

Planning Applications Committee Agenda



**1.30 pm Wednesday, 14 April 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 March 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) Land to the Rear of 21 Barmpton Lane, Darlington (Pages 15 - 30)
 - (b) 6 Evesham Grove, Hurworth (Pages 31 - 36)
 - (c) Unit 1, Weir Street (Pages 37 - 46)
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 Mark Stratford has appealed against this Authority's decision to refuse consent for works to 1 No. Horse Chestnut tree protected under Tree Preservation Order (No.7) 1980 - Pruning to part of west facing crown; pruning to lower branches at 1 Cedar Grove, Middleton St George, Darlington DL2 1GA (20/00578/TF)

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 1 April 2021 (Exclusion Paragraph No. 7) –
Report of Director of Economic Growth and Neighbourhood Services
(Pages 47 - 58)
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, 6 April 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 March 2021

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

APOLOGIES – Councillor Lister.

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

PA80 DECLARATIONS OF INTEREST

Councillor Tostevin declared a pecuniary interest in Minute PA83 below, and left the meeting prior to the consideration of the item.

PA81 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 17 FEBRUARY 2021

RESOLVED – That the Minutes of this Committee held on 17 February 2021, be approved as a correct record.

PA82 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, ^N;</p> <p>Reason: To define the consent.</p>

PA83 WEST NEWBIGGIN FARM, NORTON BACK LANE, SADBERGE

20/00636/FUL – 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).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Transport Policy Officer, the

objections of the East and West Newbiggin Parish Meeting, the objections of Sadberge Parish Council, three individual objections received from residents, and the responses to questions asked by Members of the Applicant's Agent, who was in attendance at the meeting).

20/00636/FUL – 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).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Transport Policy Officer, the objections of the East and West Newbiggin Parish Meeting, the objections of Sadberge Parish Council, three individual objections received from residents, 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)
 - 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.'

PA84 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 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).

RESOLVED – That the report be received.

PA85 NOTIFICATION OF APPEALS

The Director of Economic Growth and Neighbourhood Services reported 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.

RESOLVED – That the report be received.

PA86 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.

PA87 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 5 MARCH 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA79/Feb/2021, 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 March 2021.

RESOLVED - That the report be noted.

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 14 April 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
Land to the Rear of 21 Barmpton Lane, Darlington	20/00835/OUT
6 Evesham Grove, Hurworth	21/00199/FUL
Unit 1, Weir Street	21/00128/CU

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 April 2021

APPLICATION REF. NO: 20/00835/OUT

STATUTORY DECISION DATE: 7th December 2020

WARD/PARISH: WHINFIELD

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

DESCRIPTION: Outline application for the erection of 2 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 two 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 were received to the original application for five dwellings. A further two were received to this amended application for two dwellings. 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;
 - Impact on wildlife;
 - No objection to single storey dwellings but strongly object to dormer or two storeys;
 - Site has lower levels than surrounding sites, which would result in overlooking.
9. One issue raised by objection is the potential issues regarding access for maintenance of a fence / outbuildings as a result of the development or issues regarding root spread and structural issues caused by any trees that may be planted. This issue is a civil matter to be addressed by the relevant parties. Nevertheless, landscaping proposals would be dealt with as part of a future reserved matters application, which residents would be consulted on.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

10. 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.

11. The site is located to the rear of numerous residential properties and would therefore constitute back land 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. 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 2 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. The applicant has however sought to address any such concerns by amending the plans to denote the ground floor side window of the applicant's house, no. 21 Barmpton Lane, to be bricked up and a noise attenuation fence to be erected along either side of the driveway at the rear of the houses, no's 21 and 23A Barmpton Lane. It is also noted that the extended driveway runs close to the garden boundaries of nearby properties. The traffic associated with the development is not considered to be of such a scale that the amenity of these properties would be affected to a significant degree.

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 contains 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 two 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 2 new dwellings is likely to be 1-2 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 on impact on the local highway network. A review of the past 5 years of Police Accident data shows that there are no recorded incidents within close 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 the proposal is within current design guide standards. 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.
23. The indicative site layout shows a form of carriageway which does not meet any acceptable standards for adopted highways and 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. 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.
24. 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

25. 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.

26. 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.
27. 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.
28. Subject to the above, the proposal accords with Policy CS2 in this regard.

g) Drainage and flooding

29. 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

30. 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.
31. 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.

32. 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

33. 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

34. The proposed development, which is in outline only, 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 / hedgerows 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.

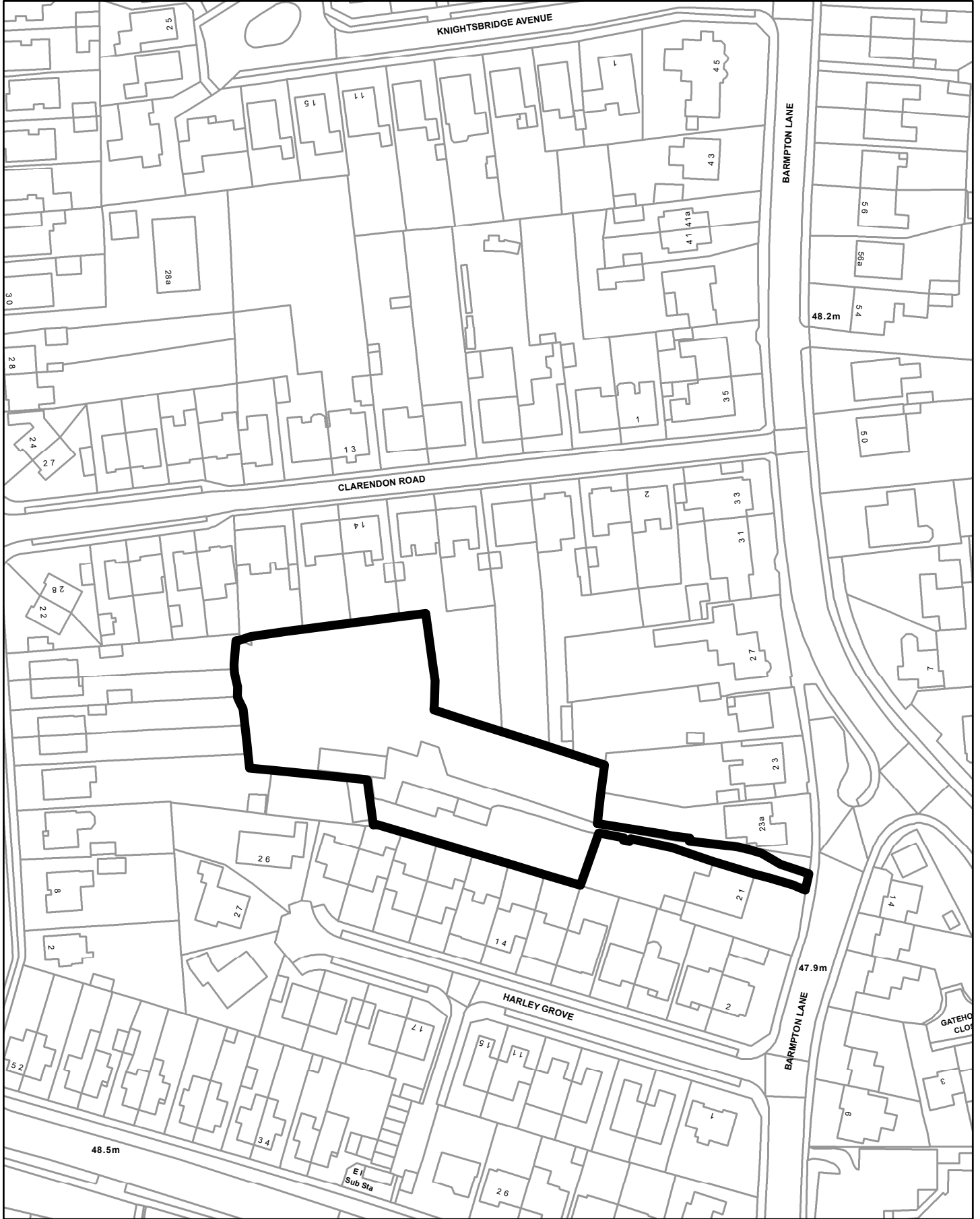
22. Prior to the occupation of the dwellings hereby approved, the acoustic fence to the boundaries of the proposed access driveway adjoining 21 and 23A Barmpton Lane, and the bricking up of the ground floor window to the side elevation of 21 Barmpton Lane, as shown on the indicative site plan 19004 F01 E Rev D shall be in place and shall be retained as such thereafter.

REASON – In the interests of residential amenity.

INFORMATIVES

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

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.

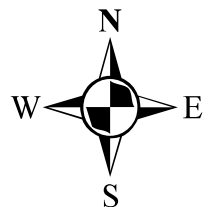


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PLANNING REF No: 20/00835/OUT

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 APRIL 2021

APPLICATION REF. NO: 21/00199/FUL

STATUTORY DECISION DATE: 21 April 2021

WARD/PARISH: HURWORTH

LOCATION: 6 Evesham Grove Hurworth Darlington DL2 2YE

DESCRIPTION: Removal of hedge and erection of 1.9m fence to rear of property (Retrospective Application)

APPLICANT: Mr Derek Hiley

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 site consists of a two-storey detached dwelling situated on the west side of Evesham Grove set within a small residential cul-de-sac towards the northern end of Hurworth village. The rear of the property and its garden back onto Roundhill Road.
2. Retrospective planning permission is sought for the erection of close boarded timber fencing along the rear boundary adjacent to Roundhill Road which encloses an area of land owned by the applicant to the rear of the garden area. This area, which is approximately 1.5 metres deep, was previously enclosed by a hawthorn hedge. The fence measures approximately 1.9m in height and 12m in length and is 1.5 metres from the rear of the existing garden boundary fence which is to be retained. Since the fence has been erected it has been stained dark oak in colour.

MAIN PLANNING ISSUES

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

PLANNING POLICIES

4. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development: -
 - Is in keeping with the character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12)
 - Reflects and/or enhances Darlington's distinctive natural, built, and historic characteristics that positively contribute to the character of the local area and its sense of place (CS2)

RESULTS OF TECHNICAL CONSULTATION

5. No objections in principle have been raised by the Council's Highways Engineer. Hurworth Parish Council have not commented on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

6. Three letters of objection have been received from 51 The Green, 3 Southfield Close, and 32 The Wayside. None of the objections are from properties within the immediate vicinity of the application site. The following issues are raised:
 - Fencing is unsightly and out of context with the surrounding area resulting in a detrimental impact
 - Removal of mature native hedgerow has disrupted the coherent look of this part of Roundhill Road and stripped away valuable habitat for wildlife
 - Creating a precedent for other households to do the same, resulting in more loss of habitat and mismatched fences erected by various households not in keeping with village

PLANNING ISSUES/ANALYSIS

(a) Impact on visual amenity

7. The existing timber close boarded fence has been erected in place of a mature hawthorn hedge. Since the fencing has been erected it has been stained dark oak in colour to match similar boundary fencing enclosing No. 2 Evesham Grove which is on the corner of Evesham Grove and Roundhill Road.
8. The majority of properties on Evesham Grove are enclosed by mature hedging and trees along their rear boundaries adjacent to Roundhill Road although there are some examples of properties having removed the hedging and erected timber

fencing in its place. Further along Roundhill Road, and on the opposite side of the road, other properties are enclosed with a mixture of timber fencing, brick walls and hedges of various heights and materials. The fence, which is of vertical timber board construction, has been dark stained to lessen its impact in the streetscene and is of a similar height to the hedge it replaces, and, in this respect, it does not appear at odds with the character and appearance of the surrounding area.

9. While there is concern regarding the loss of a section of hedgerow, the hedgerow was within the applicant's domestic curtilage and as such was not protected by The Hedgerow Regulations 1997. Permission was not therefore required for its removal. The only issue for consideration as part of this application is the acceptability, or otherwise, of the replacement fence which as explained is considered to be acceptable in terms of its impact on the character and appearance of the surrounding area. It is also worth noting that fencing up to 1 metre in height could have been erected in place of the section of hedgerow without the need for planning permission.
10. Notwithstanding this, the existing timber fencing which separates the garden and the replacement fence will remain in place, creating an enclosed area with no access, which in time will become overgrown and create a wildlife habitat. There is a gap of between 15 and 20 centimetres below the fence which will give sufficient space for small animals such as hedgehogs to wander through.

(b) Impact on residential amenity

11. In view of its location to the rear of the application property and adjacent to Roundhill Road, the fence does not have any significant impact on the amenities of nearby residential properties in terms of loss of light or outlook, and complies with Saved Local Plan Policy H12 in this regard.

(c) Impact on highway safety

12. The Highways Engineer has raised no objection to the fence which does not raise any issues with visibility required for highway safety.

CONCLUSION AND RECOMMENDATION

13. While the erection of the replacement fence has resulted in the loss of a section of mature hawthorn hedge, the hedge was not protected by the Hedgerow Regulations 1997 and permission was not required for its removal. The only issue for consideration as part of the application is whether or not the replacement fence is acceptable in terms of its impact on visual and residential amenity and highway safety. As set out in the report, the replacement fence is considered acceptable in terms of its height, design and dark oak stained finish and is of a height comparable with the section of hedge it replaced. It does not have any unacceptable impact on residential amenity or highway safety and therefore complies with Saved Local Plan Policy H12 and Core Strategy Policy CS2. Accordingly, it is recommended:

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING
CONDITION**

1. Notwithstanding the details shown on the approved plan detailed below, the timber fencing shall be maintained dark oak in colour.

Photo & Fencing details No. AOL Mail (1) dated 17/02/2021

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development and to ensure the development is carried out in accordance with the planning permission.

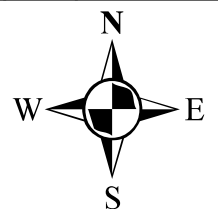


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PLANNING REF No: 21/00199/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 April 2021

APPLICATION REF. NO: 21/00128/CU

STATUTORY DECISION DATE: 12 April 2021

WARD/PARISH: Northgate

LOCATION: Unit 1, Weir Street

DESCRIPTION: Change of Use from storage and distribution (Use Class B8) to car showroom

APPLICANT: Albert Hill Properties

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The unit is one of three attached units, last used as a gymnasium, that have recently been granted planning permission, subject to conditions, to be used for Class B8 (Storage and Distribution) purposes. This planning application has been submitted by the owner of the units and is seeking planning permission to operate a car showroom from Unit 1 which is a "sui generis" use. This is a term given to the uses of land or buildings, not falling into any of the use classes identified by the Use Classes Order.
2. The unit would be used by an operator for the sale of motor vehicles which are advertised on the internet. Customers would view or collect cars on appointment-only basis and the unit would not be open as a "walk in" showroom. There would be a small office area inside the building and the cars would be cleaned and polished inside the unit. There would be no external alterations to the unit and the planning application forms state that the use would operate as follows:

- Monday to Friday - 08:00 - 18:00
 - Saturday - 10:00 - 16:00
 - Closed on a Sunday and Bank Holiday
3. The wider area is a mix of commercial use, but residential properties known as Skerne View (to the north) and Skerne Studios (to the south) which are former warehouse buildings that have been converted, are located next door at either end of the three units. The River Skerne lies directly to the east and a derelict site of former warehouse buildings lie opposite to the west. A cobbled lane provides access to the application site as well as the neighbouring residential properties.
4. As stated above, Units 2 and 3 have also recently been granted planning permission for B8 uses (ref no 20/00884/CU and ref no: 19/00528/CU).

MAIN PLANNING ISSUES

5. A planning application (ref no 17/01168/CU) for the change of use of Unit 1 from a Gymnasium (Use Class D2) to Storage and Distribution (Use Class B8) (Retrospective application) was REFUSED in May 2018 but a subsequent application (ref no: 20/00883/CU) was GRANTED in December 2020 subject to planning conditions. The main issues to be considered here are whether the proposed use is considered acceptable in the following terms:
- a) Planning Policy
 - b) Residential Amenity
 - c) Highway Safety
 - d) Flood Risk
 - e) Impact on the Character and Appearance of the Area

PLANNING POLICIES

6. The application site is located within the development limits for the urban area and therefore the principle of the planning application would accord with saved policy E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011. The other local development plan policies which are relevant are those seeking to ensure that the development:
- Is acceptable within the Valley Street Employment Area (Policy EP2 of the Local Plan 1997; CS1, CS5 and CS10 of the Core Strategy 2011)
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Is within a sustainable location and accessible by various modes of transport, pedestrians, and disabled persons (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
 - Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater, and sewer flooding (Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer and Environmental Health Officer have no objections to the principle of the development subject to the imposition of appropriate planning conditions
8. The Environment Agency has raised no objections to the proposed development

RESULTS OF PUBLICITY AND NOTIFICATION

9. Three letters of objection have been received following the Council's publicity exercises and the comments can be summarised as follows:
 - *Concern that the use will escalate into a full and working car dismantling operation with noise, disturbance, oil spillage taking place.*
 - *Vans and lorries blocking Skerne Studios single point of access out onto the road.*
 - *Customers parking in a way that prevent emergency vehicles from accessing Skerne Studios.*
 - *This will turn a relatively clean, calm, pleasant and noise free environment into an area that will be polluted by loud noises, car fumes, cars spilling out into the road and blocking up the street.*
 - *Residents are highly unlikely to get a reprieve on a weekend either, as we will have to contend with such issues on a weekend too.*
 - *A car sales room will not improve the surrounding area.*
 - *The external wall of my property (Skerne View) is the internal wall of Unit 1 therefore the unit is immediately now next door to my home. I oppose this application due to an increase of noise levels from both within the unit and the area immediately outside. I can easily hear conversations being had within the unit and the noise from even the radio playing when the occupier is on site. I also hear the sound of cars/vehicles being started, engines running, and revved whilst the vehicles are checked over, whether it be routine maintenance etc that comes from selling vehicles!*
 - *Where will customers park? Weir Street is a narrow cobbled back lane with double yellow lines running its length down both sides.*
 - *What are the proposed opening hours?*
 - *Does the owner of the unit plan to submit change of use for unit 2 and unit 3 for the same? Would we then have a row of car showrooms between the two residential settings in Weir street.*
 - *There are plenty of used car showrooms within Darlington along with premises available nearer to these businesses.*
 - *Over the years Skerne Studios and Skerne View have tried to regenerate this area, Skerne Studios now contains six dwellings, there is a current planning application (20/00897/FUL) for further 4 apartments at Skerne Studios and there is currently work being carried out converting a home in Garden street into 2 new apartments, due to be completed in the next few weeks. The town has the future regeneration of Northgate and North Road train station for 2025, which are a stone's throw away from Weir Street. Pease's house on Northgate, a very important house in Darlington*

is to be returned to its former glory by Darlington Borough Council. All of the above helping to regenerate this once important part of our town. I strongly believe there should be no place for car showrooms or the like, that may put a halt to any future regeneration which has now restarted

10. The comments have also included concerns over impacts on the potential sale and market value of the residential properties, but this is not a material planning consideration.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

11. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
12. The site is located within the Valley Street Employment Area. Saved policy EP2 of the Local Plan states that Class B1 uses will be acceptable within this area along Class B2 and B8 uses subject to meeting certain criteria. The proposed use would not fall within these use classifications.
13. Policy CS5 of the Core Strategy 2011 seeks to safeguard existing viable employment sites for employment purposes or for mixed uses, where appropriate unless certain exceptions can be met such as the continued B8 use giving rise to unacceptable environmental issues, the continued use for employment purposes is no longer viable; an alternative mix of uses offer greater potential benefits to the community in meeting local needs for businesses and employment or the site is no longer required for the purposes of providing a balanced portfolio of land for employment purposes.
14. Although the change of use would be contrary to saved policy EP2 there are material planning considerations to which weight could be attached which would enable the local planning authority to support the proposed use, in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004.
15. Notwithstanding those issues considered in detail below, the building has previously been used for a non B1, B2, B8 use (a gymnasium). There are also other car showrooms operating within the wider Valley Street Employment Area and a further car showroom use would not therefore be out of character with other existing uses. The loss of this existing B8 use would not harm the portfolio of B8 units in the Borough for a number of reasons which include the limited time in which a B8 use has operated from the unit; the limited size of the unit and as Units 2 and 3 would still remain in B8 use.
16. The proposed car showroom is an employment type related use which would not be unusual within a designated employment area. This, together with the

considerations set out above, are material planning considerations to which significant weight can be attached in consideration of this planning application. On this basis, the principle of the proposed use is considered to be acceptable. A condition is attached limiting the use of the property to a car showroom only.

b) Residential Amenity

17. Skerne View is a former warehouse building that has been converted into residential use and it is attached to the north elevation of Unit 1. The building is currently in use as a single dwelling but there is a planning application (ref no 20/00897/FUL) currently under consideration to extend and alter the building to create four apartments.
18. Skerne Studios is a detached former warehouse building converted to a residential complex located to the south of Units 1 to 3 Weir Street.
19. Unit 1 Weir Street has been the subject of a previous enforcement investigation when it was occupied by a clothing company without the benefit of planning permission. A retrospective planning application for this clothing company (Class B8) to continue to operate from the unit was refused in 2017 as the operating hours of that particular business were considered unacceptable and the use of large articulated vehicles to bring and take away clothing raised highway safety and amenity concerns.
20. A subsequent application for a general B8 use with no specific end user was granted in 2020 with planning conditions to restrict the hours of use, ensuring that all loading and unloading took place within the building and no plant and equipment should be installed without planning permission. The same planning conditions have been placed on the planning permissions for Units 2 and 3.
21. The proposed hours of use for the car showroom would remain unchanged from those set out in planning permission reference number 20/00883/CU for the B8 use from Unit 1, which also matches the approved hours for Units 2 and 3. The showroom would operate on an appointment only basis rather than being a “walk in” showroom which should limit the number of visitors to the premises at any one time. It is considered that the proposed hours are acceptable, and the amenities of the neighbouring residential properties would not be significantly harmed by the “coming and goings” of customers or vehicles.
22. Planning conditions are recommended to secure the proposed hours of use, prevent the use of any plant and machinery without having to first apply for planning permission and to ensure all operations associated with the showroom do not take place outside of the showroom building. A further condition has been recommended which restricts the use of the unit to a car showroom. These planning conditions are considered necessary to safeguard the amenities of the neighbouring dwellings and with such measures, in place, the use would accord with policy CS16 of the Core Strategy 2011.

c) Highway Safety

23. The unit is of modest scale and perhaps able to accommodate approximately 20 cars for viewing by potential customers. As such it is not expected that there will be significant traffic generation by browsing customers, especially as the viewings will be appointment based. The proposal does not include any customer parking area, but nearby parking is available for visitors within Garden Street car park, as well as on-street parking provision on John Dobbin Road.
24. Customers would be able to visit and use conveniently located parking without having to park outside the premises where they may cause obstruction or nuisance.
25. Existing double yellow lines to prohibit parking are in place and should offer assurance that vehicle parking will not be problematic. This should be easier to enforce than previous complaints associated with HGV parking, where it is legal to park even for extended periods for the purpose of loading and unloading. There is also specific legislation to control vehicles for sale within the public highway and action can be taken should a trader leave 2 or more cars for sale on the road within 500 metres of each other, or to carry out repairs to vehicles on the road. The Council's Highways Engineer has raised no objection to the use and the proposal would accord with policy CS2 of the Core Strategy 2011.

d) Flood Risk

26. The proposed development falls within Flood Zone 2, which is land defined in the planning practice guidance as being at medium risk of flooding. The Environment Agency has advised the proposal would not result in a change of vulnerability of use in respect to flood risk although would increase the number of people in an area of flood risk through the use of the building as a car show room. The Environment Agency has raised no objections to the use and the scheme would accord with policy CS16 of the Core Strategy 2011

e) Impact on the Character and Appearance of the Area

27. There would be no external alterations to the building. There are other car showrooms within the Valley Street Employment Area and whilst there are two residential developments on either side of Units 1 to 3 Weir Street, the wider area is primarily in commercial use. The use of the unit as a car showroom would not be out of character with the surrounding area and it is not a use which would prevent any regeneration plans for the wider area, which are currently not fully known. The use would accord with Policy CS2 of the Core Strategy 2011.

THE PUBLIC SECTOR EQUALITY DUTY

28. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The unit has a pedestrian door and a large opening for vehicular access which are level and would provide disabled access to the building and the vehicle display area which would accord with the objectives of policy CS2 of the Core Strategy 2011.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

30. The proposal is for the change of use of unit, which was recently granted planning permission for a B8 use, to a car showroom. Although the proposal would be contrary to saved policy EP2 of the Local Plan 1997 which permits B1, B2 and B8 uses within the Valley Street Employment Area, there are in this instance other material planning considerations which would allow the local planning authority to support the planning application. The unit has previously been used for a non B1, B2, B8 use, there are other car showrooms within the Employment Area, the loss of this modest B8 unit would not harm the employment portfolio within the Borough and, subject to the use of appropriate planning conditions, the use would not cause significant harm to the amenities of the neighbouring residential dwellings or highway safety and there are no flood risk issues. The planning application has been considered in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004 and the recommendation is to approve, subject to planning conditions.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a. Drawing Number 20259.P001 – Existing Layout

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

3. The premises shall be used for car showroom purposes only and for no other purpose or purposes whatsoever without express planning consent of the local planning authority.

REASON – To enable the Council to maintain control over the use of the site to safeguard the character and amenities of the site and the neighbouring residential properties in the locality.

4. The use hereby permitted, including deliveries to and from the site, shall not be carried on outside the hours 0800 to 1800 Mondays to Friday; 1000 to 1600 Saturdays with no working on a Sunday or Bank Holiday

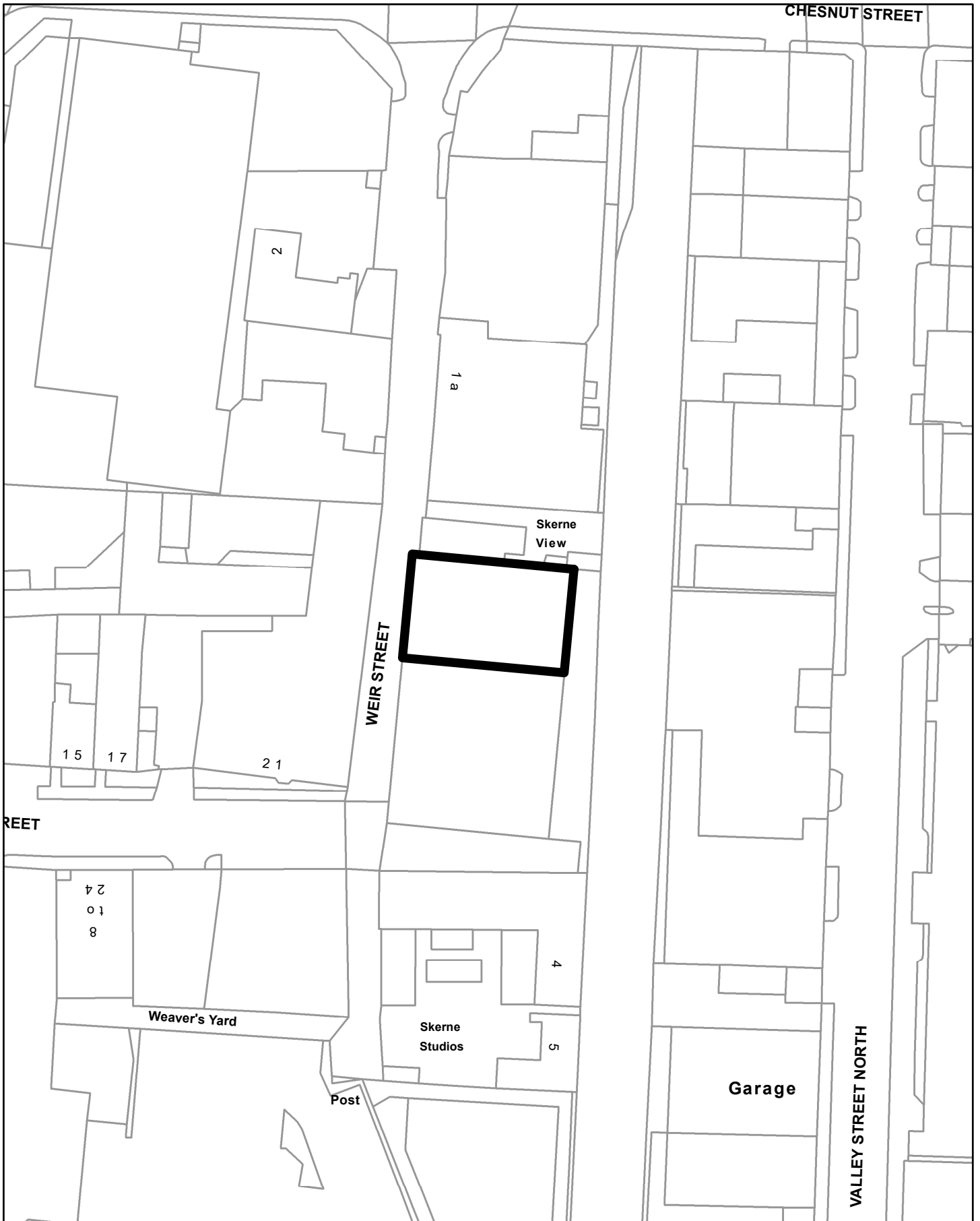
REASON - In order to safeguard the amenities of neighbouring residential properties.

5. The display or sale of vehicles and the carrying out of maintenance or any other works to any vehicle shall not take within or on the land and buildings edged blue on the submitted Site Location Plans – Drawing Numbers 20259.OS01 and 20259.OS02 Rev A.

REASON – To safeguard the amenities of neighbouring residential properties.

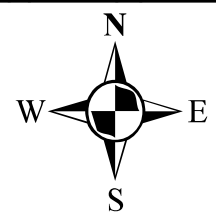
6. No plant, equipment or machinery shall be installed as part of the use hereby approved, at any time, without the prior written approval from the Local Planning Authority. Where plant, equipment or machinery is proposed, details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local Planning Authority appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the use.

REASON - In order to safeguard the amenities of neighbouring residential properties.



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PLANNING REF No: 21/00128/CU



DARLINGTON BOROUGH COUNCIL

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SCALE 1:750

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