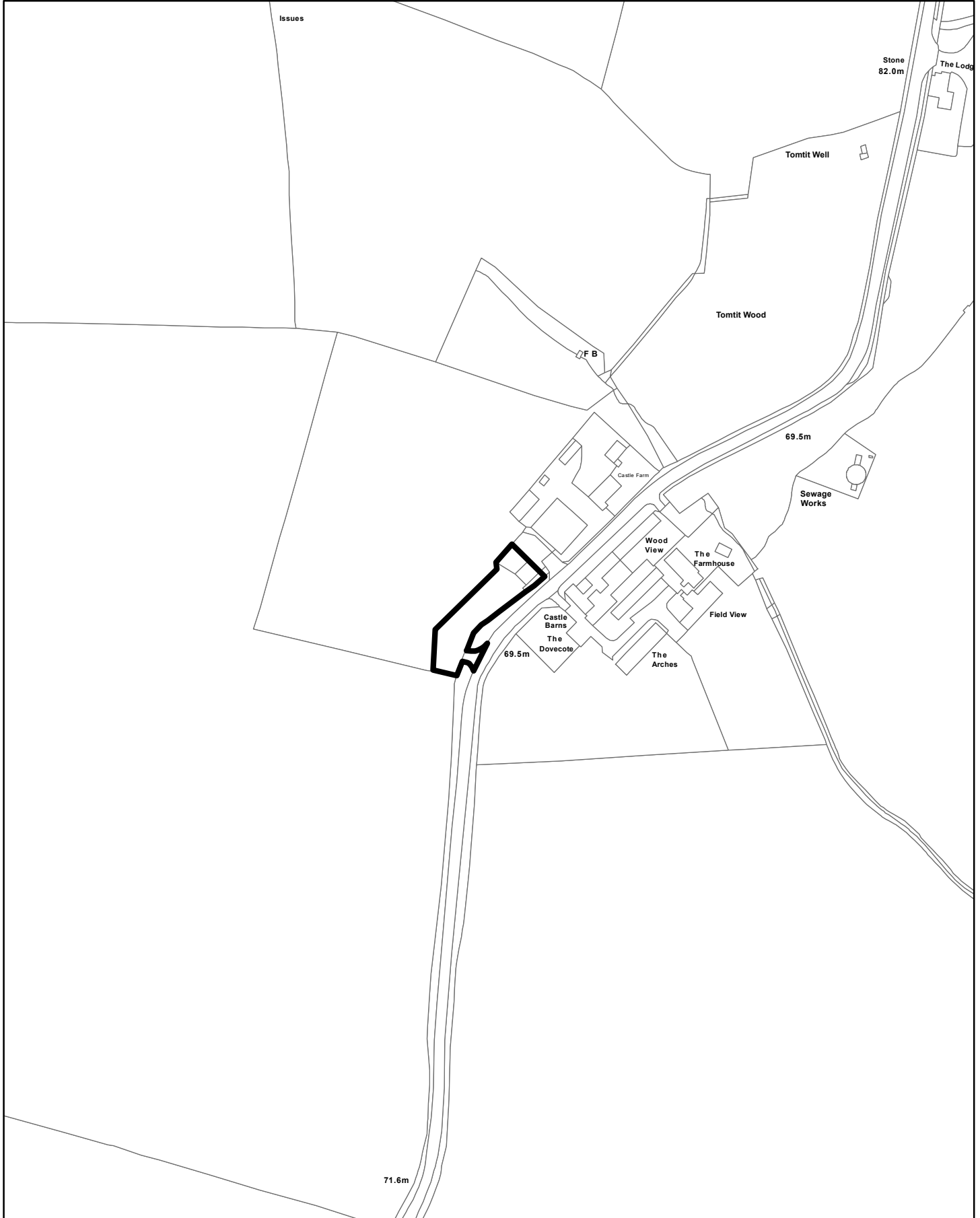
Environmental Health

Notwithstanding the permission, the applicant must ensure that the development accords with the requirements of The Animal Welfare Act 2006, The Animal Boarding Establishment Acts 1963 and the Model License Conditions and Guidance for Dog Boarding Establishments published by The Chartered Institute of Environmental Health (May 2016)

Public Rights of Way

The applicant is advised that a Temporary Traffic Regulation Order would be required to close Footpath No 3 in the Parish of Walworth during the construction phase of the development. Contact must be made with the Council's Public Rights of Way Officer (Mr Steve Petch - 01325 406640) to discuss the matter.

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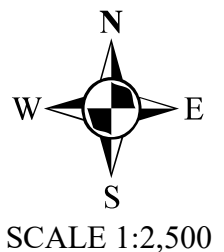


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PLANNING REF. No. 18/00420/CU

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22nd August 2018

Page

APPLICATION REF. NO:	18/00482/FUL
STATUTORY DECISION DATE:	2nd August 2018
WARD/PARISH:	Park East
LOCATION:	15 Lakeside, Darlington
DESCRIPTION:	Insertion of balcony to roof slope on front elevation, erection of single storey extension and dormer window to rear elevation, hipped roof extension to the side providing extension over garage with balcony to front elevation (As amended by plans received 06/08/18)
APPLICANT:	Mr Mackeith-Prince

APPLICATION AND SITE DESCRIPTION

The application site consists of a two-storey semi-detached dwelling on the east side of Lakeside. The site is bounded by residential dwellings to the east, north and south, highway to the west. To the west of the highway is open space.

Planning permission is sought to insert a balcony into the roof slope on the front elevation, erection of a single storey extension and dormer window to the rear and a hipped roof extension to the side providing a first floor extension over the garage with a balcony to the front elevation. Amended plans have been received which confirm that the chimney to the front elevation is to be retained and that the property is to be rendered and painted white.

The recessed loft balcony would be set back approx. 1.8m from the front elevation and will measure 1.91 (w) and 2.6m (l), it will have a wall to the front approx. 1.1 metre in height.

The dormer window to the rear elevation would measure 7.7m (l), 3.3m (w) and 2m (h).

The single storey would measure approx. 9.9m (w), 3m (l), 4m (h) reducing to 3.3m.

The hipped roof extension to the side elevation would measure approx. 8m (h), 5.4m (e), 3m (w) and 7.5m (l).

PLANNING HISTORY

No Previous planning history.

PLANNING POLICY BACKGROUND

The following policies of the Borough of Darlington Local Plan are relevant: -
H12 – Alterations and Extensions to Existing Dwellings

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and **four objections** were received raising the following issues:

- *Level of development is not in keeping with other properties within the area which in my opinion will spoil the character of the 1930's building both along Lakeside and Loraine Crescent as this would set a precedent for other applications being submitted should this one be successful.*
- *Allowing a full dormer extension to the roof space with clear glass windows will undoubtedly lead to being overlooked therefore causing a loss of privacy into my property on a whole and also allowing said property to have windows which will have a view directly into all windows at the rear of our property which are currently obscured by some trees.*
- *Loss of privacy will lead to a sense of enclosure as the only way to gain privacy would be to close curtains and have obscure glass.*
- *Outlook from our property would be affected as the imposing extension plans would draw the eye as being somewhat unsightly, thus affecting our enjoyment of our property.*
- *We feel the design of the extension looks too dominant and overbearing in terms of the host building and also the character of built form in our street which I feel is a valid planning issue to raise. We bought this house after viewing several which were overlooked in such a way*
- *We are not opposed to the initial plans of a ground and first floor extension as this was somewhat acceptable but to build onto the roof space does affect the sense of harmony and privacy we experience in our home at the present time.*
- *The single storey extension to the rear will be built up against the property boundaries. Given the height and extent of the side wall we believe this will markedly overshadow the windows of our main living room and therefore, will have a significant negative impact to the natural light into this room.*
- *We would have less concern about the proposer's extension plans if the construction was not right up to our property boundary, or if the proposer was able to provide some definitive details that would reassure us that there would be no reduction in natural lighting*

Non material planning matters

- *Whilst not a planning matter it remains a great concern that this will affect the value of my property and others as they will be overlooked.*

Following the consultation exercise three letters in support were received:-

- *Well designed, fits character of area*
- *Plan matches other houses in the street that have been extended in a similar style*
- *Work will benefit local economy and may increase value of other houses on the street*
- *No objection to the plans*

The Highways Engineer has raised no objections to the proposal after initial concerns, details of which will be dealt with later in the report.

PLANNING ISSUES

Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 states that alterations and extensions to existing dwellings will be permitted where they are in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area. Such proposals are also required to maintain adequate daylight entering the principal rooms of nearby buildings; maintain adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and should not be overbearing when viewed from neighbouring properties.

All properties in the area are semi-detached with restricted rear gardens and minimal areas to the front. The front elevations of the properties have turrets with flat roofed balconies on the attached garages. All properties are rendered, this property is covered with plain pebble-dash, however the intention is to re-render and paint it white.

Planning permission is sought to add a dormer window to the rear elevation. One window would look out from the master bedroom, the second would be opaque glazed and serve the en-suite. The chimney to the rear would be removed.

It is proposed to insert a balcony into the roof slope on the front elevation. This recessed loft balcony will be set back and a 1.1m high wall will be created by the existing roof slope. Access to the balcony would be from patio doors.

The hipped roof extension to the side would provide an extension over the existing garage with a shallow balcony (approx. 1m in depth) looking out from the front elevation, it would provide an additional bedroom, making five in total. The roof line is set lower than the original roof line, in accordance with policy H12. The balcony would look out onto the side elevation of the adjacent property which has a window on the side elevation which looks out from the landing. This neighbouring dwelling is a mirror image of the application property, the flat roof garage has been turned into a habitable room and it too has a terraced seating area above.

A single storey extension with a sloping glass roof and bi-folding doors is proposed across the total width of the rear elevation to form a kitchen/dining area. Either side elevation will have a stepped masonry wall.

Character & Visual Appearance –

Concerns have been expressed regarding the development not being in keeping with other properties within the area.

Whilst the dwelling and the immediate neighbouring properties have largely been unaltered, a number of properties along Lakeside have been altered and extended with first floor extensions and balconies being added above the existing garages with variance in design and scale.

It is considered that the design of the development is in context with the existing dwellings in the locality and will not detrimentally affect the character.

Effects on Residential Amenity –

Concerns have been expressed regarding the overbearing impact of the proposed rear dormer window with clear glass windows leading to being overlooked and causing a loss of privacy into all the windows of the properties to the rear, three of which have objected.

There are already three windows looking out from the first floor, one from a bedroom and the addition of one more from another bedroom will not make this view materially worse. There is a separation distance of approx. 34 metres between the application property and the nearest three properties to the rear on Lorraine Crescent which will ensure there is no adverse loss of privacy or overlooking.

The proposal is not considered to have any significant adverse impact upon the amenities of properties to the rear.

The proposed single storey rear extension would project 3m from the rear of the property. Concerns have been raised regarding the extension being built right up to the common boundary. This is not considered to have an unacceptable impact upon the amenities of both neighbours in terms of loss of light, outlook or privacy.

Highway Matters

The proposal will add an additional bedroom to the dwelling, meaning that additional vehicle parking at the address will be likely in the future. The standards in the Design Guide recommends that properties of four or more bedrooms should have a minimum of three parking spaces. The existing off highway parking provision consists of one garage space and space for an additional vehicle on the drive. Therefore the creation of one additional parking space off adopted highway would be desirable. This could be achieved by a widening of the existing drive with a suitable altered vehicle crossing to match the width of the amended driveway.

Whilst this has been requested as part of the application the applicant/agent has indicated that they are not willing to do so. Parkside is sufficiently wide to permit the passage traffic past parked cars using give and take. Police records show no recorded accident history in the past five years, therefore the potential of an additional parked car associated at this address does not raise any particular road safety concerns.

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.

RECOMMENDATION

That planning permission be GRANTED subject to the following conditions:

1. A3 Implementation Limit (Three years)
2. The window formed in a wc/bathroom/shower room on the rear elevation hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON: In the interests of the residential amenity

3. PL (Accordance with Plans)
 - Proposed details Drwg NO. 03 dated Apr 2018
 - Proposed details Drwg NO. 04 dated Apr 2018

- Proposed details Drwg NO. 06 dated Apr 2018

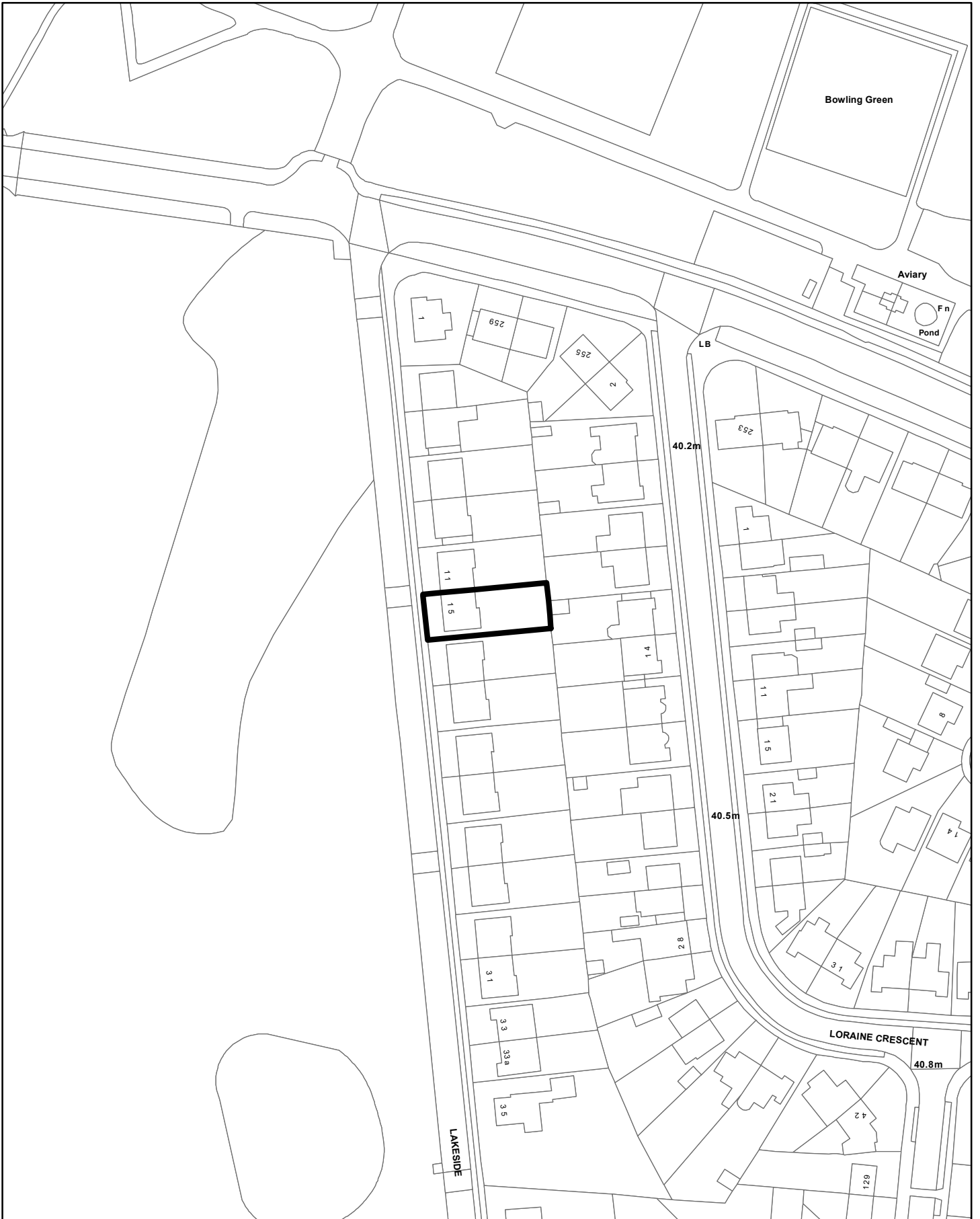
THE FOLLOWING POLICY WAS TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Borough of Darlington Local Plan 1997

Saved Policy H12 (Alterations and Extensions to Existing Dwellings)

Revised Design of New Development Supplementary Planning Document (Design SPD)
July 2011

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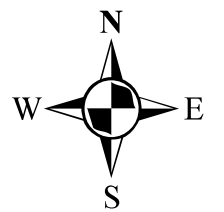


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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 August 2018

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APPLICATION REF. NO:	18/00435/TF
STATUTORY DECISION DATE:	18 July 2017
WARD/PARISH:	HURWORTH
LOCATION:	Land At Former Croft House, Hurworth Place, Darlington, DL2 2DQ
DESCRIPTION:	Works to various trees protected under Tree Preservation Orders 2004 (No 12) and 1995 (No 3) Crown clean of 1 No. Lime tree (T751) to remove deadwood over public footpath, epicormic growth to 3m from ground level, crossing branches and cut back branches to give 2m clearance to lamphead, Crown lift 1 No. Weeping Beech tree (T764) to 4m (south and east), Crown lift 1 No. Beech tree (T757) to 5.5m over road, Remove epicormic growth up to 4m from ground level and deadwood from 1 No. Lime tree (T761) and remove deadwood from 4 No. Lime trees (T753, T754, T752, T756) (amended description 18 July 2018)
AGENT:	Mr John Lawrence

APPLICATION AND SITE DESCRIPTION

Permission is sought for works to various trees located within the grounds of former Croft House. The site lies between Tees View and Linden Drive and is not within a conservation area. All trees covered by Tree Preservation Orders were inspected on 11 June 2018 by Darlington Borough Council's Senior Arborist.

PLANNING HISTORY

There is no recent and relevant planning applications in relation to trees on site.

Trees on site were assessed in 2004 and any worthy of protection were included in a new order covering 5 No. trees, 3 No. Lime (T1, T2, T3), 1 No. Birch (T4) and 1 No. Weeping Birch (T5).

Nine trees with the site were already covered by TPO 1995 Order No 3, 1 No. Beech (T1), 7 No. Lime (T2, 3, 4, 5, 6, 7, 9) and 1 No. Horse Chestnut.

RESULTS OF CONSULTATION AND PUBLICITY

The application was publicised through a site notice and neighbour notification. A total of three objections were received, raising the following issues.

- *A number of trees, all covered by TPOs, are under threat from being cut down, please register my objection to this in the strongest possible manner.*
- *When planning permission was granted for the re-development, care was taken to protect the trees within the site, applying for consent to fell/damage protected trees is purely for financial reasons*
- *The proposed crown-lifts could severely damage or kill a tree, especially to the heights proposed*
- *Felling will add to the blight caused by the building of five modern houses in an open space*
- *It will ruin the eye-line for those people living in the area*
- *It will make the new houses less attractive to any buyers as well as de-valuing existing houses*
- *The trees are approximately a century old and should not be liable based on current government policy of building houses to stimulate the economy*
- *Removing the trees will further impact upon the local wildlife which has all but completely removed from the area*
- *Trees could be easily lost due to inaccurate numbering in submitted arborist assessment*
- *The submitted assessment differs considerably from a report in November 2013 where “moderate die back” was observed, to “significant die back” in March 2018. No reports have looked at the trees in full leaf and “significant die back” cannot be observed at the moment.*
- *Trees are an essential part of this sensitive site and planning permission was granted ensuring their protection and retention and did not deem the trees “inappropriate for their location”, like this report. I object that trees are now being removed and significantly pruned especially at this time of year. Surely if any essential pruning needs to be carried out during the winter months to afford maximum protection for the trees; especially the weeping beech which is a magnificent specimen.*

PLANNING ISSUES

No trees covered by Tree Preservation Order are to be removed/felled as part of this application.

The application initially proposed the removal of the Lime tree T7 (*Tilia* spp - T751), covered by TPO 1995 No 3. Darlington Borough Council’s Senior Arborist’s recommendation, is that the tree is still worthy of protection and that there was no structural reasons for the tree to be removed. However, the health of the tree would benefit from crown cleaning to remove deadwood, epicormic growth and crossing branches. Following this, the extent of the proposed works has been amended and are deemed to be acceptable.

Under the 1980 Highways Act a clearance of 5.3 metres should be maintained over the highway. Claims could be sought from the trees owners if any vehicles damaged due to vegetation being below this height. Crown lifting 1 No. Beech tree (T757) to 5.5m over road will allow refuse and removal vehicles under the tree canopy.

Policy E13 of the Borough of Darlington Local Plan states that when determining applications to carry out works to trees subject to tree preservation orders, the Council will take into account the health and stability of the trees, their likely future lifespan and their public amenity value. Taking these considerations into account, the proposed works are considered acceptable.

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

Any other issues raised by objectors, have been noted, however no objections to the proposed works have been received from the Councils Arboricultural Officer therefore works to the trees identified in the application are deemed acceptable.

RECOMMENDATION

THAT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

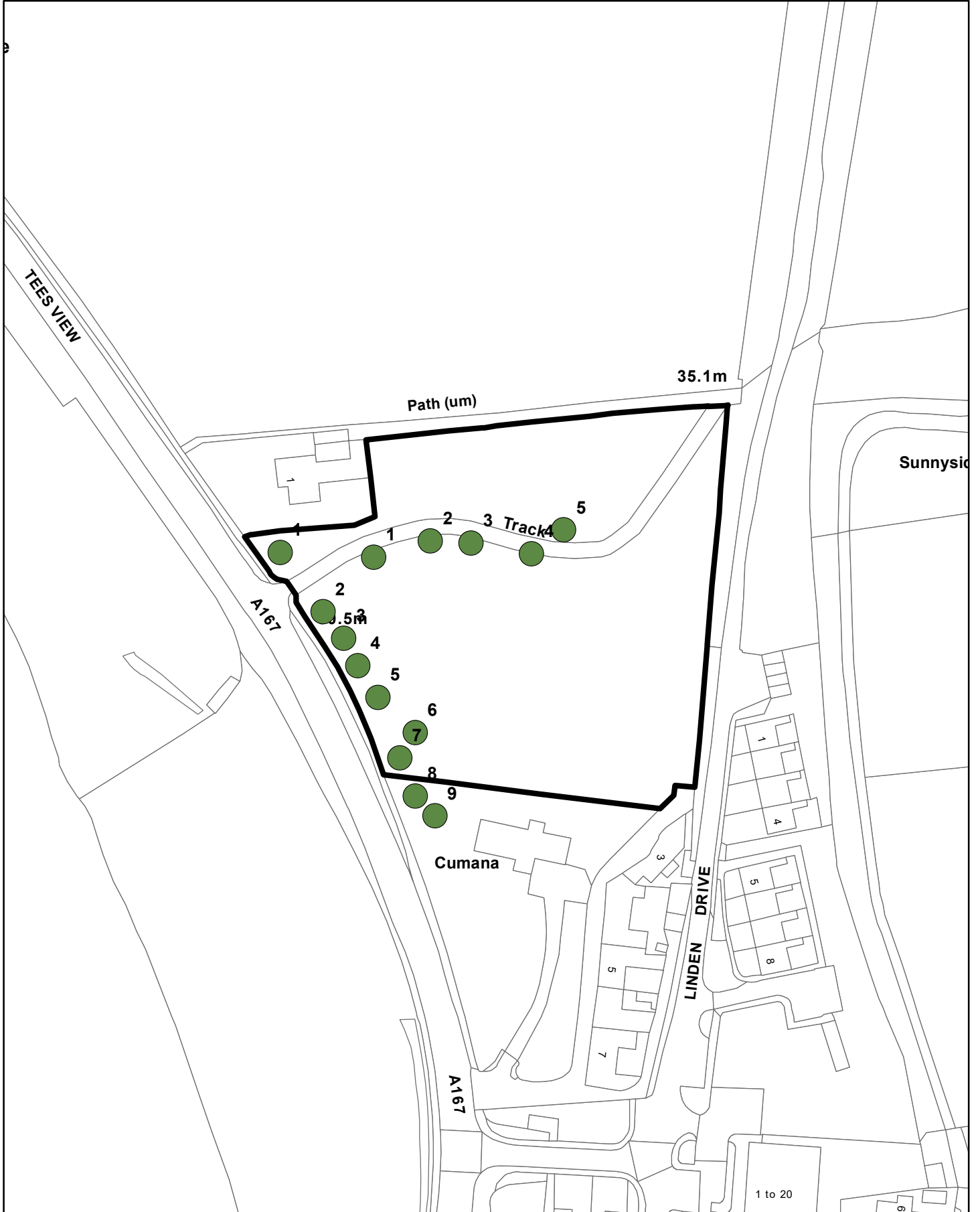
All work to trees shall be carried out to BS Specification 3998 (as amended).

REASON - To safeguard the health of the trees.

THE FOLLOWING POLICY WAS TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Policy E13 (Tree Preservation Orders) of the Borough of Darlington Local Plan 1997

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PLANNING REF. No. 18/00435/TF

DARLINGTON BOROUGH COUNCIL

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Appeal Decision

Site visit made on 17 July 2018

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2018

Appeal Ref: APP/N1350/W/18/3198036

Darlington Cricket and Athletic Club, South Terrace, Feethams, Darlington, DL1 5JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Darlington Cricket and Athletic Club against the decision of Darlington Borough Council.
- The application Ref 17/00282/FUL, dated 31 March 2017, was approved on 2 October 2017 and planning permission was granted subject to conditions.
- The development permitted is the construction of all-weather cricket practice area incorporating 2 lanes contained within cages and nets.
- The conditions in dispute are Nos. 2 and 7.

Condition 2 states that:

The practice area shall not operate outside the following hours:

- a) 10:00 until 19:00 on a Monday.
- b) 10:00 until 19:30 on a Tuesday
- c) 10:00 until 19:00 on a Wednesday
- d) 10:00 until 19:30 on a Thursday
- e) 10:00 until 18:00 on a Friday
- f) 10:00 until 13:00 on a Saturday
- g) 10:00 until 12:00 on a Sunday

Condition 7 states that :

The nets shall not be erected on site between 15th September and 15th April.

- The reason given for the conditions are: In the interest of residential amenity.
-

Decision

1. The appeal is allowed in part and the planning permission Ref 17/00282/FUL for the construction of all-weather cricket practice area incorporating 2 lanes contained within cages and nets at Darlington Cricket and Athletic Club, South Terrace, Feetham, Darlington DL1 5JD granted on 2 October 2017 by Darlington Borough Council, is varied by deleting condition 7 and substituting it for the following condition:

- 7) The nets shall not be erected prior to the month of April and shall be removed prior to the end of September in any year.

Procedural Matter

2. The all-weather cricket practice area has already been erected and is in use. It therefore forms retrospective development and I shall determine the appeal on this basis.

3. Condition 2 imposes restrictions on the hours of use of the cricket facility and imposes different times on different days. The appeal relates to the hours of operation specified for Monday to Thursday (a-d). The appellant seeks a variation of this condition to allow the use of the facility for an hour longer on these days.

Main Issue

4. The main issue is whether the conditions in dispute are reasonable and necessary in the interests of safeguarding the living conditions of the occupants of neighbouring residential properties with particular regard to privacy and noise.

Reasons

5. The cricket practice nets are located on the southern boundary of the cricket pitch approximately a metre from the rear boundary of recently constructed residential properties. The properties form three storey and two and a half storey townhouses. The rear gardens lie above a retaining wall, approximately 2 metres above the cricket ground and are enclosed by metal railings. The houses also have rear balconies at first floor or balconies in the roof space which overlook the ground.
6. I am advised that the new facility replaced a smaller practice area which was also located close to the southern boundary. However this original provision was in a slightly different position, orientated at right angles to the new residential properties and not east/west along the shared boundary.
7. The development is located very close to the rear gardens of the neighbouring residential properties. A level of noise from bats hitting balls, balls hitting the frame and from players and spectators would be unavoidable. I understand that there may be up to 20 and possibly more users/spectators present at one time. I acknowledge that younger children may use soft balls which would reduce the level of noise when batting; however this would have no effect on noise from talking etc. Whilst a handful of users of the facility may be tolerable, a larger number would result in a significant level of noise and general disturbance. This would adversely affect the ability of neighbouring residents to enjoy the use of their rear garden and balcony areas.
8. The open mesh ball stop fence on the site boundary and the metal railings to the rear garden areas, allow clear views between users of the practice area and neighbouring residents using their rear gardens and balconies. The position of the practise nets close to the rear boundary of the cricket pitch, results in a significant loss of privacy for residential occupiers.
9. I acknowledge the difficulties for all parties with residential properties sited so close to the boundary of the cricket pitch. However on the basis of the evidence before me and my site visit, I conclude that condition 2 as imposed by the Council is reasonable and necessary and should be retained. It strikes a balance between safeguarding the living conditions of the adjacent residential occupiers and allowing the Club to operate and continue to provide sporting opportunities to young people.
10. Turning to condition 7, this requires the nets to be removed between 15th September and 15th April. The Cricket Club have advised that the nets would

be erected shortly before the cricket season in April and removed once the season has ended in September.

11. I note that condition 8 of the planning permission, which is not in dispute, restricts the use of the artificial ground covering between 15th September and 15th April, complementing the dates in condition 7. The amendment of condition 7 as requested would allow time for the nets to be erected and removed without impinging on the period when the practice area could actually be used. It would also give the Club some flexibility in terms of the start and finish dates for the season, which could be slightly different each year.
12. On the basis of the evidence before me, and having regard to condition 8, I am not persuaded that allowing the nets to be in place for a further 2 weeks either end of the cricket season, would have any significant adverse effect on the living conditions of the neighbouring occupiers. I accept that if the nets were in place outside the permitted period of use, then this may encourage the use of the facility in breach of condition 8. However this would be a matter for the Club to manage and if necessary for the Council to take enforcement action.
13. I therefore consider that condition 7 as drafted is not necessary or reasonable. The amendment sought, requiring the nets to be removed between the end of September and the beginning of April would be acceptable. It would comply with Policies CS2 and CS16 of the Darlington Core Strategy which aim to achieve high quality design and protect the amenities of the community.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed to the extent described. Therefore, I will vary the planning permission by deleting condition 7 and substituting it as detailed above.

Helen Hockenhull

INSPECTOR

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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