

Planning Applications Committee Agenda



**1.30 pm Wednesday, 23 December 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 25 November 2020 (Pages 1 - 4)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 5 - 6)

- (a) Land Off Middleton Road, Middleton Road, Sadberge (Pages 7 - 18)
 - (b) Land to the rear of 21 Barmpton Lane, Darlington (Pages 19 - 34)
 - (c) 35 Cleveland Avenue, Darlington (Pages 35 - 42)
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 Appeals –

The Director of Economic Growth and Neighbourhood Services will report that :-

Mr Darren Cresser has appealed against this Authority's decision to refuse permission for erection of 1 no. dwelling at Land Adjacent to 39 Stockton Road, Darlington, DL1 2RX (20/00690/FUL)

RECOMMENDED – That the report be received.

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 11 December 2020 (Exclusion Paragraph No. 7) –
Report of Director of Economic Growth and Neighbourhood Services
(Pages 43 - 54)
11. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
12. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 15 December 2020

Town Hall
Darlington.

Membership

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

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 25 November 2020

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

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Andrew Errington (Lawyer (Planning)) and Paul Dalton (Elections Officer)

PA53 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA54 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 28 OCTOBER 2020

RESOLVED – That the Minutes of this Committee held on 28 October 2020 be approved as a correct record.

PA55 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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>
PL	<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>

PA56 THE HALL DINSDALE PARK, MIDDLETON ST GEORGE, DARLINGTON, DL2 1UB

20/00513/FUL – Formation of hard landscaping to unit 4 & 5 including erection of stone walls, steps, paving and creation of 2. no car parking spaces to unit 4, erection of 1.8m wall and gates to units 4 and 5 and erection of 800mm wall to the southern boundary of unit 4 (Amended description).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection received, two petitions which included 16 and 20 signatures respectively, the views of the Ward Councillor whom the Committee heard, and the responses to questions asked by Members of the Applicant's Agent, who was in attendance at the meeting).

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

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)
10 Site Location Plan
11 Landscaping proposed site plan
12 Landscaping elevations
02 Proposed site and Ground Floor plan
3. 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

4. The following details shall be submitted to and approved in writing by, the Local Planning Authority, prior to the works commencing on each element:
 - a) Details of bricks, mortar mix and coping stones to walls;
 - b) Details of paving stones;
 - c) Details of gates;
 - d) Details of method of damp proofing in the area marked on drawing No. 02 as 'drained tanking system'.

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

REASON – In the interests of preserving the special historic or architectural interest of this Grade II listed building to comply with Policy CS14.

PA57 THE HALL DINSDALE PARK, MIDDLETON ST GEORGE, DARLINGTON DL2 1UB

20/00439/LBC - Formation of hard landscaping to unit 4 & 5 including erection of stone walls, steps, paving and creation of 2. no car parking spaces to unit 4, erection of 1.8m wall and gates to units 4 and 5 and erection of 800mm wall to the southern boundary of unit 4 (Amended description).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection received, two petitions which included 16 and 20 signatures respectively, and the views of the Ward Councillor whom the Committee heard).

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

1. A5 (Standard 3-year time limit – listed buildings)
2. PL 00 (Accordance with Plans)
10 Site Location Plan
11 Landscaping proposed site plan
12 Landscaping elevations
02 Proposed site and Ground Floor plan
3. The following details shall be submitted to and approved in writing by, the Local Planning Authority, prior to the works commencing on each element:
 - a) Details of bricks, mortar mix and coping stones to walls;
 - b) Details of paving stones;
 - c) Details of gates;
 - d) Details of method of damp proofing in the area marked on drawing No. 02 as 'drained tanking system'.

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

REASON – In the interests of preserving the special historic or architectural interest of this Grade II listed building to comply with Policy CS14.

PA58 NOTIFICATION OF DECISION ON APPEALS

The Director of Economic Growth and Neighbourhood Services reported that the Inspectors appointed by the Secretary of State for the Environment had :-

Dismissed the appeal by Mr Waistell against this Authority's decision to refuse consent to undertake work to a tree protected by a Tree Preservation Order. 47 Blackwell Lane, Darlington, DL3 8QF (20/00022/TF)

RESOLVED – That the report be received.

PA59 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.

PA60 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 13 NOVEMBER 2020 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA52/Oct/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 13 November 2020.

RESOLVED - That the report be noted.

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 23 December 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
Land Off Middleton Road, Middleton Road, Sadberge	20/00607/FUL
Land to the rear of 21 Barmpton Lane, Darlington	20/00835/OUT
35 Cleveland Avenue, Darlington	20/00955/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 December 2020

APPLICATION REF. NO: 20/00607/FUL

STATUTORY DECISION DATE: 23rd October 2020

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: Land Off Middleton Road Middleton Road
SADBERGE DARLINGTON

DESCRIPTION: Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and condition 16 (highways works) attached to planning permission 17/00358/FUL (Erection of 25 no. dwellings and provision of access from Middleton Road) dated 16 January 2018 to permit changes to remove footpath adjacent to Middleton Road and create a private postal path

APPLICANT: ALL SAINTS CONSTRUCTION LIMITED

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

APPLICATION AND SITE DESCRIPTION

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=QDM420FPJA000>

1. The application site is situated to the south of Sadberge, on the east side of Middleton Road and consists of a former paddock measuring some 0.75ha in area. The northern half of the site lies within the Sadberge Conservation Area

and the southern half of the site lies within the setting of the Sadberge Conservation Area.

2. Planning permission was granted in October 2017 for the erection of 25 dwellings on the site with associated access and landscaping, subject to a Section 106 agreement which secured Affordable Housing and a Sustainable Transport Contribution. Pre-commencement conditions were subsequently discharged, and development has commenced on the site. Condition 16 included a requirement for off-site highway works, to include the provision of a new footway along Middleton Road and the applicant now seeks to omit this element of the scheme.
3. The footpath was to provide linkage between the new development and the village with a pedestrian crossing point linking Middleton Roads eastern and western footpaths.
4. The current owners of the site, who were not involved in the 2017 scheme, have carried out their own investigations and have found the provision of a footpath not to be feasible due to the following:
 - Middleton Road is at a much higher level than the onsite highway; each individual plot would require stepped access up to the highway;
 - The above means that a design fully compliant with standards for highways adoption has not been possible owing to technical difficulties with achieving acceptable gradients for DDA compliance;
 - There is an existing NWL rising main which runs parallel the development in front of plots 1-17 meaning each access would be required to cross the NWL asset.
5. The applicant has stated that due to the significant level difference across the site, it is better suited for the development to remove the footpath running adjacent Middleton Road and include a private postal path at a lower level to the front of the dwellings. This means it is possible to closely replicate existing ground levels and reduce the number of rising main crossings, providing increased protection to NWL assets. These proposals have been reviewed by NWL and they have confirmed their approval and that no further asset protection measures are required.

MAIN PLANNING ISSUES

6. An extant planning permission is in place for the development of the site for housing and therefore the principle of the development, is established. The developer is in the process of implementing this permission. This application seeks planning permission to vary the scheme to omit the footpath to the front of the site adjacent to Middleton Road and to include a private postal path to the front of the dwellings. The proposal originally included stepped access however this has now been omitted due to concerns raised by the Highways Engineer.
7. The main issues for consideration are therefore:

- (a) Impact on visual amenity and the Character and appearance of the Sadberge Conservation Area;
- (b) Highway Safety.

PLANNING POLICIES

8. 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 and CS1);
 - 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);
 - Ensures no net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity and the geological network through the design of new development, including public spaces and landscaping (CS15);
 - 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).

RESULTS OF TECHNICAL CONSULTATION

9. No objections in principle have been raised by the Council's Highways, Environmental Health Officer, Local Lead Flood Authority, Conservation Officer or Northumbrian Water, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

10. Two letters of objection have been received from residents. The main issues raised relevant to this application are:
- The postman comes in a van – where will he park when delivering to these houses? If he parks on the main road this will be a highway safety hazard;
 - The exit and entry point to the postal path should be from within the cul-de-sac and not from the main road;
 - Name implies a narrower footpath which would limit its user by certain users including the disabled and pushchair users;
 - Possible danger of speeding and heavy traffic makes it highly unsuitable for residents to have safe use of the footpath;
11. Sabderge Parish Council has also objected to the proposals making the following comments;
- Parish Council object to footpath being replaced by private postal path. Provision of prefabricated 8 step access to drop crossing point considered a

safety issue for pedestrians crossing from east to west footpath. Parish Council welcome installation of chicane to slow traffic on Middleton Road, but a safe pedestrian crossing will help link the new development to the village.

PLANNING ISSUES/ANALYSIS

a) Impact on visual amenity and the character and appearance of the Sadberge Conservation Area;

12. The introduction of the postal path to the front of the dwellings instead of an adopted footway adjacent to Middleton Lane, does not raise any additional issues in respect of the impact of the scheme on the visual amenities of the locality and its impact on the Sadberge Conservation Area. The proposal accords with Policy CS2 and CS14 in this regard.

b) Highway safety

13. The path is intended as a postal path for accessing the fronts of dwellings. However given the nature of the rear access and parking, the primary access to dwellings will be from the private road located to the rear. Given that the path is within private land and has stepped access to some dwellings this does not fall under the remit of highways and will therefore be a consideration for Building Control.
14. It was previously intended by the applicant for an adoptable highway footway to be provided to the east of Middleton Road however a design fully compliant with standards for highways adoption has not been forthcoming owing to technical difficulties with achieving acceptable gradients for DDA compliance. The highways Authority will only consider a footway to be acceptable for adoption under the Section 38 process or permit works within the existing highway under Section 278 agreement where a design is demonstrated to meet all required standards. To this end steps within the highway or intended for highway adoption are not acceptable nor are retaining walls or structures for supporting footways.
15. The applicant has demonstrated two acceptable crossing points at the site access and the Highways Engineer considers these to be sufficient as these provide adequate connectivity north and south.
16. The Highways Engineer has also noted that a highway footway fronting the site would have been of limited value for connectivity given that there is no highway land available to connect to the village on the eastern side of Middleton Road as private gardens extend to the edge of the carriageway. The second concern is that visibility from the north west corner of the site is restricted and therefore not a safe place to cross, and provision of a highway footway would have actively encouraged this.
17. The applicant has demonstrated robust traffic calming features as part of the offsite highway works which propose a priority system and speed cushion. This design is self-enforcing and has been agreed through consultation with Durham

Police who are supportive of the measures. The design will be formally approved as part of the Section 38/278 process and final drawings of off-site highway works should be required by planning condition.

18. Other matters which were agreed as part of the previous application remain unchanged, with access, visibility and parking being and traffic generation being fully considered and agreed as part of the 17/00358/FUL application. As this application makes no material change to these matters these issues are not for consideration as part of this planning application.
19. Subject to a planning condition to require submission and agreement of all off-site highway works, and their completion prior to first occupation of the dwellings, the Highways Engineer has raised no objections to the proposed scheme.

CONCLUSION AND RECOMMENDATION

20. The proposed development complies with the relevant policies in the development plan. Subject to the recommended conditions below, many of which are repeated from the previous approval, including the submission of details of off-site highway works to include pedestrian crossing points and traffic calming features, the proposal is acceptable. It is therefore recommended that planning permission be granted subject to conditions.

PUBLIC SECTOR EQUALITY DUTY

21. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

22. 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.
23. Accordingly it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**
 1. PL (Accordance with Plans)
Site Location Plan
SITE-WD-01 Rev H Proposed site plan
SITE-WD-02 Rev H Proposed site plan
SITE-WD-10 Rev F Landscape proposals
SITE-WD-11 Rev E Hard Landscape proposals

SITE-WD-12 Rev H Elevation facing materials
SITE-WD-13 Rev D Bat and Bird Box Locations

2. Construction and demolition work (including deliveries) 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.

3. The external materials to be used in the carrying out of the development shall comply with those previously agreed and specified in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of the visual amenities of the area and to preserve the character and appearance of the Sadberge Conservation Area.

4. Landscaping (Implementation)

5. Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed at all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the boundary treatment shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

6. The development shall be completed fully in accordance with the previously approved Scheme of Affordable Housing in the document entitled 'Affordable Housing Statement: Discharge of condition 6 (17/00358/FUL) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To comply with Council Housing Policy.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that order with or without modification) no enlargement, improvement or other alteration of the dwellings hereby approved, including any additional buildings / structures within their curtilage, shall be carried out without the prior written consent of the Local Planning Authority to whom an application must be made.

REASON – In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over the future development of the site.

8. All parking, including garaging, car ports and hardstanding, shall be provided prior to the dwellings hereby approved being first occupied and thereafter they

shall be retained permanently available for parking purposes and for no other purpose without the prior written consent of the Local Planning Authority.

REASON – To safeguard the amenities of the neighbourhood and to ensure the adequate provision of off-street parking accommodation to serve the dwellings.

9. The open car ports provided for dwellings 12 and 13 shall remain open parking spaces and no garage doors or gates shall be installed without the prior written consent of the Local Planning Authority to whom a planning application must be made.

REASON – To prevent blocking of the turning facility and to ensure the provision of adequate off-street parking to serve the dwellings.

10. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Site wide engineering layout” dated “17/07/2020”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2601 and ensure that surface water discharges to the combined sewer at manhole 1502. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

11. The development shall be completed in accordance with the Scheme of Surface Water Drainage and Management set out in the following documents:

- Engineering layout drawing no. 20046-CK-XX-XX-DR-X-C-9004 Rev. C2
- Section 104 Agreement – public drainage layout drawing no. 20046-CK-XX-XX-DR-X-C-52104 Rev P4
- Private drainage drawing no. 20046-CK-XX-XX-DR-X-C-5211 Rev. C3
- Construction Programme (Sadberge Initial Draught) All Saints Construction

The buildings hereby approved shall not be brought into use until the approved Surface Water Drainage scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

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 the Core Strategy Policy CS16 and the National Planning Policy Framework.

12. The development shall be completed in full compliance with the submitted Construction Management Plan (All Saints Construction; Decision 17/00358/FUL; Land off Middleton Road Sadberge Darlington) unless otherwise agreed in writing with the Local Planning Authority.

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

13. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the dwellings hereby approved. The submitted details shall include formation of a new site access junction, a traffic calming feature to the entrance to the 30mph speed limit, resurfacing of Middleton Road to remove the coloured ripple print surface and resurfacing on the approaches to comply with the current skid resistance policy, and pedestrian crossing points. The development shall not be carried out otherwise than in complete accordance with the approved details, and the works shall be fully completed prior to the occupation of the first dwelling.

REASON – In the interests of highway safety.

14. Prior to the first occupation of the homes hereby approved, confirmation of the type of noise amelioration measures to be incorporated into the facades of the dwellings fronting onto Middleton Road must be submitted to, and approved in writing by, the Local Planning Authority. Details for the noise barrier must include construction materials, method of construction and its exact location on site. The submitted documents for the facades of the dwellings shall meet the requirements set out in Table 3 of the Noise report (ASC/SB/001) submitted in support of the application. The development shall not be carried out other than in complete accordance with the approved details.

REASON – In the interests of residential amenity.

15. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall only be carried out in all respects in accordance with the recommendations and methods contained within the Extended phase 1 Habitat Survey 16-0592.01 (August 2016).

REASON – In the interests of ecology.

16. Notwithstanding the recommendations contained within the Extended Phase 1 Habitat Survey, the previously agreed habitat boxes shall be installed in accordance with Drawing No. SITE-WD-13 unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of Ecology.

17. The development shall be carried out in accordance with the previously approved programme of archaeological work (Land South of Prospect House, Middleton Road, Sadberge: Archaeological Watching Brief; Written Scheme of Investigation DS19.83 on behalf of All Saints Construction (Durham University; March 2019). The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON - To safeguard any Archaeological Interest in the site, and to comply with part 16 of the National Planning Policy Framework.

18. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

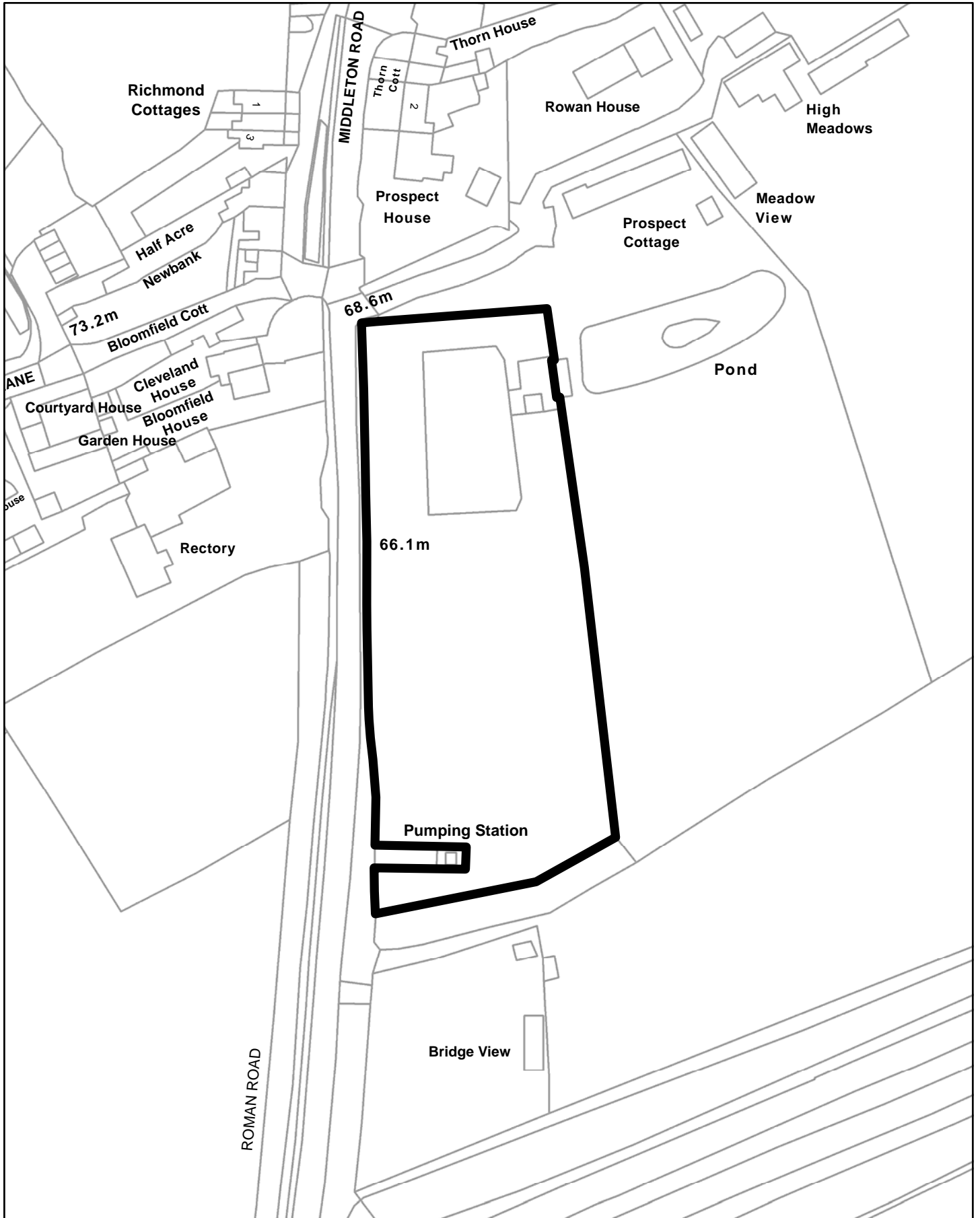
REASON - To comply with Paragraph 199 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible

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.

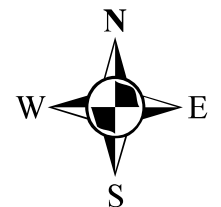
The developer is required to submit detailed drawings of the proposed internal highway and off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 agreement before commencement of the works on site. Contact must be made within the Assistant Director: Highways, Design and Projects (contact Mr. Steve Pryke. 01325 406663) to discuss this matter.

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PLANNING REF No: 20/00607/FUL



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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 December 2020

APPLICATION REF. NO: 20/00835/OUT

STATUTORY DECISION DATE: 7th December 2020 (EOT 24th December 2020)

WARD/PARISH: WHINFIELD

LOCATION: Land To The Rear Of 21 Barmpton Lane
DARLINGTON DL1 3HB

DESCRIPTION: Outline application for the erection of 5 no.
bungalows with all matters reserved except for
means of access

APPLICANT: MR W T STOKER

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

APPLICATION AND SITE DESCRIPTION

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=QGNN61FPN0C00>

1. The application site is situated to the north east of the urban area of Darlington and on the western side of Barmpton Lane within a predominantly residential area being surrounded by housing in Barmpton Lane, Harley Grove, Jesmond Road and Clarendon Road. The surrounding area is a mix of houses and bungalows, both detached and semi-detached.
2. The site, extending to an area of 0.32 hectare, is part brownfield, containing storage buildings and former stables (4no.) used by the owner, with the remainder of the land being grassed. There are two Silver Birch trees close to the northern boundary (western section) of the site. The perimeter is a mixture of

wooden fencing and hedge. The site is currently accessed from Barmpton Lane via a metalled driveway.

3. This application seeks outline planning permission for the erection of five bungalows on the site. The application is submitted in outline with all matters of detail, save the means of access, reserved for future consideration. Notwithstanding the outline nature of the application, an illustrative plot layout and indicative elevations of the bungalows is provided with the application submission to demonstrate how the site could be developed.
4. Access to the site is proposed via the existing driveway entrance off Barmpton Lane. The entrance to the site would be improved through widening and ensuring the requisite visibility splays are provided and the driveway upgraded and realigned as necessary. As indicated on the illustrative site layout, the bungalows would be individually accessed from the upgraded driveway.

MAIN PLANNING ISSUES

5. The main issues for consideration are:
 - (a) Principle of the proposed development;
 - (b) Impact on visual amenity and residential amenity;
 - (c) Contaminated land;
 - (d) Impact on trees;
 - (e) Highway Safety;
 - (f) Sustainable Transport;
 - (g) Drainage and flooding;
 - (h) Ecology.

PLANNING POLICIES

6. 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 and CS1);
 - 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);
 - Ensures no net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity and the geological network through the design of new development, including public spaces and landscaping (CS15);
 - 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);
 - Does not unacceptably conflict with; the free and safe flow of traffic; the privacy and quiet enjoyment of neighbouring dwellings and gardens in

- general and of dwellings which adjoin any proposed accessway in particular; or; the scale and character of the surrounding development (H13);
- Takes full account of trees, woodlands and hedgerows on and adjacent to the site and wherever possible avoids the need to remove trees and hedgerows and provide for their successful retention and protection during development (E12);

RESULTS OF TECHNICAL CONSULTATION

7. No objections in principle have been raised by the Council's Highways, Environmental Health Officer or Northumbrian Water, subject to conditions. The Council's Ecology Advisor has raised no objections but has requested a landscape masterplan. This is dealt with later within this report. In addition, no objections have been raised by the Police Architectural Liaison officer .

RESULTS OF PUBLICITY AND NOTIFICATION

8. Five letters of objection have been received. The main issues raised relevant to this application are:
 - Poor access;
 - Increase in traffic;
 - Impact on residential amenity;
 - Increase in flooding;
 - Housing not needed;
 - Noise and air pollution from building work;
 - Loss of greenspace;
 - No objection to single storey dwellings but strongly object to dormer or two storey;
 - Site has lower levels than surrounding sites, which would result in overlooking.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

9. The proposed site is located within the development limits of the main urban area of Darlington and is not identified as open land in Policy E3 of the Local Plan (1997). The proposal therefore accords with the locational requirements of policy E2 of the Darlington Local Plan 1997 and CS1 of the Core Strategy.
10. Whilst the Council can demonstrate a deliverable five year supply of housing land, currently the minimum housing requirement it is proposing in its emerging Local Plan is 422 dwellings per annum which is substantially higher than the standard method figure which the five year housing land supply is required to be calculated against. Therefore further sites in suitable locations are still required to ensure the annual average requirement can continue to be met and the Council can continue to demonstrate a deliverable five-year supply of housing sites once the emerging Local Plan has been adopted.

11. The site is located to the rear of numerous residential properties and would therefore constitute backland development. The criteria set out in Saved Policy H13 is therefore relevant and will be considered further in the following sections of this report.

b) Impact on visual and residential amenity

12. The site is part brownfield, presently containing storage buildings and former stables used by the owners, together with a large area of mown grass. The perimeter of the site is a mixture of robust and well-maintained hedgerows, timber fencing and brick walls. The site is well screened from public view from Barmpton Lane, with only a glimpse up the access driveway.
13. The site is at a lower level than its surroundings and is overlooked by bungalows and houses in Harley Grove, Jesmond Road and Clarendon Road albeit that intervening vegetation, timber fencing and buildings (other than those within the application site) screens the site from views from some of the adjacent properties. The existing hedgerows, timber fencing and bricks walls forming the boundaries of the development area of the site are to be retained together with the two Silver Birch trees near to the northern boundary (western section) of the site.
14. The surrounding area is a mix of houses and bungalows, both detached and semi-detached and with the bungalows being both single storey and dormer type properties. Any form of bungalow development would be appropriate for the site and in keeping with the scale and character of the surrounding area and, as demonstrated by the indicative site plan, satisfactory separation distances between the proposed dwellings and existing properties could be achieved. This indicative plan shows a distance in excess of 16m between rear elevation to bungalow gable from those existing dwellings to the south of the site, and a distance in excess of 21m rear elevation to rear elevation from those existing dwellings to the north of the site. The above, together with the scale and appearance of the proposed buildings would however be for consideration as part of a future Reserved Matters application, along with a landscaping scheme, to assist in assimilating the new dwellings into their surroundings.
15. The comings and goings of additional traffic associated with 5 no. properties along the existing driveway, when upgraded, will not impact on the amenity of the existing dwellings to either side, to such a degree that it would be justified to refuse planning permission on these grounds.
16. It is recommended, due to the close relationship with existing dwellings, that a planning condition requiring submission and agreement of a Construction Management Plan, together with the standard restriction on construction working hours, be attached to any approval. Also recommended, is a planning condition to secure submission and agreement of details of boundary treatment within the site.

17. In view of the above, there is considered to be no conflict with Policies CS2, CS14, CS16, H13 or the Design SPD in this regard. Matters such as layout, scale, design and appearance and landscaping would be dealt with by way of a reserved matters application should planning permission be granted.

c) Contaminated land

18. The application has been submitted together with a Phase 1 Contamination Report undertaken by Solmek Environmental Consultants dated October 2020. This has also considered the historical land uses in the general area and whether they could have contributed to any potential land contamination at the site. This review has shown that prior to its development as a residential garden containing a series of brick-built garages, the site was farmland. On the very earliest Ordnance Survey Maps, circa. 1855, parts of the site are shown to be marshy ground. These areas were probably drained or infilled prior to the site being developed as a garden.

19. Given the sensitive end use being proposed and the scale of the development which totals five dwellings, the Environmental Health Officer has recommended that should the application be approved, standard contaminated land conditions CL2 – CL6 should be attached which cover a Phase 2 Site investigation Strategy, Phase 2 Site investigation Works, a Phase 3 Remediation and Verification Strategy, Construction / Remediation Works, and a Phase 4 Verification and Completion Report. Subject to these conditions, the proposal does not conflict with Policy CS16 in this regard.

d) Impact on trees

20. The existing hedgerows are to be retained together with the two Silver Birch near to the northern boundary (western section) of the site. A Monkey Puzzle tree to the east of the development area is to be removed as it is diseased and dying. Policy E12 requires trees to be considered fully in the design and layout of any development. As there is not significant tree cover, and as the final layout is not known, it is recommended that a planning condition be attached to any approval for an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan to be submitted with any reserved matters application to ensure the satisfactory protection of existing features (trees and hedgerows) during the construction period. Further details of tree planting and general landscaping would also be subject to a future Reserved Matters application. Subject to the above condition, the proposal complies with Policy CS2, CS14 and E12 in this regard.

e) Highway safety

21. The traffic generation from 5 dwellings is likely to be 2-3 two-way trips in the Am/PM peak hours and is well under the threshold of 50 dwellings to require any formal transport assessment. As such it would not be reasonable to refuse the application based on traffic generation impact on the local highway network with one additional trip every 20-30 minutes. A review of the past 5 years of Police

Accident data shows that there are no recorded incidents within proximity of the site access, as such it is concluded that there are no fundamental road safety concerns at this location. Visibility from the existing driveway will be secured by widening of the access and removal of hedges. As such betterment of the existing arrangement is demonstrated.

22. The site is to be accessed via an upgraded existing private driveway which currently gives access to land to the rear of No, 21 Barmpton Lane, as well as the in-curtilage parking for this dwelling. Current design guide standards advise that not more than five dwellings should be served via a private drive. As such this should be addressed either by reducing the number of units, or by rearranging the parking and vehicle access arrangements of No. 21 so that it is accessed directly from Barmpton Lane. The applicant has confirmed that the intention is to serve the five bungalows only from the private access. No. 21 Barmpton Lane will take vehicular access separately from Barmpton Lane via the existing dropped kerb and run a driveway adjacent to the southern boundary. A driveway previously existed here and led to the garage just to the rear of the house, which was converted into a room of the house some years ago, but this could be converted back to a garage. It is recommended that a planning condition be attached to any permission to secure submission and agreement of the parking arrangements for No. 21.
23. The driveway is to be increased to 4.1m wide which is sufficient to enable two-way passage of vehicles. Whilst vehicle tracking drawings are provided to demonstrate that the access is accessible by emergency vehicles, this is not sufficient to address refuse collection unless it is demonstrated at a later date that the internal site layout can enable a vehicle to turn within the site. A bin store within 25m of the highway would be a more practical solution, especially given the limited clearance between such a vehicle and the existing dwellings, however it is recommended that this issue be addressed by condition requiring submission and agreement of such details.
24. The indicative site layout shows forms of carriageway which do not meet any acceptable standards for adopted highways, it is therefore accepted that the internal layout will remain private. The internal layout should be sufficient to enable vehicles to enter and exit in a forward gear in the interests of highway safety. This matter would be dealt with in a later Reserved Matters application.
25. The Highways Engineer has raised no objections subject to conditions to control internal highways layout to include vehicle tracking, parking, a bin storage facility and a Construction Management Plan. Subject to these conditions, the proposal complies with Policy CS2 and H13 in this regard.

f) Sustainable transport

26. The development site has good public transport accessibility as it is in within 400m of various bus stops, the closest pair of bus stops being the Winchester Way bus stops which are serviced by the number 10 that operates every 10 minutes (every 12 minutes on a Saturday) during the day and every 60 minutes

on an evening Monday to Saturday and every 30 minutes during the day and every 60 minutes on evening on a Sunday.

27. The development site will have easy access to existing footpaths in the vicinity of the development site, these footpaths connect to the wider pedestrian network. The Transport Policy Officer has requested that a footpath be provided for pedestrian access into the site on at least one side of the access road. However, as this is a private shared surface, there is no requirement for the provision of a separate pedestrian access. The indicative plan does show footpaths within the site however the internal layout would be the subject of a future Reserved Matters application.
28. The site is facilitated by the cycling network with there being an advisory cycle route on Barmpton Lane which also connects to the wider cycle network at the south end of Barmpton Lane, connecting directly to Whinfield Road and Stockton Road. A condition is recommended by the Transport Policy officer for submission and agreement of details of secure cycle parking / storage to serve each of the properties.
29. Subject to the above, the proposal accords with Policy CS2 in this regard.

g) Drainage and flooding

30. One matter raised by objection is the impact of the proposal on existing drainage infrastructure and potential for increased flooding. The proposal is of a minor nature and is within Flood Zone One, such that it falls outside the remit of the Local Lead Flood Authority or the Environment Agency. Northumbrian Water has raised no objections to the proposal but has indicated that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development and has requested that a planning condition be attached to any approval to require submission and agreement of these details prior to commencement. Subject to this, the proposal complies with Policy CS16 in this regard.

h) Ecology

31. A Preliminary Ecological Appraisal, undertaken by Naturally Wild (August 2020) was submitted in support of the application. This concludes that the site is generally of low biodiversity value and as such, the Council's Ecology Advisor recommends that the development provides an overall net gain (rather than the usual 10%). This approach is in line with DEFRA guidance.
32. The ecological report provides enhancement recommendations (section 5.2 - Enhancement Measures), which include '*landscape planting should use native plant species and/or species of known wildlife value that will enhance the ecological value of the site for local populations of invertebrates, birds, bats and small mammals*'. The Council's Ecology Advisor has requested a landscape masterplan showing the details of planting in order to determine that the

development results in net gain. As this is an outline application and it is accepted that the site is of generally low biodiversity value and a landscaping scheme incorporating the above elements will provide net gain, and will form part of a later Reserved Matters submission, it is recommended that this issue can be satisfactorily dealt with at this later stage.

33. Another recommendation is for the '*incorporation of bird nesting and bat roosting features into the design of the new properties*', which should be built in bat and bird boxes. The type, location and number can be required by planning condition. Subject to the above, the proposal is considered to accord with Policy CS15 in this regard.

PUBLIC SECTOR EQUALITY DUTY

34. 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

35. 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. Internal highway layout, scale, design, appearance and landscaping would be considered at Reserved Matters stage. It is therefore recommended that planning permission be granted subject to conditions. Accordingly, it is recommended:

THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A1 Outline (Reserved matters)
2. A2 Outline (Implementation Time)
3. PL (Accordance with Plan)
19004/L01 Site Location Plan
19004 F01BC Site access
JN2052-DWG-0001E Site access
4. E3 Landscaping (Implementation)
5. Prior to the commencement of the development precise details of the internal highways layout and site access 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.

6. Prior to the commencement of the development, precise details of in curtilage vehicle parking and secure cycle parking / storage shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces within the development and the number, location and specifications of all cycle parking / storage and thereafter the development shall not be carried out otherwise than in complete accordance with the approved details. All parking shall be made available prior to the occupation of the dwellings hereby approved.

REASON – In the interests of highway safety / to encourage more sustainable modes of transport.

7. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for refuse and service vehicles 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.

8. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be in place prior to the occupation of any dwellings and shall be permanently retained thereafter.

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

9. 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[s] shall include the following, unless the Local Planning Authority dispenses with any requirements 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.
 - 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 residential amenity.

10. 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.

11. Prior to the occupation of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details.

REASON – In the interests of visual and residential amenity.

12. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

REASON – In the interests of visual and residential amenity.

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

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

14. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and 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. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and

evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land 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.

15. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and 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 - 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land 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.

16. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a 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. 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 - 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land 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.

17. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land 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.

18. 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.

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, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed 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 or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land 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.

19. The mitigation measures set out in the Ecological Impact Assessment prepared by Naturally Wild (PP-20-04 August 2020) shall be implemented in full. In addition, no development shall take place until precise details of a landscaping scheme to mitigate for the loss of habitat on the site and secure ecological net gain, and for the provision of bat roosting and bird nesting opportunities on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site and maintained for the lifetime of the development.

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

20. Prior to the commencement of the development, a detailed survey of trees to be affected by the development (both within the site and adjoining its boundary) shall be carried out. The survey shall include the identification of measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

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

21. Prior to or at the same time as any Reserved Matters application, details of parking provision for No. 21 Barmpton Lane, shall be submitted to and approved in writing by, the Local Planning Authority. The parking shall be available prior to the occupation of the dwellings hereby approved and retained thereafter.

REASON – In the interests of highway safety.

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.

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

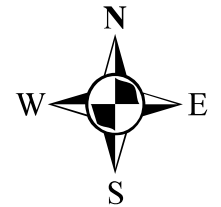


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PLANNING REF No: 20/00835/OUT

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 December 2020

APPLICATION REF. NO: 20/00955/FUL

STATUTORY DECISION DATE: 15th December 2020

WARD/PARISH: COLLEGE

LOCATION: 35 Cleveland Avenue, Darlington, DL3 7HF

DESCRIPTION: Erection of outbuildings for work shed and summerhouse with linked covered seating area in rear garden

APPLICANT: Mr Watson

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/simpleSearchResults.do?action=firstPage>

APPLICATION AND SITE DESCRIPTION

1. The application property is a large 3-storey semi-detached dwelling located at the southern end of Cleveland Avenue, close to its junction with Cleveland Terrace. Properties on Leconfield are located to the rear (west) of the application property. The property lies within the West End Conservation Area.
2. Planning permission is sought to erect a work shed and summerhouse and covered seating area in between at the bottom of the rear garden. The work shed and summerhouse are to be brick built, each measuring approximately 4.6 metres wide by 3 metres deep. They are to be sited in the respective corners of the rear garden with a pitched tiled roof, 3 metres in height at ridge level, constructed over both buildings to create a covered seating area between the two buildings and covered storage areas at either end, which would be accessed by timber gates. The overall length of the buildings, seating area and storage areas once covered would be

approximately 14.8 metres. The buildings would be set approximately 0.4 metres off the rear boundary wall but would adjoin the boundary walls at either side.

MAIN PLANNING ISSUES

3. The main issues for consideration are: -
 - a) Impact on the character and appearance of the property and West End Conservation Area
 - b) Impact on residential amenity

PLANNING POLICIES

4. Relevant Local Plan policies include those seeking to ensure that new development:
 - Is in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area, maintains adequate daylight entering the principal rooms of nearby buildings; maintains adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and is not overbearing when viewed from neighbouring properties. Adequate parking or garaging and other external space with the curtilage must be maintained or provided (Saved Policy H12 of the Borough of Darlington Local Plan 1997)
 - Protect the Borough's distinctive character by protecting buildings, their settings and features and archaeological local importance in conservation areas (Core Strategy Policy CS14)
 - Will provide for the successful retention and protection of trees within the development area (saved Policy E12 of the Borough of Darlington Local Plan 1997).

RESULTS OF TECHNICAL CONSULTATION

5. No objections have been raised by the Council's Conservation Officer.

RESULTS OF PUBLICITY AND NOTIFICATION

6. Three properties on Leconfield and two on Cleveland Avenue were consulted and a site notice posted in accordance with regulations. Three letters of objection have been received which raise the following issues:
 - The proposed structure is closer to the properties on Leconfield than the rear elevation of the application property;
 - The proposal is not in keeping with the area and is an over development of the plot;
 - The structure is overbearing and excessive in scale resulting in loss of light and restrictive views;
 - Potential use of the workshop and summerhouse and potential noise levels.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property and West End Conservation Area

7. The application property was constructed around 1930 and is located on the edge of the West End Conservation Area. Outbuildings to the rear garden plots are not a common feature to the area which represents a break in pattern and consideration must be given to the impact the proposal will have on the character of the area.
8. The proposed outbuilding will extend above the existing boundary wall, with the pitched roof being visible from outside of the site. Views from the surrounding area will however be limited to minor views from Cleveland Terrace to the south and some cut views through the houses from Leconfield. There will be no visual impact from Cleveland Avenue as the houses obscure all views. The design is modest and attempts to blend with the materials of the main house, making use of matching brick and colour tone of the roof materials.
9. Overall, the proposal is considered to have a neutral impact on the West End Conservation Area as the glimpse views will be minor and are not considered to have a detrimental impact. The proposal is therefore considered to accord with Policy CS14 in this respect. Accordingly, the proposal is also considered to be acceptable in terms of its relationship with and impact on the application property, in view of its siting, design and use of sympathetic materials. Saved Policy H12 is also satisfied in this regard.

(b) Impact on Residential Amenity

10. The application site is bounded to the west by three, three storey modern townhouses at 4, 6 and 8 Leconfield, by 37 Cleveland Avenue to the north and 33 Cleveland Avenue to the south.
11. Three letters of objection have been received from the occupants of 4, 6 and 8 Leconfield, raising concerns regarding the impact of the proposed structure on their properties in terms it being overbearing and excessive in scale, resulting in loss of light to their properties.
12. The properties on Leconfield are three storey properties, with the properties at 4, 6 and 8 Leconfield being most closely affected, looking out onto the proposed outbuilding from the rear aspect. Whilst it is acknowledged that the proposed structure has a large footprint being approximately 14.8 metres in width under a pitched tiled roof approximately, 3 metres in height, there would be a separation distance of approximately between 11 and 12 metres between the rear of these properties and the 2 metre high brick boundary wall that separates them from the application property.
13. Although the outbuilding would extend the full width of the rear garden, it would be set in from the boundary wall by approximately 0.4 metres. The outbuilding has an eaves height of approximately 2.1 metres, marginally higher than the separating boundary wall, with a ridge height of approximately 3 metres. It would be the roof of

the outbuilding that would therefore be most visible to the properties to the rear. The pitched roof will rake away from the common boundary and in view of the distance from the rear of the neighbouring properties on Leconfield, it is not considered that the outbuilding would have an unacceptable overbearing impact on or result in any significant loss of light or outlook to the rear of these properties or their garden areas. Similarly, there will be no unacceptable impact on the amenities of the neighbouring properties either side.

14. It is worth noting that a flat roof detached structure on the same footprint could be built as permitted development provided it did not exceed 2.5m in height. This would potentially result in a structure with an increased eaves height adjacent to the rear boundary.
15. Concerns have also been raised regarding the intended use of the proposed workshop and summerhouse. A condition is proposed which would restrict the use of the outbuilding to purposes incidental to the enjoyment of the dwelling in the interests of amenity. However, any concerns regarding noise arising from the use of the buildings for ancillary purposes would be a matter for Environmental Health under the appropriate legislation.

THE PUBLIC SECTOR EQUALITY DUTY

16. 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

17. The proposed outbuilding is considered to be acceptable in terms of its scale, design and use of materials and as such does not unacceptably impact upon the character and appearance of the application property or the surrounding area, being within the West End Conservation Area. The outbuilding is not considered to have an unacceptable impact upon the amenities of neighbouring properties in terms of loss of light or outlook to these properties. The proposal therefore complies with Saved Local Plan Policy H12 and Core Strategy Policy CS14 and accordingly it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (Three Years)

The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON – To ensure that the external appearance of the development is of an appropriate design in accordance with Saved Policy H12 (Alterations and extensions to existing dwellings) of the Borough of Darlington Local Plan 1997 (Alterations 2001).

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

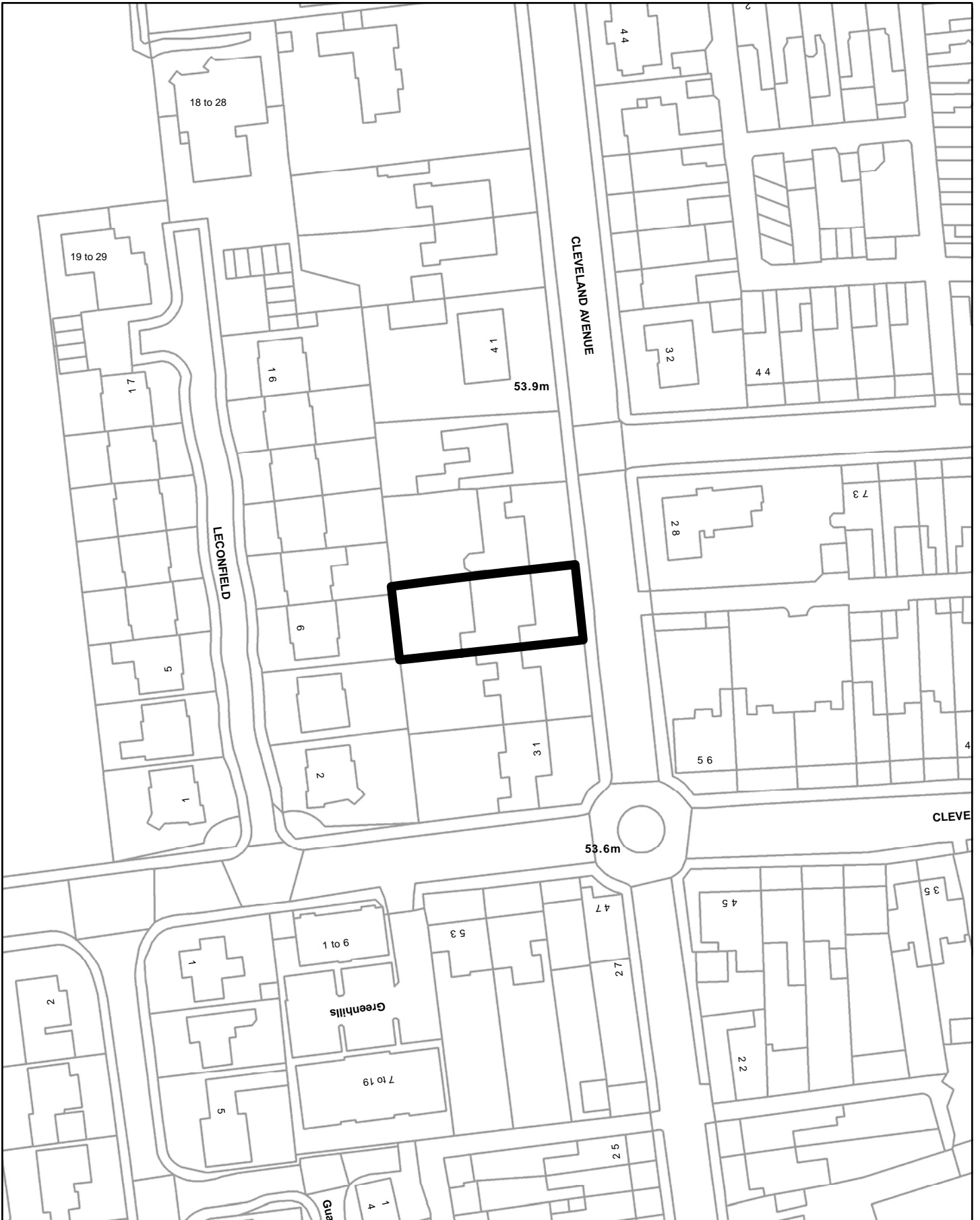
Existing & Proposed Plan and Elevations of Garden Room/Storage Drawing No. 20258.P001 dated 16/09/2020
Proposed Block Plan Drawing No. 20258.OS03 dated 20/0/2020
Proposed Visuals Option F0002

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

4. The development hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house known as No. 35 Cleveland Terrace only and shall not be used for any commercial purposes.

REASON: In the interests of residential amenity and to enable the Local Planning Authority to obtain control over the development.

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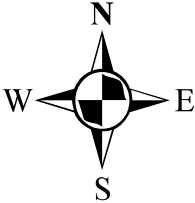


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DARLINGTON BOROUGH COUNCIL

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SCALE 1:1000

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