

Planning Applications Committee Agenda



**1.30 pm Wednesday, 4 March 2020
Committee Room No. 2, Town Hall,
Darlington. DL1 5QT**

**Members of the Public are welcome to attend this
Meeting.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 5 February 2020 (Pages 1 - 6)
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 7 - 8)
 - (a) Agricultural Lane and Crematorium, West Cemetery, Carmel Road North (Pages 9 - 30)
 - (b) 2 Milbank Road, Darlington (Pages 31 - 36)
 - (c) 27 Corporation Road, Darlington (Pages 37 - 44)
 - (d) 41 Conyers Avenue, Darlington (Pages 45 - 50)
 - (e) 1 Sussex Way, Darlington (Pages 51 - 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, Inspectors, appointed by the Secretary of State for the Environment, have :-

Dismissed the appeal by Enterpen Limited, SJS Potts Limited and Wooler Holdings Limited against this Authority's decision to refuse permission for the erection of 55 dwellings at Land East of Middleton Lane, Middleton Lane, Middleton St George DL2 1AD (18/01108/FUL) (Copy of Inspector's decision letter attached)

Dismissed the appeal by Mr Paul Vickers, Enterpen Limited and SJS Potts Limited against this Authority's decision to refuse permission for the erection of 25 dwellings at Land At Newton Grange Farm, Sadberge, Darlington. (18/00994/FUL) (Copy of Inspector's decision letter attached)

RECOMMENDED – That the report be received.
(Pages 57 - 72)

PART III

EXCLUSION OF THE PUBLIC AND PRESS

9. To consider the Exclusion of the Public and Press –

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 19 February 2020 (Exclusion Paragraph No. 7) – Report of Director of Economic Growth and Neighbourhood Services (Pages 73 - 80)

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, 25 February 2020

**Town Hall
Darlington.**

Membership

Councillors Allen, Baldwin, Clarke, Heslop, Howarth, Johnson, Mrs D Jones, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, 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: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 5 February 2020

PRESENT – Councillors Mrs D Jones (Chair), Allen, Baldwin, Clarke, Heslop, Howarth, Johnson, Keir, Marshall, McCollom, Tait, Tostevin and Wallis.

APOLOGIES – Councillors Lee and Lister.

ALSO IN ATTENDANCE – Councillor Crumbie.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

PA63 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA64 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 DECEMBER 2019

RESOLVED – That the Minutes of this Committee held on 4 December 2019 be approved as a correct record.

PA65 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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

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.
PL	The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN; Reason - To define the consent.

PA66 LAND OPPOSITE 1 AND 2 BARMPTON GRANGE COTTAGES, BARMPTON LANE, BARMPTON

19/00835/FUL - Demolition of existing timber stables and storage building and construction of new stable block and outdoor arena with lighting columns and associated drainage works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Environmental Health Officer, four letters of objection, one letter of representation, two further letters of objection received following consultation on amended plans, and the views of the Applicant's Agent, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 (Standard 3 year time limit)
2. PL (Approved plans)
 - (a) Proposed site plan and elevations, drawing number 190125 03 Rev. D.
 - (b) Proposed plans and elevations, drawing number 190125 04 Rev. A.
3. The development shall be carried out in accordance with the Proposed Site Plan and Elevations (19_00835_FUL-PROPOSED_SITE_PLAN_ELEVATIONS-1660059) and the Amended Flood Risk Assessment (19_00835_FUL-AMENDED_FLOOD_RISK_ASSESSMENT-1660063 by Flood Risk Consultancy LTD – Revision C – December 2019) and the following mitigation measures it details:
 - (a) A floodplain compensatory storage scheme providing 203.37m³ volume shall be positioned to the south-west of the site and must be fully implemented in advance of the equestrian arena development. The compensation shall be retained and maintained thereafter for the lifetime of the development.

REASON – To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no net loss to floodplain capacity which could increase flood risk elsewhere.

4. The floodlights associated with the outdoor arena hereby approved shall not be used between the hours of 21:00 and 07:00 daily.

REASON – In the interests of residential and visual amenity

5. The stable building and riding arena hereby permitted shall be used only by the occupiers of the property known for the time being as Meadowside, Barmpton for purposes incidental to the use of the property and shall not be used a commercial enterprise.

REASON – The Local Planning Authority considers the proposal to be suitable for use only by the applicants and any future occupiers of Meadowside for purposes incidental to the enjoyment of the dwelling. Any commercial use is likely to increase the number of traffic movements from the site over than generated by the existing dwelling and these additional

traffic movements are likely to create conditions prejudicial to highway safety and residential amenity.

6. The ecological mitigation and enhancement measures set out in Section 5 of the Naturally Wild Preliminary Ecological Appraisal 'The Stables, Barmpton' AP-19-02 dated August 2019 shall be implemented in full. In addition, no development shall take place until precise details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) Details of bird and bat boxes to be installed on the site
- (b) Details of compensatory tree planting scheme

Thereafter the approved details shall be implemented in full prior to the stable block and arena hereby permitted being first brought into use, and the bird and bat boxes shall be maintained in accordance with the approved details for the lifetime for the development. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees of a similar size and species to those original approved and planted.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity)

PA67 37 PEASE STREET

Change of use of care home to a House in Multiple Occupation.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), nine letters of objection, a petition from 46 local residents objecting to the proposals, the views of Darlington Association on Disability, and the views of the Applicant, three Objectors and the Ward Councillor, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 - Implementation Limit (Three Years)
2. The development shall be carried out in complete accordance with the approved plans as detailed below:
 - (a) Proposed Car Park Layout Plan – 2100-01
 - (b) Proposed Floor Plan – 05.217.01

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON: In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. The car parking area hereby approved shall be completed before the occupation of the property as a house in multiple occupation. Details of the surfacing and layout to be agreed by the Local Planning Authority prior to construction.

REASON: In the interest of residential amenity and road safety.

4. The completed car park shall remain available for use during the occupation of the property as a house in multiple occupation

REASON: In the interest of residential amenity and road safety.

5. Details of a two metre high close boarded fence and landscaping scheme to screen the car parking area from the neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the fencing and landscaping shall be implemented in accordance with the details as approved prior to the house in multiple occupation first being brought into use and shall be maintained for the lifetime of the development.

REASON – In the interest of residential amenity

PA68 NOTIFICATION OF APPEALS

The Director of Economic Growth and Neighbourhood Services reported that:-

Enterpen Ltd and SJS Potts Ltd have appealed against this Authority's decision to refuse planning permission for the Erection of 25 no. dwellings at Land at Newton Grange Farm, Sadberge, Darlington (18/00994/FUL)

Enterpen Ltd, SJS Potts Ltd and Wooler Holdings Limited have appealed against this Authority's decision to refuse permission for the erection of 55 No. dwellings at Land East of Middleton Lane, Middleton Lane, Middleton St George, Darlington (18/01108/FUL)

RESOLVED – That the report be received.

PA69 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

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.

PA70 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 22 JANUARY 2020 (EXCLUSION

PARAGRAPH NO. 7)

Pursuant to Minute PA62/Dec/19, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 22 January 2020.

RESOLVED - That the report be noted.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 4th March 2020

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:-

Address/Site Location	Reference Number
Agricultural Lane and Crematorium West Cemetery, Carmel Road North	19/01185/DC
2 Milbank Road, Darlington	19/01075/FUL
27 Corporation Road, Darlington	19/01162/ADV
41 Conyers Avenue, Darlington	19/01150/FUL
1 Sussex Way, Darlington	TPO 2019 (No 12)

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 March 2020

APPLICATION REF. NO:	19/01185/DC
STATUTORY DECISION DATE:	20 March 2020
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Agricultural Land and Crematorium, West Cemetery, Carmel Road North
DESCRIPTION:	Refurbishment of existing crematorium including conversion of existing chapel to office space and erection of new chapel, car parking, external lighting, floral tribute area, garden of remembrance and burial grounds on agricultural land adjacent to cemetery
APPLICANT:	Mr Dave Winstanley

**RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3
SUBJECT TO CONDITIONS** (see details below)

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

APPLICATION AND SITE DESCRIPTION

1. This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 for development in connection with proposals to upgrade and enhance existing chapel and crematorium facilities at West Cemetery. The existing cremators have reached the end of their expected life span and require replacement with modern, energy efficient, emission compliant equipment. In addition, the existing chapel within the crematorium building is of limited capacity and requires refurbishment/extension to enable larger services to be held.
2. The 1902 Cremation Act restricts the location of new crematoriums in terms of proximity to residential properties which means a new crematorium would not be permitted anywhere on the site. The new crematory equipment must therefore be

housed in the existing crematorium building. The presence of graves, roadways, paths and the garden of remembrance surrounding the existing chapel places a further constraint on its extension. Accordingly, planning permission is sought for the following works based on a two building model form of delivery:

- Part demolition and refurbishment of the existing crematorium
- The erection of a new chapel on agricultural land to the west of the crematorium
- External works associated with the new chapel including a new chapel yard, covered and open floral tribute areas, garden of remembrance, additional burial plots, hearse/limousine drop-off/pick-up area and visitor car park
- Provision of passing places within the existing cemetery

Part demolition and refurbishment of the existing crematorium

3. The existing building comprises a chapel with seating for 65 mourners and an overspill annexe to accommodate a further 40 standing. There is also a waiting room, vestry and crematory, which houses three cremators and ancillary equipment required for the process of cremation. The building has been adapted over the years and now consists of three buildings, with differing roof heights. The main crematory is housed in an area to the right hand side of the main chapel.
4. It is proposed to demolish two WCs and the existing book of remembrance room at the southern end of the building and to replace these facilities internally within the building. The existing chapel will be converted to office space for the Council's Cremation and Burial Service. The proposed demolition works at the southern end of the building will allow for the creation of a new coffin delivery and service yard area. The service yard will accommodate an electrically powered, ambulance-sized vehicle to transfer coffins from the new chapel via a designated route from the rear of the new chapel through the cemetery away from the main road to the rear of the crematory.
5. To facilitate the upgrade of the existing crematory equipment and regulatory environmental requirements, it is proposed to remove a small pitched roof over the crematory area to enable the replacement of the existing cremators. Following installation of the cremators, a new flat roof and parapet wall will be constructed over this area.

New chapel and external works

6. A new chapel, accommodating 120 people, is proposed to be constructed on agricultural land to the west of the cemetery, together with a 66 space car park to the west of the chapel, a hearse/limousine drop-off/pick up area and floral tribute areas, garden of remembrance and additional burial plots (621 no.) to the south of the chapel.

7. The chapel will be a double height building constructed of a palette of modern materials comprising concrete textured cladding panels, brown/grey vertical metal cladding and zinc roofing. It will be surrounded by single storey spaces, including a Porte Cochere at the western end, and ancillary spaces at the south and east sides providing a visitor entrance, toilet and changing facilities and a transfer area leading to a covered service yard area at the eastern side.
8. It is intended that the hearse, limousines and other cars will enter the cemetery through the main entrance from Carmel Road. The hearse and limousine will arrive under the Porte Cochere whilst remaining cars will divert off to the car park. Funeral directors will use the turning circle to enable the hearse to exit through the main entrance whilst the limousines and other vehicles will follow back to the Carmel Road entrance.
9. Additionally, a new road will extend from the existing maintenance building northwards to the proposed chapel to form a link for the chapel service yard for transfer vehicles to move between the chapel and crematorium for cremations. The service yard is to be enclosed by a 2.4 metre high timber fencing and automatic gates, together with planted banked areas adjacent to the access road, to limit views into this area from outside.
10. The main road through the centre of the cemetery will continue to be the main artery with side roads only likely to be used for those visiting graves. The existing car parking will continue to be the main car park for staff based at the crematorium and visitors to the crematorium and book of remembrance.
11. A landscaping scheme is proposed for the new chapel site which includes the planting of heavy standard trees around the north, south and western perimeters of the site and also centrally within the site between the car park and additional burial plot. The landscaping scheme has been designed to reflect the existing planting within the crematorium which is a significant feature of the registered park and garden. A new beech hedge will be planted to provide separation and screening for the Chapel Service Yard and around the hearse/limousine drop off/pick up area.

Passing places

12. Three new passing places are proposed along the main vehicular access route to reduce the implications on traffic flow. These are to be created adjacent to the existing car park at the eastern end of the cemetery, adjacent to the new crematorium and office building and adjacent to the entrance to the new chapel.
13. West Cemetery is located to the west of Carmel Road North, from where vehicular access is taken. The cemetery is a registered park and garden, designated at Grade II. There are also several non-designated heritage assets within the site which include the entrance gate lodge at the eastern entrance to the cemetery, the chapels to the north east and the existing crematorium building in the centre of the cemetery.

14. The site of the proposed chapel building, car park and external works is agricultural land which adjoins the western end of the cemetery, bounded by the Grade II registered West Cemetery to the east, by allotment gardens to the west, further burial grounds to the north and residential properties to the south on Salutation Road. This part of the site comprises a large area of low-lying field with a single storey maintenance and welfare building serving the cemetery in its south-eastern corner.
15. The wider application site is bound by residential properties to the north and south, by Carmel Road North to the east and by The Gardens Care Home and allotment gardens to the west. There are a significant number of trees within the cemetery site although none of these are formally protected by tree preservation order.
16. The following technical information has been submitted in support of the application:
 - Planning Statement
 - Design and Access Statement
 - Heritage Statement
 - Transport Statement
 - Preliminary Ecological Appraisal and Bat Survey
 - Noise Impact Assessment
 - Flood Risk Assessment
 - Arboricultural Impact Assessment
 - Construction Management Plan

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

17. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the opinion of the Local Planning Authority, the proposal is development for which an Environmental Impact Assessment **is not required** as the development would not be likely to have significant effects on the environment by virtue of factors such as nature, size or location.

MAIN PLANNING ISSUES

18. The main issues for consideration are:
 - a) Principle of development
 - b) Impact on designated and non-designated heritage assets and visual amenity
 - c) Impact on residential amenity
 - d) Access and highway matters
 - e) Surface water drainage and groundwater
 - f) Trees and ecology
 - g) Anti-social behaviour
 - h) Statement of community involvement

i) Other matters

PLANNING POLICIES

19. Relevant planning policies include those seeking to ensure that new development:

- Is located within development limits as defined by the Borough of Darlington Local Plan and is concentrated in sustainable locations within the main urban area (Saved Local Plan Policy E2 and Core Strategy Policy CS1)
- Does not inflict material net harm on the visual relief afforded by open land in built-up areas; the character and appearance of the locality through loss of openness and greenery or areas recognised for their nature conservation or wildlife interest (Saved Policy E3)
- Makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (Policy CS2)
- Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (Policy CS14)
- 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 and protects and enhances mature trees and hedgerows (Policy CS15, Saved Policy E20)
- Protects and, where possible, improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (Policy CS16)

RESULTS OF TECHNICAL CONSULTATION

20. No objections in principle have been raised by the Council's Highway Engineer, Sustainable Transport Officer, Conservation Officer and Environmental Health Officer, by Durham County Council's Archaeology and Ecology Sections and by Northumbrian Water. The Gardens Trust, who are consulted due to the cemetery being a registered park and garden, advise they do not wish to comment on the application. The Lead Local Flood Authority are supportive of the application subject to further information. Further information has also been submitted to address the Environment Agency's objection.

RESULTS OF PUBLICITY AND NOTIFICATION

21. A total of 20 objections have been received from local residents. The main concerns specific to the application are:

- Flood risk to neighbouring properties on Salutation Road and the potential for the proposed development to exacerbate the situation
- Noise and disturbance to residents and allotment holders
- Visual and acoustic screening of the proposed development required to avoid overlooking of the chapel and mourners from houses and vice versa
- Traffic route of visitor vehicles is unclear

- How many burial plots will be left remaining if the development goes ahead?
 - Prefer to see the existing chapel refurbished
 - The design of the new chapel is too modern and not in keeping with the character of the area
 - The new chapel is too close to the nursing home.
 - Existing site has limited capacity, money would be more wisely spent on a new site on the outskirts of town to meet a long term need
 - Inflict more traffic onto the surrounding, busy roads, increasing noise and pollution levels
 - Lack of dignity and compassion for the deceased being moved around the cemetery due to the split site arrangement
 - The land surrounding the maintenance building has been neglected
 - How will access to the new facilities be controlled at night. How will the Council ensure they cannot be used for anti-social activities?
 - Guarantees are needed that the road layout will not change to include access from Pondfield Close
 - The proposal will harm a vulnerable statutory Grade II listed Victorian Park and Garden by uncontrolled traffic for non-statutory development
 - Preliminary researches and risk assessments in support of the proposal appear inadequate
 - The impact of the proposed development is not neutral on the cemetery's significance and setting. The cemetery extension and increased traffic will have a negative impact
 - What life span is the proposed development likely to have?
22. One letter of representation has been received which whilst supporting the proposal overall expresses a number of concerns relating to noise, lighting, flooding and drainage.

PLANNING ISSUES/ANALYSIS

a) Principle of development

22. The application proposals seek to upgrade and enhance existing chapel and crematorium facilities at West Cemetery which is located within the main urban area of Darlington. Land to the west of the cemetery, on which it is proposed to build the new chapel, car park and additional burial ground is allocated for an extension to West Cemetery by Saved Local Plan Policy R30 (West Cemetery Extension).
23. The principle of upgrading and enhancing facilities at West Cemetery is therefore considered to comply with the locational requirements of Saved Local Plan Policy E2 and Core Strategy Policy CS1. The provision of additional burial space on land to the west of the cemetery is also consistent with Saved Policy R30. While proposals for this part of the site also include the erection of a new chapel, car parking and associated external works, the erection of additional buildings on this part of the site has been accepted by previous permission (15/00126/DC) for the erection of storage and welfare buildings to support the cemetery.

24. The cemetery site is also designated as a site of nature conservation interest (SNCI) and open land (Saved Local Plan Policies E20 and E3) although neither designation applies to the agricultural land adjoining the cemetery site. The impact of the proposal on these matters will be considered alongside the following matters of development management:

b) Impact on designated and non-designated heritage assets

25. West Cemetery is a designated heritage asset, being a Grade II registered park and garden. The entrance gate lodge at the eastern entrance, the chapels to the north east and the 20th century crematorium located in the centre of the cemetery are all non-designated heritage assets.
26. The cemetery also contains some limited archaeological interest, primarily in the form of evidence for the site's development provided by small sections of surviving boundary walls from the previous extents of the original and later versions of the cemetery.
27. A Heritage Statement (HS) has been submitted with the application which assesses the impact of the proposed development on the significance of designated and non-designated heritage assets within the site in accordance with the requirements of paragraph 189 of the NPPF.
28. The HS considers that the main significance of the site is derived from its archaeological, historic and artistic interest, being a well-preserved example of an early-Victorian public cemetery laid out in a formal grid-pattern design with legible later 19th century extensions, with a degree of historical associative interest due to J P Pritchett's involvement in the site. The site also contains a very strong commemorative value featuring a Garden of Remembrance as well as a number of First and Second World War casualties buried within the site.
29. No works are proposed to either the Lodge or the chapels to the north east of the cemetery. Alterations, including some demolition, are proposed for the 20th century crematorium. While part of a formalised garden, this building is considered to have lesser significance and has been subject to a number of historic extensions and alterations. The main change to the building will be the loss of a pitched roof to the centre of the building over the existing crematory area and the demolition of two W. Cs and the book of remembrance room to the south. While the loss of the pitched roof will impact upon a feature of the building, its replacement with a flat roof and parapet wall will make more of a feature of the main pitched roof over the existing chapel area, improving views of its principal north-facing façade. Overall these alterations are considered to be minor and do not significantly impact upon the character of the building or the area of Park and Garden. Similarly these works to an existing building will have no discernible impact upon the cemetery being designated as Open Land.
30. The main impact of the proposal on the registered park and garden will be the new chapel building, car park and burial area located outside of, but adjacent to, the

boundary of heritage asset, and to the south of the later 20th century extension. This area is markedly different from the main cemetery being devoid of mature tree planting and sitting outwith the existing brick boundary wall which contains the existing cemetery. Although this area is in use as an ancillary space to the function of the cemetery, neither reflects nor reinforces the strong character of the designated asset, with the clear appearance of an 'add on' to the main cemetery.

31. By comparison, the generally enclosed nature of the cemetery due to thick, mature planting means there are very defined and funnelled views within the cemetery and occasional glimpsed views beyond the park and garden. This high level of screening, particularly along the western extent of the grounds, will be retained although some glimpsed views of the proposed development on this part of the site will be visible above the cemetery walls.
32. The proposed chapel building is entirely contemporary in style, making a clear distinction between the historic cemetery and later 20th century extension. The chapel is modest in scale, form and design with the principal elevations being to the north and south, punctuated by large areas of glazing to provide natural daylight and views to the adjacent gardens. The materials palette has been kept to a minimum, comprising concrete textured cladding panels, brown/grey vertical metal cladding and zinc roofing.
33. The chapel is to be positioned on the lowest part of the site reducing its overall impact on the existing landscape, registered park and garden and from residential properties to the north and south. The proposed landscaping scheme has been designed to reflect the existing planting within the crematorium which is a significant feature of the registered park and garden. The introduction of further landscape planting will help soften views of the proposed new chapel building from within the cemetery and will also reinforce and extend the strong character of the designated asset. The historic development of the cemetery will remain legible in the form of the existing western boundary wall, which is to be retained without alteration.
34. Views of the chapel from within the cemetery will largely be of the service area to the east and the upper part of the chapel above. The impact on key views within the registered park and garden, particularly looking east and west along the main avenue will be limited. The associated elements of works including car parking, burial ground and other landscape will have little discernible impact from this aspect.
35. More significant views of the new building and associated external works will be gained from residential properties, including the care home, and the allotment gardens, to the south and west. These views will be principally be of the south and west elevations of the new chapel which will include the full height of the monopitched roof with the pitch being at its greatest to the east and diminishing towards the west as the roof extends over the Porte Cochere, and of the associated external works. From these aspects, the form of the building will however be softened by the single storey additions to the respective elevations and the proposed landscaping scheme.

36. In consideration of the impact, the development would cause less than substantial harm to the setting of the Grade II Registered Park and Garden. In such cases, the NPPF requires that if a heritage asset's significance is likely to be harmed by a development, including harm occurring to its setting, it is necessary to decide whether such works are necessary (paragraph 195) and justified (paragraph 194); whether such harm is substantial or insubstantial (paragraphs 195 and 196); and whether the amount of harm can be outweighed or offset by a matching amount of public benefit.
37. The proposed development is necessary to upgrade and enhance existing chapel and crematorium facilities at West Cemetery and justified in view of the limitations placed upon the development of the site by the 1902 Crematoriums Act and constraints to developing the existing crematorium building as set out in paragraphs 1 and 2 of this report. Accordingly, there are a number of public benefits arising from the development which can be summarised as follows:
- The replacement of the existing cremators having reached the end of their expected life span with modern, energy efficient, emission compliant equipment;
 - The provision of a modern chapel building with increased capacity enabling larger services to be held;
 - Improved flow and layout separating mourners leaving and arriving for services promoting a swifter turnover of services;
 - Additional burial plots;
 - Greater car park provision
38. The range of public benefits associated with the proposed development are considered to outweigh the less than substantial harm to the setting of the registered park and garden and the proposal is therefore considered to comply with paragraph 196 of the NPPF in this regard. The proposal is also considered to comply with Core Strategy Policies CS2 and CS14.
39. Paragraphs 197 and 199 of the NPPF require that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining planning applications. The HS identifies that this site is of some archaeological value with the potential for archaeological remains to survive on the site, particularly given the size and undeveloped nature of the site. Conditions are therefore attached at the recommendation of Durham County Council Archaeology Section to secure a phase programme of archaeological work and recording on this site.
- c) Impact on residential amenity**
40. The wider application site, including the cemetery and adjoining agricultural land, is surrounded by residential properties on its north and south sides. The main issues for consideration are the potential for noise and disturbance to residents arising from the upgraded crematorium, the operation of the new chapel and car

park, lighting and construction activities and whether the proposed upgraded cremators will adversely impact upon air quality.

41. The existing crematorium is located approximately 100 metres from the nearest properties to the north at Hummerksnott Avenue and 165 metres from the nearest properties to the south on Salutation Road. The new chapel and car park will be located approximately 160 and 120 metres respectively from the rear gardens of properties on Saluation Road to the south. The burial ground will be approximately 100 metres away from these properties. The Gardens Care Home located on Pondfield Close to the south west will be approximately 70 metres from the proposed burial ground and 100 metres from the car park. At its nearest point the new chapel and associated development will be approximately 110 metres away from the nearest properties to the north on Caedmon Crescent.
42. The application has been submitted with a noise assessment which considers the impact of the proposed crematorium (once refurbished) on nearest noise sensitive receptors, including residential properties to the north and south and the care home to the south west. The assessment concludes that the proposed chapel and car parking development will be of low impact in accordance with BS4142 and this element of the proposal complies with Policy CS16 and paragraph 180 of the National Planning Policy Framework, 2019 in this regard. No further mitigation measures are therefore required.
44. It is proposed that coffins will be transferred from the new chapel by electric vehicle (private ambulance) from the service yard to the east of the chapel via a new road constructed along the eastern boundary of the site. This will join up with the existing service road to the maintenance building which enters the cemetery in the south east corner of the site. Vehicles will continue eastwards into the cemetery before heading northwards to the new service yard to be created at the southern end of the existing crematorium.
45. The service yard at the new chapel will be screened from immediate views by 2.4 metre high close boarded timber fencing and a planted embankment to the north and by 4.5 metre high gates at the entrance to the service yard to the south. The route southwards will be screened in part by the existing maintenance building to the south, although properties on Saluation Road presently have a clear view onto this area from their rear aspect. At the closest point the private ambulance would pass within approximately 3 metres of the rear garden boundaries of the nearest properties at regular intervals throughout the day.
46. While the use of an electric vehicle is unlikely to give rise to noise complaints, the frequency of journeys in close proximity to these properties and their rear gardens gives rise to concerns regarding loss of privacy. Accordingly, a 2.4 metre high close boarded fence is proposed along the western side of the route to the south of the maintenance building to limit views of this part of the site. As vehicles enter the cemetery, the existing cemetery walls and mature tree planting along its southern boundary will provide an appropriate degree of separation such that privacy standards will not be unacceptably compromised.

47. A number of lighting columns are proposed to be installed along the existing central roadway through the cemetery and car parking areas as well as some wall mounted down lighting to the new chapel building. Following an assessment of the submitted lighting plans, the Environmental Health Officer has advised that the lighting proposed, and its distance from surrounding properties, is not considered that the proposed lighting will adversely affect the amenity of surrounding sensitive receptors.
48. A Construction Management Plan (CMP) has been submitted with the application and a condition is attached to secure compliance with this document. The hours of demolition and construction activities will also be controlled by condition. Works to replace the cremators will need to be undertaken on a Sunday to allow the existing chapel to be used until the new chapel is operational and this is reflected in the proposed condition to allow these works only. Given the location of the crematorium building relative to surrounding residential properties this activity is considered unlikely to impact upon the amenities of nearby residential properties.
49. The replacement cremators will be covered by an Environmental Permit relating to the control of emissions to air, which is regulated by the Council's Environmental Health Section, separate to the planning process. A variation application is required to update the current permit and will continue to be subject to routine inspections to check compliance with permit conditions.
50. In view of the separation distances between the dwellings to the north and south and from the care home, it is not considered that the proposed chapel and car park development will adversely impact upon the amenities of nearby residential properties in terms of noise, disturbance or loss of privacy. The transfer of coffins via electric vehicle from the new chapel to the crematorium will not adversely impact upon nearby properties in terms of noise disturbance or privacy, subject to the provision and maintenance of a 2.4 metre high close boarded timber fence along part of the route. Subject to conditions requiring compliance with the submitted construction management plan and limiting hours of construction and requiring the provision and maintenance of the screening fencing the proposal is considered to comply with Policy CS16 and the NPPF.

d) Access and highway matters

51. Vehicular access and egress to the site will be via the existing junction on Carmel Road North (B6280). A new car park providing 66 spaces, including 6 accessible spaces, is to be built adjacent to the new chapel, in addition to the existing car park which is to be retained which has capacity for 36 parking spaces. The layout of the proposed new car park meets current design guide recommendations.
52. A Transport Statement (TS) has been prepared and submitted with the application which assesses existing and proposed traffic generation. Whilst increased traffic generation is not necessarily expected as attendances vary from service to service, the TS considers potential increase in traffic as a worst case scenario. Traffic will be generated outside of the normal AM and PM peaks hours which will have far less impact on the operation of the local highway network. Traffic

attending services is typically 'tidal' in nature with an influx of vehicles prior to the service and a similar exit of vehicles within a narrow window afterwards.

53. Due to the high level of car sharing expected at the site it is considered that the proposed parking provision will be sufficient to accommodate projected demand. Three passing places are to be provided at suitable locations along the access route to allow for the passing of vehicles, given that there is limited scope for additional widening works within such a sensitive site.
54. Bus stops on Carmel Road North are not well served by bus services. Elm Ridge Garden Centre stops are served by more regular services however these stops are approximately 900 metres from the application site, significantly above the 400m walking distance threshold set out in the Planning Obligations SPD. While there is an option to use an access to the cemetery within Ravensgarth Drive (former Woodburn Nursery housing site) to the south this would only reduce the walking distance to approximately 750m.
55. Although options to reduce walking distances have been considered, it is not possible to make significant reductions. This is however an existing site and facility which operates within these conditions. Provision is to be made for cycle parking for 8 cycles within the extents of the new chapel and proposed car park and the site is accessible to cyclists, utilising the existing highway network and the designated cycle path north. On this basis, no objection is raised to the proposal by the Council's Sustainable Transport section.
56. A five year review of Police accident statistics has been undertaken as part of the TS which shows that 4 Personal Injury Collisions occurred within the study area around the application site. Analysis of these collisions has not revealed any identifiable collision issues associated with the expected movements of the proposed development. The Highway Engineer therefore concludes that there are no existing road safety issues pertinent to the development of the site. The proposed development should not have a detrimental road safety impact on the local transport network and should not adversely affect the safety of pedestrians and cyclists.
57. A Construction Management Plan (CMP) has been submitted which sets out those measures for limiting construction impacts associated with the development to ensure site traffic is not in conflict with the day to day operation of the site and to ensure roads are inspected and cleaned as required. A condition requiring compliance with the CMP is attached.
58. On this basis the proposals are not expected to have a severe impact on highway safety or on the road network and it therefore accords with the requirements of Policy CS2 and the National Planning Policy Framework (paragraph 109).

e) Surface water drainage and groundwater

59. The application site is in Flood Zone 1. A Flood Risk Assessment and Ground Investigation, to establish ground conditions, have been submitted with the application.
60. The FRA establishes that there are isolated patches of low, medium and high risk areas across the proposed chapel site associated with surface water flooding. The high risk area is attributed to an existing pond/wet area in the far west of the chapel site. Medium and low risk areas are attributed to localised depressions within the topography across the site. Surface water flooding in these areas is also attributed to blockages within the existing private drainage system.
61. The new chapel and refurbishment of the existing crematorium is considered to be at low risk from flooding from groundwater, when considering the relative positions of the chapel and associated hardscaping up slope. The development and placement of the proposed burial plots is considered to be at medium risk of flooding from groundwater in an area also identified as having surface water risk.
62. The FRA sets out a sustainable surface water drainage solution for the site which includes appropriate mitigation measures to reduce/remove the existing surface water flood risk to minimise the risk to a level below that of the existing situation. Proposed levels on site will be designed to route surface water flows away from buildings and directing flows towards the private below ground drainage network, which will be cleansed and repaired, before discharging to the combined foul sewer at a restricted rate of 3.5 l/sec. The Local Lead Flood Authority is satisfied with the proposed drainage solution in principle subject to conditions requiring submission of a final surface water drainage scheme for approval and the cleaning and repair of the existing drainage system.
63. The Environment Agency (EA) has assessed the proposal in terms of potential groundwater pollution from the proposed burial ground. Additional information has been submitted to address the EA's objection to the scheme on the basis of insufficient information which advises that the proposed burial ground is subject to an on-going period (13 months) of ground water monitoring prior to any burials taking place to ensure the area is suitable and will not cause contamination. The proposed SUDS drainage system and remedial works to the existing drainage system should also ensure no contamination of any burial areas. Should the potential for contamination remain, a number of options are available which include raising ground levels above ground water levels in burial areas or adjusting the extent of burial locations to safe areas.
64. Members will be updated verbally of the Environment Agency's further comments and any necessary conditions at the meeting.

f) Trees and ecology

65. A Preliminary Ecological Appraisal of the application site and bat survey of the existing crematorium building have been submitted with the application. An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) have also been submitted which consider the impact of the proposed development on

existing trees within the cemetery site and to the south of the proposed chapel and car park site.

66. There are no protected species impacts expected from the development with a series of risk assessments and survey work undertaken to support this conclusion. Appropriate bat survey work of the existing crematorium building has been undertaken with no evidence of roosting bats reported. The pond on the site of the proposed chapel and car park is of low suitability for great crested newts and the isolated nature of the pond means that the risk of great crested newts being present is deemed as low with no further mitigation work required.
67. The habitats on site are predominantly poor, semi-improved grassland and although not a UK Priority or Durham Biodiversity Action Plan (DBAP) Priority habitat they do have a biodiversity value. The proposed landscaping plan, alongside additional tree planting associated with the proposed chapel and car park, go some way to compensating for the loss of the semi-improved grasslands. These are however generally non-native species chosen to reflect tree and shrub planting within the existing cemetery. The provision of species-rich grassland on land to the south of the proposed burial plot will ensure that there will be no net loss of biodiversity as a result of the development.
68. The submitted tree reports confirm that the proposed development will not adversely impact upon the health and stability of existing trees on the site, subject to conditions requiring the protection of trees during the construction period. A total of four trees are to be removed along the eastern site boundary, within the existing cemetery site, which involves the removal of 1 no. category 'B' tree and 3 no. category 'U' trees.
69. Subject to conditions relating to the protection of trees during the construction period, securing the implementation of the submitted landscaping proposals and the planting of an area of species rich grassland the proposal is considered to comply with Policy CS15 and the NPPF in this regard.

g) Anti-social behaviour

70. Durham Police Architectural Liaison Officer has confirmed, in consultation with the local neighbourhood Sergeant for the area, that while there are sporadic issues of anti-social behaviour in West Cemetery there is nothing of note. The likelihood of anti-social behaviour increasing as a result of the proposed development is therefore considered to be low. The Police would however respond appropriately to any reported incidences; however, it is proposed to install additional lighting and CCTV within the cemetery which should act as a further deterrent.

h) Statement of community involvement

71. A pre-application consultation event was held for residents and businesses on 7th November 2019, prior to which 271 letters were hand delivered to residents on Salutation Road, Baydale Road and The Gardens Care Home advising them of the event. Residents had a further two weeks to make comments on the proposal

via the Council's website. The results of this pre-application consultation have been submitted with the application in the form of a Statement of Community Involvement (SCI) in accordance with the Council's SCI guidelines.

72. The SCI advises that a total of 21 handwritten comments were received after the event with a further 60 comments submitted by e-mail. Comments raised related to the split site arrangement, design/layout, lack of engagement with the community, flooding/drainage issues, strong opposition to the proposed secondary access road onto Pondfield Close and the loss of allotment space, potential noise/pollution, security and whether an out of town site would be a better option.
73. The SCI explains that as a result of the responses received and further meetings held with representatives of The Gardens Care Home and Hummerksnott allotments, the proposed secondary access road was removed from the proposals.

i) Other matters

74. A significant number of objections express concern regarding the proposed split site arrangement. The constraints to developing the existing site and the rationale behind the two building model form of delivery are set out at the beginning of this report. This is not however a material planning consideration that can be considered as part of this application. The decision as to how the Council proposes to meet its obligations to provide compliant cremators and to provide an improved chapel to enable larger services to be held has been taken by Cabinet. The remit of the planning application is to make a decision on the proposal having appropriately assessed all land use planning matters.

CONCLUSION AND RECOMMENDATION

75. The principle of altering the existing crematorium to accommodate new cremators and erecting a new chapel, car park and additional burial plots on agricultural land to the west of the cemetery complies with Saved Local Plan Policies E2 and R30 and Core Strategy Policy CS1. While the proposed chapel building will result in some harm to the setting of the adjacent registered park and garden, the range of public benefits arising from the development are considered sufficient to offset this harm, in accordance with the requirements of paragraph 196 of the NPPF.
76. There is limited harm arising from the proposed development in terms of visual and residential amenity, ecology, archaeology, highways and surface water drainage and groundwater and various technical matters can be dealt with by appropriate planning conditions.

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. 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

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:
- (a) Proposed site plan, drawing number DC19002/A/020 P1 dated 18.12.2019
 - (b) Proposed site plan – crematorium, existing car parking and passing placed, drawing number DC19002/A/021 P1 dated 18.12.2019
 - (c) Proposed site plan – chapel, drawing number DC19002/A/022 P1 dated 18.10.2019
 - (d) Proposed external works – fencing, drawing number DC19002/A/035 P1 dated 16.12.2019
 - (e) Proposed external works – fencing details, drawing number DC19002/A/036 P1 dated 19.12.2019
 - (f) Contractors compound and access plan - sheet 1 of 2, drawing number DC19002/A/040 P1 dated 29.11.2019
 - (g) Contractors compound and access plan – sheet 2 of 2, drawing number DC19002/A/041 P1 dated 29.11.2019
 - (h) Proposed ground floor plan – chapel, drawing number DC19002/A/101 P1 dated 28.10.2019
 - (i) Proposed ground floor plan – crematorium, drawing number DC19002/A/120 P1 dated 03.12.2019
 - (j) Proposed roof plan – crematorium, drawing number DC19002/A/130 P1 dated 16.12.2019
 - (k) Proposed roof plan – chapel, drawing number DC19002/A/131 P1 dated 12.11.2019
 - (l) Proposed elevations – crematorium, drawing number DC19002/A/220 P1 dated 10.12.19
 - (m) Proposed chapel elevations, drawing number DC19002/A/221 P1 dated 28.10.2019
 - (n) Proposed site sections – chapel, sheet 1 of 3, drawing number DC19002/A/320 P1 dated 19.12.2019
 - (o) Proposed site sections – chapel, sheet 2 of 3, drawing number DC19002/A/321 P1 dated 19.12.2019
 - (p) Proposed site sections – chapel, sheet 3 of 3, drawing number DC19002/A/322 P1 dated 19.12.2019
 - (q) Landscape concept, drawing number BA9684LAN-C dated 18.12.2019 issue C
 - (r) Outline drainage strategy – chapel, drawing number DC19002-APP-00-XX-DR-C-30001-S3 P06 dated 12.7.2019
 - (s) Outline surfacing and level strategy, drawing number DC19002-APP-00-XX-DR-C-30002-S3 P05 dated 12.7.2019
 - (t) External lighting and trenching layout sheet 1 of 2, drawing number DC19002/A/607 T1 dated February 2020
 - (u) External lighting and trenching layout sheet 2 of 2, drawing number DC19002/E/608 T1 dated February 2020

REASON – To define the consent

3. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing numbers DC19002/A/220 P1 Proposed elevations – crematorium and DC19002/A/221 P1 Proposed chapel elevations.

REASON – To ensure that the external appearance of the development is an appropriate design and quality in accordance with Policy CS2.

4. The ecological enhancement and mitigation measures set out in the Barrett Environmental Ltd 'Preliminary Ecological Appraisal: Plot 09/035, West Cemetery, Darlington' dated December 2019 and 'Bat Survey Report: Crematorium, West Cemetery, Darlington' dated October 2019 shall be implemented in full. In addition, no development of the new chapel building above damp proof course level shall take place until a scheme for the planting of an area of species rich grassland on land to the south of the proposed burial ground has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the chapel first being brought into use.

REASON – To comply with Policy CS15.

5. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing, the Local Planning Authority. 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 amenity of the area and to ensure compliance with Policy CS15.

6. Prior to any demolition or construction activities taking place on site, existing trees shall be protected in accordance with the details contained in the Barnes Associates Arboricultural Impact Assessment 'Expansion and Refurbishment of Crematorium and Chapel' dated 19.12.2019 and shown on drawing number BA9684TPP 'Tree Impacts' dated 18.10.2019. The tree protection measures shall remain in place in accordance with these details for the duration of the construction phase of the development hereby permitted.

REASON – To ensure a maximum level of protection in order to safeguard the wellbeing of the trees on site and in the interests of the visual amenities of the area.

7. The demolition and construction phase of the development hereby permitted shall be carried out in strict accordance with the measures set out in the 'West Cemetery Crematorium Construction Management Plan Revision 1' dated December 2019.

REASON – In the interests of highway safety and residential amenity

8. Demolition and construction activities on the site shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday and 08.00 – 14.00 on a Saturday. There shall be no working on a Sunday other than those activities set out in the Facultatieve Technologies 'Proposed Sunday Working Schedule' between the hours of 09.00 and 17.00.

REASON – In the interest of residential amenity

9. Prior to installation of the temporary stack associated with the replacement of the existing cremators, details of the stack, shall be submitted to and approved in writing by the Local Planning Authority. The temporary stack shall be removed following full installation and commissioning of the new cremators which shall thereafter be served by the existing stack.

REASON – In the interest of residential and visual amenity

10. Prior to the new chapel hereby permitted first being brought into use, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until the approved details have been implemented in full and shall be retained for the lifetime of the development.

REASON – To encourage access to the site by sustainable modes of transport

11. Prior to the new chapel hereby permitted first being brought into use, details of a scheme to erect a 2.4 metre close boarded timber fence adjacent to the service road leading from the south of the existing maintenance building to the existing cemetery shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until the fence has been erected in accordance with the details as approved and shall be maintained for the lifetime of the development.

REASON – In the interests of visual and residential amenity

12. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON – To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework. A pre-commencement condition is required as the archaeological investigation/mitigation must be devised prior to the development being implemented

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON – To comply with paragraph 199 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

14. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Outline Drainage Strategy – Chapel' dated 2019-12-05. The drainage scheme shall ensure that foul and surface water flows discharge to the public sewerage network via the existing private on site drainage. The additional surface water generated from the new development element of the proposal shall not exceed 3.5l/sec

REASON – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

15. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details:

- I. Detailed design of the surface water management system;
- II. A built program and timetable for the provision of the critical surface water drainage infrastructure
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance Core Strategy Policy CS16 and the National Planning Policy Framework.

16. The development hereby permitted shall not commence until the remedial works highlighted in the Jet Aire Service GR8370 Darlington Crematorium report and accompanying drawing and mitigation measures highlighted in the Jet Air Services correspondence dated 13/02/2020 have been completed. The applicant must submit a programme for these works and the drainage system must be fully operational before works commence on the proposed development.

REASON – To ensure that flood risk to the site and neighbouring sites is not increased as a result of this proposed development

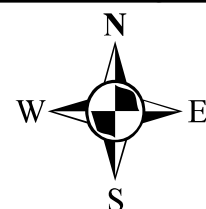


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PLANNING REF No: 19/01185/DC

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 March 2020

APPLICATION REF. NO:	19/01075/FUL
STATUTORY DECISION DATE:	19 th January 2020
WARD/PARISH:	COLLEGE
LOCATION:	2 Milbank Road, Darlington
DESCRIPTION:	Conversion of existing dwelling house to provide 6 no. apartments, demolition of garage, potting shed and mono pitch roof structure to side elevation, widening of site entrance and associated parking
APPLICANT:	Mrs Charlton

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available to view on the Darlington Borough Council website.

APPLICATION AND SITE DESCRIPTION

1. The proposal site lies within the West End Conservation Area on the corner of Milbank Road and Woodland Road Darlington. The area is prominently residential consisting of detached, semi-detached, and terraced dwelling houses along with various apartment blocks along Woodland Road, Trinity Mews and Cleveland Ave.
2. The existing dwelling built around 1910, is of painted render with low level red brickwork, a mixture of White Upvc and white painted timber windows and doors. The main roof is of Grey slate. The whole site is surrounded by a perimeter stone-built wall.
3. Close to the entrance is an unattractive temporary structure in the form of concrete cast painted walls and plastic tiled roof which is used as a garage. This garage is proposed to be removed from the site as part of the development.

4. The application proposes the conversion of the existing dwelling including the conversion of the roof space, a new staircase to access the second floor, removal of the garage structure, and removal of the potting shed extension with associated roof and parapet walls. The development will provide three 1 Bedroom Apartments and three Studio apartments of varying sizes. All existing features externally and internally will be retained.

MAIN PLANNING ISSUES

3. The main planning issues associated with this application are considered to be:

- A.** Impact on amenities of nearby residents and
- B.** Impact on local road traffic.

4. Other issues raised by residents will also be addressed. **(C)**

PLANNING POLICIES

5. Local Plan Policy H18 – Houses in Multiple Occupation in Other Areas.

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highways or Environmental Health Officer. No other comments received.

RESULTS OF PUBLICITY AND NOTIFICATION

7. The CPRE have written supporting the proposals for the following reasons:

- The site is within the urban area and well related to residential amenities;
- The proposals make no major change visually to the exterior of the building
- The conversion will assist in ensuring the building's future; and
- It will contribute to the number of dwellings Darlington is expected to provide for, so pressure is taken off green field sites.

8. **Objections** have been received from **three residents** raising the following issues:

- Increase in on street car parking which is already a problem in the locality
- Increase in traffic causing road safety problems.
- Loss of green areas to car parking on site
- Loss of privacy
- Increased noise including construction noise
- Already similar developments nearby.
- Existing dwelling will be spoilt by the proposal.

PLANNING ISSUES/ANALYSIS

9. A. Impact on amenities of nearby residents.

10. The subject property is situated within extensive grounds (for an urban location) and there is a good level of separation (some 20 metres) from adjacent residential properties as can be seen on the submitted site plans.

11. The on-site car parking provision is mainly located away from the boundary of the property, facing the site access which is to be widened.

12. It is considered that the above mitigating factors will result in very limited noise and disturbance being created by the use of the property as six separate apartments; the spacious nature of the grounds and the surrounding mature trees etc will all contribute to minimising any noise from cars, delivery vehicles etc that may be created by the use and any perceived loss of privacy.

13. B. Impact on local road traffic.

14. The Highways Engineer has commented that a total of six in-curtilage parking spaces are provided which is broadly in line with policy requirements for flatted developments. A reduction in parking standards can be considered in town Centre locations which benefit from good sustainable transport links, the site is approximately 150m from the nearest bus stops and within walking distance of local facilities within the town Centre. In addition, secure cycle storage is provided within the building confines.

15. In view of the above it is considered that the proposed development will not contribute to local road congestion to any material degree and Milbank Road has restricted parking in many places which reduces possible impacts on local residents and road safety.

16. C. Other issues.

17. The existing building and its mature gardens are quite an attractive feature within the West End Conservation Area. There are no major external changes proposed to the building other than removing an attached potting shed feature attached to the west elevation. It is considered therefore that the character of the building will not be detrimentally harmed by the proposed development.

18. This type of conversion development has occurred nearby in the past (indeed one of the objectors occupies a flat nearby). Conversion is often the only option for large town houses that have 5 or more bedrooms and are too large for a single family. It is not considered therefore that this proposal is out of context with the prevailing character of the locality or detrimental to the amenities of local residents, or highway safety.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS :

1. A3 (Implementation time limit).
2. Construction and demolition works 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 Holiday without the prior written permission from the Local Planning Authority. REASON – In the interests of residential amenity.
3. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Proposed Site Plan Number L019069-006

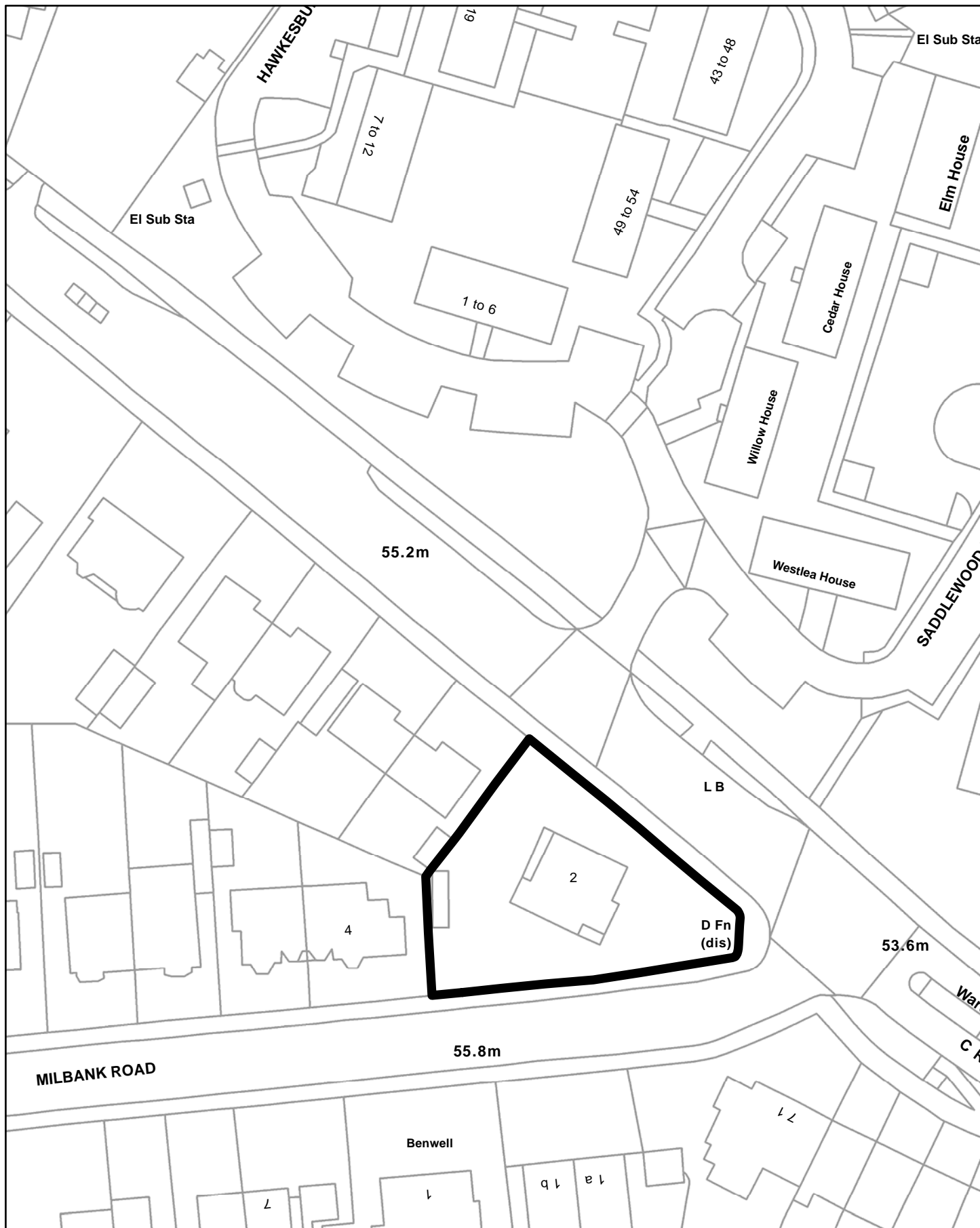
Proposed Floor and Elevation Plan Numbers L019069-004 and L019069-005

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered

INFORMATIVES

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



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 March 2020

APPLICATION REF. NO:	19/01162/ADV
STATUTORY DECISION DATE:	6 March 2020
WARD/PARISH:	NORTHGATE
LOCATION:	27 Corporation Road
DESCRIPTION:	Display of 1 No. non illuminated free standing sign (retrospective application)
APPLICANT:	Mr Namiq Hama Raouf

RECOMMENDATION: GRANT ADVERTISEMENT CONSENT SUBJECT TO CONDITIONS:

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

APPLICATION AND SITE DESCRIPTION

1. The application site is a single and 1.5 storey building close to the junction of Corporation Road and Northgate. The building is currently used as a general store (Class A1).
2. The site is bound by residential terraced dwellings to the north (on the opposite side of Corporation Road); offices/snooker hall to the east; the ASE Club to the south and No 29 Corporation Road to the west, a former NHS building which has planning permission to be converted to seven flats and appears to have been implemented. The wider area includes the retail and commercial units on Northgate (east), the Navy Club on Corporation Road/Northgate junction (North east); St Georges Hall on Elmfield Street which is a building converted to bedsits for vulnerable people (south west) and the continuation of residential dwellings on Corporation Road (west).
3. The premises are located within the Northgate Conservation Area.

4. This application was originally seeking advertisement consent to illuminate an existing freestanding sign board located in the forecourt to the front of the premises. The sign board is on three posts and the planning application was to attach a trough light across the top of the sign to externally illuminate the panel.
5. Following the submission of objections from residents, the applicant has agreed to omit the trough light and leave the existing sign non-illuminated. Whilst the sign has probably been in existence for a few years and used by previous occupants of the premises (car showroom and animal feed store), the sign has been displayed without the benefit of advertisement consent and this retrospective application is seeking to regularise the matter.
6. The signboard measures 4.4m wide x 1.2m high and is on three posts making the overall height 4.6m above ground level. The advertisement is positioned alongside the gable end of No 29 Corporation Road, which is a property converted into flats.

MAIN PLANNING ISSUES

7. Planning applications for a canopy; condensing units and roller shutters (19/00982/FUL) and to extend the opening hours (19/00981/FUL) were granted by the Planning Applications Committee in December 2019.
8. The main issues to be considered here is whether this retrospective application is acceptable in the following terms:
 - a) Amenity
 - b) Public Safety

PLANNING POLICIES

9. A separate consent process within the planning system controls the display of advertisements. It states that advertisements should be subject to control only in the interests of **amenity** and **public safety**, taking account of cumulative impacts.
10. The relevant Local Plan policies include those seeking to ensure that the proposed development:
 - a) Promotes, enhances and protects buildings in conservation areas (CS14 of the Core Strategy 2011)
 - b) Protects the general amenity and health and safety of the local community (CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

11. No objections in principle have been raised by the Council's Highways Engineer or Environmental Health Officer

RESULTS OF PUBLICITY AND NOTIFICATION

12. **Five letters of objection** were received following the Council's publicity exercises for the original submission. As the advertisement will not now be illuminated, a further consultation exercise was carried out by the Council and **two of the objector's have withdrawn their comments.**
13. The comments in the three remaining objection letters all relate to concerns over the sign being illuminated, which is no longer the case.

PLANNING ISSUES/ANALYSIS

a) Amenity

14. The sign is positioned perpendicular to the terrace of dwellings on the opposite side of Corporation Road. The gable end of No 29 Corporation Road does not contain any window openings. The sign will no longer be illuminated and will not have an adverse impact on the outlook from any neighbouring dwellings. There sign is acceptable in residential amenity terms.
15. The sign is only visible within the street scene when approached from the east (Northgate). The design and scale of the sign is acceptable and when viewed against the backdrop of the brick gable end of the neighbouring building, the sign will not harm the general appearance and character of this part of Corporation Road, which is a mix of residential and commercial properties.
16. The sign would sustain the significance of the Northgate Conservation Area in accordance with the National Planning Policy Framework 2019.
17. It is also acknowledged that the sign has been in situ for several years without cause for complaint and will not be changed other than the poster content which is not a material consideration in this instance.
18. The sign is acceptable in visual amenity terms.

b) Public Safety

19. The Council's Highways Engineer has raised no objections and there would be no public safety concerns over the sign.
20. In summary, the sign accords with policies CS14 and CS16 of the Core Strategy 2011 and the National Planning Policy Framework 2019.

CONCLUSION AND RECOMMENDATION

21. The planning application has been amended to remove the method of illumination. The application is to retain the existing free standing, non illuminated sign which has been displayed for a few years without the benefit of advertisement consent. The sign is acceptable in terms of amenity and public safety and it would sustain the significance of the Northgate Conservation Area. The sign would accord with the appropriate local development plan policies and the National Planning Policy Framework 2019.

THAT ADVERTISEMENT CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby granted shall be carried out in accordance with the details contained within the email dated 12 February 2020 and the following approved plans

- a) Drawing Number 19.137.01
- b) Drawing Number 19.137.03

REASON: To ensure the development is carried out in accordance with the advertisement consent

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
REASON: To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

3. No advertisement shall be sited so as to-

- a) endanger persons using any highway, railway waterway, dock, harbour or aero drome (civil or military);
- b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

REASON: To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

4. Any advertisement or hoarding displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

REASON: To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

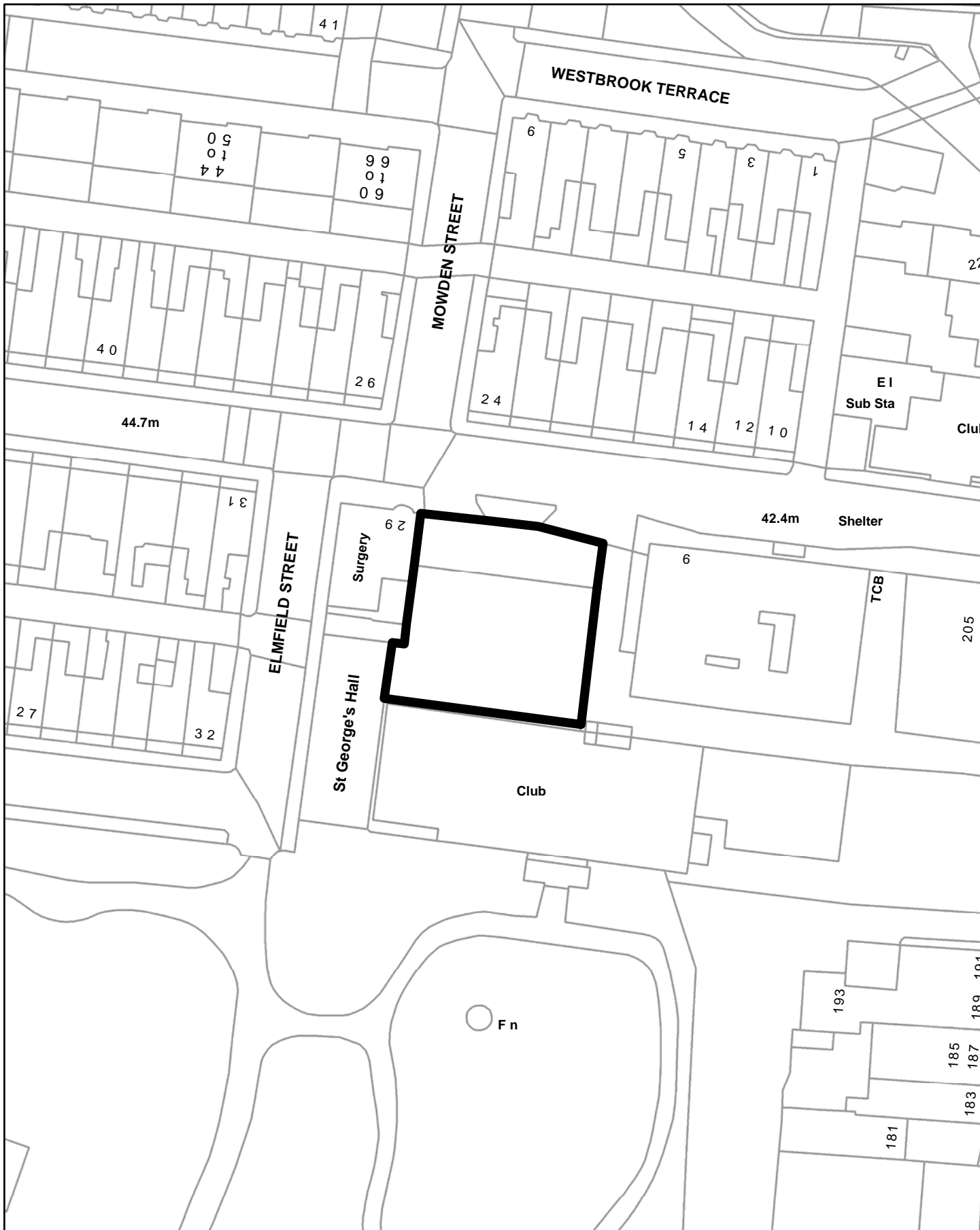
5. Any structure or hoarding erected or used principally for the purposes of displaying advertisements shall be maintained in a condition that does not endanger the public.

REASON: To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASON: To ensure that the development accords with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

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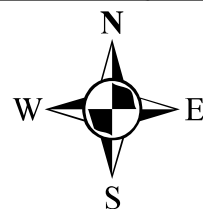


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PLANNING REF No: 19/01162/ADV

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 March 2020

APPLICATION REF. NO:	19/01150/FUL
STATUTORY DECISION DATE:	10 February 2020
WARD/PARISH:	MOWDEN
LOCATION:	41 Conyers Avenue, Darlington
DESCRIPTION:	Erection of new boundary fence (Retrospective) (as amended by plan received 28/01/20)
APPLICANT:	Ms Amanda Baker

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

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

APPLICATION AND SITE DESCRIPTION

1. The application property is a large detached north facing dwelling on the corner of Conyers Avenue and Barnes Road, set within a predominately residential area.
2. Retrospective planning permission is sought for the erection of close boarded timber fencing with capping rail along the northern, western and southern boundaries measuring approximately 1.8m in height.
3. Improvements have been negotiated in regards to highway safety raised by our Highways Engineer. If permission is approved, the applicant will lower a corner section of the fencing to 1m in height to improve highway visibility in compliance with national and local highway guidance. A section of timber fencing 1.8m in height will be then be erected diagonally 2.4m from the corner point to provide a secure boundary for the application property. It has been agreed that these works will be completed within two months of the date of this meeting, should planning permission be granted and this will be secured by planning condition.

MAIN PLANNING ISSUES

4. The main issues with application are:
 - a) Impact on visual and residential amenity
 - b) Impact on highway safety

PLANNING POLICIES

5. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development:-
 - a. Is in keeping with character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12)
 - b. Provides vehicular access and parking suitable for its use and location and which reflects appropriated maximum parking standards set out in the Tees Valley Highway Design Guide CS2 (h))

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highways Engineer.

RESULTS OF PUBLICITY AND NOTIFICATION

7. **Four letters of objection** were received following the Council's publicity exercises.
8. Comments relate to concerns regarding highway safety and impact on visual and residential amenity. Their main concerns to the application are summarised below:-
 - Fencing has removed the splayed sight line, impairing ability to safely exit the drive of No.91 Barnes Road
 - Visibility splay has been reduced at/and close to busy junctions which is further exacerbated by addition parking at school drop off/pick up times. Conyers Avenue is a busy thoroughfare through Mowden Park Estate
 - Unsightly views
 - Enclosing a green open space area and not in keeping with rest of estate
 - Other people have had permission refused
 - Removal of tall hedge being removed prior to development (not a planning consideration)
 - Enclosing a sub-station (not a planning consideration)

PLANNING ISSUES/ANALYSIS

(a) Amenity

9. The existing timber close boarded fence has been erected in place of mature hedging which has been removed without the need for planning consent. The fencing will be visible from the highway, will measure approximately 1.8m high and will run along the northern, western and southern boundaries of the application property, leaving the front garden open plan.
10. Other properties on the corners of Carleton Drive, Carlbury Crescent and Fulthorpe Avenue on the Mowden Estate have had similar fences erected alongside boundaries with pavements.
11. The erection of the fencing will not significantly impact nearby residential properties in regards to the fencing being overbearing when viewed from front gardens from properties on Conyers Avenue, Barnes Road or Edgecombe Drive. Nor would it result in loss of light or outlook to the extent that it would be justified to refuse planning permission on these grounds.
12. The proposal would not raise any significant issues in regards to residential or visual amenity or highway safety and is therefore considered acceptable.

(b) Highway safety

13. The Highways Engineer has no objection to the proposal due to improvements being negotiated in regards to highway safety which have addressed previous concerns in regards to poor visibility.

CONCLUSION AND RECOMMENDATION

14. The planning application has been amended to lower a section of the fencing at the point of the driveway to the south (No. 91 Barnes Road), improving the visibility splay and is acceptable in terms of both amenity and highway safety and would accord with the appropriate local development plan policies and the National Planning Policy Framework 2019.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below within two months from the date of the planning committee (4 March 2020):

Site Plan and Detail Dwg. No. PR01/A dated Dec 2019

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

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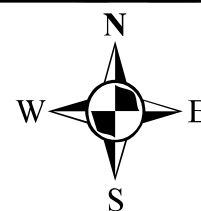


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PLANNING REF No: 19/01150/FUL

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AGENDA ITEM

DARLINGTON BOROUGH COUNCIL

PLANNING COMMITTEE – 4 MARCH 2020

REPORT OF HEAD OF PLANNING DEVELOPMENT AND ENVIRONMENTAL HEALTH TO AN OBJECTION TO TREE PRESERVATION ORDER NO 12 2019 1 SUSSEX WAY DARLINGTON

1. Purpose of Report

- 1.1 To advise members that three objections have been received in respect of Tree Preservation Order Number 12 2019. The objections relate to this order which covers one semi mature maple tree (Acer spp) growing on land to the side of 1 Sussex Way Darlington.

2. Legal and Procedural Background

The power to make a tree preservation order is derived from section 198(1) of the Town and Country Planning Act 1990:-

If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

‘Amenity’ and ‘Expediency’

Extracts from Government Guidance: -

Amenity

‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order, they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

What might a local authority take into account when assessing amenity value?

When considering whether trees should be protected by an Order, authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

Expediency

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.

It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

The process to be followed in making orders is laid down in The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Where a Tree Preservation Order is made, it has immediate provisional effect to protect the tree. This provisional effect will last for six months, or until the Order is confirmed by the planning authority, whichever is the sooner. If the Order is not confirmed within this time period, the Order will fall away.

Once the Order has been made, it is served, together with a Notice, on all persons with an interest in the land affected by the Order. The Notice will state the reasons that the Order has been made and will contain information about how objections or representations may be made in relation to the Order.

Where an objection is made to the Order then the Planning Applications Committee must consider any such objections and representations and must decide whether or not to confirm the Tree Preservation Order, and, if so, should that be with or without modifications.

3. Decision to Make the Tree Preservation Order

- 3.1 The tree was originally protected by Tree Preservation Order 2018 (No 12) made on 28 November 2018. This order was revoked due to the species of the tree being incorrect. This Tree Preservation Order 2019 (No 12) was

made on 27 November 2019 on one semi mature maple tree on land to the west of 1 Sussex Way Darlington to replace the original order.

- 3.2 This Tree Preservation Order was made as a result of the occupier of 1 Sussex Way Darlington purchasing the land and proposing to enclose it and change the use from open space to private garden. Planning application 18/00905/FUL refers. New Orders are only placed on healthy trees that are regarded as having a significant degree of public amenity.
- 3.3 Three objections have been received from Mrs Sheila Samways, the owner and occupier of 1 Sussex Way Darlington, Mr Anthony Samways, co-owner of 1 Sussex Way Darlington and Mrs Elizabeth Mitchell, co-owner of 1 Sussex Way in respect of the order being placed on the semi mature maple tree in the side garden of their property.
- 3.4 T1 is a semi mature specimen in reasonable form and condition, the tree has co-dominate stems with a slight inclusion. The tree has a high amenity value as it is highly visible from several viewpoints.

The Tree Preservation Order was based on the following grounds:

This Tree Preservation Order has been made as the tree included in the Order make a valuable contribution to the amenity of the area. The tree appears to be healthy and in good condition and is a highly visible feature in the area.

The TPO is appropriate in the general interests of public amenity and in accordance with the Town and Country Planning Act (1990), Town and Country (Trees) Regulations 1999 and the Office of the Deputy Prime Minister's guidance to fulfil a statutory duty.

4. Summary of Objectors' Comments

- The tree is located within my private garden and not situated within the grounds of land adjacent to 1 Sussex Way, Darlington.
- This TPO was created following an objection to planning application 18/00905/FUL stating that they thought the tree would be felled for property development. My intentions were just to get the tree professionally pruned, as requested by Darlington Borough Council due to the tree branches overhanging the public highway;
- The tree was misidentified on the first TPO 'Tree Preservation Order No. (12) 2018.' It was labelled as semi/mature sycamore (*Acer Pseudoplatanus*). On the second 'Tree Preservation Order No. (12) 2019,' the updated TPO is identified as a semi/mature Maple Tree (*Acer spp*). This second attempt to identify a tree is still wrong as it does not specifically identify the tree but gives just the name of a type of tree species. This shows that a detailed inspection of the tree has not been carried out correctly. If a tree cannot be identified, then how has an assessment been professionally carried out with the judgment Grounds 1 '1 The tree was inspected and found to be in healthy condition.'

- I have had two independent tree specialists assess the condition of the tree.
- The first, an independent assessment by a qualified tree surgeon, has stated that the tree is unhealthy and the branches are far too close to the public footpath/highway. The independent assessor also confirmed that roots are causing damage to my garden wall and has since become unstable and has collapsed.
- The second independent company to inspect the tree, assessed the tree and have found that the tree is not in a healthy condition and it is in urgent need of tree pruning to remove the lowest horizontal branches, reduce density and remove dead wood.
- They have also identified the tree as Norway Maple (*Acer platanoides*).
- If a full inspection was carried out on the tree, they would have seen tree has leaf spot and blotch diseases, obvious with discolouration and black spots on leaves. Verticillium wilt is present throughout the central columns of the tree. There are several branches of deadwood hanging, some still attached, others started to break away from main tree column and others dangling dangerously. Lichens are present throughout the central branches.
- I further object to the TPO with the tree causing considerable damage to my property. The root growth has been so detrimental, it has caused the collapse of the wall. The large root growth underground and on the surface have undermined the ground foundations to cause and unstable and dry soil conditions, causing the wall to collapse.
- It is not necessary for Darlington Borough Council to place TPO when the tree is under good arboricultural or silvicultural management. I have demonstrated my duty and have employed the services of a Tree Services company.
- I strongly object to the TPO on the tree within my private garden. The listed objections show there are strong grounds for no TPO to be required.

5. Our response to Objector's Comments

In response to the above objections, the Council's Arboricultural Officer has stated:

If the tree owners have concerns regarding subsidence, they should send all details and reports (including the referred to surveys) in connection with the situation to the Planning Department.

It is natural for trees to have deadwood within their crowns, Lichens can be found on most trees and is natural as they live in harmony with the tree.

Black spot occurs on leaves and is said to be in areas of good air quality, to prevent the reoccurrence the fallen leaves should be removed.

The owner of the trees has a duty of care to ensure that their trees are safe, and it is recommended that they are regularly inspected by a suitably impartial experienced consultant Arboriculturist, and having Professional indemnity insurance. Any works regarding trees that are protected must be carried out by a suitably experienced arborist.

Verticillium wilt to in our arborists professional opinion is not prevalent.

Ultimately it is the responsibility of the tree owners to address these matters as part of a planning application to carry out works to a tree the subject of a preservation order and provide the evidence. This should include structural surveys and arborists reports to support the applicant's position for the Local Planning Authority to consider.

6. Consideration of Objections to TPO

As stated above the ground for making a TPO is '*that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.*'

Therefore, objections to the TPO should be considered on this basis. The questions to consider are: -

1. Would the removal of the tree have a significant negative impact on the local environment and its enjoyment by the public?
2. Is it expedient for the tree to be protected, i.e. is there a risk of the tree being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area?
3. Is the tree dead, dying or dangerous? It would not be appropriate for the Authority to make a TPO in these circumstances. By dangerous the test should be is the tree itself hazardous or unsafe.

7. Conclusion

The Semi mature Maple Tree is in reasonable form and condition with co-dominate stems with a slight inclusion. There appears to be no reason why the tree cannot add to the amenity value of the wider community for many years to come as it matures which justifies its protection.

None of the reasons given by the objector in the opinion of the Local Authority would justify not proceeding with the Order.

An avenue does exist should the objector/owner of the property choose to use it, to undertake works to the tree. This would be to submit an application and supply the relevant reports to justify their position. The application would be considered in the normal way.

8. Recommendation

That members confirm the TPO without modification.

Dave Coates
Head of Planning Development & Environmental Health

Appeal Decision

Site visit made on 28 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/N1350/W/19/3240898

Land east of Middleton Lane, Middleton Lane, Middleton St George DL2 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Enterpen Limited, SJS Potts Limited and Wooler Holdings Limited against the decision of Darlington Borough Council.
- The application Ref: 18/01108/FUL, dated 13 November 2018, was refused by notice dated 24 September 2019.
- The development proposed is the erection of 55 dwellings, including 12 affordable.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a Landscape and Biodiversity Strategy Plan with the appeal submission, in response to the Council's concerns on biodiversity grounds. As the Council and interested parties have had the opportunity to comment on this document during the appeal process, I have considered it in my decision.

Main Issues

3. The main issues are whether the proposal would (i) be in a suitable location for housing with regard to the effect on the character and appearance of the area; (ii) preserve or enhance the character or appearance of the Middleton One Row Conservation Area; (iii) the effect on highway safety; (iv) the effect on the living conditions of the occupiers of 8 Pinetree Grove (No 8) by way of outlook and light, and on the future occupiers of the proposal; and (v) biodiversity considerations.

Reasons

Character and Appearance

4. The appeal site consists of an arable field which is rectangular in shape. The boundaries are largely defined by hedgerows, with occasional trees. The site forms a long frontage on to Middleton Lane, with areas of housing found on either side. To the rear, there is a further field and the open countryside stretches beyond. Opposite, there are a small number of dwellings and more open land.

5. In broad terms, the settlement of Middleton St George is found to the north of the site, with Middleton One Row found to the south. Middleton St George is centred around a number of shops and services that lie well north of the site, whilst Middleton One Row is focussed on 'The Front', which is some distance to the south. Due to its location, the site lies in between the two settlements.
6. The site lies outside of development limits under the Borough of Darlington Local Plan (1997) (LP) and so for the purposes of the LP it is in the countryside. Saved Policy E2 states that most new development will for the plan period be located inside the development limits defined on the Proposals Map. The supporting text goes on to say that the Council has defined development limits, within which most new development will be located, with the intention of maintaining these well-defined boundaries and safeguarding the character and appearance of the countryside.
7. Saved Policy H7 sets out where new housing development will be permitted in the countryside. The proposal does not conform to the types of residential development that are listed in the policy.
8. Policy CS1 of the Darlington Local Development Framework Core Strategy (2011) (CS) supports development within the limits of the larger villages, and names Middleton St George. Outside of the limits of villages, development will be limited to that required to meet identified rural needs. Whilst the CS Key Diagram shows Middleton St George and Middleton One Row as one larger village, the CS confirms that the purpose of the Key Diagram is to illustrate the broad locations to which policies refer. It does not alter that development proposals need to be considered against Policy CS1.
9. When the site's largely undeveloped and agricultural form is considered with its proximity to the field to the rear and the open land opposite, its character is appreciably informed by the countryside. This is further evidenced by the limited amount of development there is directly opposite the site. In contrast, the proposal would represent a marked incursion of built development onto the site relating to the 55 proposed dwellings and the associated infrastructure. As a consequence, the site would retain little of its open countryside qualities.
10. Moreover, the distinction between Middleton St George and Middleton One Row would largely be lost with the 'infill' of development that would result. On the same side of the road as the site, there would be a continual pattern of built development that, in effect, would cause the two settlements to merge because there is no other open land of any note. The looser pattern of development there is opposite the site would not be sufficient to keep the settlements separate.
11. The appellant has suggested a number of other alternate ways of defining the two settlements, or whether they should be seen as one. However, the appropriate means of establishing this is by how the site physically relates to its surroundings. As the site contributes to keeping the settlements distinct, it contributes favourably to their separate character. There is also not compelling evidence that it has been anticipated that such land along Middleton Lane is to be developed, in particular when the development plan policies are considered. Nor can this be inferred from the layout of the development on St. Margaret's Close, which adjoins the site.

12. The approved housing site¹ that I have been referred to which is found to the north west of the site conforms to a greater degree to the settlement pattern, as it lies opposite to what is a more significant level of development. It performs a lesser role in keeping the settlements separate. I am satisfied that the site circumstances are sufficiently different.
13. I conclude that the proposal would not be in a suitable location for housing with regard to the effect on the character and appearance of the area. Character and appearance underpins Saved Policies E2 and H7 and Policy CS1, as regards the protection of the countryside and the distinct character of settlements. It would not comply with Saved Policy E2 and Policy CS1 in this regard, as well as with the Saved Policy H7 for the reason that I have set out.
14. The weight to be given to the development plan policies depends on their consistency with the National Planning Policy Framework (Framework). Policies should not be treated as out of date simply because of their age or because the development plan is time expired. Both parties have referred to a number of appeal decisions which support their position on the weight these policies should attract, which I have considered in my deliberations.
15. In respect of Saved Policy E2, the Council has set out that the limits were drawn to protect the character and appearance of the countryside. This position is broadly consistent with the Framework with regard to recognising the intrinsic character and beauty of the countryside and, as such, the proposal would not comply with paragraph 170 of the Framework in this respect. Policy CS1, whilst focussing development on main settlements, does not seek a moratorium on development beyond limits but rather limits it to that meeting rural needs. This is consistent with the Framework which seeks sustainable development in rural areas. Both these policies attract significant weight in my decision.
16. The position in respect of Saved Policy H7 is different. The Framework does not take such a restrictive approach as regards the types of residential development that are permitted in the countryside. As such, the conflict with the policy attracts limited weight in my decision.

Conservation Area

17. The site lies within the Middleton One Row Conservation Area. The Council's Character Appraisal (2010) describes the special interest of the conservation area and states that it is considered to have high quality, intact rural qualities. Greenspace is identified as one of its key features. These also play a role in its landscape setting, in particular with the countryside surroundings of the conservation area.
18. The function the site performs in this respect is evident as a key feature of greenspace along Middleton Lane. The site allows the countryside to permeate in with its largely undeveloped agricultural appearance, along with the associated hedgerows and trees. Hence, it contributes pleasingly to the rural qualities of the conservation area and this is where it contributes to the significance.
19. The built elements of the proposal would largely remove the site's greenspace characteristic and detract from its contribution to the significance. Where there

¹ Council ref: 16/00972/FUL

would still be open spaces on the site, they would be ancillary features to the main housing use and would have limited rural qualities. Views through the site of the countryside would be filtered by the built form of the dwellings, even with the use of planting and the intention to create a 'village green feel'. The coalescence of development that would result would unacceptably alter the character. Such effects would be more than localised with the harm to the conservation area that would result.

20. Middleton Lane clearly has a distinctive character from 'The Front', in relation to the buildings found in that part of the conservation area and the views afforded southwards. The Character Appraisal is, however, clear that both areas have significant merit as regards their contribution to the conservation area. To consider the site otherwise would be to underplay its historical significance as greenspace and with the visual link to the countryside. Its inclusion within the conservation area is justified.
21. Ribbon development in the part of the conservation area where the site is found is still fairly intermittent with the open spaces that remain. Whether or not this may have developed into more of a character attribute, dependant on historical events, is of limited relevance as this does not reflect the existing situation. The proposal would, in any event, extend well back into the site and would be more akin to the modern housing developments found in its vicinity, rather than the built form which is in the conservation area. Nor is the layout and design of the proposed dwellings themselves reflective of the villa-like dwellings that are much in evidence, and it is not apparent how the design rationale relates to the particular conservation area qualities and its sense of place.
22. The statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. Having regard to the above matters, I conclude that the proposal would fail to preserve or enhance the character or appearance of the conservation area. This weighs considerably against the proposal.
23. It would also not comply in this regard with Policies CS2 and CS14 of the CS where they concern protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage, and high quality design.
24. The proposal does not accord with what the Character Appraisal considers are the components that are especially important and contribute most to the conservation area character, in order to manage change and guide new development. Nor would it comply with the Revised Design of New Development Supplementary Planning Document (2011) (SPD) which states that development in a conservation area should be guided by its character appraisal, as well as the guidance it provides on the quality of new development.
25. The proposal would also not comply with the Framework where it states that heritage assets should be conserved in a manner appropriate to their significance, and the desirability of sustaining and enhancing their significance. For the reasons set out above, I find this is a case where 'substantial harm' would arise, under the Framework.

Highway Safety

26. The matters of dispute between the appellant and the Council on highway safety relate to the proposed internal layout. The Council's Highways Officer sets out a number of detailed concerns in relation to carriageway and junction spacing, the parking provision and traffic calming. The appellant does not appear to dispute the need to address these points, but considers that they could be overcome through further design work.
27. However, such an amended scheme is not before me and so I cannot be satisfied with any great degree of confidence that such issues can be addressed to demonstrate that undue highway safety concerns would not arise. I would also have to consider if the changes to the layout may have a bearing on other matters that are for my consideration. Therefore, even if I was minded to allow the appeal, this is not a matter that could be addressed through the imposition of a planning condition. I acknowledge that the Council did not object to the principle of the development in highway terms, but this was on the premise of an acceptable layout being submitted.
28. In respect of where off-site highway works would be needed, the Highway Authority has other legislative means to deal with this and so this should not further impact on what is for my consideration. Nevertheless, this does not address the concerns that I have set out.
29. I conclude that the proposal would have an unacceptable effect on highway safety. As such, it would not comply with Policy CS19 of the CS where this concerns making the best use of and improving transport infrastructure and with the Framework where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, amongst other considerations.

Living Conditions

30. No 8 abuts the north-east corner of the site. The dwellinghouse is orientated towards Pinetree Grove. Its side elevation faces towards the boundary of the site, and contains ground and first floor openings. The land up to the boundary is a garden area and contains an outbuilding. The garden extends around the rear of the property. Views are fairly unobstructed from the site, albeit there are some trees close to the boundary.
31. The distance between the nearest proposed dwelling (Plot 43) and No 8 would be less than the minimum acceptable distances in the SPD, and the proposed dwelling would be around 4 metres off the boundary with No 8. Notwithstanding this, the SPD also acknowledges there is a need to analyse the site's context and its local character. In this regard, it is relevant to consider that it is the side of No 8 that faces the site. With the distance there would be between, it would not unduly impact on light levels or the outlook to the windows of that property, even if they relate to a habitable room. Likewise, whilst the proposed dwelling would be noticeable, the enjoyment of the garden area would also not be unduly impacted.
32. In relation to the future occupiers of the proposal, the Planning Officer Report raises similar issues concerning the relationship between Plots 43 and 42. Again, as the proposed dwelling on Plot 42 would be side on to Plot 43, this would not unduly impact on the living conditions of the occupiers of Plot 43 on

what would be a comparatively large plot. With the proposed layout, the effect on the living conditions of the future occupiers of the other plots would also not raise undue concerns.

33. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No 8 by way of outlook and light, as well as on the future occupiers of the proposal. Accordingly, it would comply in this regard with Policy CS2 and, whilst it would not technically comply with the separation distances, it would in overall terms accord with the SPD as far as its design would lead to reasonable living conditions.

Biodiversity

34. The dominant habitat on the site is of an arable nature. The Council's Ecologist considered that whilst this is of a low conservation value, it still has a biodiversity value and that the losses had not been accounted for within the design of the proposal. The Ecologist suggested a broad species rich grassland corridor along the eastern boundary, hedgerow tree planting and that the open space along the western boundary should ideally be species rich grassland.
35. To that end, the Landscape and Biodiversity Strategy Plan broadly proposes those biodiversity enhancements, as well as native planting within the site and along the boundaries, and wildlife friendly gardens, amongst other measures. The Council's Ecologist went on to state that a simple principles document would be sufficient at that stage. The Landscape and Biodiversity Strategy Plan now performs that function. The proposal would, thus, not result in a net overall loss of biodiversity and would have the potential to strengthen biodiversity and adequately demonstrates mitigation.
36. I conclude that the effect on biodiversity interests would not be unacceptable. Hence, it would comply with Policy CS15 of the CS where it seeks to ensure 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, amongst other considerations.
37. It would also comply with paragraphs 170 and 175 of the Framework in this regard, where they concern minimising impacts on and providing net gains for biodiversity, and avoiding significant harm to biodiversity resulting from a development.

Planning Balance

38. Where a proposal would lead to substantial harm to a designated heritage asset, paragraph 195 of the Framework sets out that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. The alternative criteria that are set out in paragraph 195 do not apply in this case.
39. The proposal would make a contribution towards the Government's objective of significantly boosting the supply of homes and it would provide for a housing mix. There would also be economic benefits during construction, and with the spend of the future occupiers and through receipts that the Council would receive. Public open space would be provided on-site. The proposal would also support local and community services, and it would be in an accessible location

that would encourage the use of travel modes other than the car. Biodiversity gain is also proposed.

40. It is also intended that 22% of the proposed dwellings would be affordable housing. Contributions would also be made to a local school and sports pitch provision. The potential for these to be benefits is tempered somewhat because I do not have an effective mechanism before me for their delivery in the absence of an executed planning obligation.
41. I am mindful that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Overall, the public benefits would be on a moderate scale and would not outweigh the substantial harm to the designated heritage asset, under the Framework.
42. The proposal would also not accord with the presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, because the application of policies in the Framework that protect areas or assets of particular importance, related to designated heritage assets, namely the conservation area, provides a clear reason for refusing the development proposed.
43. In the broader planning balance, I reach a similar overall conclusion. There would be additional harm by way of the effect on character and appearance and highway safety. Matters in relation to comparisons with a previous refusal on the site and with the approved housing site to the north-west has a limited bearing, as each proposal is to be determined on its own merits. That the proposal would not be unacceptable by way of living conditions and biodiversity, and in other respects, attracts neutral weight. I have taken into account the relevant matters in relation to the economic, social and environmental objectives of the Framework, as set out above, notwithstanding these are not criteria against which every decision can or should be judged. The harm that would arise would not be outweighed by the benefits.

Conclusion

44. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR

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Appeal Decision

Site visit made on 28 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/N1350/W/19/3240897

Land north of Stockton Road, Sadberge DL2 1SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Vickers, Enterpen Ltd, SJS Potts Ltd against the decision of Darlington Borough Council.
 - The application Ref: 18/00994/FUL, dated 25 October 2018, was refused by notice dated 21 October 2019.
 - The development proposed is the erection of 25 dwellings (including 3 affordable).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on highway safety; (ii) whether it would be in a suitable location for housing with regard to the effect on the character and appearance of the area; (iii) the effect on the setting of the Sadberge Conservation Area; (iv) the effect on the living conditions of the future occupiers of the proposal by way of outlook, light, privacy and noise; and (v) biodiversity considerations.

Reasons

Highway Safety

3. The proposal would be accessed via new junction onto Stockton Road. It would be intended that this part of Stockton Road would have its speed limit reduced to 50 miles per hour (mph) from the current 60 mph. The internal access road, with a short cul-de-sac and a turning head, would then serve all the proposed dwellings as regards vehicular access. Off-street car parking would be provided by way of a combination of driveway and garage spaces.
4. The 'site plan – as proposed' has been through a number of iterations in order to try to address the concerns that have been expressed by the Council's Highway Officer. The outstanding matters that are set out in the Planning Officer Report relate to an increased radius to the carriageway and a design that rationalises the 90-degree bend to the front of Plot 22 demonstrating the required forward visibility; and amendments to parking spaces and driveways to ensure that they meet the minimum accepted standards.

5. The bend to the front of Plot 22, as it is on a corner, would be tight in terms of vehicles attempting to pass one another. The swept path analysis shows that if a larger vehicle was attempting to get around that corner, there would be little room for a vehicle coming the other way. There would be the potential for conflict between vehicles.
6. Such issues with manoeuvrability would be exacerbated if vehicles attempt to park on the road, due to insufficient levels of parking spaces and driveways to the Council's usual standards. Parking part on footways would raise concerns for pedestrian safety. Nor is this a location where having lower levels of parking would be likely to have the benefit of promoting other modes of transport with the limited local services there are in Sadberge and the restricted public transport options.
7. I conclude that the effect of the proposal on highway safety would be unacceptable. As such, the proposal would not comply with Policies CS2 and CS19 of the CS where these concern providing vehicular access and parking suitable for its use and location, and making the best use of and improving transport infrastructure. It would also not accord with the National Planning Policy Framework (Framework) where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, amongst other considerations.

Character and Appearance

8. The appeal site consists of part of a field. The site boundary to Stockton Road is defined by a hedgerow. The boundaries to a track to the west of the site and a public open space area to the north are defined by low fencing, hedgerows and occasional trees. The remaining boundary with the rest of the field is undefined. There is a small pond on the site nearest the boundary with Stockton Road.
9. Beyond the adjacent track and public open space area lies the extent of the existing development in Sadberge. This consists of fairly modern housing which is found at a higher land level than the site. The remaining land in the vicinity of the site outside of Sadberge is mainly countryside, along with the A66 where it bypasses the village.
10. The site lies outside of the development limit of Sadberge under the Borough of Darlington Local Plan (1997) (LP) and so for the purposes of the LP it is in the countryside. Saved Policy E2 states that most new development will for the plan period be located inside the development limits defined on the Proposals Map. The supporting text goes on to say that the Council has defined development limits, within which most new development will be located, with the intention of maintaining these well-defined boundaries and safeguarding the character and appearance of the countryside.
11. Saved Policy H7 sets out where new housing development will be permitted in the countryside. The proposal does not conform to the types of residential development that are listed in the policy.
12. Policy CS1 of the Darlington Local Development Framework Core Strategy (2011) (CS) supports development within the limits of villages. Outside of the limits, development will be limited to that required to meet identified rural needs. Policies CS2 and CS14 of the CS concern high quality design, including

positively contributing to the character of the local area and its sense of place, and promoting local character and distinctiveness.

13. The site's character is informed by the countryside, in particular as it is part of a larger field and with other farmland in its vicinity. It is, however, also located in close proximity to the existing development in Sadberge to both its western and northern sides. There is limited separation provided by the track and the public open space area. The proposal would, in effect, 'round off' development on this side of the village between the existing development and Stockton Road. Where the proposed dwellings would abut the rest of the field this would be softened by a planted buffer, as well as by the rear gardens of those properties.
14. Taking these factors together, the effect on the character and appearance of the area as regards the countryside would be of a limited nature, when the proposed dwellings and the associated infrastructure are considered. As the site would be approached along Stockton Road from the east, the majority of the proposed dwellings would be set back and whilst they would be visible over the hedgerow this would be against the backdrop of the existing development in Sadberge. The design and layout would not be unacceptable in this regard.
15. Accordingly, I conclude that the proposal would be in a suitable location for housing with regard to the effect on the character and appearance of the area. Hence, it would comply in this regard with Saved Policy E2 and Policies CS1, CS2 and CS14. Saved Policy E2 and Policy CS1 do not act as a moratorium to housing development of the type proposed in such a location, even though the proposal would be beyond the existing development limit.
16. The proposal would not comply with Saved Policy H7 for the reason that I have set out. The Framework does not, though, take such a restrictive approach as regards the types of residential development that are permitted in the countryside. As such, Saved Policy H7 is not consistent with the Framework and so the conflict with the policy attracts limited weight in my decision.
17. As the proposal would not have an unacceptable effect on the character and appearance of the countryside, it would also accord with paragraph 170 of the Framework, as well as because it would achieve well designed places. It would also comply with related guidance in the Council's Revised Design of New Development Supplementary Planning Document (2011) (SPD) concerning high standards of design.

Conservation Area

18. The boundary of the conservation area lies further up Stockton Road towards the village centre and includes part of a field that is on the opposite side of the road, which the main parties have referred to as the triangular field. The conservation area is focussed on a village green in the centre of the village and the arrangement of generally traditional buildings positioned around it, as well as a nearby church. The triangular field plays a constituent role in its significance, with its proximity to the centre. A particular feature of the conservation area is that it sits on a ridge with the land levels dropping on all sides which, in places, afford views of its generally rural hinterland.

19. The site is separated from the nearest part of the conservation area boundary by the rear gardens of more modern residential development. Both sides of Stockton Road up to the boundary also contain extensive planting.
20. There is limited inter-visibility between the site and the conservation area. As the site is approached from Stockton Road to the east, it can be viewed with the triangular field, but this is only really apparent some distance away, near to the A66. As such, the site does not perform a significant function as a gateway to the conservation area. Much of the more modern development on this side of Sadberge is also visible at this point. The proposal would be seen amidst this existing development, rather than with the triangular field. This would also satisfactorily lessen impacts arising from the materials, density, scale and massing of the proposed dwellings.
21. In addition, where there are views over the more rural aspects of the landscape from the centre of the village, this does not include the site because of the intervening buildings. The open agricultural land around the built form of the settlement is an important constituent in the significance of this ridge village. However, the contribution the site makes to the significance of the setting of the conservation area is of a minimal nature. I do not find harm would result from the proposal in this regard. Even if the statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applied to setting, it would preserve or enhance the character or appearance of the conservation area.
22. I conclude that the proposal would not have an unacceptable effect on the setting of the conservation area. As a consequence, it would comply with Policy CS14 where it concerns protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage. It would also accord with the Framework as regards the strong level of protection it affords designated heritage assets, including that great weight should be given to the asset's conservation.

Living Conditions

23. The SPD provides guidance on the minimum acceptable distances there should be between dwellings. The Council are concerned that the proposed layout falls short in several respects in relation to the effect on the living conditions of the future occupiers of the proposal, particularly in terms of distances between elevations containing habitable rooms. However, there is limited information before me on the plots where this would cause concern, or what particular aspect of living conditions would be affected. Nevertheless, I have considered outlook, light and privacy as the SPD makes particular reference to these matters. The SPD also acknowledges there is a need to analyse the site's context and its local character.
24. Most of the proposed dwellings would be set out in a fairly conventional manner, side by side and facing other dwellings on the opposite side of the roadways. This would not raise particular issues as regards outlook, light and privacy. There is a different arrangement on some of the corner plots and around the turning head where the main internal access route would terminate. Whilst this may result in the distances in the SPD not being strictly adhered to, it would not be to the extent that it would render the proposal unacceptable by way of outlook, light and privacy.

25. In relation to noise, the Council are concerned with the effect from road traffic on the use of the nearest proposed garden areas, in particular. It was apparent, though, from my site visit that as traffic on Stockton Road is relatively intermittent, so would the effect be from noise, even at the current speed limit.
26. The 'site plan as proposed' indicates there would also be an acoustic fence along this boundary. Its precise specification and siting, including allowing for the retention of the hedgerow, could be dealt with by way of the imposition of a planning condition, if I was minded to allow the appeal. Alternative potential layouts for the proposed dwellings are not for my consideration. I accept there is limited information on noise levels, but with the site circumstances and mitigation, it would not be unacceptable in this respect.
27. I conclude that the proposal would not have an unacceptable effect on the living conditions of the future occupiers of the proposal by way of outlook, light, privacy and noise. Therefore, it would comply with Policy CS2 in this regard and, as regards noise pollution, with Policy CS16. It would also accord with paragraph 127 of the Framework where it concerns a high standard of amenity for existing and future users. Although it would not technically comply with the separation distances, it would in overall terms comply with the SPD as far as its design would lead to reasonable living conditions.

Biodiversity

28. The dominant habitat on the site is improved grassland. Other biodiversity features include the pond, hedgerows and trees. The Preliminary Ecological Appraisal Report (Ecology Report) indicates that the most significant ecological impact would be the loss of hedgerows along Stockton Road to enable site access. The Council do not appear to take any particular issue with these findings.
29. The Ecology Report goes on to set out a number of mitigation options so as to avoid, reduce and compensate for the scale of the impact. These include planting both locally appropriate native species in areas of communal greenspace and broad structurally diverse, native, species-rich hedgerows with native trees along the site and plot boundaries, where feasible. Other measures include creating wildlife friendly garden habitats, bat roosts and bird nest sites, and pond related mitigation, amongst other options.
30. When these mitigation options are considered, the proposal would not result in a net overall loss of biodiversity and would have the potential to strengthen biodiversity and adequately demonstrates mitigation. In terms of the Council's concern that this approach is not specific enough, this could be achieved through a planning condition, if I was minded to allow the appeal.
31. I conclude that the effect on biodiversity interests would not be unacceptable. Hence, it would comply with Policy CS15 of the CS where it seeks to ensure 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, amongst other considerations.
32. It would also comply with paragraphs 170 and 175 of the Framework in this regard, where they concern minimising impacts on and providing net gains for

biodiversity, and avoiding significant harm to biodiversity resulting from a development.

Planning Balance

33. The proposal would make a contribution towards the Government's objective of significantly boosting the supply of homes and it would provide for a housing mix. There would also be economic benefits during construction, and with the spend of the future occupiers and through receipts that the Council would receive. Public open space would be provided on site in association with the pond feature and residents would also have the benefit of using the public open space adjacent to the site. The proposal would also support local and community services. Biodiversity gain measures are also proposed.
34. What services there are in Sadberge, are of a restricted nature. With the limited bus service and the distance to the nearest train station, it is also not a location which readily permits access to larger settlements with a broader range of services that the future occupiers would need for their day to day needs, other than by the car. The appellant is proposing a contribution to the local bus service but, as with the play provision contribution that has been offered, the potential for this to be a benefit is tempered somewhat because there is not an effective mechanism for their delivery in the absence of an executed planning obligation.
35. It is also intended that a contribution would be made to the equivalent of 3 affordable housing units. The Council has stated this is below what would usually be expected from such a proposal. The viability evidence I have before me is of a limited nature to justify the provision. I see no substantive reason to depart from the Council's usual standards. Under the Framework, it is for the Council to set the appropriate level of provision and, based on the information before me, the proposal would not be in accordance in this respect. Again, there is not an effective mechanism before me for the delivery of affordable housing. I find that the affordable housing approach does not favour the proposal.
36. I have been referred to the Council's Housing and Employment Land Availability Assessment (March 2018) (HELAA). As the HELAA states, it is to inform local plan preparation and all planning applications will continue to be determined against the appropriate development plan and other relevant material considerations. In any event, I have found the site is in a suitable location for housing with regard to the effect on the character and appearance of the area.
37. Where I have not found harm, these matters attract neutral weight. The other developments that I have been referred to have a limited bearing on my decision, as each is to be considered on its own merits.
38. The proposal would also not accord with the presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, because policies referred to in the Council's refusal reasons may reasonably be referred to as those 'most important' for determining the application, including where I find there is conflict. The Framework is clear that policies should not be treated as out of date simply because of their age or because the development plan is time expired. Apart from 'Saved' Policy H7, the policies are not out of date as they are consistent with the Framework. In this regard,

I have considered the appeal decisions that both main parties have referred me to.

39. I have taken into account the relevant matters in relation to the economic, social and environmental objectives of the Framework, as set out above, notwithstanding these are not criteria against which every decision can or should be judged.
40. In relation to the harm that would arise, this relates to highway safety matters. There are also concerns over the proposed approach to the delivery of affordable housing, based on the information before me. These matters attract significant weight in my decision. Set against this would be the benefits that I have set out. The contribution to the supply of housing attracts moderate weight. All other benefits attract no more than limited weight. The harm that would arise would not be outweighed by the benefits.

Conclusion

41. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR

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