

Planning Applications Committee Agenda



**1.30 pm Wednesday, 17 March 2021
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 17 February 2021 (Pages 5 - 12)
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 13 - 14)

- (a) West Newbiggin Farm, Norton Back Lane, Sadberge (Pages 15 - 34)
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 Darren Cresser against this Authority's decision to refuse permission for the erection of 1 No. dwelling at Land Adjacent to 39 Stockton Road, Darlington, DL1 2RX (20/00690/FUL) (Copy of Inspector's decision letter enclosed)

RECOMMENDED – That the report be received.
(Pages 35 - 38)

9. Notification of Appeals –

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

Mr Robert Flannigan and Mr Mitchell Flannigan have appealed against this Authority's Enforcement Stop Notice regarding (20/00288/UNAUTH) Engineering works have commenced on the site including the removal of topsoil, laying of aggregates and extension to the private site
Site Address: Hurworth Views, Neasham Road, Darlington, DL2 1QH

Mr Tom Smith has appealed against this Authority's Enforcement Stop Notice regarding (20/00319/BOC) Changes to the Private Gypsy Site, additional touring caravans, are not in accordance with approved plans. Site Address: Little Beck, Burma Road, Darlington , DL2 1QH

RECOMMENDED – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

10. 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.

11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 5 March 2021 (Exclusion Paragraph No. 7) – Report of Director of Economic Growth and Neighbourhood Services (Pages 39 - 52)
12. 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
13. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 9 March 2021

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, 17 February 2021

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

ALSO IN ATTENDANCE – Councillors Crumbie and Newall.

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).

PA70 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA71 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 23 DECEMBER 2020

RESOLVED – That the Minutes of this Committee held on 23 December 2020, be approved as a correct record.

PA72 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years)</p> <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 91(1) of the Town and Country Planning 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>

PA73 55 NEASHAM ROAD, DARLINGTON

20/00963/FUL – Change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the advice of Darlington Association on

Disability, four letters of objection received from residents, 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 Implementation Limit (Three Years)
2. The use hereby approved shall not operate outside the hours 11:00 – 21:00 Monday to Sunday including Bank Holidays only unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

3. 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.

4. Prior to the installation of any air extraction equipment (including the external flue) exact details of the proposed installation including the manufacturers specified noise levels of the extraction system shall be submitted to and approved by the Local Planning Authority. The noise levels of the proposed extraction system shall meet the noise limits in the njd noise assessment dated October 2020 submitted in support of the application. The agreed extraction system shall be retained and maintained thereafter for the duration of the development.

No modifications to the approved scheme shall be undertaken without the prior approval of the Local Planning authority.

REASON: In the interests of residential amenity.

5. Prior to the hot food takeaway hereby permitted first being brought into use, details of fume extraction, including a full technical specification by a suitably qualified person, shall be submitted to, and agreed in writing to the Local Planning Authority. The scheme should specify the position of ventilation, fume, or flue outlet points; the type of filtration or fume treatment to be installed. The proposed fume extraction system shall meet the recommendations in the njd odour assessment dated October 2020, submitted in support of this application. The agreed fume extraction system shall be retained and maintained thereafter for the duration of the development.

No modifications to the approved scheme shall be undertaken without the prior approval of the Local Planning authority.

REASON: In the interests of residential amenity.

6. Drainage serving kitchens in commercial hot food premises should be fitted

with a grease separator complying with BS EN 1825-1 and designed in accordance with BS EN 1825-2 or other effective means of grease removal.

REASON: In order to prevent flooding and pollution.

7. Details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and thereafter shall be retained for the lifetime of the development.

REASON: In the interests of amenity.

8. Deliveries to and collections from the site, including the loading and unloading associated with the use, shall take place between the hours of 8am to 6pm Monday to Saturday, with no deliveries on Sundays/Public Holidays.

REASON: In the interests of residential amenity.

9. For the duration of the approved use, a temporary portable ramp shall be provided and operated in accordance with the details submitted in email correspondence dated 9th December 2020.

REASON: To ensure that a disabled person can use the services that are provided within the building in accordance with Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan and to discourage hazards that could be caused by a ramp in the highway.

10. Prior to the commencement of the use, a sign shall be erected at the entrance of the premises informing any persons unable to enter the premises that a temporary portable ramp is available on request. This sign shall remain in situ unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that a disabled person can use the services that are provided within the building in accordance with Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan 2011.

11. PL (Approved plans condition)

- NDS20/CP1 - Plans as Proposed
- NDS20/CP2 – Elevations as Proposed
- NDS20/SL1 – Site Location Plan
- Agent Email detailing temporary portable ramp and its operation dated 9th December 2020.

PA74 20 LANGHOLM CRESCENT, DARLINGTON

20/01073/FUL – Demolition of existing conservatory and boiler room, erection of single storey extension to side and rear, replacement of existing porch with garden room, addition of mezzanine floor, alterations to windows, erection of carport, creation of new vehicular access including addition of timber gates and dropped kerb and associated internal alterations and removal of 1 No. Pear Tree (as amended by plans received 08/01/2021, amended heritage statement and Arboricultural Impact Assessment/Tree Survey received 15/01/2021).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Conservation Officer and Senior Arborist, fourteen letters of objection received (it was noted that one of which had been subsequently withdrawn), and one letter in support of the application received).

RESOLVED – 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:

Proposed Site Plan Drawing No. 0103 Revision P2 Dated 06/11/2020
Proposed Ground Floor Plan Drawing No. 0202 Revision P5 dated 06/11/2020
Proposed First Floor Plan Drawing No. 0203 Revision P3 Dated 06/11/2020
Proposed Elevations Sheet 1 Drawing No. 0303 Rev P5 dated 06/11/2020
Proposed Elevations Sheet 2 Drawing No. 0304 Rev P5 dated 06/11/2020
Comparison South-East Elevation Drawing No. 0305 Rev P1 dated 06/11/2020

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

4. Notwithstanding details shown within the submitted Tree Survey & Arboricultural Impact Assessment dated 14/01/2021 and undertaken by We Care Tree Care Arboricultural Services, a method statement detailing the

construction methods of the proposed driveway and specific tree protection for the four trees affected by the proposal will be submitted to and agreed in writing with the Local Planning Authority, prior to work commencing on the proposed driveway.

REASON: To safeguard the life of the trees within the site in the interests of visual amenity.

5. Notwithstanding the details shown on the approved plans, samples of fenestration details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development, and the development shall not be carried out otherwise than in accordance with any such approval.

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development.

PA75 FIELD AT COPSE HAVEN, ROUNDHILL ROAD, HURWORTH MOOR, DARLINGTON

20/00910/CU – Change of Use from private field to commercial dog exercise area.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received, one additional letter received from a neighbouring resident raising some concerns, and the views of the Ward Councillor).

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:

Site Location Plan
Plan No 1: Site Layout Plan

REASON: To define the consent

3. This permission shall be personal to Miss Fiona Lennox and family only and shall not enure for the benefit of the land. In the event of their vacating the premises the use shall revert to the use for agricultural purposes.

REASON: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of Miss Fiona Lennox and family vacating the premises.

4. The use hereby permitted, shall operate from the site only between the hours of 08:00-18:00 Monday to Sunday (including Bank and Public

Holidays).

REASON: In the interests of residential amenity.

5. The number of appointments or clients visiting the site shall be restricted to no more than three appointments at any one time with no more than three dogs present per client at the same time during the permitted hours of operation.

REASON: In the interests of residential amenity.

6. There shall be no kennelling of dogs overnight on the application site.

REASON: In the interests of residential amenity.

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), no development within Schedule 2, Part 4, Classes A to B of that order shall take place without the prior written consent of the Local Planning Authority.

REASON: In the interests of visual and residential amenity.

8. Prior to the commencement of the proposed use, details of the following shall be submitted to, and approved in writing by, the Local Planning Authority.

- a) Boundary treatment.
- b) Surface treatment for customer parking.

Thereafter the development shall be carried out in full accordance with the approved details, prior to the use commencing and shall be maintained as such thereafter.

REASON: In the interests of visual and residential amenity.

PA76 FIELD AT SCHOOL AYCLIFFE LANE, SCHOOL AYCLIFFE

20/01150/FUL - Modification of Section 106 Agreement attached to planning permission 17/00283/FUL dated 16 December 2017 (Proposed residential development consisting of 101 dwellings with associated parking, access and landscaping) to vary the tenure of 5 no. affordable units from shared ownership to affordable rented units and modify the chargee duty clause (Additional Information received 21 December 2020).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection received from residents, and one further objection received subsequent to the report being issued to Members, which was read out at the meeting by the Planning Officer).

RESOLVED – That no objections be raised to the modification of the Section 106 Agreement attached to Planning Permission Reference Number 17/00283/FUL.

PA77 NOTIFICATION OF APPEALS

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

Mr Yousif Ameen-Ali has appealed against this Authority's decision to refuse permission for repairs and alterations to Claytons Yard, Darlington, DL1 1SH (20/00298/FUL).

RESOLVED – That the report be received.

PA78 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.

PA79 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 5 FEBRUARY 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA69/Dec/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 5 February 2021.

RESOLVED - That the report be noted.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 17 March 2021

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
West Newbiggin Farm, Norton Back Lane, Sadberge	20/00636/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17 March 2021

APPLICATION REF. NO: 20/00636/FUL

STATUTORY DECISION DATE: 10th February 2021 (EOT 18th March 2021)

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: West Newbiggin Farm Norton Back Lane
SADBERGE DARLINGTON DL2 1SU

DESCRIPTION: Conversion, alteration and extensions of existing agricultural buildings to form 9 no. dwellings (2 no.2 bed, 2 no.3 bed, 3 no.4 bed, 2 no.5 bed) including demolition of former piggeries, erection of 3 no. detached garage blocks, formation of hardstanding, landscaping and other associated works (Amended description) (Amended plans received 5th February 2021)

APPLICANT: MR P TWIZELL

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=documents&keyVal=QDZB4HFPKBJ00>

APPLICATION AND SITE DESCRIPTION

1. West Newbiggin is a hamlet consisting of a range of dwellings and agricultural buildings. The application site lies 1.5km to the north east of Sadberge and is located off a minor road off Norton/Darlington Back Lane. The minor road has been recently upgraded with passing places put in by the applicant as part of planning conditions imposed on earlier applications for the redevelopment of the site. A small watercourse to the north east of the site that runs into Billingham Beck.

2. West Newbiggin Farm is sited in the middle of the hamlet and consists of a mixture of agricultural sheds and a dwelling adjacent to the road. The site is located at the south western edge of the farm, away from regular farm activity. Present farming operations are concerned principally with high-end free-range egg production which takes place at a new base of operations created to the south east of the original farm complex in a modern housing and packing building.
3. The application site itself is part of the original farm complex which contains a mix of old agricultural buildings and the remains of more modern concrete buildings and structures last associated with the rearing of pigs on the farm. Given the move to free range egg production, these buildings now serve no practical agricultural purpose on the holding.
4. The site has been the subject of several previous applications for the conversion of the buildings, the details of which are contained within the following section of this report. The development was marketed based on these previous permissions, with limited take-up. None of the previous proposals were comprehensive in nature and this proposal seeks to look at the redevelopment and enhancement of the entire site with the conversion of all of the buildings that remain, including the older Edwardian buildings, the remaining 20th century buildings as well as the residue of the animal handling system, including concrete surfaces and the remains of walls and enclosures. The application states that the scheme has been designed to embrace the agricultural origins of the buildings and using principles and treatments deemed appropriate in the original approvals and includes the following:
 - a variety of units based on the layouts of the existing buildings, including two 5 bedroomed units, three 4-bedroom units, two 3 bedroomed units and two 2-bedroom units.
 - Limited changes to the exterior of the majority of the buildings with window and door openings modelled largely to ensure the character of the building is not significantly altered.
 - The removal of the remains of the modern pig farming residuary, including the remains of pens, holding facilities, and loading ramps, including a significant amount of impervious concrete surfacing left from previous operations on the site.
 - Allocated parking for each new dwelling.
 - Associated landscaping.

MAIN PLANNING ISSUES

5. An extant planning permission is in place for the conversion of existing farm buildings to nine dwellings (07/01151/FUL), with conditions discharged and works carried out to implement the permission. The buildings have therefore previously been considered to be a sustainable re-use of buildings and this remains a fallback position.
 - (a) Principle of the proposed development.
 - (b) Impact on non-designated heritage assets.

- (c) Impact on visual and residential amenity.
- (d) Land contamination.
- (e) Highway safety.
- (f) Transport policy.
- (g) Flooding and Drainage.
- (h) Impact on ecology.

PLANNING POLICIES

6. Relevant planning 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, H7 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).
 - Involves the conversion of a building of visual, architectural or heritage importance that is structurally capable of conversion and will not result in an intrusive use that causes amenity impacts (E5).
 - 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

7. No objections in principle have been raised by the Council's Highway Engineer and Environmental Health Officer, the Historic Environment Record Officer, or the Local Lead Flood Authority, subject to conditions. Northumbrian Water and The Environment Agency has also raised no objections to the proposed development. The Transport Policy Officer considers the site to be in an unsustainable location and has requested that a sustainable transport contribution should be made if planning permission is granted. This will be dealt with in the following sections of this report.

RESULTS OF PUBLICITY AND NOTIFICATION

8. East and West Newbiggin Parish Meeting has objected to the application on the following grounds:
- Site is outside of development limits.
 - Offers no affordable housing or Section 106 monies.
 - Road unsuitable for increase in traffic.
 - The agricultural field which runs alongside the narrow road has recently been ploughed in such a way that a dangerous drop of several feet exists to the side

of the road and this drop is liable to cause damage to any car, passengers or pedestrians that inadvertently come off the road and land in the field. Cars have come off this road many times over the years.

- There has already been a heavy increase in the traffic on the Road since the original application in 2007 following the subsequent approval of a Commercial Chicken Farm which means that already additional Lorries and delivery wagons and cars are visiting the farm and the road is under constant use and repair and will cause disturbance to any occupants of the new properties;
- Access on to Norton Back Lane from West Newbiggin still remains hazardous and any additional traffic from the proposed new housing site will primarily need to go through the village of Sadberge which will not be welcomed.
- Disposal of both surface and foul water remains a problem as there is no mains drainage and climate change continues to enhance the flood risk, individual residents have submitted pictures of flooding on the proposed site which need to be given due consideration.

9. Sadberge Parish Council has also objected to the proposed development on the following grounds:

- The village already has concerns over the number of vehicles passing through the village and the risks to residents' safety associated with current flow of traffic. A further development with its main access via the village will increase safety concerns further.

10. Three individual objections have been received from residents, and these raise the following issues:

- Significant increase in the number of dwellings within this small hamlet.
- Unsustainable location.
- Concerned about drainage of sewerage and connection to services as we already experience flooding, low water pressure & electricity will need considerable upgrading.
- As a result of a condition in the previous planning approval, passing places were put on the single-track lane. This has resulted in use of the track by people outside of the settlement, i.e. people drinking and eating, leaving rubbish, couples meeting, etc.
- Increase in traffic, Highway safety issues.
- Access will be made more dangerous with the increased numbers of cars on the road.
- No pavements or cycle routes.
- Building work will cause noise and disturbance.
- Flooding and drainage issues.
- The plans do not address how services such as water and electricity are to be brought to the site. Our current water supply is poor, and we experience low water pressure. Our current electricity supply cannot be upgraded due to the age of the connection.

PLANNING ISSUES/ANALYSIS

(a) Principle of the proposed development

11. Whilst the site is outside of the defined development limits, the proposal involves the conversion and extension of the existing buildings with the aim to ensure their long-term retention and therefore is acceptable in principle in the context of Policy H7. A series of structural reports have also been submitted in support of the application which confirms that the buildings are structurally sound and capable of conversion, subject to minor remedial works in some instances.
12. Policy E5 requires buildings to be of visual, architectural or heritage importance, be a structurally capable of conversion and not result in an intrusive use that causes amenity impacts. This should be read in conjunction with more up to date guidance in the NPPF (paragraph 79) which recognises that the conversion of redundant rural buildings is an acceptable form of development in the open countryside, provided that the scheme will result in an enhancement to the immediate setting of the building to be converted. It does not require buildings to be of visual or architectural importance. Nevertheless, the Historic Environment Record Officer considers the buildings overall to be of importance as non-designated heritage assets and supports their conversion.
13. It is noted that H7 permits such extensions where they do not materially detract from the character of the building or that of its setting. In this case, as will be addressed in the following sections of the report whilst the alterations and extensions involve some changes to the external appearance of particularly the more modern agricultural buildings, the design arrived at is considered to respect both the character of the buildings and their settings. The proposal, in its context, is therefore considered to accord with the requirements of policy H7 and E5. Further consideration of the proposal against other development management considerations, is considered below.
14. Notwithstanding the above, an extant planning permission is in place for the conversion of existing farm buildings to nine dwellings (07/01151/FUL), with conditions discharged and works carried out to implement the permission. The buildings have therefore previously been considered to be a sustainable re-use of buildings and this remains a fallback position. Subject to a planning condition which ties the development to the structural reports, the proposed development is acceptable in principle.

(b) Impact on non-designated heritage assets

15. The farm steading appears on the 1st edition OS map c. 1860 as a large complex of courtyard buildings with a clearly visible gin-gang on the south elevation. Due east of the farmstead is a feature noted as a "moat" on the OS from the 1st edition onwards (Durham HER H206, H207). It is possible that West Newbiggin farm is all that remains of a Medieval village. The Durham and Darlington Historic Landscape

Characterisation (HLC) records the land around West Newbiggin as a former nucleated Medieval village.

16. It is unlikely that the brick-built farm and associated buildings is Medieval in date; however, the layout of the farm suggests that it is most likely 18th century - early 19th century in date. This was a period of incredible development in agricultural techniques to improve output, including the mechanisation of activities previously done by hand/animal power. Wealthy landowners invested heavily in these new techniques, adding gin-gangs, tramways, and other steam operated machinery to their farms. They rebuilt / re-organised them into the E-, or U-shaped courtyard arrangements that we often see remaining today.
17. The Historic Environment Record Officer considers that West Newbiggin was clearly a high status farm and supports its conversion, but has recommended that planning conditions be attached to any approval to secure building recording, so that a record is made of the farm buildings before they are converted to residential use, and associated archiving carried out. Subject to these conditions, the proposal does not conflict with Policy CS14 in this regard.

(b) Impact on Visual and Residential Amenity

18. The development, being the conversion of existing buildings, will have limited impact on the visual amenities of the locality beyond site level, the buildings being in situ and visually related to buildings already located in this hamlet.
19. At site-level, they involve the retention of a group of interesting and varied buildings, all associated with the agricultural history of the site, and overall, the proposal, which seeks to bring together a comprehensive development of the site, will be a large improvement to the scheme granted in 2007 in terms of the visual relationship between buildings.
20. The majority of the development involves only limited changes to the exterior of buildings with window and door openings arranged to ensure that the character of the buildings is not significantly altered. In the case of all units, the agricultural origins of the buildings are apparent in the design of the dwellings, which is considered a positive element of the overall scheme. To this extent, the proposal accords with policy H7 which requires that such development does not materially detract from the character of the building or that of its setting.
21. In addition, the re-development of the site will see the removal of the remains of some of the modern pig farming elements, including the remains of pens, holding facilities and loading ramps, including a significant amount concrete surfacing which remains from the previous operations on the site. As a result, the scheme will result in a significant enhancement to the immediate setting of the buildings to be converted, which accords with the requirements of paragraph 79 of the NPPF.
22. Planning conditions are recommended to secure submission and agreement of details of external treatments, flues, vents and meter boxes, boundary treatment,

and hard and soft landscaping. Subject to this, the proposal accords with Policy E5, H7, CS2 and CS14 in this regard.

23. The spacious nature of the development, dictated by the existing buildings, ensures that there is an acceptable level of residential amenity for occupiers of the proposed scheme, as well as the occupiers of existing dwellings.
24. It is noted that the development will result in increased vehicular movements, however any noise arising from additional vehicular movements on this existing road will not be so significant as to justify refusal of planning permission on those grounds. In addition, whilst it is noted that there will be some disruption to residents during implementation of any scheme, which can be addressed through the requirement for submission and agreement of a Construction Management Plan and the standard restriction on construction hours. The scheme once completed will represent a more stable land-use for this range of vacant buildings.
25. A free-range poultry unit is situated some 150m to the south east of the application site (08/00857/FUL). This facility was granted after the 2007 residential conversion approval and the impact on residents, including the extant planning permission for the conversion of the subject buildings, was considered in determining the application. At the time the Environmental Health Officer did not consider that the proposed facility would raise amenity issues subject to being managed effectively, and as such a planning condition was imposed to deal with the management of odours and emissions. The Environmental Health Officer has raised no concerns in respect of the impact of the facility on the residential amenity of the occupiers of the converted buildings in the context of this current application.
26. Overall, subject to the submission and agreement of a Construction Management Plan and the standard restriction on hours of construction, the proposal is considered to be acceptable in respect of its impact on the residential amenity of existing and future occupiers and complies with Policy CS16 in this regard.

(c) Land contamination

27. The application has been submitted together with a combined phase 1 and phase 2 (desktop study and site investigation) report prepared by Dunelm Geotechnical and Environmental dated September 2020. This report refers to a previous site investigation, also completed by Dunelm back in 2010, when a similar housing development application was submitted at the site. A copy of that 2010 report has also now been submitted in support of this application. Also submitted with the application is a letter report from 2010 on ground gas. This letter report has concluded that ground gas protection measures are not required as part of the development.
28. The results have shown that only very low levels of ground gas have been detected with minimal flow of gas. No viable source of ground gas to generate flow has been identified in the desk top study or site investigation. In this scenario the Environmental Health Officer accepts the conclusions of this report which have been

repeated in the 2020 report that no specific gas protection measures are required as part of the development.

29. The reports have also identified that due to the past agricultural uses of the site chemical and physical contamination has been found. This includes elevated levels of asbestos (likely from the building materials used on site), lead and TPH exceedances.
30. Taken together the reports have demonstrated that with suitable mitigation the site can be safely developed for the proposed use. Should the application be approved it is recommended that standard contaminated land conditions CL4 – CL6 are attached to any approval. These conditions are needed to ensure that the site is developed safely.
31. Subject to the above, the proposal complies with Policy CS16 in this regard.

(d) Highway Safety

32. The site has an extant planning permission for 9 Dwellings (REF 07/01151/FUL) which was granted with conditions on 3rd April 2008. Conditions were discharged via application (REF07/01151/CON) and were approved in January 2013. As part of the agreed conditions, offsite highway works were agreed to create additional passing places along the single-track road known to the Highway Authority as “Road through West Newbiggin” and improve the junction of Norton Back lane. These agreed offsite highway works were later implemented as part of a subsequent application for the erection of a free-range poultry unit, (REF08/00857/FUL) to mitigate the intensification of use associated with the farm activities.
33. Although varying in width, it is generally 2.7-2.8m wide which is sufficient to accommodate one-way passage of large vehicles, including agricultural vehicles. Drivers are therefore reliant upon give and take at the passing locations provided. The site is located approximately 900m from Norton Back Lane, it would therefore not be practicable to upgrade the existing single-track road to a minimum width (4.1m) suitable to accommodate two-way traffic. Land ownership may also be a Limiting factor.
34. Whilst conversion of the buildings would represent an intensification of use of the existing road, an extant permission is in place and that this could be implemented at any time, as such this does leave a fallback position for any developer wishing to bring forward the previously consented scheme.
35. Whilst the proposal is a large percentage increase of the existing number of dwellings, this still represents a small total number of dwellings with additional vehicle movements associated with the farm business. The nine dwellings are likely to generate approximately 6-7 new two-way movements within the AM/PM peak hour based on TRICs generation rates for a rural location. This would roughly equate to one additional vehicle movement every 10 minutes. Based on this level of traffic generation it would be difficult to evidence that the traffic impact is severe and thus warrant refusal based on NPPF Guidance.

36. Parking across the site is in line with Tees Valley Design Guide standards and therefore unlikely to cause any highway or neighbour amenity concerns through overspill parking or obstruction. Some dwellings are located a considerable distance from the adopted highway; therefore, a bin store(s) should be provided within the maximum 25m walking distance of the highway for roadside collection, and such details can be agreed pursuant to a planning condition. The internal layout of the site is sufficient to enable access by emergency vehicles including a fire appliance as the internal driveway is sufficient for a vehicle to get to within 45m of dwelling entrances.
37. Whilst objections state that the access road is fundamentally dangerous owing to its restricted width, clearly this is an existing situation and not something that is physically changed by this proposal. A review of the most recent five-year Police accident statistics, confirms that there have been no recorded incidents either on 'Road Through West Newbiggin' or on Norton/Darlington Back Lane within 1km of the main access junction. As such there is no evidence base to suggest any inherent engineering or driver behavior problems giving rise to road safety concerns.
38. Issues are raised which relate to matters falling outside of the scope of material planning considerations, these are related to the current condition of the adopted road, which as adopted highway is Highway Authorities duty and responsibility to regularly inspect and maintain in a safe and fit condition for all, including non motorised vehicles and pedestrians.
39. The Highways Engineer has raised no objections to the proposed development, subject to planning conditions to secure submission and agreement of a Construction Management Plan and the submission, agreement and subsequent completion before occupation, of two additional passing places on the access road and submission and agreement of details of bin stores.

(e) Transport Policy

40. The sustainable Transport Team have highlighted that the development is in a rural location with poor pedestrian connectivity and no access to public transport. However, it is evident that links to sustainable infrastructure are typically lacking when considering the conversion of rural agricultural buildings to residential occupation and that it is not practicable to provide such links for a small-scale development. As such future occupants would be reliant on travel by private car as cycling is also likely to be only a preferred choice for experienced and confident cyclists.
41. In addition, paragraph 79 of the NPPF, which permits the re-use of redundant and disused buildings where this would enhance the immediate setting, provides a special circumstance whereby the sustainability or otherwise of a proposal is not factor. The applicant has highlighted a recent appeal decision from a neighbouring authority where the inspector considered this matter where the inspector stated:

“The sustainability of the site in respect of occupiers’ reliance or otherwise on private vehicles to access services and employment is considerably less pertinent to the consideration of the acceptability of the development as this is not a factor upon which Framework paragraph 55’s (now paragraph 79) special circumstance relating to the re-use of buildings is dependent.” (emphasis added)

42. In the above context, whilst the Sustainable Transport team have requested a Sustainable Transport contribution in line with the formula set out in the Planning Obligations, Supplementary Planning Document, this is not considered to be a reasonable position. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Given the above context and the limited practicality of providing links to such a small-scale development, it would not be reasonable to request a contribution in this instance.

(f) Flooding and Drainage

43. The site lies within Flood Zone 1 and is not at risk of fluvial flooding (flooding by rivers or water courses). A Flood Risk Assessment and Drainage Strategy undertaken by RAB Consultants (October 2020) to demonstrate that the development is safe from flooding and will not increase the risk of flooding elsewhere.
44. The report concludes that the development is not at risk of fluvial flooding and sets out a range of measures to ensure that the surface water risk to buildings is managed. It also sets out a drainage strategy that comprises an attenuation basin designed to manage runoff safely and sustainably from the proposed impermeable areas on the site. This will have the effect of significantly reducing the nett, overall runoff from the site. Overall, it concludes that the proposed development is appropriate for the flood risk and is not expected to increase the risk of flooding elsewhere.
45. In terms of the objections raised regarding occurrences of historic flooding, the applicant states that he has been refused access by a neighbouring resident to allow maintenance works to be carried out to the surface water drain and as part of this planning application, as set out in the accompanying reports, an alternative drainage system is proposed which bypasses the obstructions on the neighbouring land. The applicant, assisted by other local landowners, has carried out maintenance works on the receiving water course which the supporting information states will complement the newly proposed drainage system, the specifications of which are set out in the supporting Drainage Report. Instead of increasing surface water flood risk, it is set out that the proposals will reduce the risk to the area, through significantly reducing the amount of impermeable area and by the laying of a new surface water drain.
46. The Local Lead Flood Authority (LLFA) has been consulted due to the scale of the development. The LLFA has confirmed that the applicant has provided sufficient

information to satisfy the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, the applicant has not provided a detailed design for the management of surface water runoff from the proposed development and this information should be secured by condition. Subject to this condition, the proposal complies with Policy CS16 in this regard.

47. In terms of foul drainage, the nearest available sewer is approximately 1,300 metres west of the application site and it is therefore not feasible to arrange connection to a public sewer. A Foul Drainage Assessment was submitted in support of the application and this proposes 10 individual package treatment plants (PTP) with each property responsible for their own PTP. Both the Environment Agency and Northumbrian Water have raised no objections. Ultimately, this issue will be dealt with as part of an eventual Building Regulations application.

(g) Impact on Ecology

48. A Preliminary Ecological Appraisal and subsequent Bat Surveys undertaken by Naturally Wild (July 2020). The report concludes that the site is deemed to be of moderate ecological value at site level. Several of the on-site buildings have been confirmed to be used by roosting bats and nesting birds, as well as roosting barn owls. It is considered that commuting and foraging badgers and hedgehogs may occasionally utilise the site, but the site is of negligible value for great crested newts or reptiles.

49. Following the site assessment and in review of the findings, a series of ecological mitigation, compensation and enhancement measures are required to be incorporated into the re-development. These include carrying out conversion works on Buildings 7, 8, 9, 11 and 12 under a European Protected Species mitigation licence to be obtained from Natural England, along with the provision of appropriate compensatory and enhanced bat roosting habitat; commencing works outside of bird nesting season; or carrying out a pre-start nesting bird survey if this is not feasible; carrying out a pre-start barn owl survey (regardless of time of year); precautionary ground working in relation to badgers and hedgehogs; implementation of a sensitive lighting scheme; compensatory nesting habitat for swallows; enhanced nesting habitat for barn owls; and appropriate soft landscaping.

50. Providing the recommendations of this report are implemented in full, the report concludes that there will not be a significant impact to protected species or habitats as a result of the proposed works.

51. Subject to the a condition which requires the implementation of the mitigation set out in the Ecology report, and the provision of the ecological enhancements proposed to offset adverse ecology impacts in terms of a soft landscaping scheme, the proposal does not conflict with Policy CS15.

THE PUBLIC SECTOR EQUALITY DUTY

52. 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

53. The proposed development complies with the relevant policies in the development plan and involves the conversion of buildings which are structurally sound and capable of conversion, whilst not detracting from the character of the buildings or that of their setting. The proposal would result in a significant enhancement to the immediate setting of the buildings to be converted and complies with paragraph 79 of the NPPF. Subject to the proposed conditions the development would be acceptable in respect of highway safety and residential and visual amenity.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3-year time limit)

2. PL (Accordance with Plan)

L019038-102 REV B Proposed site layout Plan ground floor

L019038- 101 REV B Proposed site layout plan roof plans

L019038 115 REV A Unit 9 Proposed elevations

L019038 114 REV A Unit 9 Proposed floor plans

L019038 - 113 REV A Garages Proposed elevations 7/8

L019038 - 112 REV B Garages Proposed plans 7/8

L019038 – 125 Proposed site plan – Drainage

L019038 - 103 REV A Unit 1 proposed plans

L019038 – 104 Unit 1 Proposed elevations

L019038 - 105 REV A Unit 2, 3, 4 and 5 Proposed plans

L019038 – 106 Unit 2, 3, 4 and 5 Proposed elevations

L019038 – 107 Unit 2, 3, 4 and 5 Proposed elevations

L019038 – 108 Unit 6 Proposed floor plans

L019038 – 109 Unit 6 Proposed elevations

L019038 - 110 REV A Unit 7 and 8 Proposed floor plans

L019038 – 111 Unit 7 and 8 Proposed elevations

L019038 – 116 Unit 4 Garage Proposed plan and elevations

L019038 – 117 Unit 6 Garage Proposed plan and elevations

L019038 – 118 Garage block proposed elevations

L019038 – 119 Unit 2 Proposed plans

L019038 – 120 Unit 3 Proposed plans

L019038 – 121 Unit 4 Proposed plans

L019038 – 122 Unit 5 Proposed plans

L019038 - 123 REV A Site Location 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. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Thereafter the approved landscaping scheme 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.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

5. Prior to the commencement of the development, details of bin storage facilities for the dwellings hereby approved, 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 and residential amenity.

6. 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.

7. 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.

8. 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.

9. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:
 - i. Methodologies for a Historic England-style Level 2 building record prior to any conversion works or stripping out of fixtures and fittings.
 - ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.

- iii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The development shall then be carried out in full accordance with the approved details.

REASON - To comply with paras 197 and 199 of the NPPF because the site is of archaeological interest.

10. 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 para. 199 of the NPPF which ensures information gathered becomes publicly accessible.

11. 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. Thereafter, the scheme shall be implemented in accordance with approved details. The scheme shall include, but not be restricted to providing the following details:

- i. Detailed design of the surface water management system.
- ii. A build program and timetable for the provision of the critical surface water drainage infrastructure.
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase.
- iv. 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 with Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy Version 1.0 Ref RAB: 2562L dated 22/10/2020 and the following mitigation measures detailed within the FRA:

- Surface water Discharge to be restricted to 5 l/s;
- 500m³ of storage provided.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied

within the scheme, or within any period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON – To prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

13. The buildings hereby approved shall not be brought unto use until:

- i. 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.
- ii. 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.

14. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

15. Prior to the commencement of the development, Details of 2 No, vehicle passing places on “Road Through West Newbiggin” shall be submitted and approved in writing by the Local Planning Authority (precise locations to be agreed). The works should be completed prior to the occupation of the first dwelling. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

16. Prior to the commencement of works relating to each requisite element of the development the following details shall be submitted to and approved by the Local Planning Authority: -

- i. Flues, vents, and metre boxes.
- ii. Doors;
- iii. Cills and lintels;
- iv. Fences, walls and gates;

- v. Areas of hard surfacing;
- vi. Guttering and means of fixing;
- vii. Rooflights;
- viii. Treatment of external walls.

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

REASON- To ensure a satisfactory appearance of the development ,in the interests of visual amenity.

17. Prior to the insertion of windows, detailed plans showing the constructional details and materials of all window frames to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing, including means of opening, and external reveal. The window frames shall be installed in accordance with the approved detailed plans and thereafter be so maintained.

REASON - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity.

18. No demolition or rebuilding work additional to that specified in the structural reports carried out by The Home Engineers (November 2020) and the submitted application shall be carried out in undertaking the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON – In order that the Local Planning Authority can retain control over the development in the interests of the visual amenities of the locality.

19. The development shall not be carried out otherwise than in accordance with the mitigation measures set out in the submitted Ecological Impact Assessment 'West Newbiggin Farm PP-19-09' (Naturally Wild July 2020).

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

INFORMATIVES

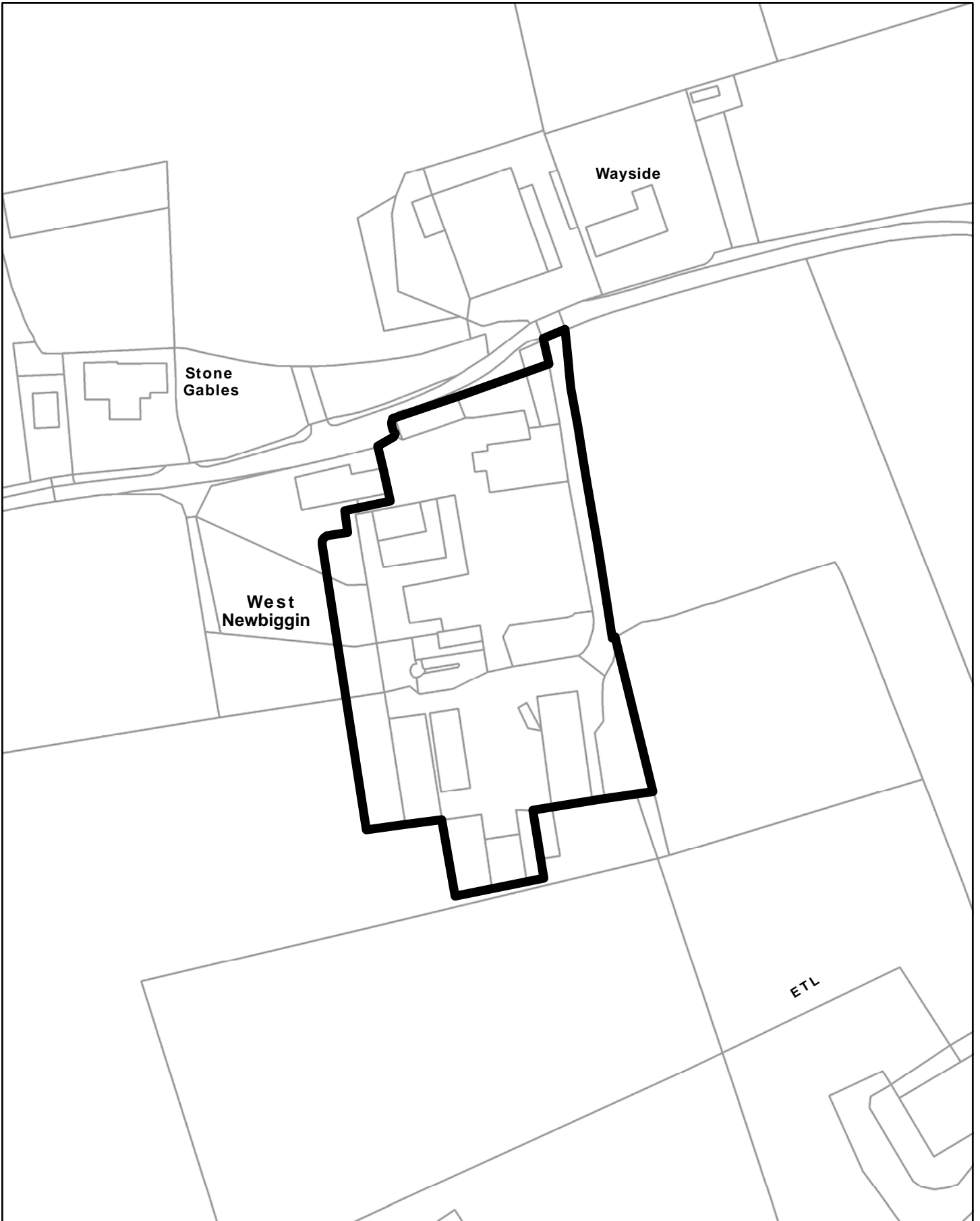
Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

Non-mains foul drainage and permitting – ENVIRONMENT AGENCY

In review of the submitted drainage plan, the proposal contained 10 individual package treatment plants (PTP) with each property responsible for their own PTP. This plan shows that all foul sewage will leave the site at the same location and would go to an attenuation basin (which is not shown in plans).

It is considered that individually the PTP volumes would be below <5m³ daily although collectively they will be over this amount. In respect to the general binding rules (GBR) each individual PTP would be assessed as a standalone water discharge activity and therefore if they meet the GBR then permits won't be required.

However, we would like to take this opportunity to state that the preferred option would be to combine these into a shared PTP. This would result in less chance of negligence in maintenance and therefore less chance of environmental pollution. This would likely require a management company to be set up, who the permit would be addressed to, with owners named and updated where necessary. Overall, this would mean one PTP to service, maintain and repair which would likely be a cheaper option for prospective residents. If the applicant would like more information on this, please contact the Environment Agency.

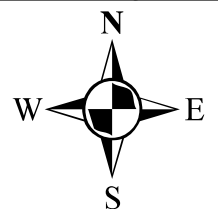


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PLANNING REF No: 20/00636/FUL

DARLINGTON BOROUGH COUNCIL

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SCALE 1:1500

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Appeal Decision

Site visit made on 26 January 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/N1350/W/20/3261175

Land Adjacent 39 Stockton Road, Haughton, Darlington DL1 2RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Cresser against the decision of Darlington Borough Council.
 - The application Ref 20/00690/FUL, dated 2 August 2020, was refused by notice dated 30 September 2020.
 - The development proposed is erection of a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the public footpath link between Stockton Road and Welbeck Avenue with particular regard to pedestrian safety; and, (ii) whether the proposal would preserve or enhance the character or appearance of Haughton-Le-Skerne Conservation Area.

Reasons

Pedestrian safety

3. The public footpath connects Stockton Road to Welbeck Avenue. The evidence confirms that the footpath is well used, and I observed this during my site visit. I also observed that the footpath provides a route to extensive residential development to the north of the village, a route to bus stops adjacent to the appeal site and to services and facilities on Stockton Road and Haughton Green.
4. The footpath is wider where it is accessed from Welbeck Avenue. Adjacent to the rear boundary of the appeal site, the footpath narrows and bends to a new alignment as far as Stockton Road. This section of the footpath is enclosed by the side gable of No 39 and close boarded fencing.
5. The appellant refers to the publication Secured by Design Homes 2019 (2 March 2019). This advises that where a segregated footpath is unavoidable it should be straight, wide, well lit, devoid of potential hiding places, overlooked by surrounding buildings and maintained to enable natural surveillance along its length. I saw at my site visit that the footpath is already below this standard.

6. The side gable wall of the proposed dwelling would be located on the joint boundary with the footpath. Its location would further enclose the narrow footpath link and reduce natural light into the space at a point in the footpath that is already mostly enclosed by the side gable to No 39. As a consequence, the quality of the pedestrian environment would be reduced. This would discourage the use of the footpath link, particularly at night and diminish the contribution of the footpath to pedestrian accessibility within the area.
7. The appellant indicates that a two-storey extension to the side of No 41 would have a similar effect on the footpath link. However, no details of such a scheme is before me and without such information a full and detailed comparison with the proposal cannot be made. Additionally, there is no evidence that such a proposal is a greater than theoretical possibility or that if the appeal is dismissed such a proposal would be pursued. As a consequence, I find the suggested side extension is not a determining factor of the appeal.
8. Overall, I conclude that the proposal would have a detrimental effect on the public footpath link between Stockton Road and Welbeck Avenue with particular regard to pedestrian safety. The proposal would conflict with Policy CS2 of the Darlington Local Development Framework Core Strategy (Core Strategy) where it seeks high quality, safe, sustainable and inclusive design.

Character and appearance

9. The appeal site is within the Haughton-Le-Skerne Conservation Area (CA). The Haughton-Le-Skerne Conservation Area Character Appraisal and Management Plan December 2014 (CA appraisal) states that the appeal site was included in the boundary of the CA as part of an extension to it in 1978. The boundary was extended to include houses that dated from the 1890's primarily on the northern side of Stockton Road which was formerly part of Haughton Green.
10. The CA appraisal identifies that the significance of the Conservation Area derives, in part, from the contrast between the tightly packed smaller terraced properties on the eastern side of the village and the larger more spacious properties on the western side. Development is primarily close grain with development along the village green having largely uninterrupted frontages. The map within the CA appraisal identifies Stockton Road as one of the key gateways into the CA.
11. Within the CA, beyond the row of terraced dwellings closer to Haughton Green, there are two pairs of semi-detached houses that front Stockton Road. No 37 and No 39 are marginally set back from the road frontage in line with it. No 41 and No 43 are angled towards the frontage. The two properties beyond No 43 are larger properties of different design but sited close together. The appeal site provides a break in the run of development along the street frontage that is not characteristic of the CA.
12. The CA appraisal is supportive of infill development that respects the established rhythm of building frontages, the historical street line in the immediate streetscape, provides defensible space in the form of front gardens with a boundary treatment and avoids gaps between buildings. Infill development, the CA appraisal states, should be built up to party walls.
13. The proposed dwelling would be sited at an angle to the road extending the building line of No 41. Although this would be at odds with the wider CA where

development largely follows alignment of the road, it would be consistent with the adjacent properties and would not appear incongruous in the street scene. The dwelling would be modest in scale, constructed in a similar style and materials and would, subject to appropriate conditions relating to materials and design details, integrate into its surroundings. It would not be a conspicuous feature, nor would it detract from the key gateway entrance into the village.

14. Consequently, I conclude that even when considering the duty under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the need to give great weight to the conservation of heritage assets as set out in the National Planning Policy Framework (the Framework), the development would preserve the character and appearance of the CA. In this respect the development would accord with Policy CS14 of the Core Strategy which promotes local character and distinctiveness. It would also accord with the Framework where it seeks to conserve and enhance the historic environment and ensure development is sympathetic to local character and history.

Other Matters

15. Local residents have also expressed a range of concerns including the loss of privacy to the adjacent dwellings and the adequacy of parking and access arrangements. However, I note that these matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

16. I am satisfied that the development would preserve the character and appearance of the CA, however, I conclude that the development would have a detrimental effect on the public footpath link between Stockton Road and Welbeck Avenue with particular regard to pedestrian safety. In this regard the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR

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

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