

Planning Applications Committee Agenda



**1.30 pm Wednesday, 2 September 2020
via Microsoft Teams**

In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held on a virtual basis. Members of the Public can view a live stream of the meeting at:

<https://www.darlington.gov.uk/livemeetings>

Due to the changes made surrounding meetings during the Coronavirus pandemic, please note the following changes to the Planning Protocol:

- a. That the Applicant may attend but will not be permitted to make a presentation to Committee, and just be there to answer questions.**
- b. That, following the publication of the Agenda/Reports, the Applicant and Supporters/Objectors may submit a statement in writing up to 1.30pm on the Tuesday prior to the meeting which will either be circulated to Committee Members or read out by the Planning Officer at the meeting. Any statements should be submitted to the Planning Services Team, Room 401, Town Hall, Feethams, Darlington, DL1 5QT.**
- c. That people may approach their Ward Members (who are allowed to attend the meeting) and request that they put their views to Committee.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 5 August 2020 (Pages 1 - 22)
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 23 - 24)

- (a) 9 Grangeside, Redworth (Pages 25 - 30)
 - (b) Prospect House, Middleton Road, Sadberge (Pages 31 - 38)
 - (c) 182 Northgate, Darlington (Pages 39 - 54)
 - (d) Land to East of 15 High Road, Redworth (Pages 55 - 64)
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 Mr S Chivers against this Authority's decision to refuse permission for an outline application for residential development comprising up 9 No. dwellings with all matters reserved except for means of access at land at Cobby Castle Lane, Bishopton (19/01191/OUT) (Copy of Inspector's decision letter attached)

Dismissed the appeal by Mr Stephen Sanderson has appealed against this Authority's decision to refuse permission for outline application for erection of 5 no. dwellings (with all matters reserved) at Land North West of New Lane, New Lane, Neasham, Darlington DL2 1QR (19/00834/OUT) (Copy of Inspector's decision letter attached)

RECOMMENDED – That the report be received.
(Pages 65 - 74)

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 August 2020 (Exclusion Paragraph No. 7) –
Report of Director of Economic Growth and Neighbourhood Services

(Pages 75 - 84)

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

Monday, 24 August 2020

Town Hall
Darlington.

Membership

Councillors Allen, Clarke, Cossins, Heslop, C L B Hughes, 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, 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 August 2020

PRESENT – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, C L B Hughes, Keir, Lister, Marshall, McCollom, Tait, Tostevin and Wallis.

APOLOGIES – Councillors Johnson and Lee.

ALSO IN ATTENDANCE – Councillor Mrs. Scott.

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).

PA15 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA16 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 22 JULY 2020

RESOLVED – That the Minutes of this Committee held on 22 July 2020 be approved as a correct record.

PA17 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	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
A5	<p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990.</p>
PL00	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p>Reason - To define the consent.</p>

E2	<p>A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p>Reason - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:</p> <ul style="list-style-type: none"> (a) The raising or lowering of levels in relation to the existing ground levels; (b) Cutting of roots, digging of trenches or removal of soil; (c) Erection of temporary buildings, roads or carrying out of any engineering operations; (d) Lighting of fires; (e) Driving of vehicles or storage of materials and equipment. <p>Reason - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</p>

PA18 LAND AT NEASHAM ROAD AND SNIPE LANE

20/00196/FUL – Hybrid application for demolition of existing farmhouse and outbuildings and erection of 305 dwellings, including 150 affordable dwellings, with associated landscaping; access and parking (in detail) and up to 144 affordable dwellings with all matters reserved apart from access (in outline) (additional archaeology report received 14 April 2020; amended and additional plans and documents received 29 May 2020 and 2 June 2020; additional and amended

information, including ecology and drainage information received 3 July 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection received, a petition containing 12 signatories, the objections of the Campaign to Protect Rural England, and representations submitted by Darlington Mowden Park Rugby Club.

The Committee also took into consideration three further objections from residents, a further representation from a resident highlighting drainage concerns, and further objections from Darlington Mowden Park Rugby Club and England Lyle Good Town Planning, all of which were received subsequent to the Planning Officer's report being circulated).

RESOLVED – That Planning Permission be granted subject to:

A Cabinet resolution regarding planning obligations to secure the following (to be completed within six months):

- a) Extension to Bus Service - £400,000
- b) Sustainable Transport - £116,250
- c) Sport & Recreation - £14,486 with a 10 Year maintenance sum of £30,906
- d) Offsite highway improvements - £287,045.70
- e) On site ecology works and offsite ecology works at Ivy Cottage, Snipe Lane and Staindrop Road
- f) Open Space Management Plan

The removal of the Holding Objection from Highways England, and the following conditions:

Detailed Phase

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 plans, as detailed below:

- QD1492-311-01 Proposed Hybrid Masterplan Overall Layout - Rev K
- QD1492-311-02 Proposed Hybrid Masterplan Overall Sheet 1- Rev F
- QD1492-311-03 Proposed Hybrid Masterplan Overall Sheet 2- Rev G
- QD1492-330-01 Materials Layout Sheet 1 – Rev F
- QD1492-330-02 Materials Layout Sheet 2- Rev F
- QD1492-332-01 Enclosures Layout Sheet 1- Rev E
- QD1492-332-02 Enclosures Layout Sheet 2- Rev E
- QD1492-355-01 Proposed Hybrid Masterplan Public Rights of Way- Rev I

- QD1492-356-01 Safe Routes to Schools Plan - Rev D
- QD1492-393-01 Open Space Plan- Rev D
- QD1492-A100-01 A100 Planning Drawing
- QD1492-A101-01 A101 Planning Drawing
- QD1492-A102-01 A102 Planning Drawing
- QD1492-A103-01 A103 Planning Drawing
- QD1492-A104-01 A104 Planning Drawing
- QD1492-A105-01 A105 Planning Drawing
- QD1492-AR2-01 The Arundel 2 Planning Drawing
- QD1492-DH-01 The Durham Planning Drawing
- QD1492-ELY-01 The Ely Planning Drawing
- QD1492-LA-01 The Lancaster Planning Drawing
- QD1492-LD2-01 The Litchfield 2 Planning Drawing
- QD1492-LN-01 The Lincoln Planning Drawing
- QD1492-LR-01 The Larch Planning Drawing
- QD1492-NO-01 The Norwich Planning Drawing
- QD1492-RI-01 The Ripon Planning Drawing
- QD1492-RO2-01 The Rochester 2 Planning Drawing
- QD1492-SK-01 The Southwark Planning Drawing
- QD1492-SW-01 The Shrewsbury Planning Drawing
- QD1492-WN-01 The Winchester Planning Drawing
- QD1492-WS-01 The Westminster Planning Drawing
- QD1492-YO-01 The York Planning Drawing
- QD1492-GR-01 Garages Planning Drawing
- QD1492-00-01 General Arrangement - Rev
E
- QD1492-03-01 Overall Drainage Layout - Rev D
- QD1492-03-02 Engineering Layout Sheet 1- Rev C
- QD1492-03-03 Engineering Layout Sheet 2- Rev C
- QD1492-03-04 Offsite Drainage Schematic- Rev B
- QD1492-03-05 Land Drainage Schematic Plan Rev B
- QD1492-04-08 Phase A SuDS General Arrangement – Rev
C
- QD1492-04-09 Phase B SuDS General Arrangement - Rev
C
- QD1492-04-10 Watercourse De-culverting Works - Rev
C
- QD1492-04-12 Swale Through Northern POS - Rev A
- D210.L.002 Landscape Masterplan- Rev F
- D210.L.003 Housing Area A 1 of 3- Rev
C
- D210.L.004 Housing Area A 2 of 3- Rev
C
- D210.L.005 Housing Area A 3 of 3- Rev D
- D210.L.006 Housing Area B 500- Rev D
- D210.L.007 Play Area Layout
- D210.L.008 Northern Area Landscape Layout

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

3. 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;
 - a) Detailed design of the surface water management system; (for each phase of the development).
 - b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
 - c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
 - d) Details of adoption responsibilities.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework 2019

4. The building hereby approved shall not be brought into use until:-
 - a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
 - b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON - To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

5. No development shall commence until a written scheme of investigation setting out a 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. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

6. The development shall not 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 NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

7. Prior to the commencement of the development, a Road Safety Audit shall be carried out for all the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON – In the interests of highway safety

8. Prior to the commencement of Phase 2 of the development to be carried by Darlington Borough Council, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
 - c) Construction Traffic Routes, including parking areas for staff and visitors.
 - d) Details of wheel washing.
 - e) Road Maintenance.
 - f) Warning signage.

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

REASON – In the interests of highway safety and the general amenity of the area.

9. For each phase of development, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:
 - a) Details of the enhanced glazing specifications, acoustically attenuated ventilation or alternative means of ventilation and any works to be provided to the proposed residential properties to achieve internal and external noise levels as specified above.
 - b) The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
 - c) A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the future occupants

10. Prior to any building works commencing in 'Area H' as shown in drawing 3587OD15Rev.2 in FWS Report 3587OR04Rev03/June 2020 or at a time agreed in writing by the Local Planning Authority an addendum to the Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment for 'Area H'. The Remediation and Verification

Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON – Area H of the site may be contaminated as a result of past or current uses and it has not been possible to investigate this area and draw up a suitable remediation strategy as part of the site investigations to date. Suitable remediation in this area is needed to ensure that risks from land contamination to the future uses of the land and neighbouring area are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework 2019

11. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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

12. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

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

13. For each phase of the development a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in

writing. The development site or agreed phase of the development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

14. The highway and footpath infrastructure with associated bus stops within the site to facilitate the extension to the bus service shall be fully implemented to adoptable standard and available for use prior to the completion of the 100th dwelling unless otherwise agreed in writing by the local planning authority

REASON - To ensure that a bus service can be operational within the development

15. Prior to the occupation of any unit within the development, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The provision will take the form of on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme for the development as a whole or within each phase shall include:

- a) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
- c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
- e) The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Unless otherwise agreed by the Local Planning Authority

REASON - To comply with Council Housing Policy.

16. The phase of the development to be carried out by Esh Homes and Phase 1 of the development to be carried by Darlington Borough Council shall not be carried out otherwise than in complete accordance with Construction Management Plan documents received 2 June 2020 unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of highway safety and the general amenity of the area

17. For the avoidance of doubt, construction work, including deliveries, within each phase of development, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON - In the interests of the general amenity of the area

18. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

REASON – In the interest of safeguarding bird habitats

19. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document "Great Crested Survey Report" (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of safeguarding great crested newts

20. The public lighting scheme shall be carried out otherwise in complete accordance with the details contained within the email from the Darlington Borough Council Street Lighting Engineer dated 29 April 2020 unless otherwise agreed in writing by the local planning authority

REASON - To safeguard habitats and protected species within the development site.

21. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall be remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure that the footpaths remain safe and accessible to members of the public

22. The development hereby approved, shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of the visual appearance of the development and the surrounding area.

23. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document Framework Travel Plan (107663-003 v7) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority

REASON – To encourage and promote the use of sustainable modes of transport

Outline Application

24. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -

- a) access
- b) appearance
- c) landscaping
- d) layout
- e) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

25. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

26. The planning application made pursuant to condition 24 shall not propose more than 144 dwellings.

REASON - For the avoidance of doubt

27. 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;

- a) Detailed design of the surface water management system; (for each phase of the development).
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure; (for each phase of the development).
- c) A management plan detailing how surface water runoff from the site will be managed during the construction phase; (for each phase of the development).
- d) Details of adoption responsibilities

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

28. The building hereby approved shall not be brought into use until:-

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON - To reduce flood risk and ensure satisfactory long term maintenance are in place for the lifetime of the development.

29. Prior to the commencement of the development, a Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON – In the interests of highway safety

30. Prior to the commencement of the development, precise details of the internal highways layout; site access junction; cycle parking provision and

parking provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

31. Prior to the commencement of the development, a vehicle swept path analysis shall be undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

32. Prior to the commencement of the of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites” 2009.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.

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

REASON – In the interests of highway safety and the general amenity of the area

33. For the avoidance of doubt, construction work, including deliveries, within each phase of development, shall not take place outside the hours of 08.00

- 18.00 Monday - Friday, 08.00 - 14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON - In the interests of the general amenity of the area

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

Unless otherwise agreed by the Local Planning Authority.

REASON - To comply with Council Housing Policy.

35. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

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

36. Any contamination not considered in the Phase 3 Remediation and

Verification Strategy but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

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

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

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

38. For the development, or each phase, prior to any homes hereby approved being completed above damp proof course level, a scheme of noise mitigation for the protection of the proposed residential accommodation from excessive road traffic and railway noise shall be submitted to and agreed in writing by the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35 dB(A) LAeq (16hour) in living rooms, less than 30 dB(A) LAeq (8 hour) in bedrooms, less than 55 dB(A) LAeq in external amenity space in gardens and individual noise events not to exceed 45 dB LAFmax in bedrooms. The noise measurements in the approved document "Noise Assessment Proposed Residential Development at Neasham Road, Darlington" (NJD18-0176-001/2R) dated December 2019 and produced by NJD Environmental Associates submitted with the application shall be used to demonstrate the suitability of the proposed noise mitigation scheme. The detailed noise mitigation scheme shall include the following:

- a. Details of the enhanced glazing specifications, acoustically attenuated

ventilation or alternative means of ventilation and any works to be provided to the proposed residential properties to achieve internal and external noise levels as specified above.

- b. The details, design specification including drawings and location of any acoustic bund and/or fence to be installed to achieve the internal and external noise levels as specified above.
- c. A plan identifying the residential properties which require noise mitigation and the noise mitigation measures to be installed.

The development of the phase(s) to which the noise assessment and scheme of noise mitigation relates shall be completed in accordance with the approved scheme and retained and maintained thereafter for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the future occupants

39. All works to breeding bird habitat should be completed outside of the bird breeding season (February until August) to avoid damage to active nests which are protected under the Wildlife and Countryside Act. If works are to proceed during the bird breeding season, then a check of the impacted habitats for breeding birds should be undertaken prior to works commencing.

REASON – In the interest of safeguarding bird habitats

40. If at any time a great crested newt is observed within the disturbed/working area, work should stop immediately and a suitably qualified ecologist shall be contacted immediately, in accordance with the submitted document "Great Crested Survey Report" (Dec 2019) produced by Penn Associates. A method statement for the transferral of any great crested newts and a re-survey of the works area to identify the presence of any other great crested newt shall be submitted to and approved by the local planning authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON – In the interest of safeguarding great crested newts

41. The Public Footpaths shown on Drawing Number QD1492-355-01 Rev I (PROPOSED PUBLIC RIGHTS OF WAY NEW & DIVERSION PLAN) shall remain accessible throughout the construction phases of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure that the footpaths remain safe and accessible to members of the public

42. The development hereby approved, shall not be carried out otherwise than in accordance with the measures contained the approved document

Framework Travel Plan (107663-003 v7) dated 1 July 2020 and produced by SYSTRA unless otherwise agreed in writing by the Local Planning Authority.

REASON – To encourage and promote the use of sustainable modes of transport.

43. The development hereby approved shall not be carried out otherwise than in complete accordance with the measures contained within the approved documents “Arboricultural Impact Assessment for Trees at Neasham Road – Revision B” dated December 2019 and “Arboricultural Method Statement for Trees at Neasham Road, Darlington – Revision B” dated December 2019 and produced by All About Trees unless otherwise agreed in writing by the local planning authority.

REASON – In the interests of the visual appearance of the development and the surrounding area.

44. Prior to the occupation of the first dwelling, the infrastructure associated with connectivity of telephone lines and internet including trunking capacity shall be put in place.

REASON – To ensure that sufficient infrastructure is in place on site before the development is occupied in accordance with the requirements of the National Planning Policy Framework (NPPF) and to avoid any unnecessary disruption to residents following completion of the development.

(**NOTE:** Councillor Tait subsequently declared a non-pecuniary interest in Minute PA18 as an employee of a telecommunications company).

PA19 44 THE GREEN, HURWORTH (19/01071/FUL)

19/01071/FUL – Demolition of existing garage/garden building and erection of 1 no. dwelling with attached triple garage (re-submission).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), a number of objections outlined within the submitted report, one letter of support received, and one further representation received subsequent to the circulation of the report, which was read out to the Committee during the meeting).

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

1. A3 (Standard 3 year time limit)
2. PL00
 - (a) Amended south and west elevations, drawing number 00-10
 - (b) Elevations sheet 2, drawing number 09A
 - (c) Site plan, drawing number 05A

- (d) Ground floor plan, drawing number 06A
- (e) First floor plan, drawing number 07A
- (f) Gates, drawing number 20

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development within Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) or Part 2 (Minor operations) shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON – In the interests of visual and residential amenity and to protect the significance of heritage assets surrounding the site

4. The development hereby permitted shall be carried out in complete accordance with the Construction Management Plan/Access Statement prepared for 44 The Green prepared by Jeff Blackwell, dated 21 August 2019

REASON – In the interests of residential amenity and highway safety.

5. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity.

6. E11 (Tree Protection Measures)

PA20 44 THE GREEN, HURWORTH (19/01138/LBC)

19/01138/LBC – Listed building consent for alterations to boundary wall to create vehicular access, erection of new timber gates and brick pillars with finials.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), a number of objections outlined within the submitted report, one letter of support received, and one further representation received subsequent to the circulation of the report, which was read out to the Committee during the meeting).

RESOLVED – That Listed Building Consent be granted subject to the following conditions:

- 1. A5 (Standard 3 year time limit – listed buildings)
- 2. PL00
 - (a) Site plan, drawing number 05A
 - (b) Gates, drawing number 20

PA21 THE DEVONPORT, MIDDLETON ONE ROW

19/01165/FUL - Partial conversion of Hotel (Use Class C1) to 6 No. self-contained residential apartments (Use class C3) with separate managers accommodation, erection of two storey rear extension with glazed balcony, installation of 2 No. windows to basement, 2 No. windows to western elevation, reinstatement of front door and reconfiguration of rear garden, car park and service yard (Amended site layout plan received 14 January 2019 Amended plans received 9 May 2020).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), ten letters of objection, one letter of support received, the lack of any objection from Middleton St. George Parish Council, two further representations received subsequent to the circulation of the report which were read out to the Committee by the Ward Councillor, and responses to questions asked of the Applicant's Agent during the meeting).

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

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019012 – 101 Rev A Block and location plan
L019012-109 Rev B Proposed site layout plan
L019012-105 Proposed basement plan
L019012 – 106 Rev A Proposed ground floor plan
L019012 – 107 Rev B Proposed first floor plan
L019012-108 Rev A Proposed Second floor plan
L019012 – 110 Rev C Proposed elevations

REASON – To define the consent

3. No development shall commence until a written scheme of investigation setting out a 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. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

4. The development shall not 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 NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

5. E2 Landscaping Submission / Implementation
6. Prior to the commencement of the development, a survey of the site shall be carried out by a suitably qualified organisation, to ascertain the presence of Japanese Knotweed on the site. Should any Japanese Knotweed be found on site, a plan shall be submitted to demonstrate the method to be used to prevent further spreading and eradicate the plant and the recommendations of the plan be fully complied with.

REASON – In the interests of ecology.

7. All party walls within the development will be fitted with upgraded sound insulation to achieve a minimum airborne sound insulation value of 53 DnT,w + Ctr dB. Details of the scheme of enhanced sound insulation, including the specification of materials and proposed installation techniques, will be provided to the Local Planning Authority in writing prior to their installation. Installation of the approved details must be completed prior to occupation of the buildings hereby approved and thereafter shall be retained for the lifetime of the development.

REASON – In the interests of residential amenity.

8. Prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.
 - i) Joinery details (including doors and windows);
 - ii) Stonework and railings;
 - iii) Details of cedar boarding;
 - iv) Boundary treatment, to include brick samples and details of mortar and bonding;

The development shall not be carried out otherwise than in full accordance with the approved details.

REASON – To ensure that the details submitted are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

9. Unless dealt with by condition 8 (above) all external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON – To ensure that the external materials are suitable for the

conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

10. The windows to the western elevation of the property shall be obscure glazed (hinged to open inwards), as detailed on the drawings referenced in condition 2 of this approval and shall be maintained as such for the lifetime of the development hereby approved.

REASON – In the interests of residential amenity.

11. No works or demolition activities, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 Saturday with no activities on Sunday or Bank/Public Holidays

REASON – In the interests of the amenity of the area.

PA22 182 NORTHGATE

20/00266/FUL – Conversion of building to provide 2 No. retail units (Use class A1) and 24 No. apartments (Use Class C3) including demolition of delivery/goods bay to the rear, erection of second floor extension incorporating mezzanine floor and pitched roof, creation of external amenity areas, cladding to elevations, bin storage, cycle provision, retail storage, access and delivery area and associated internal and external alterations.

(**NOTE:** This item was withdrawn from the Agenda at the outset of the meeting).

PA23 58 MONTROSE STREET

20/00248/FUL – Conversion of existing dwelling into 2 No. 2 bed flats including demolition of existing garage, creation of refuse and cycle storage areas and alterations to windows and doors (as amended by plan received 12 May 2020)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eleven objections to the original application, which were outlined within the submitted report, six further objections received following the submission of amended plans, and four further objections received subsequent to the circulation of the report, which were read out to the Committee during the meeting).

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

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any

such approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

3. All bathroom windows shown on the approved plan shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To safeguard the amenities of the neighbouring dwellings.

4. No works or demolition activities, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays.

REASON - In the interests of the amenity of the area

5. All gates shall open inwards and not outwards over the public highway

REASON - In the interests of highway safety

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

- a) Drawing Number 2020/0016/0002 REV D – Plans and Elevations as Proposed

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

PA24 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.

PA25 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 22 JULY 2020 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA14/July/2020, 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 July 2020.

RESOLVED - That the report be noted.

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 2nd September 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
9 Grangeside, Redworth	20/00386/FUL
Prospect House, Middleton Road, Sadberge	20/00154/FUL
182 Northgate, Darlington	20/00266/FUL
Land To East Of 15 High Road, Redworth	20/00510/FUL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd September 2020

APPLICATION REF. NO:	20/00386/FUL
STATUTORY DECISION DATE:	10 th August 2020
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	9 Grangeside Redworth
DESCRIPTION:	Erection of a single storey extension with pitched roof to the front elevation and a single storey extension to the rear elevation, alterations to windows and doors, removal of shed and decking and creation of level access to front, side and rear of property
APPLICANT:	Kenneth Robinson

RECOMMENDATION: GRANT PERMISSION 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 via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QB1R3GFPGKZ00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a detached single storey dwelling set on a large plot within a cul-de-sac of similar properties at Grangeside, to the north of Main Road (A6072), Redworth. The property is bound by residential properties on Grangeside to the east, on Main Road to the south and on Mill Lane to the west. The property and its garden area are slightly elevated above the properties on Mill Lane.
2. It is proposed to build single storey extensions to the front and rear elevations, with alterations to windows and doors, the removal of an existing shed and decking and the creation of level access to front, side and rear of property.

3. The extension to the front of the property will extend the existing garage to allow the creation of a utility room and storeroom to the rear of the garage. The garage will be retained. The extension is to be built of matching brick and tiles and will project approximately 2.1 metres and will be 6.1 metres wide, under a pitched roof 4.1 metres in height at ridge level.

4. The rear extension will be L-shaped and will project approximately 7.2 metres and will be 11.2 metres wide at its greatest point. It will have a pitched tiled roof, 4.4 metres in height to the ridge. The rear extension is to be built of matching brick with contrasting render panels.

5. The proposal also involves altering some of the existing windows in the north (facing properties in Mill Lane) and south elevations (facing open space). All windows are to be replaced with grey UPVc. It is also proposed to remove a detached shed and decking area and to install block paving to create level access to front, side and rear of the property. None of these alterations require planning permission. No trees are affected by the proposals.

MAIN PLANNING ISSUES

6. The main issues with this application are:
- a) Impact on the character and appearance of the property;
 - b) Impact on residential amenity;
 - c) Highway safety;

PLANNING POLICIES

7. Saved Local Plan Policy H12 (Alterations and Extensions to Existing Dwellings)

RESULTS OF TECHNICAL CONSULTATION

8. No objections have been received from the Council's Highway Officer and Senior Arboricultural Officer.
9. The Parish Council have not commented of the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

10. Three properties in Grangeside, four properties in Mill Lane and land adjacent to 2 Main Road were consulted in accordance with the regulations and 3 no. objections have been received. The main concern is loss of light and restricting skyline views due to the difference in ground levels.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property

11. The extensions have been designed to limit their impact on the character and appearance of both the application property and the surrounding area and will be built

of matching materials. The property is located at the head of the cul-de-sac, surrounded by other properties and only the modest garage extension will be visible from Grangeside. It will be set down slightly from the ridge of the existing garage and will not therefore be unduly prominent in the streetscene, albeit the property is slightly elevated above Grangeside. Due to the rear extensions being set in from the boundary by 3.3m (rear extension), 0.5m (front extension) and the existing high close boarded fence and planting the two extensions will only marginally be visible from the lower properties in Mill Lane.

12. The proposed extensions would not therefore have an unacceptable impact on the character and appearance of the surrounding area.

(b) Impact on residential amenity

13. The property is slightly elevated above properties on Mill Lane to the north west and objections have been received from the occupants of three of these properties relating to loss of light and outlook as a result of the proposed extensions.

14. The proposed single storey rear extension will be almost 18 metres from the rear of these properties in Mill Lane, with a pitched roof sloping away from these properties. Similarly, the extension to the front will be approximately 15 metres away from these properties. At these distances, and in view of the single storey height of the extensions, with the roof sloping away from the properties, the proposal would not result in any significant detrimental impacts in terms of loss of light to, or outlook from, these neighbouring residential properties. There will be no loss of privacy due to overlooking. The property is enclosed on all boundaries by a close boarded timber fence.

15. The proposed extensions are sufficiently distant from neighbouring properties on Grangeside and Main Road and would not result in any loss of amenity to these properties.

(c) Highway Safety

16. Despite the increase in the dwelling size, a large amount of in-curtilage parking is available and retained and therefore the Highway Officer has no objection.

THE PUBLIC SECTOR EQUALITY DUTY

17. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

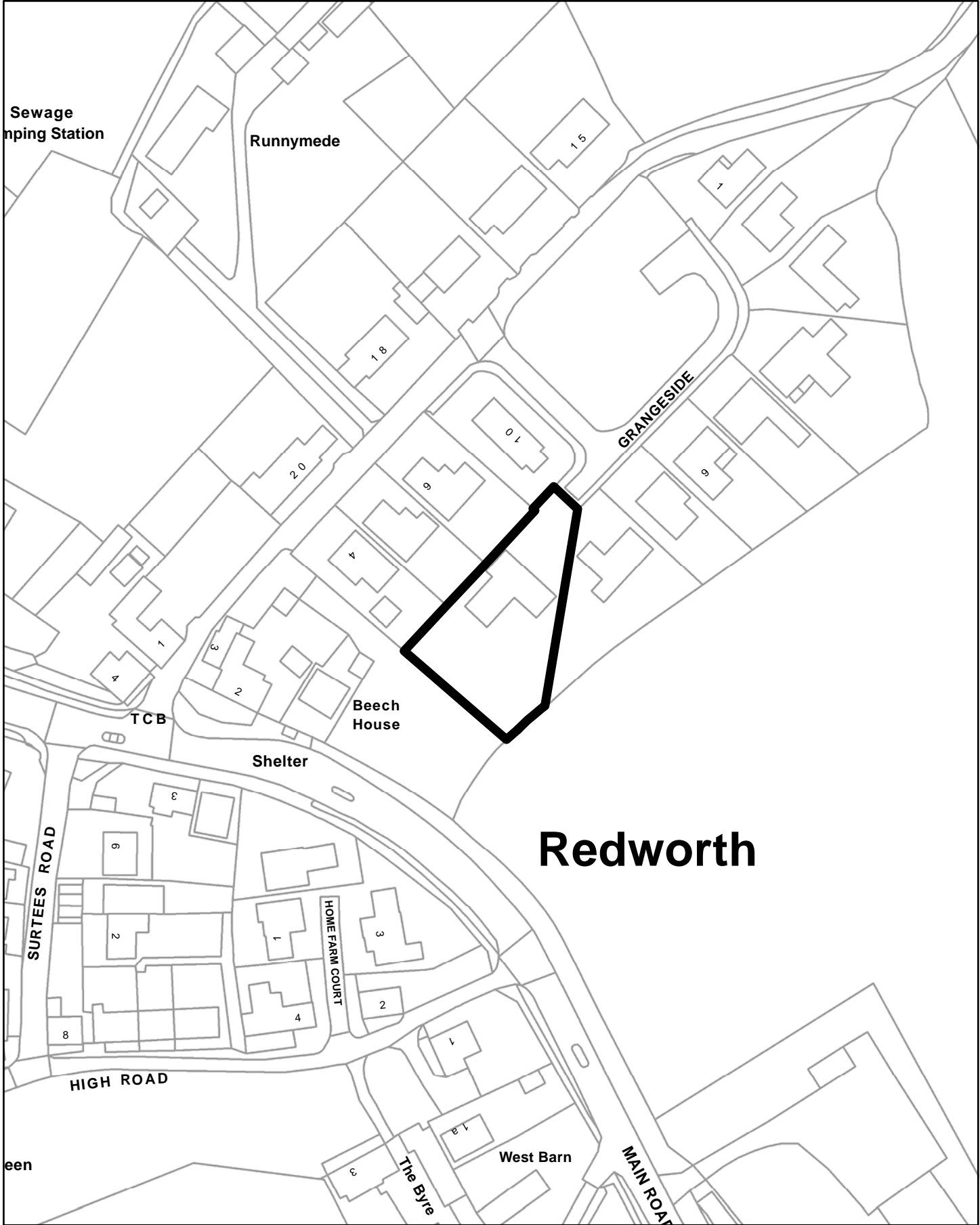
18. The development accords with relevant Local Plan policies in that it respects the character and appearance of the host property and relates well to the surrounding area,

it does not give rise to any unacceptable impacts on residential amenity or highway safety and therefore complies with Saved Policy H12. It is therefore recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. B4a (Materials)
3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - 6620 – 00 Rev A – Existing Site Plan
 - 6620 – 01 Rev B – Existing Layout
 - 6620 – 02 Rev A – Existing East and West Elevations
 - 6620 – 03 Rev A – Existing North and South Elevations
 - 6620 – 04 Rev A – Existing Block Plan showing Topography
 - 6620 – 21 Rev F – Proposed Layout
 - 6620 – 22 Rev E – Proposed East and West Elevations
 - 6620 – 23 Rev E – Proposed North and South Elevations
 - 6620 – 24 Rev D – Proposed Block Plan showing Topography

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



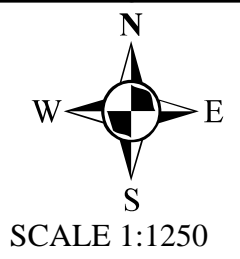
Redworth

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PLANNING REF No: 20/00386/FUL

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd September 2020

APPLICATION REF. NO: 20/00154/FUL

STATUTORY DECISION DATE: 11th May 2020

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: Prospect House,
Middleton Road,
Sadberge

DESCRIPTION: Demolition of existing conservatory and erection of two storey rear extension, erection of canopy over patio, alterations to rear porch roof and insertion of sun tube to main rear roof, demolition of outbuilding and erection of single storey annexe with mezzanine level (as amended by plans received 09.07.20)

APPLICANT: Mr David Nicholson

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 via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q696JUFPJH600>

APPLICATION AND SITE DESCRIPTION

1. The application property is a west facing end of terrace two storey dwelling set within a very large plot. The surrounding area is predominantly residential in character. The property lies within the Sadberge Conservation Area and is in close proximity to the Grade II Thorn Cottage.
2. Planning permission is sought for the demolition of existing conservatory and erection of two storey rear extension, erection of canopy over patio, alterations to rear

porch roof and insertion of sun tube to main rear roof, demolition of outbuilding and erection of single storey annexe with mezzanine level.

3. The annexe would be for the use and enjoyment of the property and would be occupied by the existing occupiers of the main house and their family only. The ground floor of the annex will provide kitchen, dining, lounge, office and storage. The bathroom will be via a dog-leg staircase to the mezzanine level.

4. The building would sit in the same position as the existing outbuilding but measuring 5.3m deep x 6.3m wide at the front and 7.9m wide at the rear. The proposed building will be set down 0.9m from the existing ground level to reduce the overall visual impact. The proposal will have a dual pitched roof with eaves at 3.4m and the ridge at 4.738m. The proposal will have bifold doors and two Velux windows to the front.

5. The proposed extension to the rear will project 2.825m. The single storey element will infill between the existing building and the boundary wall with the first floor being set in from the boundary by 1.3m. The two storey will have a hipped roof with eaves at 4.49m and the ridge at 5.95m. The single storey will have a glazed and timber pitched roof which will extend to form a canopy over the patio.

6. The ground floor space will be used as a dining room. The first floor will be an enlargement of bedroom 4.

7. The materials for the proposals will be:

- Two storey extension: Walls to be rendered white, Windows to be white UPVC, Doors to be Bi-fold doors coated aluminium and the roof to be pantile to match existing.
- Annex: Walls to be reclaimed brick to match existing, Windows to be timber, Doors to be Bi-fold coated aluminium and the roof to be pantile to match existing, roof lights to be flush with the roof material.

MAIN PLANNING ISSUES

8. The main issues for consideration are:

- (a) Impact on Heritage Assets;
- (b) Impact on visual amenity;
- (c) Impact on residential amenity;
- (d) Impact on highway safety;
- (e) Impact on trees.

PLANNING POLICIES

9. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development: -

- 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)
- Protect the Borough's distinctive character by protecting buildings, their settings and features and archaeological local importance in conservation areas (CS14)
- Should enhance, preserve and make a positive contribution to the asset (Paragraph 200 NPPF)

RESULTS OF TECHNICAL CONSULTATION

10. The Highway Officer has raised no highway objection to the proposal.

11. The Senior Arboricultural Officer has not commented on the proposal.

12. The Parish Council have objected to the proposal. Their objection states the new build annex with an increased footprint will impact on the village view as will the proposed two storey extension. The appearance of a ridge in the landscape of the village should be protected. Major reservations regarding the impact on neighbouring properties

13. The Conservation Officer stated that he would not consider that the proposal will have a significant impact to the Conservation Area or the neighbouring Listed Building.

14. A site notice was posted outside of the property.

RESULTS OF PUBLICITY AND NOTIFICATION

15. Four properties in Middleton Road were consulted. 4 no. objections have been received. The main concerns are height of the proposed annex; overlooking issues; fear that the annex will become a new separate dwelling; loss of light and restriction of views.

PLANNING ISSUES/ANALYSIS

(a) Impact on Heritage Assets

16. The proposal extension and annex will be set to the rear of the more historic properties fronting onto Middleton Road. The proposed new annex will be set down and will be almost the same height as nearby detached outbuildings. The two-storey extension and canopy at the rear would be largely hidden from the wider aspect due to existing buildings and the site boundary. There are therefore very limited views of the proposal.

17. Whilst the Conservation Officer has stated that it is a large addition to the rear of the property, he does not consider that this would have a significant impact to the Conservation Area. The rear of the property is not visible from any critical view or site

lines, or wider angles. The annex would see the loss of the existing outbuilding and being replaced with a larger building. Consideration is required as it is attached to a listed section of wall. The removal of the structure would need to be carried out using hand tools only, no use of drills or cutting equipment or sledge hammers. Any works to this listed wall would require a separate application for Listed Building consent. The proposed materials are satisfactory.

18. Overall, the proposal is considered to have a neutral impact on the Sadberge Conservation Area, and due to the distance and the positioning, no impact on the setting of the nearby Grade II listed Thorn Cottage. The proposal is therefore considered to accord with policy CS14 .

(b) Impact on Visual Amenity

19. The proposed works are considered to be quite large in terms of its scale and footprint relative to the application property which itself is a modest detached two storey dwelling. In this instance the application property is situated within a large plot and is surrounded by similar dwellings.

20. The extension and annex have been designed to limit the impact of them on the character and appearance of both the application property and the surrounding area.

21. Due to the siting of the existing property and the positioning of the extension on the rear of the dwelling slightly contravenes the requirements of the 45-degree code. The ground floor will have no detrimental impact due to the positioning of an existing high boundary wall and the first floor will project 0.6m further than the 45-degree line due to being set off the boundary by 1.3m. This is considered acceptable as the nearest windows in the adjoining property serve a kitchen on the ground floor and a bathroom with obscure glazing on the first floor.

22. Due to the positioning of the windows, none should impact significantly on the neighbouring properties.

(c) Impact on Residential Amenity

23. The demolition of existing conservatory and erection of two storey rear extension, erection of canopy over patio, alterations to rear porch roof and insertion of sun tube to main rear roof, demolition of outbuilding and erection of single storey annexe with mezzanine level (as amended by plans received 09.07.20) would be in keeping with the character of the property and would not, therefore, be harmful to visual amenity.

24. The proposal would not result in any significant detrimental impacts in terms of light, outlook and overlooking to neighbouring residential properties.

25. It is not considered that this proposal will impact significantly on the residential amenities of the adjacent properties to the extent that it would be justified refusing planning permission on these grounds.

(d) Highway Safety

26. The proposed development has sufficient parking within the curtilage to accommodate the parking need of the proposed development without detriment to the highway and raises no highway issues. The Highways Engineer has raised no objections.

(e) Impact on Trees

27. There are no tree issues within this application.

28. The trees within the curtilage of the property are not protected by a Tree Preservation Order but they are within a Conservation Area.

29. The Council's Senior Arboricultural Officer has not commented on this proposal.

THE PUBLIC SECTOR EQUALITY DUTY

30. In considering this application, the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The impact of the proposed access on users of Coach Lane, including children who use this as a route to school, is considered in paragraphs 19 – 23.

CONCLUSION AND RECOMMENDATION

32. The development accords with relevant Local Plan policies in that it respects the character and appearance of the host property and relates well to the surrounding area. The development does not raise any issues that would not be capable of being dealt with by standard conditions.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the email received 19 August 2020 from the Agent.

REASON – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2

3. The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Prospect House, Middleton Road, Sadberge and shall not be independently occupied.
REASON – To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit, which would be contrary to the development plan, and in order that the Local Planning Authority is able to exercise control over the future development of the site.

4. The removal of the outbuilding would need to be carried out using hand tools only, no use of drills or cutting equipment or sledge hammers.

REASON – To protect the listed wall from any damage which might occur whilst carrying out the development hereby permitted.

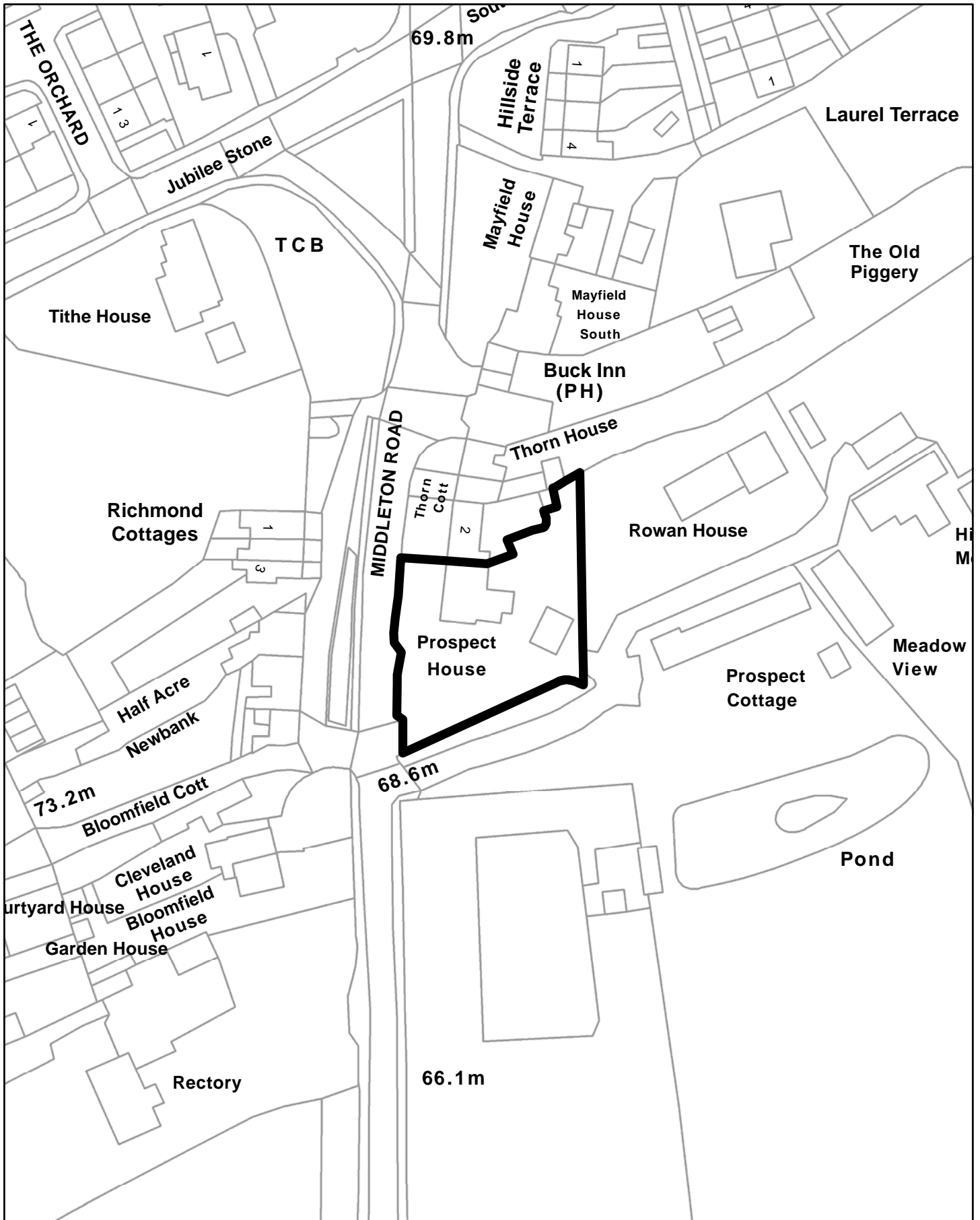
5. No additional flank windows or other glazed openings shall be formed in any of the walls of the extension or annex hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

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

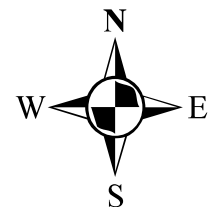
- 8069 (-9) 1 - Existing Site and Location Plan
- 8069 (21) 2 - Rev B – Proposed Elevations
- 8069 (-9) 3 - Rev A – Proposed Roof Plan
- 8069 (00) 4 - Rev A – Proposed Ground Floor Layout Plan and Tree Plan
- 8069 (00) 5 - Rev A – Proposed First Floor Layout Plan
- 8069 (00) 6 - Rev B – Proposed Roof Plan (larger Scale)

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



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PLANNING REF No: 20/00154/FUL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd September 2020

APPLICATION REF. NO: 20/00266/FUL

STATUTORY DECISION DATE: 3rd July 2020

WARD/PARISH: NORTHGATE

LOCATION: 182 NORTHGATE NORTH LODGE
DARLINGTON

DESCRIPTION: Conversion of building to provide 2 No. retail units (Use Class A1) and 24 No. apartments (Use Class C3) including demolition of delivery/goods bay to rear, erection of second floor extension incorporating mezzanine floor and pitched roof, creation of external amenity areas, cladding to elevations, bin storage, cycle provision, retail storage, access and delivery area and associated internal and external alterations

APPLICANT: PURPOSE BUILD GROUP 2

RECOMMENDATION: GRANT PLANNING PERMISSON 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 via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q87WF1FPLKB00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a vacant retail premises (formerly Northgate Bedding Centre) situated within the Town Centre Fringe and on the eastern side of the A167 Northgate and on the northern side of the junction of Chesnut Street with Northgate.

2. The building, which represents a mid-20th century redevelopment of the site, is flat-roofed and features extensive areas of glazing to the Northgate frontage and the front half of the Chesnut Street frontage. Whilst mainly two storeys in height, the rear part of the building is single storey.
3. The surrounding area is a mix of commercial uses including shops, restaurants, hot food takeaways, offices, a cinema, a car repair garage; residential flats; and a Salvation Army hostel. Chesnut Street leads to a mixed light industrial area while on the western side of Northgate, behind the street frontage, lies North Lodge Park.
4. The site is situated within the Northgate Conservation Area and within the setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers, situated immediately to the south of the application site on the opposite corner of the junction of Northgate and Chesnut Street.
5. Planning permission is sought for the change of use, conversion and extension of the building to provide a mixed-use retail and residential development comprising the following:
 - Ground Floor: Two smaller retail units proposed to the Northgate frontage of the building, each with a floor area of 120m² (1,292 sq. Ft); and four apartments (1no. 2-bed and 3no. 1-bed); First Floor: eight apartments (3no. 2-bed and 5no. 1-bed); and Second Floor: twelve duplex apartments (12no. 1-bed), with the en-suite bedrooms provided within the roof space (2nd floor mezzanine).
 - External amenity areas to 16 of the 24 apartments (the four first floor apartments at the rear of the building (apts 8, 9, 10 &11) and the twelve duplex apartments (apts 13-24 inclusive), the latter being provided with external amenity areas at second floor level);
 - Cycle lockers and 7no. parking bays are proposed at the rear together with a delivery bay for the two retail units and bin storage areas.
 - Walls: Fine textured render (colour to be agreed), fibre cement dark grey cladding; Roof: Marley Modern dark grey concrete tiles; Windows & doors: Dark grey UPVC with opaque coloured panels where applicable; and Rainwater goods: Black UPVC downpipes, gutters and brackets;
 - Landscaping to rear parking area;
6. The footprint of the building would remain as existing other than the single storey delivery/goods handling bay at the rear which is to be removed. The proposal is to extend upwards to provide an additional storey and a pitched roof to the building. The exterior of the building would be remodelled and revitalised with a pitched roof provided above the additional floor with the ridgelines of the roof to be kept below that of the adjoining building to the north in keeping with adjacent property.
7. Members may recall that this application was withdrawn from the agenda for the previous meeting on 5 August 2020 to enable the proposals to be considered by the Council's Private Sector Housing Team. This has been done and no

objection raised to the proposal. As set out in the Planning Issues section of this report, Officers are satisfied that matters relating to living standards within the proposed apartments can be dealt with by other legislation.

MAIN PLANNING ISSUES

8. The main issues for consideration are:
- a) Principle of the development;
 - b) Impact on heritage assets;
 - c) Scale, design and appearance and impact on visual amenity;
 - d) Impact on residential amenity;
 - e) Highway safety;
 - f) Affordable Housing;
 - g) Other matters.

PLANNING POLICIES

9. Relevant Local Plan policies include those seeking to ensure that new development:
- Is located inside the development limits as defined by the Borough of Darlington Local Plan (E2, CS1 and CS10);
 - 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 (CS2);
 - Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural and environmental townscapes (CS14);
 - 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 (CS16);
10. Also relevant are saved Policy S9, which allows small new shops, limited extensions to existing shops, and class A2 services within the defined fringe shopping areas, and saved Policy T26, which advises that parking standards may be relaxed within the Northgate Fringe Shopping Area where a significant proportion of employees are able to use public transport or to ensure the retention of an existing building.

RESULTS OF TECHNICAL CONSULTATION

11. No objections in principle have been raised by the Council's Highway's Engineer, Environmental Health Officer, Northumbrian Water or the Local Lead Flood Authority. The Conservation Officer has raised concerns regarding the impact of the proposal on heritage assets.

RESULTS OF PUBLICITY AND NOTIFICATION

12. Five letters of objection have been received, including one objection from Friends of Stockton and Darlington Railway, raising the following concerns:

- Impact on character and appearance of Northgate Conservation Area;
- Design of proposal does not have regard to nearby historic buildings;
- Impact on setting of Grade II Listed Building;
- Not in keeping with the North Road Rail Heritage Quarter;
- Low quality scheme;
- Too many houses in multiple occupation / overcrowded area;
- No evidence that the apartments / communal areas can be well managed initially or in the future;
- Too much pressure on already over-stretched infrastructure;
- Why keep the shops as there are too many empty shops already;
- Homes are very small which is not good for health and wellbeing of residents;
- Not enough greenspace;
- Anti-social behaviour due to lack of occupation of similar developments;

13. Comments in support of the application state:

- Design is deliberately contemporary and will be a spectacular feature in the Northgate Conservation Area;
- Will visually improve important route into town;

14. One letter of support has been received from Campaign to Protect Rural England stating:

- the conversion of this redundant building would provide much needed high-density housing in the town centre; and
- It will contribute to the number of dwellings Darlington is expected to provide for, so pressure is taken off greenfield sites.

PLANNING ISSUES/ANALYSIS

(a) Principle of the development

15. The application site is within development limits and the conversion of part of the building to residential apartments is acceptable in principle in the context of Saved Local Plan Policy E2 and Policies CS1 and CS10. Appropriate alterations to the existing commercial element of the building is acceptable in principle subject to other development management considerations set out in the development plan.

(b) Impact on designated heritage assets

16. The site is situated within the Northgate Conservation Area and within the setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers, situated immediately to the south of the application site on the opposite corner of the junction of Northgate and Chesnut Street.

17. The Conservation Officer has raised no objections to the principle of the conversion of the premises to mixed use, however has objected on the basis of the impact of the proposed alterations on the significance of the Northgate Conservation Area and setting of the Grade II listed United Reform Church and the associated forecourt railings and gate piers.
18. The Conservation Officer considers that the proposed alterations are not appropriate to the character of the area and would lead to harm to the setting of the listed buildings, citing the use of the render and cladding which would create a harsh contrast in the street scene, making the building more visually obtrusive and clearly visible within the sight lines looking from the north and south along Northgate. The Conservation Officer also considers that the addition of the floor level increases this impact further, as the existing building is more subservient to the church and an increase in height would see this subservience eroded.
19. The comments of the Conservation Officer have been considered carefully and discussions have been undertaken with the agent. The existing building is a 20th century redevelopment which has no visual or architectural merit in itself and is falling into disrepair. The current flat roofed, 2-storey building also appears as a somewhat incongruous feature on a prominent, corner site, in between predominantly taller, 3-storey buildings.
20. The proposed conversion scheme has been designed so that the proposed second floor of the building is set back from the existing frontages of the building and the mezzanine floor level is provided within the roof space, with the building still being of a lower height than the adjoining building to the north, so as to reduce any impact on the setting of the church. It is considered therefore that views of the church when travelling along Northgate will not be affected to any significant degree, and views of the Church when travelling northwards will be largely unaffected. Overall, with the limitations that the present building holds, it is considered that the proposed development has been sensitively designed such that the resultant building is of an improved appearance compared to the existing building.
21. Taking into consideration the appearance of the existing building, whilst it is the view of officers that the proposal will have a slight positive impact on the character and appearance of the Conservation Area, and will not adversely affect the setting of the listed buildings, taking into account the differing views of the Conservation Officer, and in line with the NPPF, if harm is found to be caused, it is considered that this would be 'less than substantial'. In this case the LPA must weigh the harm against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this case therefore, if harm is considered to be caused, the agent has set out what are considered to be the public benefits arising from the development being;
 - Bringing a vacant building back into use;
 - Retention of two smaller retail units more likely to be attractive to prospective tenants; and

- The provision of residential apartments in a sustainable location.

22. In this case, taking into account the visual appearance of the existing building, and the views of officers in terms of its limited impact on the Conservation Area and the setting of the listed building, it is considered that if 'less than substantial harm' is caused by the development, that on balance, this would be outweighed by the public benefits identified and that the proposal therefore does not conflict with Policy CS14 in this regard.

(c) Scale, design and appearance and impact on visual amenity

23. Noting the consideration in terms of impact on designated heritage assets above, it is also considered that the impact of the proposals is acceptable in terms of its scale, design and appearance and impact on visual amenities. The frontage to Northgate and Chesnut Street and the pallet of materials proposed is an appropriate response to the site constraints and will result in an overall improvement to the visual appearance of the building and street scene in which it is located. It is recommended that a condition be attached to any approval stating that materials should be in accordance with those detailed within the application and securing submission and agreement of the colour of the fine textured render to be applied externally and specific details of the proposed limited area of landscaping to the rear.

24. Overall, subject to the above conditions, the proposals are acceptable in respect of their scale, design and appearance and impact on the visual amenities of the locality such that they do not conflict with Policy CS14 or CS2 in this respect.

(d) Impact on residential amenity

25. The site is within a mixed-use area with commercial being the predominant use. There are some properties nearby which have flats above shops to the west and north, with residential apartments at Northbeck House beyond, and given the existing building use, its redevelopment for a similar use with apartments above, is unlikely to impact on the residential amenity of these existing properties. The main issues of residential amenity are therefore related to ensuring an acceptable level of amenity for occupiers of the proposed scheme and ensuring that any construction impacts are within acceptable limits given the presence of existing residential uses in the area.

26. A noise assessment undertaken by Apex Acoustics (2 June 2020 Reference 7923.1 Revision B) was submitted in support of the application. This involved the measurement of existing noise levels in three locations on the site, to assess the impact of road traffic noise on the proposed development, which is the dominant noise source in this location. The assessment also considers the impact of extract ventilation plant servicing adjacent commercial premises as well as noise from within the proposed retail premises on the ground floor.

27. The assessment concludes that with mitigation by way of a certain standard of glazing, installation of a specific standard of trickle vents, as well as a

mechanical ventilation strategy, appropriate noise levels in accordance with the guidance can be achieved in internal spaces associated with the development and any adverse impacts on health and quality of life mitigated and reduced to a minimum.

28. In relation to impact of the proposed retail premises associated with the development on the residential properties the assessment concludes that with specific construction of the separating walls and floors the agreed internal noise levels can be achieved in the residential areas. A proposed construction build up for both the separating walls and floors is put forward in the assessment.
29. In view of the above, the Environmental Health Officer has recommended planning conditions 12-16 (below) which aim to ensure the development incorporates the mitigation set out within the noise report in looking to protect residential amenity.
30. An air quality assessment has also been submitted prepared by Apex Air dated 26 May 2020 (Reference 7923.2, Revision A). The assessment considers potential air quality impacts as a result of the construction and operational phases of the development as well as any impacts on the development itself from existing air quality given the introduction of sensitive receptors.
31. The assessment concludes in relation to the construction phase of the development, with good practice dust control measures, the potential air quality impacts from dust generated during demolition, earthworks, construction and track-out activities are predicted to be not significant. Potential impacts associated with the operational phase of the development (i.e. associated with increased traffic) are also predicted to be negligible and in relation to the proposals having the potential to expose future occupants of the apartments to poor air quality, pollutant concentrations were predicted to be below relevant air quality objectives across the development area. The assessment therefore concludes the site is considered suitable in this location from an air quality perspective. As there are existing residential properties in this area and given the conclusions of the submitted air quality assessment, the Environmental Health Officer has not objected on air quality grounds.
32. Also recommended are planning conditions requiring submission and compliance with a Construction Management Plan, that no external plant associated with the scheme shall be installed until a scheme to reduce noise and vibration has been submitted to the LPA and agreed in writing, and a limit on opening hours of the retail units to between 7:00 and 22:00, with any deliveries and waste collections limited to the same time period.
33. Subject to the above conditions, the proposal would have an acceptable impact on the living conditions of residents and would comply with policy CS2 and CS16 in this regard.

(e) Highway Safety

34. The ground floor frontage is to be retained within retail use however the existing frontage would be split to create two smaller units of 120 sqm. Rear access to the units would be maintained with defined storage areas, commercial bin storage and defined delivery parking complementing the existing arrangements. Customer parking is available nearby both within defined on-street areas on Beck Road and within Garden Street car park which is approximately 150m from the development.
35. The application proposes a total of 24no. residential apartments, 20 of which are single bedroom and the remaining 4 being 2 bed units. This falls below the threshold for a formal transport assessment. It is likely that this would produce around 10 vehicle trips in the am/pm peak hour and as such it is not considered sufficient to warrant refusal based on traffic impact.
36. The Tees Valley Design Guide advises that generally parking provision should be based on 1.5 spaces per unit for flatted developments giving a theoretical requirement of 36 spaces. However parking provision may be viewed differently for town centre accommodation and areas which have good links to public transport or other alternative means of sustainable travel. It is proposed to provide the development with 7no. dedicated parking spaces, 12no. secured cycle lockers and a dedicated delivery bay for the two retail units. Based on the town centre fringe location and access to sustainable modes of transport the parking proposals are considered to be acceptable.
37. Frequent bus services are located nearby with both inbound and outbound stops on Northgate located within 100m walking distance of the site. A controlled pedestrian crossing facility is also with 50m of the site at a location that would otherwise be difficult to cross safely given the width of Northgate and the high traffic volumes during peak hours.
38. Overall, and taking the above into account, the Highways Engineer has raised no objection to the development on highway safety grounds. The proposal is therefore considered acceptable and does not conflict with Policy CS2 and T26 in this regard.

(f) Affordable Housing

39. A proposal of this type would trigger a requirement for an affordable housing contribution. As required by the Planning Obligations SPD, the developer has agreed that 20% affordable housing will be provided and that this will be dealt with by way of a planning condition.

(g) Other matters

40. One matter raised by objections is the size of the flats and the impact of living in such small spaces on the health and well-being of residents. The flats are part of a high-density development with the provision of a choice of one and two bedrooms, all with living space and kitchen provided on an open plan basis. Whilst there is a demand for this type of living, particularly in central areas, the

aim of the plan is to provide a good mix of dwelling type, size and tenure and there is no planning reason to suggest that the size of the apartments proposed would result in an impact on the health and wellbeing of residents who choose to live there.

41. Nevertheless, whilst the internal specification of a proposed residential development may fall outside the direct remit of Development Management, all new and converted residential developments should have consideration of the Housing Health and Safety Rating System to ensure they do not contain any Category 1 hazards which was introduced under the Housing Act 2004. Officers have sought advice from the Council's Private Sector Housing Team and after liaising with the architect, the team is satisfied that the proposed conversion would meet the necessary standards in terms of space, natural light, fire and safety and sound transmission through a combination of the information already submitted, and through the requirements of the Building Regulations. The Private Sector Housing Team has raised no objections to the granting of planning permission on this basis.
42. A further matter raised by objection is a lack of greenspace. Whilst it is acknowledged that the amenity areas of the flats are limited by the nature of the development, and that the proposal does not provide greenspace, the location of the development is such that the residents would have good access to local greenspace at North Lodge Park to the west and other local areas of greenspace beyond.
43. The potential for anti-social behavior due to lack of occupation of similar developments has also been raised as an objection. Whilst this is noted, there is no evidence to suggest that anti-social behaviour will increase as a result of the proposed development, and indeed, the aim of the proposal would be to have occupation of the ground and upper floors of the building which has the potential to reduce any anti-social behaviour in the vicinity of the building due to increased supervision. Durham Constabulary has provided some advice in relation to measures to reduce crime, such as alarms, security standards for doors and security standards for cycle lockers, which has been provided to the applicant to consider in the development process. One matter raised by Durham Constabulary is a lack of defensible space to the ground floor apartments, with no clear boundary between the street and the residential units aside from the physical structures of the cycle stands and bin storage area. It is recommended that a planning condition be attached to any approval relating to submission and agreement of boundary treatment to the rear of the building prior to occupation.

PUBLIC SECTOR EQUALITY DUTY

44. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

45. The proposed development complies with the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of highway safety and residential and visual amenity and would not harm the setting of heritage assets. It is therefore recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit 3 Years
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

L019034 – 000 Location and Block Plan
L019034 – 100 Proposed ground floor plan
L019034 - 101 Proposed first floor plan
L019034 - 102 Proposed second floor plan
L019034 – 103 Proposed second floor mezzanine plan
L019034 – 104 Proposed Elevations and section
L019034 - 105 Proposed bin and cycle store
L0190354 – 106 Site Location Plan

REASON – To define the consent

3. All external materials, including rainwater goods and roof materials, shall be as specified in the drawings referenced in condition 2 of this approval, unless otherwise agreed, in writing, by the Local Planning Authority.

REASON – To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

4. Prior to the application of the fine textured render to the external surfaces of the building, details of the colour of the render shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON - To ensure that the external materials are suitable for the conversion works proposed in the interests of their impact on heritage assets and the visual amenities of the locality.

5. E2 Landscaping
6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in

accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy.

7. Prior to the occupation of the development hereby approved, details of boundary treatment to the rear of the ground floor flats, shall be submitted to and approved in writing by, the Local Planning Authority. The agreed boundary treatment shall be in place prior to occupation of the development and shall be retained as such thereafter.

REASON - In the interests of residential amenity.

8. No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority.

REASON – In the interests of residential amenity.

9. The opening hours of the retail unit(s) shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

10. Times for deliveries and waste collections to the retail units shall be limited to 07.00-22.00.

REASON – In the interests of residential amenity.

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

REASON – In the interests of residential amenity.

12. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.

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

REASON – In the interests of residential amenity.

13. The mitigation measures/minimum façade sound insulation provisions (glazing performance, trickle vent performance, ventilation strategy) as detailed within Table 1 of the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Reference: 7923.1 Revision B) shall be implemented in full prior to the first occupation of the apartments, and thereafter shall be retained and maintained for the life of the development. No changes to mitigation proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

14. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to installation precise details of the window glazing as well as any acoustic trickle vents to be installed as part of the development (including their acoustic performance) shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

15. The mitigation outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B) in relation to the wall and floor construction (separating elements) between the retail units and residential apartments shall be implemented in full prior to the first occupation of the apartments. No changes to the proposals shall be made without the prior written agreement of the Local Planning Authority.

REASON – In the interests of residential amenity.

16. At the reasonable request of and/or following a complaint from residents of the proposed development to the Local Planning Authority, the applicant shall employ a suitably qualified acoustic consultant to carry out an assessment of noise from the retail units on the residential apartments. The sound insulation testing shall be in accordance with the methodology in BS EN ISO 16283-1:2014 (airborne sound insulation) and BS EN ISO 16283-2:2018 (impact sound insulation) and the scope and methodology to be used in the assessment shall be agreed in advance with the Local Planning Authority. The assessment shall demonstrate to the satisfaction of the Local Planning Authority compliance with NR17 inside the residential apartments. If this is not the case, suitable mitigation measures shall be submitted and agreed in writing with the Local Planning Authority including a timescale for implementation.

REASON – In the interests of residential amenity.

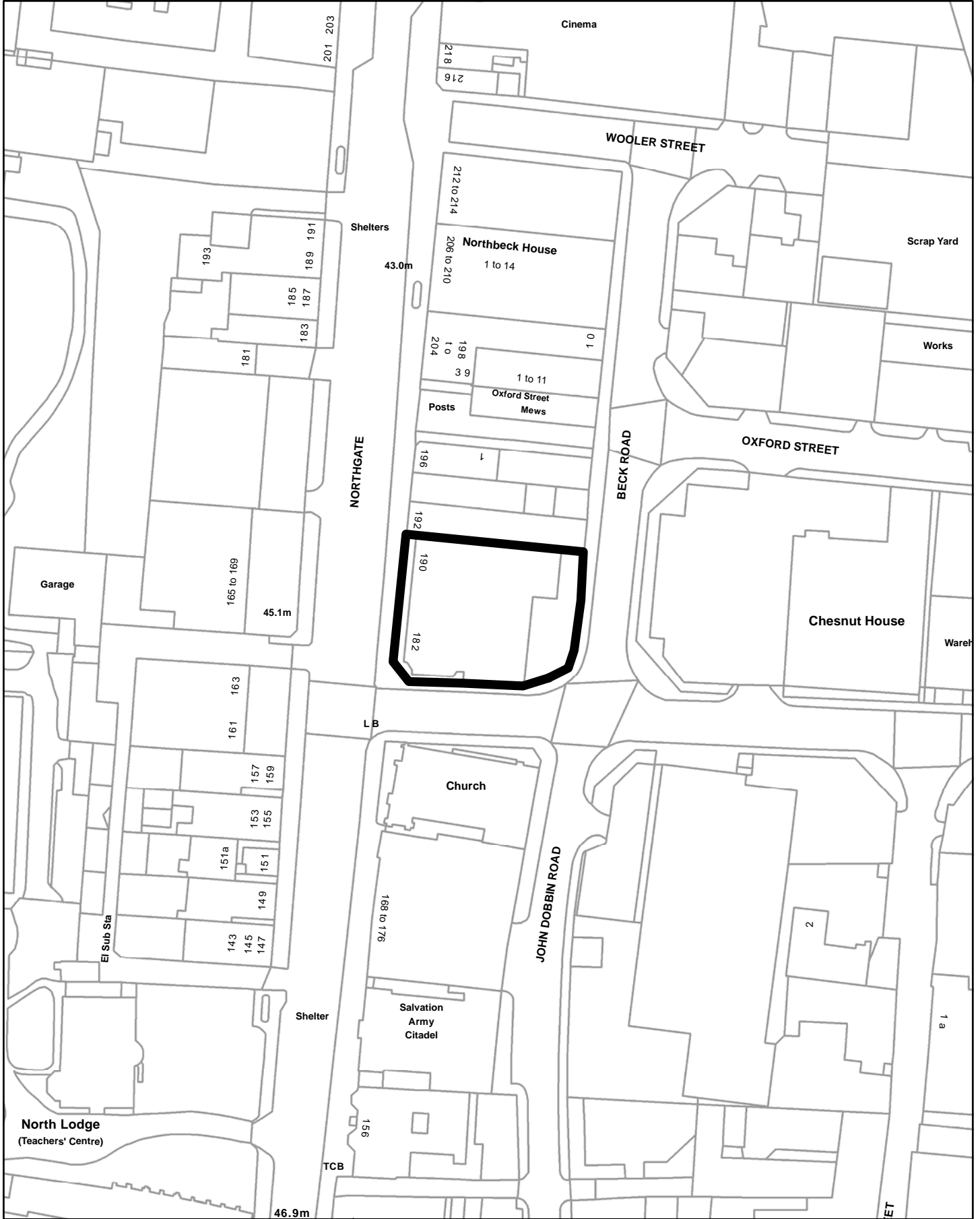
17. Notwithstanding the mitigation measures outlined in the Noise impact assessment by Apex Acoustics dated 2 June 2020 (Report Number: 7923.1 Revision B), prior to the installation of any mechanical ventilation strategy, precise details of the system(s) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an assessment of noise and overheating to determine an appropriate strategy with windows closed. It shall be shown to the satisfaction of the Local Planning Authority that the internal noise levels associated with any mechanical units and associated ductwork linked to the system, as well as when combined with other noise sources shall not exceed relevant guidance levels in living rooms and bedrooms. The assessment(s) shall be carried out taking into account the Association of Noise Consultants and Institute of Acoustics 'Acoustics Ventilation and Overheating: Residential Design Guide, January 2020, Version 1.1.' and any associated guidance. The system(s) shall be installed prior to the first occupation of the apartments and in accordance with approved plan and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of residential amenity.

INFORMATIVES

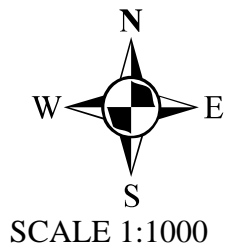
Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director : Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

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PLANNING REF No: 20/00266/FUL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 September 2020

APPLICATION REF. NO: 20/00510/FUL

STATUTORY DECISION DATE: 3 September 2020

WARD/PARISH: HEIGHINGTON AND CONISCLIFFE

LOCATION: Land to East Of 15 High Road, Redworth

DESCRIPTION: Change of use of land from open space to car parking area for 3 no. cars and installation of parking grids (Retrospective Application) (Additional Plan received 19 August 2020)

APPLICANT: Mrs Sarah Booth

RECOMMENDATION: GRANT PERMISSION

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 via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a piece of grassed verge situated to the front of No 14 High Road (north) and between the Village Hall (east) and No 15 High Road (west). The land is accessed via a private road directly off the adopted highway (High Road) which provides access to two existing garages at the side of No 15 High Road.
2. This is a part retrospective planning application for the change of use of the grass verge to an area for the parking of three vehicles. The work, if approved, involves the removal of sections of the existing grass (approximately 150mm depth); the laying down of hardcore, soil and sand, followed by three grass crete grids and then reseeding, so that grass will re-grow though the mesh. Each grid measures 4.2m x 2.6m.

3. One of the three grids have already been laid and reseeding has taken place, but no further work has taken place since the submission of the application.
4. The occupants of Nos 15, 16 and 17 High Road have previously parked on this area of land and the objective of the work is to continue to park on the land but prevent the land turning to mud in wet weather and winter months and to improve drainage. The parking spaces would continue to be used by the occupants of the three properties, but the land would not be owned by the residents.

MAIN PLANNING ISSUES

5. There is no planning history for the grass verge, but Council records show that planning permission (75/00042/DM) was granted to convert No 15 High Road from a joiner's workshop to a dwelling and the erection of a garage. The main issues to be considered here are whether the development is acceptable in the following terms:
 - a) Land Ownership
 - b) Village Green Designation
 - c) Impact on the Character and Appearance of the Street Scene
 - d) Highway Safety
 - e) Residential Amenity

PLANNING POLICIES

6. The application site is within the development limits for Redworth and therefore the principle of the proposal accords with saved policy E2 of the Borough of Darlington Local Plan 1997 and CS1 of the Darlington Core Strategy Development Plan 2011. Therefore, the relevant Local Plan policies are those seeking to ensure that the proposed development
 - Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (CS2 of the Core Strategy 2011)
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer has raised no objections to the planning application.

RESULTS OF PUBLICITY AND NOTIFICATION

8. Four letters of objection have been received following the Council's consultation exercises. The comments can be summarised as follows:
- *The part of the green in question has always been recognised as registered village green by residents and authorities in so much as they have always treated this area as the rest of the registered village green, since registration became final on 1st October 1970, and thus a decision on the development of this green open space could be erroneous. Darlington Borough Council have always cut the grass alongside the remaining village green.*
 - *Heighington Parish Council have supplied and maintained the flower tubs that existed on this area of green until the start of this development.*
 - *In March of this year hardcore was placed on a corner of this area of the green which I understood was a temporary measure. Up until that point, the applicant's cars were never parked on the area, although incursions had occurred.*
 - *This track not only gives access to the applicant's garage but is a pathway for pedestrians. The proposed development could be a hazard to pedestrians as cars parked on this area of the green would have to reverse into, or out of the green space over the single track, with very limited visibility.*
 - *There is also a real possibility of encroachment and damage to the village green, when cars reverse on to the narrow track. There is visual evidence of this already occurring. The development may cause congestion in that area of the village green as cars will not only park on the proposed development, but as they do now, park on the track.*
 - *There is no need for the extra car parking in this corner of our picturesque village as the applicant has garaging.*
 - *The application is for specific households use only, (two of whom have garaging) and would not benefit the community as a whole, yet the community have invested in this green*
 - *The planning application does not fit in with the environment, as the surrounding area is village green.*
 - *There is no guarantee the land would only be used for car parking.*
 - *The plastic materials used in the proposed development of the village green are not eco-friendly and are detrimental to the planet.*
 - *This proposed development would visually detract from this rural village, and its greens, as this proposed car park is elevated above the tarmac track.*
 - *Upon enquiry made of HM Land Registry there is no evidence that the applicants are the legal owners of the land in question. Their current use of the land which is the subject of this application is apparently without the consent of the legal owners of the land. We are given to understand that the applicants have submitted an application for registration of title to the land on the basis of adverse possession, but such application was rejected by HM Land Registry. Clearly, the applicants have been entirely unsuccessful in persuading HM Land Registry that they have any right, title or indeed interest in the land in question. It is our understanding on that basis the Planning Authority would be obliged to satisfy itself that that the consent of the legal owner of the land should be obtained as a precondition of Planning Permission being granted.*

- *The conversion of the open ground to the front of the property to what would effectively be a parking lot would be unsightly impacting negatively upon the visual appearance of the property (No 14 High Road)*
- *The view to the front of No 14 High Road would be unsightly looking out as this would be a car parking area rather than a rural view.*
- *The general appearance of the area would be impacted negatively. As an open space it could visually be positive and enhance the visual effect not only of the property but also the existing neighbourhood.*
- *It is primarily a matter for the applicants to ensure that they use the area within the curtilage of the boundaries of their own property to park their vehicles*
- *I was very shocked to see that only very recently, slowly but surely the land in question has become very unsightly and is detracting from the village's true beauty due to bins being placed on the grass, plant pots marking out parking bays and the grass verge being turned into a car park which has never manifested before.*
- *Waste dump bags have been placed on the grass and the land adjacent the green which belongs to the council is now starting to look unsightly and distressed which will only become worse during winter months as there is very little space to reverse.*
- *Cars have not parked on this land for the past twelve years;*
- *I am quite surprised that more parking is needed when garages are next to the piece of land in question*
- *The grass is now over grown, as the whole area cannot be cut due to cars being parked on it, the grass is over grown around the plant pots which are half empty making it look very unsightly due to the council being unable to move them to cut the grass*

9. Four letters of support have been received following the Council's publicity exercises. The comments can be summarised as follows:

- *This area gets very muddy when there is a lot of rain and the underground stream comes to the surface. By putting in adequate drainage and hidden support the owners of the three houses adjacent to the land can park without making the situation worse.*
- *It is also very relevant that if the vehicle owners have to park on the road this creates a situation where some larger passing vehicles would have to drive up onto the edges of the village green and thereby causing further erosion and mess.*
- *One user of this land has parked there for over five years with no comment made. I feel that overall the proposed change to the land in question would make the area cleaner, more practical and definitely safer.*
- *I am aware that one of the residents currently parking on this land has no land accessible or attached to his property on which he can park. One of the other residents has a garage but has more than one car in the family and requires further parking. If these residents are not allowed to park on this land, which is not village green, they will need to park on High Road. High Road is narrow. Parking on the road pushes large cars, tractors and delivery wagons onto the main green causing erosion.*

- *The area of grass in question is to the front of my late mother's house. Neighbours of mine (I now live at number 15 High Road) have parked there for a number of years with the permission of my mother. They have taken steps to improve the grassed area by installing plastic parking grids to stop the area becoming a muddy mess in the winter.*
- *I (No 17 High Road) have been parking on this land since my retirement (2012). Unfortunately, during the winter, the ground gets soft and damaged. I have attempted to repair this damage when necessary. The plans would ensure that there was no further damage.*
- *The council has in the past cut the grass, but not maintained the plant pots. The Parish Council has confirmed, twice, that this area is not village green. Neither are they interested in it becoming so.*

10. Heighington Parish Council has not commented as insufficient information has been provided

PLANNING ISSUES/ANALYSIS

a) Land Ownership

11. The applicant has stated that they moved into number 16 High Road, 13 years ago and have been using the corner of the strip of land close to their garage for parking ever since and the comments within the letters of support indicate that the land has been used for parking by the occupiers of Nos 15, 16 and 17 High Road for a number of years. However, it is evident from the letters of the objection, there is a disagreement as to how long vehicles have been previously parked on this land.
12. In response to some of the objector's comments, the applicant has advised no formal application for adverse possession of the land has been made by the residents. The grass is cut by the Council, along with other grassed areas in Redworth which are not designated village green and previously, any vehicles that are parked on the land have been moved to allow the grass to be mown. The bags that are currently on the land contain the sand and gravel which were being used to create the spaces and bins are now only placed on the land on collection day only.
13. Despite the best endeavours of the applicant to find out who the current owners of the land are, the ownership status of the land is unknown.
14. As a result, the applicants have completed Ownership Certificate D on the planning application forms and followed the appropriate publicity procedures which accords with the requirements of Town and Country Planning (Development Management Procedure) (England) Order 2015. This enables the local planning authority to continue and determine the planning application.

b) Village Green Designation

15. The verge which separates the footpath and the application site from the highway is part of the designated Village Green for Redworth. The land which is the subject of this planning application is not part of the Village Green.
16. A separate application has been made to the Council, as Commons Registration Authority, in accordance with the Commons Registration (England) Regulations 2014 to have the land registered as Village Green.
17. Notwithstanding the above, officers can advise Members that the application to have the land registered as Village Green is not a matter for the Local Planning Authority to consider as part of the determination of this planning application.

c) Impact on the Character and Appearance of the Street Scene

18. The application site and Nos 14 to 18 High Road are at a lower level than the adopted highway but the land is in a highly visible location within the street scene. There are two visual impacts to consider:

Impact of the Work to create the formal Parking Spaces

19. One of the parking grids has been laid on site and re-seeding has taken place. It is evident that grass has regrown through the grid in a short period of time, the grid is not particularly visible at all. The visual appearance and character of the site would remain a grassed area of open space. As a result, the completed works for all three spaces would not have an adverse impact on the visual appearance of the land or the wider street scene.

Impact of Parked Vehicles

20. The parking of the vehicles will have more of a visual impact, but officers do not consider that this intermittent activity of parking three vehicles will have such an adverse and harmful impact on the visual appearance and character of the area to justify a reason to refuse the planning application.
21. The planning application would accord with policy CS2 of the Core Strategy.

d) Highway Safety

22. The area to be used for parking is not accessed directly from the adopted highway as it is located off a private access road. It is not expected that the parking area will in itself generate any additional traffic but may help alleviate any neighbour disputes over parking within this area or obstruction of the private drive.
23. This would also enable an off-street parking solution which will reduce parking on the adjacent adopted highway (High Road) which is narrow. Any on street parking at this location would not be desirable as it would require vehicles to encroach on the Village Green with the potential to cause damage which is both unsightly and a potential trip hazard which the landowners(s) would be liable for. Given the rural character of the village, movement of agricultural vehicles is also relatively frequent.

24. There is no reason to conclude that there is any inherent safety issue with parking on the application site, it is generally open in aspect and has low boundary walls enabling visibility of approaching pedestrians. It does not attract vehicular through movements as vehicles do not drive past the applicant's garage. Footway provision throughout the village is minimal and it will therefore be expected that pedestrians and vehicles will share the same space as it has always been. The planning application makes no material difference to this situation.
25. The Council's Highways Engineer has raised no objections and the proposal would accord with policy CS2 of the Core Strategy.

e) Residential Amenity

26. The application site is located in front of No 14 High Road and the shared boundary with the front garden of this property is a low stone wall with intermittent stone pillars. The site is on a higher ground level than the property as its front garden slopes down towards the dwelling. No 14 High Road is a detached property within a large plot and the front elevation of the dwelling is approximately 27m from the application site. There are some well established trees and hedges within the front garden of the property.
27. The works to create the parking spaces would not harm the amenities of this neighbouring property as the stone wall would provide a screen and the parking spaces would not be visible. The presence and position of the existing trees within the site would reduce the long-range visual impact of the vehicles generally.
28. It is considered that the visual impact of three vehicles would not have such an adverse and significant impact on No 14 High Road to justify a reason to recommend refusal for the planning application. The comings and goings associated with three vehicles would also not cause adverse amenity issues. The development would accord with policy CS16 of the Core Strategy 2011.

THE PUBLIC SECTOR EQUALITY DUTY

29. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The development does not raise any issues that would raise discrimination between persons who share a relevant protected characteristic and persons who do not share it

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

30. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

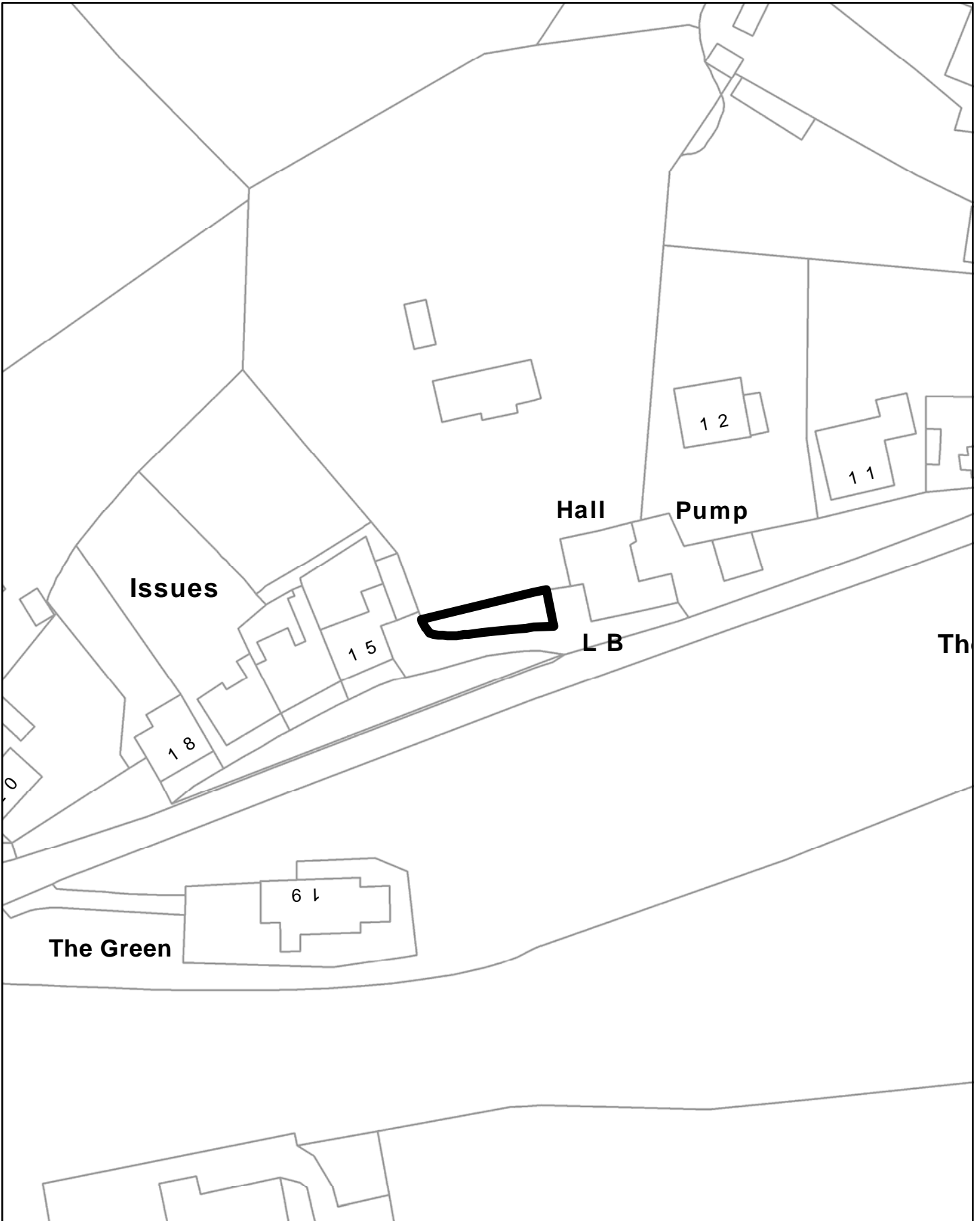
31. This is a part retrospective planning application seeking planning permission to use a piece of grassed open space for the parking of three cars. The proposal involves the laying of grass crete grids followed by reseeded of the areas where the spaces would be created. One grid has been laid and the land reseeded. Despite the best efforts of the applicant, the owner of the land is unknown, and the appropriate ownership certification has been signed on the application forms to reflect this position which allows the local planning authority to determine the application. The land is the subject of a separate application to the Council to have the land designated as village green, but officers can advise that this process is not a material planning consideration.

32. The works do not raise any highway safety concerns and are considered acceptable in terms of their impact on the character and appearance of the area and the amenities of neighbouring dwellings. The planning application accords with the appropriate local development plan policies.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION

1. A3 – Implementation Period (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number No 1 Proposed Eco Parking Grids for 15 High Road, Redworth

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

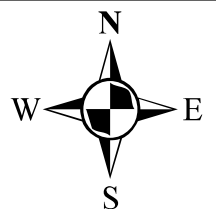


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PLANNING REF No: 20/00510/FUL

DARLINGTON BOROUGH COUNCIL

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SCALE 1:750

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Appeal Decision

Site visit made on 21 July 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/N1350/W/20/3252846

Land at Cobby Castle Lane, Bishopton TS21 1HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Chivers against the decision of Darlington Borough Council.
 - The application Ref 19/01191/OUT, dated 20 December 2019, was refused by notice dated 29 April 2020.
 - The development proposed is Outline planning application for the construction of 9 dwellings with all matters reserved except access to, but not within the site.
-

Decision

1. The appeal is dismissed and outline planning permission is refused.

Main Issue

2. The main issue is whether or not the site would be a suitable location for residential development.

Reasons

3. The appeal site is a piece of grass land and occupied by a stable building and hardstanding of approximately 0.3 hectares in size to the north of Bishopton, and accessed from Church View. It has been used as a paddock although the land is overgrown. It is adjacent to residential dwellings and the paddock associated with the dwelling of Gorann. Opposite are the school grounds of Bishopton Redmarshall Primary School.
4. The site is outside the defined development limits of the village of Bishopton as identified by the Council's adopted Borough of Darlington Local Plan 1997 (LP) and is located within the countryside and adjacent to the Bishopton Conservation Area.
5. There is history of an approval of nine dwellings in outline on the land¹. Since this time, the permission has expired and the site is no longer considered by the Council to be suitable for a housing development in outline for nine dwellings with only access considered, and all other matters to be reserved.
6. LP Policy E2 directs new development to within the development limits, and sets out the types of development which will be permitted outside development limits, and refers to development beneficial to the needs of rural communities, including some forms of housing. LP Policy H7 explains that within the

¹ Application Ref 2017/00166/OUT

- Countryside and outside development limits, new residential development is permitted provided it meets certain exceptions. Both of these policies are underpinned by the Council's desire to safeguard the character of the countryside and villages within it.
7. The Darlington Core Strategy Development Plan Document (2011) (CS) is also relevant to this appeal. The aims of Policy CS1 is to represent an appropriate locational strategy in that it directs development to the most sustainable locations.
 8. The appeal site was outside the development limits of Bishopston when the previous consent was approved, and as the Council could not demonstrate a five-year housing land supply, this was a material consideration in favour of the development at that time, as well as the fact that the land was available for development.
 9. However, since this time, the policies of the plan are still in place, although the most significant difference is that the Council now has a housing land assessment as set out within their Five Year Housing Land Supply Position Statement, (HLSPS). The most up to date version sets out the housing land supply position for the period 1 April 2020 to 31st March 2025.
 10. The appellant reasons that there may be a significant delay in the allocated housing sites within the emerging Local Plan used to calculate the 5-year housing land supply coming forward for development, and that given the current climate of Covid 19 pandemic conditions, as a consequence, they are of the view that there is an unrealistic prospect that the Council can demonstrate a 15 year housing land supply.
 11. The HLSPS stipulates that one of the main sources of housing land used to calculate the 5 year supply are deliverable potential allocations in the emerging Local Plan. It also recognises that in terms of deliverable sites, planning permission is not a requirement for a site to be realistically deliverable over the next five years.
 12. The HLSPS is guided by the advice contained within the National Planning Policy Framework for Council's to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. I therefore conclude that there are measures in place to safeguard the deliverability of the HLSPS, and I give this significant weight.
 13. Whilst an up to date HLSPS does not necessarily mean other housing sites should not be considered, windfall sites can provide a contribution to housing supply and this level of flexibility is recognised within the HLSPS. However, in this circumstance, in accordance with the adopted development plans, the appeal site is located outside development limits for the village and does not meet the exceptions of LP Policy E2. Development here would therefore not safeguard the character and appearance of the countryside and villages within it, and would also undermine the core aims of the CS Policy CS1.
 14. As is my duty to determine the proposal in accordance with the development plan unless material considerations indicate otherwise, and based on the evidence before me, I am of the view that the Council is in a position to identify a 5 year housing land supply. Therefore, I do not find in favour of the

development. I conclude that due to its location beyond the limits of development as defined by the LP, the proposal would be contrary to LP Policies E2 and H7 as it would not meet its criteria for housing in the countryside, as well as Policy CS1 of the CS.

Other Matters

15. I appreciate the appellant's commitment to securing a high-quality development that would respond to the characteristics of the area, a range of house types to offer choice and appropriate landscaping. Furthermore, they stress that housing could be delivered expediently, as well as the economic benefits that would occur from construction, local spend and Council Tax contributions. These are all potential benefits of the proposal that I recognise. However, these matters do not lead me to form a different conclusion.
16. I also note that the proposal could be considered acceptable in other planning considerations, and it would be located in close proximity to other residential dwellings and could be viewed as an extension to the settlement boundary. Nevertheless, the considerations of this development are now different to when it was first determined in 2017, this does not lead me to find in favour of the proposal.
17. Another appeal decision² has been brought to my attention, however, this was permission in outline for two dwellings only, and is located within a different borough. Whilst that Council may have demonstrated a five-year housing land supply, this appeal does not sufficiently closely relate to the appeal before me to persuade me to come to a different conclusion.
18. Objections to the development are duly noted, however as I am dismissing the appeal, there is no requirement for me to address matters that have not been covered within this decision letter.

Conclusion

19. For the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

² Appeal Reference APP/E2734/W/19/3224226

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Appeal Decision

Site visit made on 11 August 2020

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/N1350/W/20/3246663

Land North West of New Lane, Neasham, Darlington DL2 1QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Sanderson against the decision of Darlington Borough Council.
 - The application Ref 19/00834/OUT, dated 28 August 2019, was refused by notice dated 2 December 2019.
 - The development proposed is an outline application for up to five dwellings (with all matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration. The planning statement accompanying the application indicates that access to the site is off New Lane. I have had regard to this in the determination of this appeal.

Main Issues

3. The main issues are:
 - Whether the proposed development would be appropriately located, having regard to the Council's spatial strategy for new housing with particular regard to the location of the site outside of the development limits of Neasham.
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect on the living conditions of prospective occupiers of the proposed development with particular regard to potential disturbance from the adjacent nursery business.

Reasons

Whether or not the proposed development would be appropriately located

4. The appeal site comprises a relatively flat 'L' shaped piece of land that was formerly partly occupied by glasshouses and a storage building. It is bounded

- by residential properties on Teesway and New Lane to the south and east respectively and by a plant nursery to the north and west. A dwelling 'Hopcroft' adjoins the northern boundary of the existing nursery with open countryside beyond.
5. Neasham is a relatively small village which, other than a public house, has very few other facilities. Other than the dwellings on New Lane, the village is configured in a predominantly ribbon form with mainly detached dwellings occupying both sides of Teesway.
 6. The appeal site is located outside of the development limits for Neasham as defined by the Darlington Borough Local Plan 1997 (the Local Plan). Saved Policy E2 of the Local Plan sets out that certain types of small scale development, including housing, may be acceptable beyond development limits, subject to meeting the needs of rural communities and provided that unacceptable harm to the character and appearance of the rural area is avoided.
 7. In addition, the Council's approach to the consideration of the location of new development is also set out in Policy CS1 of the Darlington Local Development Framework Core Strategy, adopted in 2011 (the Core Strategy). This sets out a hierarchal approach which seeks to concentrate new development in sustainable locations in main urban areas with good accessibility. Outside the limits of development of villages, policy CS1 indicates that development will be limited to that required to meet identified rural needs.
 8. The Council indicates that it has in excess of five years supply of deliverable housing land¹. Consequently, I do not consider that paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged in respect of housing land supply. In my view, Policy E2 of the Local Plan, Policy CS1 of the Core Strategy and the use of development limits broadly reflect the aims of the Framework in relation to sustainable development in rural areas. Consequently, I attach significant weight to these policies.
 9. Taking into account the above position on the supply of deliverable housing land, I accept the Council's view that these relevant development plan policies seek to focus development towards larger village locations which are or can be made sustainable. Neasham is not identified in the development plan as being one of the larger village locations in the Borough. The relevant policies do not introduce a blanket ban on development outside of development limits but provide for certain exceptions, taking into account the impact on the character and appearance of an area.
 10. Although the Framework takes some account of the transport shortcomings of rural areas, its focus is on maximising the use of sustainable transport solutions. It therefore remains desirable for new residential development to be located in appropriately served settlements. Neasham is a relatively small village with limited facilities and is not well served by public transport.
 11. Whilst the occupants of the proposed dwellings would make use of the services and facilities in nearby settlements, which would provide a limited degree of support to their vitality, it is likely that those occupying the dwellings would rely heavily on the private car to access these. While this weighs against the

¹ Darlington Borough Council, Five Year Housing Land Supply Position Statement, June 2020

development, it is consistent with the Framework in that sustainable transport opportunities are likely to be more limited in rural areas. Nonetheless, it is evident that the proposal would place a high reliance on the use of the car which would not wholly accord with the environmental dimension of sustainability.

12. I do not consider that the modest number of dwellings proposed would contribute to the enhancement or maintenance of the vitality of nearby settlements to any significant degree. I have no evidence to suggest that Neasham currently lacks vitality or viability as a settlement to the extent that the proposed development would substantially contribute. Furthermore, I have no substantive evidence to demonstrate that the proposal is required to meet an identified local need.
13. Taking these factors into account, I consider that the proposed development outside of the defined development limits of Neasham would be contrary to the locational strategy of the development plan and would not wholly accord with the environmental dimension of sustainability. Consequently, the proposal would be contrary to Saved Policy E2 of the Local Plan and Policy CS1 of the Core Strategy.
14. In addition, the proposal would not satisfy any of the criteria identified in Saved Policy H7 of the Local Plan relating to the types of housing development that would be acceptable outside of development limits. However, this policy is not entirely consistent with the Framework with respect to the promotion of sustainable development in rural areas. Consequently, I have attached limited weight to the provisions of this policy which, in any event, is not determinative in my consideration of this appeal.

Character and appearance

15. A significant part of the appeal site comprises a former nursery with the remainder comprising a grassed area. The site, together with the remaining nursery, formed an established part of the rural character of the area lying beyond the development limits of the village. The Council indicate that the development limits were drawn tightly around the village with the intention of controlling the northern encroachment of residential development beyond the confines of the village with the nursery sites beyond.
16. The appeal site is partly visible from Dibdale Road to the north east and from the bridleway that runs along the eastern boundary of the site. Although the site was formerly occupied by nursery buildings, such buildings in this area form part of the established character of the rural landscape beyond the development limits and form part of the rural setting of the village. In my view, the appeal site and the remaining nursery provide part of the rural transition between the built settlement and the open countryside beyond. The site is currently comprised of hardstanding and grassed area. In the context of its relationship with the existing nursery, I do not consider its current appearance to be unacceptably detrimental to the character of the surrounding area.
17. The proposal would result in the replacement of a former nursery site and grassed area with built development. This would appear as a prominent spur of development extending beyond the development limits and protruding into the rural landscape. The appearance and character of the area in both views

from the bridleway and the wider countryside would be unacceptably changed and a more urbanised character would prevail that would extend the built settlement into the countryside. In doing so, the proposal would further add to the erosion of the ribbon development character of the village in the vicinity of New Lane.

18. Overall, I consider that the proposed development would fail to conserve the ribbon development form of the village and would result in a protrusion of residential development beyond the defined limits of development. Consequently, it would not be sympathetic to the distinctive and established character of the area. The proposal would therefore be contrary to Policy E2 of the Local Plan which, amongst other things, requires that development outside of development limits should not cause unacceptable harm to the character and appearance of the rural area.
19. Although not cited as a reason for the refusal of planning permission, the Council has drawn my attention to Policy CS2 of the Core Strategy which, amongst other things, requires development to reflect or enhance the distinctive natural, built and historic characteristics of the local area. The development would be contrary to the provisions of this policy also.

Living conditions

20. The adjacent nursery predominantly operates from within glasshouses and polytunnels and is modest in size. The Council indicates that this is used for plant growing for wholesale purposes. I have no evidence to suggest that it is used for retail sales to any significant degree. At my site visit I did not notice any appreciable noisy activities nor any vehicle movements. Moreover, there was no evidence to suggest that its primary function is for retail sales.
21. In addition, I have no evidence to suggest that the appellant's contention that the business operates on a seasonal basis, concentrating in spring and early summer, may be incorrect. Furthermore, I have no evidence to suggest that the occupiers of existing nearby properties on New Lane have been the recipients of any unacceptable noise and disturbance arising from the former and existing nurseries and their associated deliveries.
22. In my view, the existing nursery is a relatively modest business which, by the nature of its activities, is unlikely to be a significant and sustained generator of noise. Whilst I accept that there may be delivery vehicles accessing the nursery, given its modest size I do not consider these to be unacceptably frequent to the extent that significant noise and disturbance would be generated.
23. Taking the above factors into account, I do not consider that there is any substantive basis to support the Council's assertion that the prospective occupiers of the proposed dwellings would experience any appreciable disturbance of an extent that would cause harm to their living conditions. Consequently, there would be no conflict with Policy CS16 of the Core Strategy which seeks, amongst other things, to ensure that new development does not have a detrimental impact on general amenity.

Other matters

24. The appellant has drawn my attention to a previously granted planning permission on a former nursery site off New Lane ('M Wood and Co.' site) and

located to the north east of the appeal site. This site was also located outside of the development limits for Neasham. However, the Council has explained that this permission was granted at a time when it was unable to demonstrate a 5 years supply of deliverable housing sites. The planning policy context was therefore materially different to that which now exists in the consideration of the appeal scheme before me. Consequently, I do not consider that the built development on the former 'M Wood and Co' site sets a precedent that should be given any significant weight in the determination of this appeal. I have determined this appeal on its own individual planning merits having regard to the current planning policy context.

25. I have taken into account the appellant's contention that the flood defence banks, located to the north of the appeal site would provide a physical limitation to the northerly expansion of the village. Whilst this may be the case, this does not alter my view that, in the current planning policy context, the expansion of the village outside of the development limits would be contrary to the locational strategy of the development plan in circumstances where the Council can demonstrate in excess of 5 years housing land supply. The purpose of the flood banks is to assist in the management of flood risk and not to act as a barrier to define the acceptable planned extent of development. Consequently, I have attached little weight to this contention.
26. The Council have drawn my attention to two relatively recent appeal decisions for development within the Borough on land outside of the limits of development (Refs APP/N1350/W/18/3207197 and APP/N1350/W/18/3215705). Whilst there are some similarities to the issues in this case, each decision must be determined on its own merits. Consequently, I have only given limited weight to these decisions and I have determined the appeal on the basis of the proposal before me and the site circumstances.
27. Similarly, the appellant has also drawn my attention to the High Court Case between *Braintree District Council and the Secretary of State for Communities and Local Government; Greyread Limited and Granville Developments Limited, [2017] EWHC 2743 (Admin)*. Whilst there are some similarities also to the issues in this case, the proposal in the appeal before me is for development which would be located on a road in a village where there are a number of dwellings nearby. Whilst I have taken this case into account, the proposed development would not result in "new isolated homes in the countryside".
28. I have also taken into account the concerns of interested parties and the Parish Council including the impact of the proposal on highway and pedestrian safety, potential loss of privacy and disturbance from building work. Although these matters have been carefully noted, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Planning Balance

29. I recognise the benefits of the proposal, particularly in supporting the Government's objective of adding to the supply of new homes. However, the Council already has a healthy housing land supply and consequently I attach moderate weight to this benefit. There would also be some limited economic benefits associated with the construction of the development. Future residents would contribute to the support of local services in the area but, given the

modest scale of the proposed development and the limited facilities in the village, this contribution would unlikely be significant.

30. I have also found that the location of the proposal, adjacent to the nursery, would not result in any disturbance of an extent that would cause demonstrable harm to the living conditions of the prospective occupants of the development.
31. However, there would be environmental harm caused to the character and appearance of the local area and the creation of new housing at an inappropriate location. In being contrary to the locational strategy of the development plan, and the lack of access to services by non-car modes of transportation, the proposal would not accord with the environmental dimension of sustainability.
32. As the proposal would be outside of the development limits it would not be in accordance with the development plan meaning that planning permission should not be granted unless material considerations indicate otherwise. In this case the social and economic benefits that I have identified do not outweigh the harm that would be caused to the character and appearance of the area when assessed against the development plan and the Framework as a whole. Accordingly, the material considerations do not indicate that planning permission should be granted. The continued expansion of Neasham beyond the defined development limits would undermine the spatial integrity of the development plan and the ability of the Council to deliver a truly plan-led approach.
33. There is no dispute between the main parties that the site may be considered as previously developed land. The proposal therefore gains some support from paragraph 84 of the Framework. However, whilst the proposal would be physically well-related to the existing settlement, the development would cause harm to the character and appearance of the area.
34. On balance, I do not consider that the support provided by paragraph 84 of the Framework outweighs the harm that I have found which would be caused to the character and appearance of the area. Overall, I find that there are adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the development plan and Framework policies as a whole.

Conclusion

35. There are no considerations of such weight as to warrant a decision other than in accordance with the aforementioned development plan policies and the Framework when considered as a whole. Consequently, for the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR

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

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