

Planning Applications Committee Agenda



1.30 pm, Wednesday, 7 July 2021
Sports Hall, Dolphin Centre, Horsemarket,
Darlington, DL1 5RP.

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 9 June 2021 (Pages 3 - 16)
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 17 - 18)
 - (a) 169 North Road (Pages 19 - 30)
 - (b) 6 The Green, High Coniscliffe (Spotted Dog PH) (Pages 31 - 42)
 - (c) K Premier Express, 172 Yarm Road (Pages 43 - 54)
 - (d) 36 Oakdene Avenue (Pages 55 - 64)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART III

EXCLUSION OF THE PUBLIC AND PRESS

8. 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.

9. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 25 June 2021 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 65 - 76)
10. 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
11. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 29 June 2021

Town Hall
Darlington.

Membership

Councillors Allen, Clarke, Cossins, Heslop, Mrs D Jones, Laing, Lee, Lister, McCollom, Sowerby, 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

PLANNING APPLICATIONS COMMITTEE

Wednesday, 9 June 2021

PRESENT – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, Laing, Lee, McCollom, Sowerby, Tait and Tostevin.

APOLOGIES – Councillors Lister and Wallis.

ALSO IN ATTENDANCE – Councillors Curry, Durham and Renton.

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)

PA1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2021/2022

RESOLVED - That Councillor Mrs. Jones be appointed Chair of this Committee for the Municipal Year 2021/22.

PA2 APPOINTMENT OF VICE CHAIR FOR THE MUNICIPAL YEAR 2021/2022

RESOLVED - That Councillor Tostevin be appointed Vice-Chair of this Committee for the Municipal Year 2021/22.

PA3 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2021 / 2022 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C97/FEB/2021

RESOLVED – That meetings of this Committee for the Municipal Year 2021/22, be held at 1.30 p.m. on the dates, as agreed on the calendar of meetings by Cabinet at Minute C97/Feb/2021.

PA4 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA5 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 14 APRIL 2021

RESOLVED – That the Minutes of this Committee held on 14 April 2021 be approved as a correct record.

PA6 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

| | |
|----|--|
| A1 | The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development:- |
|----|--|

| | |
|----|---|
| | <p>(a) access (b) appearance (c) landscaping (d) layout (e) scale</p> <p>Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p> |
| A2 | <p>The development shall be begun two years from the final approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved.</p> <p>Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.</p> |
| 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> |
| E3 | <p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p>Reason - In the interests of the visual amenities of the area.</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> |

PA7 PLATFORM 1. DARLINGTON ROAD, MIDDLETON ST GEORGE

21/00223/OUT – Outline application with details of access, appearance, layout, and scale (landscaping reserved for future consideration) for the conversion, partial demolition, and rear extension of public house (Sui Generis) to form convenience store (Use Class E) with car parking and associated works

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), 149 letters of objection received, 138 letters of support received, the views of Middleton St. George Parish Council, the objection received from the Council's Conservation Officer, the objection received from Friends of Darlington and Stockton Railway, the objection received from the Council for the Protection of Rural England (CPRE), the objection received from the Campaign for Real Ale (CAMRA), the objection received from Save The Fighting Cocks Community Group, a further two letters of objection received by the Planning Officer subsequent to the publication of the submitted report, a further fifteen letters of support received by the Planning Officer subsequent to the publication of the submitted report, and the views of three Objectors, a representative of Middleton St. George Parish Council and the Applicant's Agent, whom the Committee heard).

RESOLVED – 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)

2165-P200 Rev E Site location plan
2165-P204 Rev G Site Layout plan
2165-P206 Rev C Proposed elevations
2165-P205 Rev D Proposed ground Floor Layout
2165-P207 Demolition Plan

4. E3 Landscaping (Implementation)
5. Prior to any works above damp-proof course, details of the external materials (to include parapet detail) to be used in the carrying out of the development, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of visual amenity.

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

accordance with the approved scheme of works.

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

7. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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

8. 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.

9. 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.

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

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

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

11. Prior to the occupation of the development hereby approved, details of the size, type, and location of the proposed interpretation panels, and details of the seating area shall be submitted to, and approved in writing by, the Local Planning Authority. These shall be in place prior to the occupation of the development hereby approved and shall be retained as such thereafter.

REASON - To recognise the significance of the site to the Stockton and Darlington Railway in line with the aims and objectives of the Heritage Action Zone.

12. Prior to the occupation of the development hereby approved, two litter bins shall be provided (one to be situated to the seating area to the rear) in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority. The litter bins shall be in place prior to the occupation of the building and shall be retained thereafter.

REASON – In the interests of residential amenity.

13. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together

with a time-bound programme of implementation, monitoring and regular review and improvement; Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

REASON - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

14. Details of any external lighting, to include a lighting impact assessment undertaken by an independent qualified assessor, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the building. Thereafter the external lighting shall be installed in complete accordance with the approved details and maintained as such thereafter.

REASON – In the interests of residential amenity.

15. Prior to the occupation of the development, precise details of secure cycle parking / storage shall be submitted and approved in writing by the Local Planning Authority. The details shall include 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 and retained as such thereafter.

REASON – To encourage more sustainable modes of transport.

16. Prior to the operation of the convenience store 2 no. electric vehicle charging points shall be provided on site in accordance with details to be submitted to and approved in writing, prior to the occupation of the development.

REASON - To make provision for sustainable means of transport

17. The opening hours of the premises shall be restricted to between 07:00 and 23:00 unless otherwise approved in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

18. Deliveries to the site shall be at the service access bay to the rear of the property and shall not take place outside of the hours of 08:00 and 18:00 Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

19. Prior to the commencement of use, full particulars and details of any external plant and equipment, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken fully in accordance with the approved details prior to the commencement of the use and shall be retained as such thereafter.

REASON - In the interests of residential amenity.

PA8 AGRICULTURAL LAND AND CREMATORIUM, WEST CEMETERY, CARMEL ROAD NORTH

21/00271/DC – Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 14 (drainage) attached to planning permission 19/01185/DC dated 9 March 2020 (refurbishment of existing crematorium including conversion of existing chapel to office space and erection of new chapel, car parking, external lighting, floral tribute area and garden of remembrance on agricultural land) to allow an increased discharge rate of 5 l/sec rather than 3.5 l/sec

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection and the views of the Applicant's Agent, whom the Committee heard).

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

1. The development hereby permitted shall be commenced not later than 9 March 2023.

REASON – To accord with the provisions of Section 73 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:
 - (a) Proposed site plan, drawing number DC19002/A/020 P1 dated 18.12.2019
 - (b) Proposed site plan – crematorium, existing car parking and passing places, drawing number DC19002/A/021 P1 dated 18.12.2019
 - (c) Proposed site plan – chapel, drawing number DC19002/A/022 P1 dated 18.10.2019
 - (d) Proposed external works – fencing, drawing number DC19002/A/035 P1 dated 16.12.2019
 - (e) Proposed external works – fencing details, drawing number DC19002/A/036 P1 dated 19.12.2019
 - (f) Contractors compound and access plan - sheet 1 of 2, drawing number DC19002/A/040 P1 dated 29.11.2019
 - (g) Contractors compound and access plan – sheet 2 of 2, drawing number DC19002/A/041 P1 dated 29.11.2019
 - (h) Proposed ground floor plan – chapel, drawing number DC19002/A/101 P1 dated 28.10.2019
 - (i) Proposed ground floor plan – crematorium, drawing number DC19002/A/120 P1 dated 03.12.2019
 - (j) Proposed roof plan – crematorium, drawing number DC19002/A/130 P1 dated 16.12.2019
 - (k) Proposed roof plan – chapel, drawing number DC19002/A/131 P1 dated

12.11.2019

- (l) Proposed elevations – crematorium, drawing number DC19002/A/220 P1 dated 10.12.19
- (m) Proposed chapel elevations, drawing number DC19002/A/221 P1 dated 28.10.2019
- (n) Proposed site sections – chapel, sheet 1 of 3, drawing number DC19002/A/320 P1 dated 19.12.2019
- (o) Proposed site sections – chapel, sheet 2 of 3, drawing number DC19002/A/321 P1 dated 19.12.2019
- (p) Proposed site sections – chapel, sheet 3 of 3, drawing number DC19002/A/322 P1 dated 19.12.2019
- (q) Landscape concept, drawing number BA9684LAN-C dated 18.12.2019 issue C
- (r) Landscape planting detail, drawing number BA9684LAN-D1 dated 18.12.2019 issue C
- (s) Outline drainage strategy – chapel, drawing number DC19002-APP-00-XX-DR-C-30001-S3 P06 dated 12.7.2019
- (t) Outline surfacing and level strategy, drawing number DC19002-APP-00-XX-DR-C-30002-S3 P05 dated 12.7.2019
- (u) External lighting and trenching layout sheet 1 of 2, drawing number DC19002/A/607 T1 dated February 2020
- (v) External lighting and trenching layout sheet 2 of 2, drawing number DC19002/E/608 T1 dated February 2020

REASON – To define the consent

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

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

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

REASON – To comply with Policy CS15.

5. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing, the Local Planning Authority. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously

diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenity of the area and to ensure compliance with Policy CS15.

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

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

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

REASON – In the interests of highway safety and residential amenity

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

REASON – In the interest of residential amenity

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

REASON – In the interest of residential and visual amenity

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

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

11. Prior to the new chapel hereby permitted first being brought into use, details of

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

REASON – In the interests of visual and residential amenity

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

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

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

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

14. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Outline Drainage Strategy – Chapel' dated 2019-12-05. The drainage scheme shall ensure that foul and surface water flows discharge to the public sewerage network via the existing private on site drainage. The additional surface water generated from the new development element of the proposal shall not exceed 5l/sec

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

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

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

While the decision to discharge conditions laid out in the paragraph above is a technical one, residents who have been consulted to date shall have sight of the papers which inform any decision to discharge. Any meetings of professionals to consider the discharge shall have access to comments by residents on the success or otherwise of the flooding mitigation measures.

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

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

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

17. Prior to the chapel hereby approved being constructed above damp proof course level, details of a wall to be constructed along the southern boundary of the application site and associated landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the wall and landscaping scheme shall be implemented in full in accordance with the approved details prior to the chapel first being brought into use.

REASON – In the interests of visual and residential amenity

PA9 DENE HEAD FARM, COATHAM LANE, COATHAM MUNDEVILLE

21/00115/FUL - Removal of hedgerow and erection of approx. 1.6m high boundary fencing with access gates, construction of hardstanding for horse arena viewing area and erection of approx. 3m high privacy fencing to side/rear (Retrospective Application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Public Rights of Way Officer, the views of the Council's Ecology adviser, and four letters of objection received).

RESOLVED – That Planning Permission be granted subject to the following

conditions:

1. Notwithstanding any details of the proposed compensatory hedgerow shown on drawing 1 of 3, Rev. A 'Proposed Plans', 2 no. standards trees shall be planted within the hedgerow of a species and in a location that shall first be agreed in writing with the Local Planning Authority.

REASON – In the interest of biodiversity and to comply with Core Strategy Policy CS15.

2. The compensatory hedgerow and wildflower meadow as shown on drawing 1 of 3 Rev A, including the planting of 2 no. standard trees as referred to in condition 1 of this permission, shall be fully implemented within 2 years from the date of this permission. Any trees, hedgerow plants or wildflower meadow planting removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme shall be maintained for the lifetime of the development hereby permitted.

REASON - To ensure that the compensatory works as approved by this permission are carried out in a timely manner in the interests of ecology and biodiversity.

3. PL

- Site Location Plan
- 1 of 3 Rev A – Proposed Plans
- 3 of 3 Rev A – Proposed Fencing Plans and Elevations

PA10 169 NORTH ROAD

21/00247/FUL - Change of use from Estate Agents (Use Class E) to Hot Food Takeaway (Sui Generis) with the installation of extraction flue to rear elevation and associated internal works (Amended Plans showing removal of shop front alterations submitted 23rd March 2021)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objections of the Council's Environmental Health Department, the views of the Police Architectural Liaison Officer, thirteen letters of objection received, fifteen letters of support received, and representations from the Applicant, two Supporters and the Ward Councillor, whom the Committee heard).

RESOLVED – That the application be deferred to a future meeting of this Committee.

PA11 199 GENEVA ROAD, DARLINGTON

21/00319/FUL - Change of use of land from open space to enclosed garden and car parking area including erection of 1.8m boundary fence.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), eight letters of objection, and a representation from the Applicant, whom the Committee heard).

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 materials 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 plan, as detailed below:-

Drawing Number - 21-001/ 02/ A - Existing And Proposed Site Plan & Details

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

PA12 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that, Inspectors, appointed by the Secretary of State for the Environment, had :-

Dismissed the appeal by Mr Yousif Ameen-Ali against this Authority's decision to refuse permission for roof repairs and facade remediation including blocking up existing openings at low level, installation of secure roller shutter doors and removal of damaged roof structure, at Clayton's Yard, Darlington, DL1 1SH (20/00298/FUL)

Dismissed the appeal by Mr Mark Stratford against this Authority's decision to refuse permission for Horse chestnut - pruning to part of the west facing crown; pruning to lower branches as indicated on attached information at 1 Cedar Grove, Middleton St George, Darlington, DL2 1GA (20/00578/TF)

RESOLVED – That the report be received.

PA13 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.

PA14 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28 MAY 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA96/Apr/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28 May 2021.

RESOLVED - That the report be noted.

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 7 July 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 |
|--|-------------------------|
| 169 North Road | 21/00247/FUL |
| 6 The Green, High Coniscliffe (Spotted Dog PH) | 21/00537/FUL |
| K Premier Express, 172 Yarm Road | 21/00122/FUL |
| 36 Oakdene Avenue | 21/00178/FUL |

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th July 2021

| | |
|---------------------------------|--|
| APPLICATION REF. NO: | 21/00247/FUL |
| STATUTORY DECISION DATE: | 5 th May 2021 |
| WARD/PARISH: | NORTH ROAD |
| LOCATION: | 169 North Road |
| DESCRIPTION: | Change of use from Estate Agents (Use Class E) to Hot Food Takeaway (Sui Generis) with the installation of extraction flue to rear elevation and associated internal works (Amended Plans showing removal of shop front alterations submitted 23rd March 2021) |
| APPLICANT: | Mr Mohamed Irshad Mohamed Shafee |

RECOMMENDATION: REFUSE PLANNING PERMISSION (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?keyVal=QPR2LUFPH3S00&activeTab=summary>

APPLICATION AND SITE DESCRIPTION

1. This application was deferred from the last Planning Committee meeting to allow for reconsultation with Environmental Health on amended plans showing a repositioned flue. Apart from the additional comments provided by Environmental Health at paragraph 11 this report remains unchanged.
2. This application site relates to a two storey mid terraced property on the west side of North Road where the ground floor is currently in use as an estate agent with a first Floor Flat, 169A North Road located above. Lansdowne Street is located to the north of the site with Eldon Street located to the south. There is an alleyway to the rear of the application site separating the site from dwellings located within Mellor

Court to the rear. There is a convenience shop with a residential flat above located on the corner of North Road and Lansdowne Street which adjoins the application premises to the north. No. 165 North Road, a residential property, adjoins the application property to the south and there are further residential properties located along this street to the south. The area is predominantly residential in character with commercial uses interspersed within the locality.

3. Planning permission is sought for the change of use of the ground floor of the property to a takeaway (sui generis) with the installation of an extraction flue to the rear elevation and associated internal works.
4. The proposed opening hours for the takeaway are Monday to Saturday 11:00am – 9:00pm, Closed Sundays and Bank Holidays 11:00am – 7:00pm. The applicant has advised the opening hours are not final and there is willingness to alter times to suit the Local Planning Authority.
5. The type of food planned to be served by the takeaway consists of unprocessed grilled food which will be freshly made, it is explained as being a healthier alternative to the usual types of takeaway e.g. Pizza/Chinese/Kebabs.

MAIN PLANNING ISSUES

6. Site History:

15/00665/CU - Change of use from Launderette (Sui Generis) to Estate Agency (A2) Financial and professional services, demolition of outbuildings to rear and creation of 5 No. parking spaces and insertion of entrance door to give access to first floor flat. GWC. 13.08.2015.

7. The main planning issues to be considered are:

- a) Visual Amenity
- b) Residential Amenity
- c) Highway Safety
- d) Other Matters

PLANNING POLICIES

8. The relevant Local Plan policies include those seeking to ensure the proposed development:
 - a) Has no material adverse effect on the character and appearance of the building, or the streetscene in which the building is located (E38)
 - b) Will accord with Darlington's sub- regional role and locational Strategy set out within Policy CS1 of Darlington's Core Strategy (2011)

- c) Makes efficient use of land and existing buildings and reflect Darlington's distinctive, natural, and built characteristics that contribute to the character of the local area and its sense of place (CS2 of the Core Strategy).
- d) Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy).
- e) Protects and where possible improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity and health and safety of the local community (CS16 of the Core Strategy)

RESULTS OF TECHNICAL CONSULTATION

- 9. The Council's Highway Engineer raises no objection in principle.
- 10. The Council's Environmental Health Department recommends that planning permission be refused based on the noise levels of the proposed extraction equipment and its impact on the amenity of neighbouring properties.
- 11. The applicant has submitted amended plans to show the flue as being at a further distance from the nearest residential dwelling, No. 165 North Road. The Environmental Health Officer has commented on this and has stated that the flue still has the potential to have an impact on residential amenity from noise and vibration as the nearest noise sensitive receptor is in such close proximity to the development when considering the noise impacts on both inside properties and outside spaces such as gardens and courtyards.
- 12. The Police Architectural Liaison Officer has requested that opening hours are capped at 23:00 for closure. If the applicant is wanting to open beyond 23:00 hours they would need to submit a licence application.

RESULTS OF PUBLICITY AND NOTIFICATION

- 13. The application has been publicised by way of site notice and neighbour letters.
- 14. **13 letters of objection** have been received with the following concerns (summarised):
 - *Parking – blocking access to front and rear of properties, impact on volume of parking nearby, not using parking to rear and parking on front, parking on pavements*
 - *Road Safety concerns*
 - *Volume of fast food outlets/hot food takeaways in area impacting people's health and contributing to obesity issues*
 - *Litter/ vermin increase*
 - *Concerns over increased comings and goings causing disturbance and anti-social behaviour, vandalism*
 - *Noise impacting neighbouring amenity*

- *Odour impacting neighbouring amenity*
- *Previous application 204a North Road rejected*

15.15 Letters of support have been received which are summarised below:

- *Creates good opportunities for businesses*
- *Provides more job opportunities*
- *Small businesses are essential to small communities' economy*
- *There are more healthy choices at fast food restaurant*
- *Affordable way to enjoy new food*
- *Support local independent businesses*
- *No harm to local residents*
- *Support new food businesses nearby*
- *Will fill empty shops*
- *Will help people to eat healthy and maintain healthy lifestyle*
- *Will bring benefits to local community*

PLANNING ISSUES/ANALYSIS

(a) Visual Amenity

16. There are no external alterations to the premises other than the erection of an extraction flue to the rear of the property adjacent to No. 165. North Road and to the rear of the first floor flat, 169A North Road, above the proposed takeaway. The proposed flue is a 500mm diameter stainless steel duct that will protrude through the roof of a single storey addition to the rear of the property, terminating approximately 0.4 metres beneath the main ridge line of the property. The flue will be visible to the rear of the site, although will not be visible from North Road to the front of the property. This is considered to be acceptable in respect of its overall visual impact on the appearance of the site and locality. Overall based on the information provided, the proposal would have an acceptable impact on the visual amenities of the locality and does not conflict with Policy CS2 and E38 in this regard.

(b) Residential Amenity

17. Policy CS16 of the Core Strategy states that new development (which includes proposals to change the usage of a building) should ensure that there is no detrimental impact on the environment, general amenity and the health and safety of the community.
18. The existing ground floor use is an Estate agent (Use Class E) which is commercial in nature was mainly in operation during daylight hours and one that has operated alongside residential properties without causing any known amenity issues.
19. The proposed use typically will do a lot of its trade during less social hours, the suggested proposed hours for the business have been set out as 11:00 am – 21:00pm Monday – Saturday. These would be the opening hours and do not include

preparation and clearing up which tends to take place before the business opens and after closing time, which in themselves could cause some noise and disturbance.

20. The property is attached to No.165 North Road and 173A North Road either side with the flat 196A North Road above, with residential properties located beyond the highway to the front. Residential properties are also located nearby, to the rear within Mellor Court, Lansdowne Street and Eldon Street. The main issues associated with hot food takeaways and their impact on local residents relate to noise, fumes, and anti-social behaviour. The Environmental Health Officer has raised objections to the proposed extraction fan for use with the extraction equipment and flue which is necessary to reduce noise and odour emissions to acceptable levels, provided it is maintained in an appropriate manner. Due to the proximity of the extraction equipment and flue to nearby sensitive receptors, those adjoining properties and the flat above, it is considered that the proposed extraction system will have a detrimental impact on the amenities of these properties in terms of noise, nuisance and disturbance.
21. Information provided with the application has shown that a 45 Maxfan Compac will be used with the extraction equipment and the noise levels would be 56dB(A) at 1.5 metres. The use of a CDA silencer with this product will reduce the noise by 10-13dB(A) however this does not take into account noise from vibration. The extraction and flue equipment proposed is located to the rear of the application property. The rear gardens of neighbouring properties including No.165 North Road as well as the flat above the premises are located in close proximity to the proposed equipment and it is considered that it will create noise and odour impacts on the adjacent residents, including during the summer months when using the gardens and windows are open, which would be unacceptable.
22. It is further considered that the general comings and goings cannot suitably be controlled and would likely cause disturbance at otherwise quieter times. Whilst it is acknowledged that North Road is a busy road, the concerns regarding direct impact of the proposal on more closely related properties still applies.
23. It is further acknowledged that there is a convenience store adjoining the application site to north that opens later into the evening, however it is considered that a takeaway use would have additional sound and odour impacts from the extraction equipment affecting adjoining residential dwellings as well as attracting comings and goings from vehicles to the front and rear.
24. Whilst the proposal does not intend facilities for consumption of food on the premises, some customers may congregate outside the shop which could also cause some annoyance and disturbance to residents. Such facilities tend to generate a high level of car-borne trade with customers aiming to park as closely as possible to the outlet, often regardless of any parking restrictions and may be prepared to park inconsiderately.
25. Delivery drivers may also park outside the store, sometimes with engines running whilst waiting for deliveries to be loaded onto their vehicles. Takeaway businesses

typically operate with a high turnover of short duration parking rather than requiring a significant amount of total parking at any one time. Customers may arrive for collecting orders and be parked for 5 - 10 minutes, however, this may attract several trips per hour. As such the parking and vehicle movements within the opening hours are a residential amenity consideration particularly during evenings. It is expected that there will also be periods before and after opening hours where there will clearly be activity, and this will be apparent for the most closely related properties.

Furthermore, it is acknowledged that there is the intention to have a click and collect system for some customers to arrange to pick up orders from the rear parking area, whilst this may help to provide some control of the comings and goings, customers will still be free to access the front of the shop throughout the full opening hours with the potential to disturb neighbouring properties at less social times.

26. Whilst the most closely related properties are on and adjacent to a busy road, residents enjoy a reasonable level of amenity at present in the evening hours when traffic movements decrease, and the impacts described above will have a materially negative impact on this. There have been instances where the council have approved takeaway uses adjoining residential properties with a closing time of 21:00, however this application has been assessed on its own merits, taking into account the amenity currently enjoyed by closely related residential properties and the degree to which the proposed change of use will adversely impact the living environment of residents.
27. No objections have been raised by Highways, however objections have been raised by Environmental Health regarding impacts on neighbouring amenity therefore it is considered that such a business in such close proximity to residential dwellings would lead to a materially adverse impact on the living environment of neighbouring residents which could not be wholly overcome by planning conditions and so would conflict with the aims of the Core Strategy Policy CS16.

(d) Highway Safety

28. The premises have most recently operated as an estate agent business with typical daytime opening hours advertised from 9:30am until 5:30pm. The proposed opening hours are from 11:00am until 09:00pm Monday- Saturday.
29. The supporting information refers to 4 in curtilage parking spaces being provided to the rear of the premises. Given that the parking area is located to the rear of the site, it is expected that this is more useful for staff parking as it is not conveniently located for customers, or obvious that off street parking is available.
30. Takeaway businesses typically operate with a high turnover of short duration parking rather than requiring a significant amount of total parking at any one time. Customers may arrive for collecting orders for 5 - 10 mins, however this may attract several trips per hour. The proposal does not clearly demonstrate a severe highways impact over the existing use or other comparable nearby businesses which would generate similar levels of trips and parking demand. Other nearby businesses operate within a typical 9-5 working day such as the signs shop and

barbers. This will generally free up on street parking where customer demand is reduced from 5pm onwards.

31. Many customers are likely to be pass by trips whereby vehicles are already travelling on North Road or to be visiting on foot from the nearby residential area. Most takeaways also offer delivery service further reducing vehicle movements and parking demands over customer collection only. Whilst it is accepted that north road carries high volumes of traffic during the daytime, this volume is vastly reduced in the evening (7pm onwards) to around 500 vehicles per hour from am/pm peaks of 1800 vehicles. A review of police accident records confirms there is no particular pattern of accident history or road safety concern at this location, with recorded incidents being consistent with the urban A167 North Road corridor.
32. The building benefits from having a frontage on North Road with unrestricted parking and is located close to Lansdowne Street which also has uncontrolled parking. The Eldon Street junction has parking restrictions to protect the nearby controlled crossing points and maintain junction visibility. Additional double yellow lines could be placed around the Lansdowne Street junction to address any future parking issues and protect visibility should the need arise. Further parking is available within a dedicated bay on the opposite side of North Road.
33. Whilst residents who are reliant upon on-street parking would mostly prefer to park vehicles outside of their homes for reasons of surveillance and convenience, this is not a right and all parking within the highway is on a first come first served basis. Further parking is available directly opposite and within a dedicated parking bay. As such the highways Engineer is satisfied that enough parking is available within the highway within a reasonable distance of the premises and raises no objections on highways grounds, subject to a planning condition to require submission and agreement of details of waste storage provision within the site. Accordingly, the proposal is not considered to conflict with Policy CS2 in this regard.

(e) Other Matters

34. Several objections raise issues in respect of a potential increase in anti-social behaviour. Whilst this is noted, there is no evidence to suggest that the proposed use will lead directly to an increase in anti-social behaviour, and this can be adequately dealt with by other powers and through the management of the premises.
35. Other objections raise the issue of increase in litter and vermin. This is noted, however there is no evidence to suggest that this would be the case and therefore this determination cannot account for the behaviour of individuals, and again this can be dealt with by other powers and through the management of the premises.
36. It is acknowledged there is support for local businesses, however in assessing the proposals it is considered that the adverse impacts on neighbouring amenity outweigh the economic and public benefits of the proposed hot food takeaway in this instance.

37. Several objections have included concerns over the number of takeaways in the area. Concern is also expressed regarding the sale of 'unhealthy food' from the premises. There is currently no development plan policy which seeks to limit the number or location of takeaways within the Borough, rather each application is considered on its merits having regard to its impact on residential and visual amenity and highway safety, and any other material planning considerations . Obesity in an area has however been found to be a material consideration when deciding on applications for fast food outlets.
38. The Council's Public Health department has been consulted on the application in relation to child obesity levels within the North Road Ward. The most recent figures from 2018 show that obesity levels in primary school children in Reception and Year 6, although not statistically different to national figures for England as a whole, is not the worst in the Borough. North Road is in the 2nd Highest quintile for obesity levels for children in Year 6 and is in the middle quintile for obesity levels amongst children in Reception year. The wards with the highest rates of obesity in school children in reception and Year 6 are Bank Top & Lascelles, Eastbourne, and Stephenson.
39. Notwithstanding these figures, in the absence of any development plan policy relating to hot food takeaways within the Borough and their impact on the health and wellbeing of an area, particularly in areas of high obesity, limited weight can be attached to this as a material consideration in the determination of this application.

PUBLIC SECTOR EQUALITY DUTY

40. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The impact of the proposed use on childhood obesity levels has been assessed in paragraphs 34 – 36 above.

CONCLUSION AND RECOMMENDATION

41. The proposed use would have a materially adverse impact on the living environment of neighbouring residents which could not be overcome by planning conditions and so would conflict with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy 2011 and the National Planning Policy Framework 2019. There are not considered to be any other material planning consideration that would outweigh the concerns raised and therefore, it is considered that planning permission should be refused. In taking this decision the Local Planning Authority has had regard to the benefits of the continued use of the building.
42. Accordingly, it is recommended **THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:**

1. The proposed use would have a materially adverse impact on the living environment of neighbouring residents as a result of the proposed flue and extraction equipment and the noise levels produced and from the comings and goings of customers later into the evening which could not be overcome by planning conditions. The proposal would therefore conflict with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy (2011) and the National Planning Policy Framework (2019).

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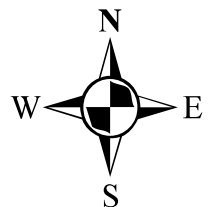


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PLANNING REF No: 21/00247/FUL

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7TH July 2021

| | |
|---------------------------------|--|
| APPLICATION REF. NO: | 21/00537/FUL |
| STATUTORY DECISION DATE: | 20 July 2021 |
| WARD/PARISH: | Heighington And Coniscliffe |
| LOCATION: | 6 The Green, HIGH CONISCLIFFE |
| DESCRIPTION: | Erection of 1.8m high timber fence to front entrance and 1.8m high timber fence with gates to rear of play area and driveway (Retrospective Application) |
| APPLICANT: | Mr Sowerby |

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 application site comprises the Spotted Dog Public House which is located in High Coniscliffe alongside the A67 (The Green). There is a car park with a play area located to the side and rear of the main public house building which is accessed via Mill Lane to the east and from the A67 (The Green) to the south. The site is within the High Coniscliffe Conservation Area and Mill Lane is a bridleway (No 1 in the Parish of High Coniscliffe).
2. The Public House and its car park are bound to the north by open fields; to the east by dwellings on Mill Lane and a tennis club and courts beyond; to the south by a dwelling (No 49 The Green) on the opposite side of the A67 and to the west by dwellings on The Green and St Edwin's Close.
3. This is a retrospective planning application for the erection of a 1.8m high close boarded timber fence across the existing vehicular access to the side of the

public house off the A67 and a further 1.8m high close boarded fence behind with gates to the rear of the existing play area.

4. It is mentioned within the Heritage Statement submitted in support of the planning application that due to the current COVID situation the pub has been closed for lengthy periods of time with the applicant not living in the pub for the majority of this time. The applicant became concerned the car park was being used on a daily basis as a car park for dog walkers who use the fields to the rear of the pub. This included people regularly entering the front driveway and walking to the rear again to access the fields. There have been large amounts of dog mess left on the grassed and children's area and reports of people loitering in the grounds of the pub which became a security issue for the applicant. The Statement also advises that there had also been problems with cars driving at speed past the amenity space of the pub to access the rear car park.
5. A separate retrospective planning application (ref no 21/00538/FUL) has been submitted for the replacement of timber sash windows with white UPVC windows to the front elevation of the public house and removal of 3 no. windows and installation of bi fold doors to side elevation of the public house. This application is currently under consideration by the local planning authority.

MAIN PLANNING ISSUES

6. The main issues to be considered here are the impact of the works on:
 - a) The visual appearance and character of the street scene and High Coniscliffe Conservation Area:
 - b) Highway and Pedestrian Safety
 - c) Public Rights of Way
 - d) Residential Amenity
 - e) Other Matters

PLANNING POLICIES

7. The relevant local development planning policies are those which seek to ensure the development
 - Reflects or enhances the built characteristics that positively contribute to the character of the local area and its sense of place (CS2 of the Core Strategy 2011)
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
 - Protects buildings, their settings, and features of historic local importance in conservation areas (CS14 of the Core Strategy 2011)
 - Provides safe, attractive, convenient access for pedestrians, cyclists, public transport users and for disabled persons (CS2 of the Core Strategy 2011)
8. The National Planning Policy Framework 2019 is also relevant.

RESULTS OF TECHNICAL CONSULTATION

9. The Council's Highways Engineer has raised no objections to the fencing and has recommended the imposition of a planning condition to remove the existing drop crossing onto A67 and replace it with a footway.
10. The Council's Conservation Officer has no objections to the principle of a new boundary treatment in these locations, but he considers that the fencing has a negative impact upon the appearance of the Conservation Area
11. The Council's Rights of Way Officer has raised no objections

RESULTS OF PUBLICITY AND NOTIFICATION

12. Four letters of objection have been received following the Council's notification and publicity exercises for the planning application. The comments are as follows:

- *The fences stop people walking through the carpark to avoid the busy main road on a very narrow footpath and corner. It could only be a matter of time before there is a serious accident on this bend*
- *The path through the carpark has been used for years as a safe footpath for people, walkers, dog walkers to walk through for many years*
- *This fence is an eye sore and it is not within keeping in a conservation area.*
- *If this fence is allowed to remain will not be in the community's interest this will cause a greater amount of traffic using Mill Lane.*
- *Fencing puts all vehicle access to Mill Lane entrance, which is pedestrian access for two council bungalows and tennis courts with no footpath*

13. High Coniscliffe Parish Council have objected to the planning application on the following grounds:

- *The fence is unsightly and not in keeping with the conservation area.*
- *The fences block an established public thoroughfare which has been used for years forcing pedestrians to use a dangerously narrow section of footpath.*
- *Concerns of the impact this blocked entrance will have on Mill Lane with the increase in vehicle and foot traffic particularly late at night. Nos 1-3 The Green bungalows have elderly residents who would be disturbed.*
- *Concerns over emergency vehicle access if Mill Lane was blocked*

14. Councillor Crudass, the Ward Councillor for Heighington and Coniscliffe has objected to the planning application on the following grounds:

- *Fence is entirely out of character for a conservation area and should be removed.*
- *Changing the colour does not provide a solution. Safe egress for vehicles from the property intending to travel east has been compromised and a more*

dangerous option is the only choice. The egress should be reinstated when the pub reopens. Fence has a security function for a mobile accommodation unit which is inside the secured area. Does this have approval? 40+yrs of free access closed and extra traffic for Mill Lane.

PLANNING ISSUES/ANALYSIS

15. 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).

a) The visual appearance and character of the street scene and High Coniscliffe Conservation Area

16. The Spotted Dog Public House is not a listed building, but it is located within the High Coniscliffe Conservation Area. The building is in a prominent location within the Conservation Area, especially when approaching the village from east along the A67. While there have been some changes to the building and its setting, the building has retained its character.

17. The close boarded fence which is positioned across the access off the A67 runs in line with the frontage of the Public House and it highly visible within the street scene and the Conservation Area when approaching from the east and the west along the A67. The second fence and gate which is located to the rear of the existing play area is less visible when viewed from outside of the application site.

18. The Council’s Conservation Officer has not objected to the principle of the access being enclosed but considers the most prominently located fence to the front of the property to have a negative impact to the street scene which does not reflect the character of the area. The erection of the fence to the rear boundaries is set back and is visible to a lesser degree, but also represents a feature which does not reflect the character of the area. The Conservation Officer has advised that any means of enclosure should be of a form which causes less visual harm such as the use of hedges and natural screening.

19. One of the reasons as to why the fencing is currently visually prominent within the street scene is that the timber has yet to be treated or painted. Due to the position of the fence adjacent to the A67, it would not be possible to screen it with landscaping, but if the planning permission is granted, it is the intention of the applicant to paint the fencing the same dark brown colour as the existing low fencing that is erected around the play area and it would be possible to impose a planning condition for an agreed timescale for such works. This is a material planning consideration that would carry weight in the determination of the planning application.

20. The identified harm to the Conservation Area would be less than substantial, albeit it at the lower level of the scale of harm, and in such circumstances the harm should be weighed against the public benefits of the proposal (Para 196 of

the National Planning Policy Framework 2019). As is set out in the next section of this report (para 22 – 31), the works have resulted in the loss of a substandard access onto the A67 and secure the reinstatement of a footway where the vehicular crossing is currently located and these highway improvements are considered to represent a public benefit which is considered to outweigh the level of visual harm to the Conservation Area, even though its visual impact will be further reduced once it has been painted.

21. Having considered that comments made by the Conservation Officer and interested parties, officers are of the view that the planning application can be supported in accordance with the requirements of the National Planning Policy Framework 2019.

b) Highway and Pedestrian Safety

22. The erection of the fence effectively removes the use of one point of access off the A67 which whilst providing both vehicular and pedestrian access for some period of time, does not form part of the public highway or have a designation as a public right of way.
23. Pedestrian access is still available via the front entrance of the Public House building along the A67 for persons arriving on foot, and whilst the footway to the front does have a localised narrowing over a length of approximately 12m, it is generally consistent with other footways throughout High Coniscliffe. Persons wishing to access Mill Lane may have walked through the car park as a matter of convenience, when heading east, but a lawful means of access to the properties to the rear is available via the adopted highway. A convenient means of pedestrian access is retained for persons using the pub car park, via the rear entrance door (policy CS2 of the Core Strategy)
24. Engineering analysis of the two access points demonstrates that the access, which is now been closed, has visibility splays of 2.4m x 15.5m & 26m looking west and east respectively. Whilst it is likely that increased visibility is available for the west splay, this is over 3rd party and not secured within the highway, as such any overgrowth of hedges etc would not be under the control of the Highways Authority and visibility cannot be considered to be 'secured'. It is worth noting that the advised visibility for a priority junction adjoining a classified road with a 30mph speed limit (such as the A67) is 2.4x70m in each direction with a minimum standard of 2.4x43m being considered an absolute minimum. It is therefore demonstrated that the access off the A67 does not meet any recommended standard regarding visibility and that it is only permitted on an historic basis. The visibility of the adjacent footway is obstructed by the main building for vehicles exiting the site.
25. The second issue with the access is that it is not sufficiently wide enough to enable a two way passage of vehicles. Any vehicles exiting the site would be in conflict with vehicles wishing to enter from the adjoining A67, requiring sudden stopping or risk of reversing onto the highway at a dangerous location. It is also an environment which has mixed vehicle and pedestrian movements, without a designated footway, again this may be considered dangerous where people

stepping out of the side door of a pub may not expect to encounter moving vehicles.

26. In comparison, the existing Mill Lane access has visibility splays of 2.4m x 53m & 70m+ looking east and west respectively. It therefore exceeds the minimum requirement of 2.4m x 43m and exceeds the DMRB standard of 70m looking east. This access point has demonstrably better visibility than the access off the A67. The Mill Lane junction is adopted highway with a 5.5m carriageway which is sufficiently wide to accommodate two way traffic, and there is no inherent conflict with incoming and outgoing vehicle movements. It also has a footway to enable safe pedestrian movements.
27. The A67 access may have been acceptable for 'left in' movements but in practical terms this would be difficult to enforce or regulate and it also does not address any concerns regarding pedestrian safety.
28. If this planning application is approved and the A67 access is no longer to be used, the now redundant vehicle crossing should be kerbed through with full height kerbs and the crossing point reinstated as footway to tie into existing infrastructure. A planning condition can be imposed to ensure that this work is carried out within an agreed timeframe.
29. Whilst the works may result in an increase in traffic on Mill Lane, this is difficult to evidence without a breakdown of traffic counts using each access point and without this data it is not possible to determine the previous split of vehicles movements between the two points. However, it is worth noting that the proposal does not generate any 'new' or additional traffic, it may merely create some very localised redistribution.
30. A 5.5m carriageway is sufficient to serve a maximum of 300 residential dwellings, under current design guide standards and the Council's Highways Engineer has advised that it would therefore be difficult to suggest that this is an over intensification of use of the access and Mill Lane given the limited number of dwellings it serves (currently 8) with additional movements associated with the pub and tennis courts, all of which are existing facilities.
31. The Council's Highways Engineer supports the application in the interests of highway safety as it is an opportunity to remove an unsafe access from an 'A' classification road (A67). The planning application would accord with policy CS2 of the Core Strategy 2011 in terms of both highway safety and that pedestrian and disabled access into the site and the building remains in place and this would constitute a public benefit derived from the scheme as well as being a material planning consideration in the determination of the planning application.

c) The Public Rights of Way

32. There is a Public Right of Way (High Coniscliffe Bridleway No.1) running down Mill Lane to the east of the application site and Mill Lane provides access to the car park at the rear. The only official means of accessing this bridleway from High Coniscliffe Village is via the adopted highway (any previous access across

the Spotted Dog Car Park would be at the landowner discretion). The fence is not obstructing any legal public right of way and access to the bridleway is still maintained by the roadside footway for pedestrians, or on the road for horse-riders and cyclists.

33. Many of the objections relate to the works preventing people from using the access and car park as an access into Mill Lane and the bridleway. There is no public footpath or bridleway running through the site which is private land and any claims pursued by interested parties over the right to use the land as an access would fall outside the remit of planning and is not a material planning consideration when determining this application.
34. The Council's Rights of Way Officer has raised no objections to the planning application, but has requested that a dropped crossing point be added to the roadside footway on Mill Lane either side of the car park entrance to allow safe use of the bridleway. This is an existing access which already provides safe access to the rear of the site and the bridleway beyond. The closing of the access off the A67 is not likely to result in a significant increase in the use of the bridleway to warrant such improvement works being carried out. The proposed improvement works would not meet the tests of being necessary or reasonable to the proposed development.

e) Residential Amenity

35. The fencing would not have an adverse impact upon the amenities of the neighbouring dwelling in terms of outlook. The continued and increased use of the Mill Lane access by vehicles and patrons of the public house would not significantly harm the amenities of the residential dwellings which are located adjacent to this existing access point. The development would accord with policy CS2 of the Core Strategy 2011.

f) Other Matters

36. Members should be aware that if the fence that is located in close proximity to the highway (A67) was repositioned so that it was a minimum of 1.5m from the edge of the adopted highway, none of the fencing that has been erected would require planning permission. In such circumstances, the local planning authority would not be able to secure the painting of the fence and a timescale for doing so as a planning application would not be necessary.

THE PUBLIC SECTOR EQUALITY DUTY

37. 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. Access into the public house and its car park would still be possible via the access off Mill Lane and a planning condition has been recommended which requests the reinstatement of a footway where the current dropped access is located which will improve the footway infrastructure for wheelchair users and people who are visually impaired. This would be a public benefit to be derived

from the works. The proposal would comply with policy CS2 of the Core Strategy 2011.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

38. 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

39. This is a retrospective planning application for the erection of fencing at the Spotted Dog Public House which has resulted in an existing single vehicular access off the A67 to the car park at the rear of the public house being blocked off. to both vehicles and pedestrians. The vehicular access off Mill Lane would remain and become the only access to the rear of the Public House. The site is within the High Coniscliffe Conservation Area and interested parties and the Council's Conservation Officer consider that the fencing does not reflect the character of the area and would harm the significance of the Conservation Area.
40. The Council's Highways Engineer supports the planning application in highway safety terms as the works would remove an unsafe and unsuitable vehicular access. The Council's Rights of Way Officer has advised that the continued use of the Mill Lane access would not have an adverse impact upon the Lane continuing as a public bridleway and the proposal does not raise any general residential amenity issues.
41. There is an existing footway which runs along the frontage of the public house on the A67 which can continue to be used to reach Mill Lane and the wider area from The Green and the building can still be accessed by patrons and customers via the existing front and rear entrances, this remains unchanged.
42. Officers consider that the painting of the fence will reduce the visual impact of the fencing and furthermore the removal of an unsatisfactory access and the improvements made to the footway adjacent to the A67 which would be secured by a planning condition is a public benefit which outweighs the identified harm to the High Coniscliffe Conservation Area. The proposal would accord with the National Planning Policy Framework 2019 and the appropriate local development plan policies to allow officers to recommended approval for the development subject to the planning conditions listed below.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a) Drawing Number 02 Site Plan

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

2. The fencing shall be painted in a colour scheme to match the existing means of enclosure at the application site within one month of planning permission being granted. The fencing shall remain painted in the agreed colour scheme whilst remaining in situ.

REASON - In the interests of the visual appearance of the site and the High Coniscliffe Conservation Area.

3. The existing vehicle access (dropped crossing) off the A67 shall be removed and reinstated as footway with replacement kerbs to suit the adjacent highway. The works shall be completed within six months of planning permission being granted.

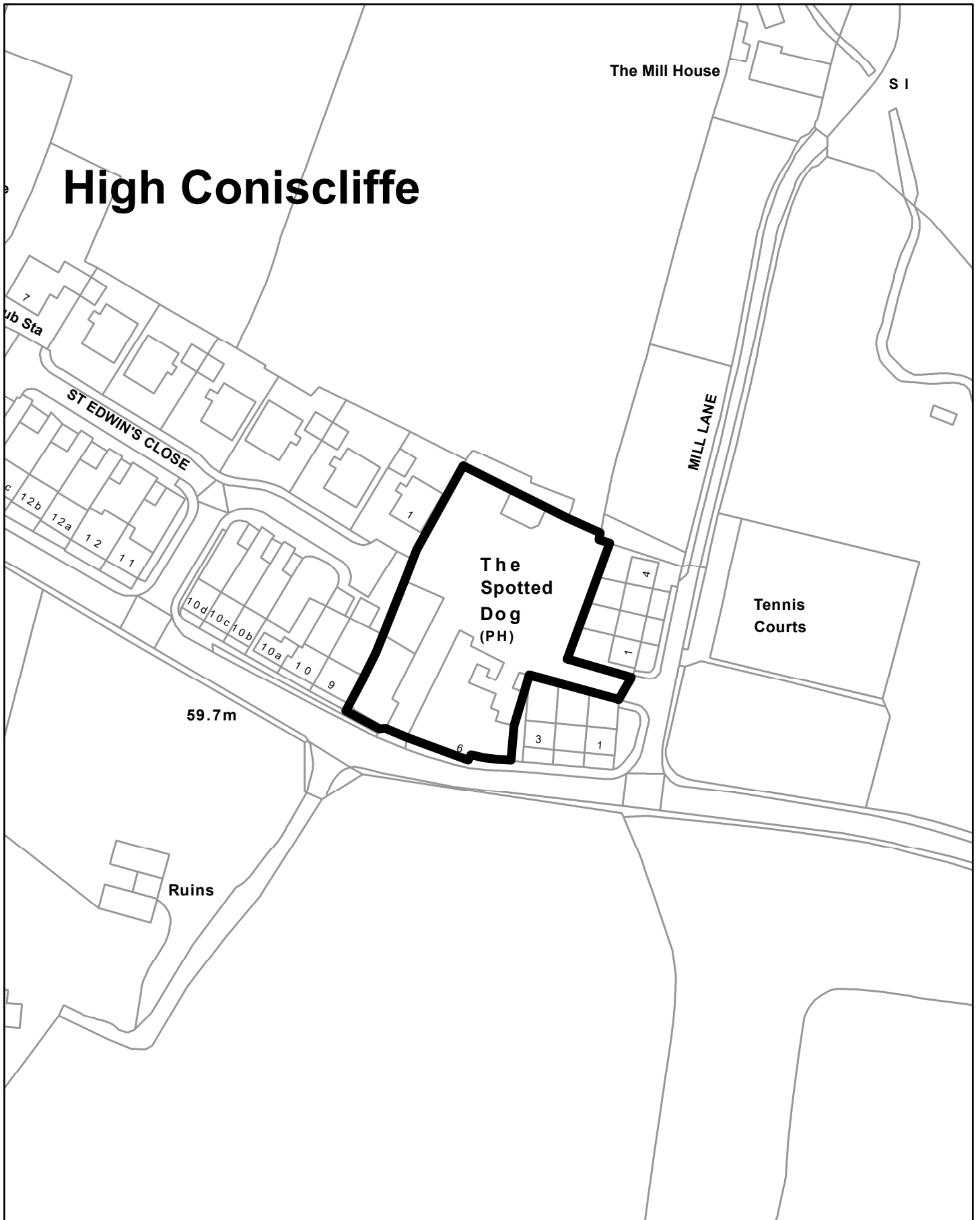
REASON - In the interests of highway and pedestrian safety.

INFORMATIVE

The applicant is advised that works are required within the public highway, to remove an existing vehicle crossing and reinstate as footway. 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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High Coniscliffe

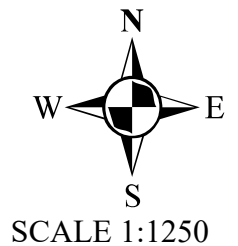


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PLANNING REF No: 21/00537/FUL

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th July 2021

APPLICATION REF. NO: 21/00122/FUL

STATUTORY DECISION DATE: 01.04.2021

WARD/PARISH: BANK TOP AND LASCELLES

LOCATION: K Premier Express, 172 Yarm Road

DESCRIPTION: Conversion of shop (Use Class E) to HMO (Use Class C4) including removal of shopfront and alterations to front elevation, pitched dormer to front roof slope, alterations and additional windows and doors, erection of fencing to create separate rear amenity space, new side access gate, removal of chimney stack and associated works (Amended Plans to show change from large HMO (Sui generis) to HMO (C4) and removal of rear dormer extensions received 28th May 2021)

APPLICANT: Mr G Crawford

RECOMMENDATION: GRANT PLANNING 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?keyVal=Q00AYQFPMT700&activeTab=summary>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to a two storey semi-detached building located on the south side of Yarm Road. The site is located in between Bright Street and Cobden Street and opposite The Mead. The surrounding area is predominantly residential in nature, interspersed with some commercial uses. The ground floor of the premises is currently in retail use (Use Class E), having previously been in use as a convenience

store. Although the convenience store is now vacant this use remains extant. The first floor consists of a flat, 172A Yarm Road. A dwelling, 174 Yarm Road, adjoins the application property to the east with 170 Yarm Road, also a dwelling, bounding the site to the west. Fir Tree House (37 Pease Street) bounds the application site to the rear. To the front of the application site there are two existing parking bays and there is a long narrow garden to the rear of the property.

2. This planning application seeks permission for the change of use of the existing retail shop and store room (Use Class E) at ground floor and flat above to a House in Multiple Occupation (HMO) consisting of 6 bedrooms, with shared lounge and kitchen facilities on the ground floor. A dormer window is also proposed in the front roof slope to facilitate the provision of a bedroom in the roofspace. The existing shopfront is to be removed and replaced with a door and a window. The front of the property is to have a white render finish, with feature black vertical timber cladding fitted. Replacement UPVc windows and doors are also proposed.
3. The plans also include the erection of a 1.8m timber fence to the rear of the property to create a separate rear amenity space for two of the units. Cycle parking and a bin storage area is also proposed to the rear of the property Other associated works include, the installation of a side gate, the removal of a chimney stack and additional windows and doors.
4. The proposal has been amended since it was first submitted to reduce the number of bedrooms from 8 no. to 6 no. and omitting a large dormer extension to the rear of the property.

MAIN PLANNING ISSUES

5. Site History:

81/00481/MISC. ERECTION OF A SINGLE STOREY STOREROOM TO REAR.
GWC. 09.09.1981.

6. The main planning issues to be considered are:

- a) Planning Policy
- b) Visual Amenity
- c) Residential Amenity
- d) Highway Safety
- e) Other Matters

PLANNING POLICIES

7. The relevant Local Plan policies include those seeking to ensure the proposed development:
 - a) Will be located inside development limits defined on the proposals map in accordance with Policy E2 of the Saved Local Plan.

- b) Will meet the criteria for the location of Houses in Multiple Occupation as set out under Policy H17 of the Saved Local Plan whereby they will not be permitted where there is a high concentration of housing in multiple occupation or it involves the sub-division of small two storey family houses.
- c) Will not have a material adverse effect on the quiet and private enjoyment of other dwellings and gardens, the adequacy of off street parking and amenity spaces, the free and safe flow of traffic and the visual and noise characteristics of the surroundings (H18 of the Saved Local Plan 1997)
- d) Will accord with Darlington's sub- regional role and locational Strategy set out within Policy CS1 of Darlington's Core Strategy (2011)
- e) Makes efficient use of land and existing buildings and reflect Darlington's distinctive, natural, and built characteristics that contribute to the character of the local area and its sense of place (CS2 of the Core Strategy).
- f) Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy).
- g) Protects and where possible improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity and health and safety of the local community (CS16 of the Core Strategy)

RESULTS OF TECHNICAL CONSULTATION

- 8. The Council's Highway Engineer has been consulted on the application and has raised no objection to the proposal.
- 9. The Council's Environmental Health Officer has been consulted on the application and has raised no objection to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

- 10. Twelve letters of objection have been received, with the main points summarised below:
 - *Parking – additional vehicles leading to parking congestion, highway safety, traffic congestion, parking in front of driveway of No.174 Yarm Road.*
 - *Spread of Japanese Knotweed, a destructive plant, which has been present in the garden of the property*
 - *High density HMO is not in keeping with the character of the area*
 - *Impacts neighbouring amenity – increased comings and goings*
 - *Two waste bins are insufficient for the property*
 - *Design- Dormer windows/ windows, front elevation are out of character with frontage of Yarm Road*
 - *Noise and disturbance issues*

- *Empty flats/bedsits located on Cobden Street, Yarm Road, Hundens Lane, Louisa Street, Ridsdale Street, Old Hope Inn Public House.*
- *Existing HMOs in area are not well kept*
- *Loss of privacy – 2 The Mead*
- *Would de-value neighbouring properties*
- *Local Crime Increases*

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. Saved Local Plan Policy H17 (Concentrations of Houses in Multiple Occupation) states that the sub division of dwellings into smaller units of accommodation will not be permitted where there is already a high concentration of houses in multiple occupation (HMO) or where it involves the subdivision of small two storey family dwellings.
13. In this case the application site is located on Yarm Road which is not specified in Saved Policy H17 as being an area where there is a high concentration of HMOs. The site is situated within an area predominantly characterised by family dwellings. Therefore, it is considered that it is an area where there are relatively low numbers of HMOs.
14. The application involves the subdivision of a property in mixed retail/residential use and Saved Policy H18 (Houses in Multiple Occupation in Other Areas) is also relevant to consideration of the application. Saved Policy H18 states that the subdivision on non-residential buildings in residential surroundings other than those the subject of Policy H17 will not be permitted where they will have a material adverse effect on:
 1. The quiet and private enjoyment of other dwelling and gardens
 2. The adequacy of available off street parking and amenity spaces
 3. The free and safe flow of traffic and
 4. The visual and noise characteristics of the surroundings
15. The proposal will be assessed against these matters in the following sections of the report.

(b) Visual Amenity

16. The proposal includes alterations to the front elevation of the property, removing the existing shop front window and doorway and installing new windows and doors on the ground and first floor which are identifiable with a residential dwelling. The windows and doors are to be surrounded by black timber cladding with the finish to the walls

being white render. Included in the proposals is a dormer window within the front roof slope with a pitched roof in keeping with the existing roof. The existing front elevation is finished in a yellow render and there are a variety of materials and finishes to the front of neighbouring properties within the immediate streetscene. To the front of neighbouring properties are different coloured render including whites, creams and grey, pebbledash and natural brick. There are also a range of window materials and colours used within the immediate streetscene. As there is not a clear distinguishable pattern within the streetscene it is considered that the proposed finishing materials for the application property would not detract from the overall character and appearance of the immediate streetscene.

17. The proposed dormer is of a modest size which is in keeping with the proposed property. There are dormer windows to the front of No.173 Yarm Road, located opposite the proposed application property. Although there are few dormer windows to the front on the southern side of Yarm Road, however owing to the presence of dormer windows immediately opposite the application property and the modest scale of the dormer, it is considered that it would not detract from the overall character of the streetscene.
18. There are new UPVc windows proposed in the ground floor west elevation of the property as well as patio doors located in the rear elevation. It is considered that these will be in keeping with the existing property and will not detract from the character and appearance of the surrounding streetscene. A pitched roof is proposed to the rear connecting the first floor to the ground floor, which is considered to be in keeping with the existing dwelling and being to the rear of the application site it would not detract from the character and appearance of the surrounding streetscene.
19. Overall, it is considered the proposed external alterations would not result in an adverse impact on the character and appearance of the existing property or the surrounding streetscene in terms of visual amenity in accordance with Saved Local Plan Policy H18 and Core Strategy Policy CS2.

(c) Residential Amenity

20. Saved Local Plan Policy H18 sets out that the subdivision into small dwellings of large dwellings, dwellings unsuitable for single family occupation, or non-residential buildings in residential surroundings other than those subject to Saved Policy H17 will not be permitted where this will have a material adverse impact on the quiet and private enjoyment of other dwellings and gardens.
21. It is considered that the noise impacts on neighbouring dwellings from the proposed 6 bedroom HMO would not be significantly above those of a family dwelling (Use Class C3) in context of the surrounding area. There are two private garden areas to the rear of the proposed dwelling with the remainder of the garden area to be used by the remaining 4 residents. Cycle parking and bin storage facilities are also to be located within the rear garden area, with access to this area via an existing gate to the side of the property. The property has a long rear garden, approximately 45 metres in length, bounded by neighbouring gardens either side. The area is large enough to accommodate the proposed amenity space, cycle parking and bin storage

areas. The use of this area for the number of residents proposed is unlikely to result in noise and disturbance to neighbouring dwellings over and above that arising from a single family dwelling.

22. It is further considered that the associated comings and goings of the proposed HMO use for 6 residents would not be significantly above that of the ground floor retail use, should the shop have been brought back into use. Furthermore, a fallback position does exist in that it would be possible for the property to be converted from a shop with flat above to a single dwelling (Use Class C3) under prior approval and then from a C3 dwelling use to a small 6 person HMO (Use Class C4) as permitted development. This carries some weight in the consideration of this proposal. Therefore, it is considered the noise impacts and the impacts from the comings and goings of residents would not have a material adverse effect on the quiet and private enjoyment of neighbouring dwellings in accordance with Policy H18.
23. Policy CS16 of the Core Strategy states that new development (which includes proposals to change the usage of a building) should ensure that there is no detrimental impact on the environment, general amenity and the health and safety of the community. Paragraph 180 of the National Planning Policy Framework, 2019 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In particular, decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
24. The Council's Environmental Health Officer has been consulted on the application and has raised no objections.
25. There is proposed a 1.8m (approx.) close boarded timber fence adjacent to boundary of No.170 Yarm Road. The fence is set away from the boundary by approximately 1.3m. Owing to the height of the fence and the distance it is set away from the boundary, it is considered the proposal would not result in a loss of amenity for No. 170 Yarm Road in terms of overshadowing, overbearing or loss of outlook.
26. Within the ground floor west elevation of the property four additional windows and a door are proposed. The windows will face onto the blank gable of No.170 Yarm Road and therefore do not raise privacy issues in terms of overlooking for this property.
27. As part of the application, it is proposed to widen a small part of the existing rear extension by approximately 0.35m up to the eastern boundary of the site. This small extension would not extend beyond the conservatory to the rear of No.174 and therefore would not result in a loss of amenity for this neighbour in terms of overbearing, overshadowing or loss of outlook. It is further considered that the proposed pitched roof element extending from the first floor to the rear ground floor would not extend beyond the rear of the neighbouring conservatory and would therefore not result in a loss of amenity to No. 174.

28. There is proposed a 1.8m (approx.) close boarded timber fence adjacent to boundary of No.174 Yarm Road. Owing to the height of the fence it is considered the proposal would not result in a loss of amenity for No. 174 Yarm Road.
29. There is a separation distance of approximately 44m between the rear boundary of No. 37 Pease Street and the rear elevation of the application property and therefore it is considered that there would be no adverse impacts on No. 37 Pease Street in terms of amenity and privacy.
30. There is a separation distance of approximately 35m between the front elevation of 2 The Mead and the proposed front elevation of the application property, therefore it is considered that there would not be a loss of amenity or privacy for No. 2 The Mead.

(d) Highway Safety

31. The Council's Highways Engineer has been consulted on the application and has raised no objection to the proposal subject to clarification on the development being intended for occupation on a permanent basis. It has been clarified by the applicant the dwelling is to be used for the permanent residence for tenants and would not be used for business accommodation or serviced apartments, which in itself would require planning permission for a change of use to Use Class C1.
32. There is no specific guidance on parking provision for HMO conversions within the Tees Valley Design Guide as such there is no specific parking policy or design guidance with which to assess the adequacy of parking provision. Instead reasonable consideration must be given to potential impact of the application, which may be permitted as it is not considered to have a material adverse effect on residential amenity or highway safety, due to adequacy of car parking.
33. As a general principle, off-street car parking facilities should be provided for future occupants where this is possible. The type of resident to be accommodated, together with visitor demand and any requirements for staff parking should be considered when determining parking provision. Where no off-street parking can be provided then the effect of the development upon parking in the vicinity of the site will be carefully considered to ensure that there will be no significant adverse impact upon residential amenity or highway safety.
34. In the case of the permanent occupation by individuals, it is known that car ownership rates are generally low within persons living in shared houses. Census data for Darlington shows that car ownership rates are an average of 47% per household across the Borough. It would therefore not be unreasonable to conclude that car ownership rates within HMO residents should be substantially below this level.
35. Where possible, car parking should be provided off street, however in this instance it is not possible to create additional car parking provision within the site. The site has two in curtilage parking spaces which would equate to 33% parking provision. Given a worst case scenario of 47% provision in line with 2011 Census Data, this would equate to a total of 3 spaces with one being required on the adjacent highway. Whilst on-street parking availability is limited, given this level of expected parking demand it

does not warrant refusal on grounds of road safety or residential amenity where the residual impact would unreasonably displace on-street parking by existing residents and their visitors in the immediate vicinity of the application site. The Highway Authority has a duty to maintain the safe and free passage of traffic, and where required has the power to implement parking restrictions as a fallback position where nuisance parking causes obstruction or road safety concerns.

36. The site is within a town centre fringe location and as such has good access to sustainable modes of transport including bus and rail services. The nearest bus stops are located approximately 120m away, which is well within the 400m maximum recommended walking distance. Darlington Station is approximately 800m walking distance with safe and convenient routes for pedestrians, along with cycle parking. In order to encourage cycle use secure cycle parking is also provided within the development with provision based on the recommended rate of one space per room.
37. It must also be considered that the current permitted use class of the shop is considered a greater generator of vehicle trips with higher demand for short duration parking. It is also subject to extended opening hours with vehicle movements and noise from car doors etc being expected through the hours of trading. In this respect the conversion to residential use is likely to generate less noise/disturbance.
38. A review of the past 5 years Police accident statistics reveals that there have been several 'Slight' and 'serious' incidents recorded along the Yarm Rd B6280 corridor; this is consistent and expected within a major urban arterial route and non are directly associated with the application site or access.
39. The Council's Highways Engineer has set out that the developer should aim to ensure that new residents make informed choices about the level of parking available before deciding to move in, for example, by clearly highlighting parking levels as well as any particular parking constraints in sales particulars and letting or marketing details. On this basis the Highway Engineer raises no highway objection.

(e) Other Matters

40. Concern has been raised with regard to Japanese Knotweed being present in the rear garden of the application site. This is a separate issue to the planning application and can be dealt with under Environmental Health legislation. The agent for the has stated that it is the intention to convert the garden into a more domestic state with the weed issue being dealt with through this process.
41. Concern has also been raised over the number of bins provided for the number of rooms proposed. The plans make adequate provision for the storage of bins within the site. The property owner would have to apply to the Council for the appropriate number of bins for the size of the property, however, there remains adequate space to store any increase in the number or size of bins required for the property.
42. There have been comments submitted stating that nearby flats and bedsits remain empty in the nearby area and are not well kept. Whilst this is acknowledged, it is considered that the change of use from a shop (Use Class E) to a HMO (C4) would

be acceptable in principle. It is further considered that a C3 dwelling house can be converted into a C4 use through permitted development rights. Therefore, it is considered that this would not be reasonable ground to refuse the planning application.

43. The impact of the development on the value of neighbouring properties is not a material planning consideration and therefore carries no weight in the consideration of this planning application.
44. There is no evidence to suggest that the granting of the planning permission for the use of the property as a house of multiple occupation would result in anti-social behaviour in this area. The views of the Police Architectural Liaison Officer however have been sought and will be reported verbally at the meeting.

PUBLIC SECTOR EQUALITY DUTY

45. 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

46. The proposals for the change of use from a ground floor shop (Use Class E) to a House in multiple occupation (Use Class C4) is considered to be acceptable in planning policy terms due to size of the proposed dwelling and the accommodation located in the roof space with the addition of a front dormer in accordance with H18 of the Saved Local Plan 1997. The proposals would not have a materially adverse effect on the quiet and private enjoyment of other dwellings and would not result in harmful impact on the character and appearance of the surrounding area in terms of visual amenity in accordance with H17 of the Saved Local Plan 1997. There is a fallback position that the use as a HMO (C4) could be achieved through the prior approval procedure and permitted development rights, which carries some weight in consideration of the application.
47. While there is a shortfall in off-street parking of 1 no. space, owing to the generally low car ownership rates associated with persons living in shared houses and the otherwise sustainable location of the proposal, it is not considered that this shortfall in off-street parking would give rise to any it is considered that the off-street and on-street parking arrangements would be sufficient for the proposed use and would not be sufficient to warrant refusal on grounds of road safety or residential amenity. The proposal is therefore considered to comply with Saved Policy H18 and Policy CS2.
48. Accordingly, it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**
 1. A3 Implementation Limit (Three Years)

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

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

2. The materials used in the external surfaces of the proposal hereby permitted shall be carried out in all respects in accordance with the details provided within the application and plan drawings (20-044/05/B- Proposed Plans, 20-044/07/C- Proposed Elevations) submitted therewith and approved by the Local Planning Authority.

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

3. PL Approved Plans Conditions

The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,

- 20-044/01 Rev A Site Location plan
- 20-044/05 B Amended Proposed Plans
- 20-044-06 B Proposed Plans 2
- 20-044/07 C Amended Proposed Elevations
- 20-044/08 B Amended Proposed Sections
- 20-044/09 B Amended Existing Proposed Site Plans
- 20-044/10 B Amended Coloured Front Elevation

4. The secure cycle parking and bin storage facilities shown on drawing number 20-044/05/B 'Proposed Plans' shall be made available in accordance with the details shown on the plan prior to the property hereby permitted first being brought into use. Thereafter these facilities shall remain available for the lifetime of the development.

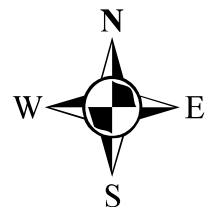
REASON – To ensure the site can be accessed by sustainable means of transport and in the interest of general amenity.



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PLANNING REF No: 21/00122/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th July 2021

APPLICATION REF. NO: 21/00178/FUL

STATUTORY DECISION DATE: 13th May 2021

WARD/PARISH: PARK WEST

LOCATION: 36 Oakdene Avenue

DESCRIPTION: Removal of chimney stack and existing bay windows to side/rear elevation and erection of side extension, erection of flat roof dormer to rear roof slope and installation of sun tunnel, replace garage roof with pitched roof, removal of summerhouse and erection of detached garden/spa room with decking, replacement and additional UPVC windows and doors, render to elevations and associated internal alterations (Amended Plans Received 18th May 2021)

APPLICANT: Mrs Fiona Chrichard

RECOMMENDATION: GRANT PLANNING 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?keyVal=QOX8ZBFPG4500&activeTab=summary>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to a large two storey detached dwelling located on the northern side of Oakdene Avenue, within the West End Conservation Area. 38 Oakdene Avenue bounds the property to the west with No. 34 Oakdene located to the east. The application property is one of the few detached properties within the street

with the remainder of the properties being semi-detached and terraced properties. The surrounding area is predominantly residential in nature.

2. This planning application seeks permission for the removal of the existing chimney stack to the rear and the bay windows within the off shoot to the rear of the dwelling. It is proposed to erect a single storey side extension from the side (east) elevation of the off-shoot to the rear. The proposed extension is to measure approximately 1.5m in width x 6.7m in length x 3.5m total height. The proposed extension features double glazed, full length sliding patio doors within the eastern elevation and is finished in brick cladding to match the existing dwelling.
3. The proposal also includes the erection of a dormer window positioned towards the centre of the rear roof slope of the main dwelling, which would cover the staircase with the style and materials to match the existing dormer windows within the front of the dwelling.
4. It is further proposed to add a pitched roof onto the existing garage which will have a total height of approximately 5.1m. The roof is to be constructed of clay tiles to match the existing roof of the main dwelling. Roller shutter doors are to be installed in the rear (north) elevation of the proposed garage.
5. The proposal also includes the removal of the existing summer house located in the north east corner of the rear garden area and a detached garden/ spa room is to be erected in roughly the same area as the removed summer house. The proposed garden/spa room is to have a total height of 3.8m, with an eaves height of approximately 2.5m. The summer house is located adjacent to a reconstructed rear garden wall measuring a total height of approximately 2.5m. The summer house measures approximately 7.3m in length x 4.3m in width. It is constructed of timber cladding with a metal trim roof. It features full length bi-fold doors to the front as well as timber decking extending from the front including an outdoor swim spa and table.
6. It is proposed to replace windows within the ground floor and first floor of the front, side (east) and rear elevations with UPVc Edwardian style double glazed windows. It is also proposed to install UPVc windows within the first floor eastern elevation of the existing rear off-shoot.
7. The application has been amended since it was first submitted to omit a balcony from the 2-storey rear off shoot and to amend the design of the garden/spa room.

MAIN PLANNING ISSUES

8. Site History:

21/00099/TFC. Notification to carry out works to trees in a designated Conservation Area - Felling of 10 no. trees - 5 no. Confer Trees (T.1 to T.5), 2 no. Unknown Species (T.6 & T.7), 1 no. Chestnut Tree (T.8) and 2 no. Magnolia Trees (T.8 & T.10) (amended description 25/02/2021). No Objection. 26.02.2021.

74/00616/DM. The erection of a detached double domestic garage. Granted with conditions 18.12.1974.

9. The main planning issues to be considered are:

- a) Visual Amenity and Impact on West End Conservation Area
- b) Residential Amenity
- c) Highway Safety

PLANNING POLICIES

10. The relevant Local Plan policies include those seeking to ensure the proposed development:

- (a) Reflects the characteristics of the sites surroundings and protects the amenity of neighbouring properties and ensures the development maintains adequate privacy in the rooms, gardens, and other outdoor areas areas of nearby buildings. (H12 of the Saved Local Plan 1997).
- (b) Reflects or enhances Darlington's distinctive built and historic environment; creates a safe and secure environment (CS2 of the Core Strategy 2011)
- (c) Protects and where appropriate, enhances the distinctive character of the Borough's built, historic, natural, and environmental townscapes (Policy CS14)
- (d) Protects the general amenity and health and safety of the local community (CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

11. The Council's Highway Engineer has been consulted on the application and has raised no objection in principle to the proposal.

12. The Council's Conservation Officer has been consulted on the application and has raised objection to the replacement UPVc windows, panels, and doors. There are concerns raised with regards to the increase in height of the garage.

RESULTS OF PUBLICITY AND NOTIFICATION

13. 3 letters of objection have been received with responses summarised below:

- *Concerns over loss of heritage – Arts and Crafts History lost through the removal of fence to the front door, garage doors should not be roller shutter, the chimney is A & C and is an essential architectural detail*
- *Concerns over height of spa room above the rear boundary wall*
- *The summerhouse will be unsightly above the rear garden wall and will block view and sunlight into our back garden (9 Beechwood Avenue)*
- *Outbuilding not in keeping with Conservation Area status or with surrounding buildings (9 Beechwood Avenue)*

14.1 letter of support has been received which is summarised below:

- *Attention has been given to the character of the building with an excellent job being made of the roof.*
- *The spa is a great addition, is to the rear to the back lane and therefore not imposing on anybody. The height is similar to neighbouring garage gables.*
- *New front door and fence welcomed.*

PLANNING ISSUES/ANALYSIS

(a) Visual Amenity and Impact on West End Conservation Area

15. Policy H12 of the Saved Local Plan sets out that alterations and extensions to existing dwellings will be permitted provided that they are in keeping with the character, design and external appearance of the property and they are in keeping with the surrounding street scene and area. Policy CS2 of the Core Strategy sets out that high, quality, safe, sustainable design will be promoted in all new developments and should reflect and enhance Darlington's built and historic characteristics that positively contribute to the character of the local area.
16. Policy CS14 of Darlington's Core Strategy is relevant as is it seeks to protect and enhance buildings and features which contribute to and protects local character and distinctiveness including built heritage, their settings, and features of historic importance within conservations areas.
17. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area.
18. The application proposes a number of alterations to the property in the form of the removal and replacement of existing windows and doors with UPVc replacements, the removal of the chimney and the fence to the front of the property. While these alterations form part of the planning application, a fallback position exists in that these alterations can be carried out as permitted development, without the need for planning permission. This fallback position carries weight in the consideration of the application. While concerns regarding the loss of these original features, and the impact these alterations have on the character and appearance of the conservation area are acknowledged, permitted development rights remain in place that allow properties within conservation areas to be altered unless those rights have been removed by way of an Article 4 Direction. There is no Article 4 Direction in place for the West End Conservation Area.
19. The proposed single storey extension to the rear is considered to be of a modest size and is subservient to the main off-shoot to the rear of the main dwelling. The proposed extension will be finished with brick cladding to match the existing dwelling. It is considered that due to the modest size, scale, and design of the extension it would be in keeping with the main dwelling and would not detract from the character and

significance of the existing dwelling. The proposed extension is located to the rear with limited views from Oakdene Avenue to the front, therefore it is considered that it would not be overly prominent within the immediate streetscene and would not detract from the character and significance of the surrounding West End Conservation Area.

20. The proposed pitched roof over the existing flat roofed garage would increase the overall height of the garage up to 5.1m from approximately 3m. The roof would be in keeping with the pitched roof of the main dwelling as well as neighbouring dwellings within the immediate streetscene. The Conservation Officer is concerned that the raising of the garage roof will obscure views towards a stained glass window in the side elevation of No.34. Whilst the proposed pitched roof will result in some obscured views of this feature, the resultant impact of the loss of this view and the works to the roof would not constitute harm in context of the overall character and significance of the Conservation Area and is therefore considered to be acceptable in accordance with Policy CS14 of the Core Strategy 2011.
21. The proposed garden/spa room is larger than the existing summerhouse but will remain subservient to the main dwelling and would be of a lower height than the proposed garage. The building will similarly not be readily visible in views from the front of the property. From the rear lane the pitched element of the roof will be visible above the rear boundary wall, but it is not considered this would be an incongruous feature within the rear lane, with neighbouring buildings extending above rear boundary walls in a variety of styles and materials. The roof of the proposed garden/spa room will be approximately 1.4m above the height of the rear boundary wall, as the pitch of the roof will slope away from the wall it is considered that the roof would not be unduly prominent when looking from within the rear lane.
22. The proposed materials to be used for the garden/spa room are red western cedar timber cladding for the walls and metal trim for the roof. The proposed materials are considered appropriate for the use of the outbuilding and would not appear prominent in context of the existing dwelling and the surrounding streetscene, being largely screened from Oakdene Avenue by the existing dwelling and altered garage. Owing to the location of the building with limited views from the surrounding streetscene and back lane, it is considered the proposal would not detract from the overall character and significance of the surrounding Conservation Area.
23. The proposed dormer window within the rear roof slope is to match in appearance to the existing dormers to within the front roof slope. There are a variety of dormer windows in neighbouring properties in the surrounding streetscene and therefore the proposal would not appear out of keeping in terms of visual amenity.
24. Overall, it is considered that the proposed works would not result in harm to the existing dwelling and surrounding West End Conservation Area and is therefore considered to accord with Saved Policy H12, Policies CS2 and CS14 and Paragraphs 193 and 196 of the NPPF.

(b) Residential Amenity

25. 38 Oakdene Avenue bounds the application site to the north west. There are minimal alterations to the western elevation of the property and therefore it is considered that there will be no adverse impacts on No.38 in terms of amenity and privacy and will therefore be in accordance with Policy H12 of the Saved Local Plan
26. 34 Oakdene Avenue bounds the application site to the east. The garage and proposed pitched roof is located adjacent to the neighbouring boundary of No.34. There is a large stained glass window in the western side elevation of No.34. Owing to the size of the stained glass window it is considered the proposed pitched roof added to the existing garage would not result in significant overshadowing of this window. There are no further primary windows within the west elevation of No.34 and therefore it is considered the proposal would not result in a significant loss of amenity in terms of overshadowing, overbearing or loss of outlook for this property.
27. The proposed garden/spa room is located adjacent to the western boundary wall of the application site. The garden room is set away from the rear elevation of No.34 by approximately 7m. Owing to the modest height of the garden room and the separation distance it is considered the proposal would not result in significant overshadowing of the rear of No.34. Furthermore, owing to the above mentioned separation distance and the presence of a brick boundary wall, it is considered the proposal would not result in a significant loss of privacy for No.34 in terms of overlooking.
28. The proposed side extension will be set away from the western boundary by approximately 12m. Owing to this distance and the presence of a boundary wall it is considered the proposed extension would not result in any adverse amenity impacts in terms of overshadowing, overbearing impact or loss of outlook or privacy impacts in terms of overlooking. The windows in the side elevation (east) of the existing offshoot replace the existing bay windows and therefore would not result in further impact on privacy of neighbouring properties above that which is existing.
29. No's 7,8 and 9 Beechwood Avenue are located beyond the alleyway to the rear of the application property. There is a minimum separation distance of approximately 12m between the rear elevation of the proposed summer house and the rear elevation of the neighbouring properties to the rear. There is a minimum separation distance of approximately 16.5m between the rear elevation of the proposed side extension and the rear elevation of properties located to the rear of the application site. Owing to the above separation distances and the height of the proposed extension and garden spa room it is not considered that they would result in significant impacts on amenity and privacy of these neighbouring dwellings located to the rear.
30. Overall, it is considered the proposals would accord with Policy H12 of the Saved Local Plan 1997.

(c) Highway Safety

31. The Council's Highway Engineer has been consulted on the application and raises no issue in terms of highway safety.

PUBLIC SECTOR EQUALITY DUTY

32. 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

33. The proposal for the erection of a single storey side extension, a flat roof dormer to the rear roof slope, a replacement garage roof with a pitched roof, the erection of a detached garden/spa roof, replacement UPVc windows and doors, the removal of chimney stack and render to elevations are considered to accord with relevant policies CS2 and CS14 of the Core Strategy 2011, Policy H12 of the Saved Local Plan 1997 and the NPPF 2019. The proposal is considered to raise no issues in terms of visual amenity, residential amenity or highway safety and is therefore acceptable. The proposal does not result in harm to the West End Conservation Area and is therefore considered to be acceptable.

34. Accordingly, it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

2. Materials

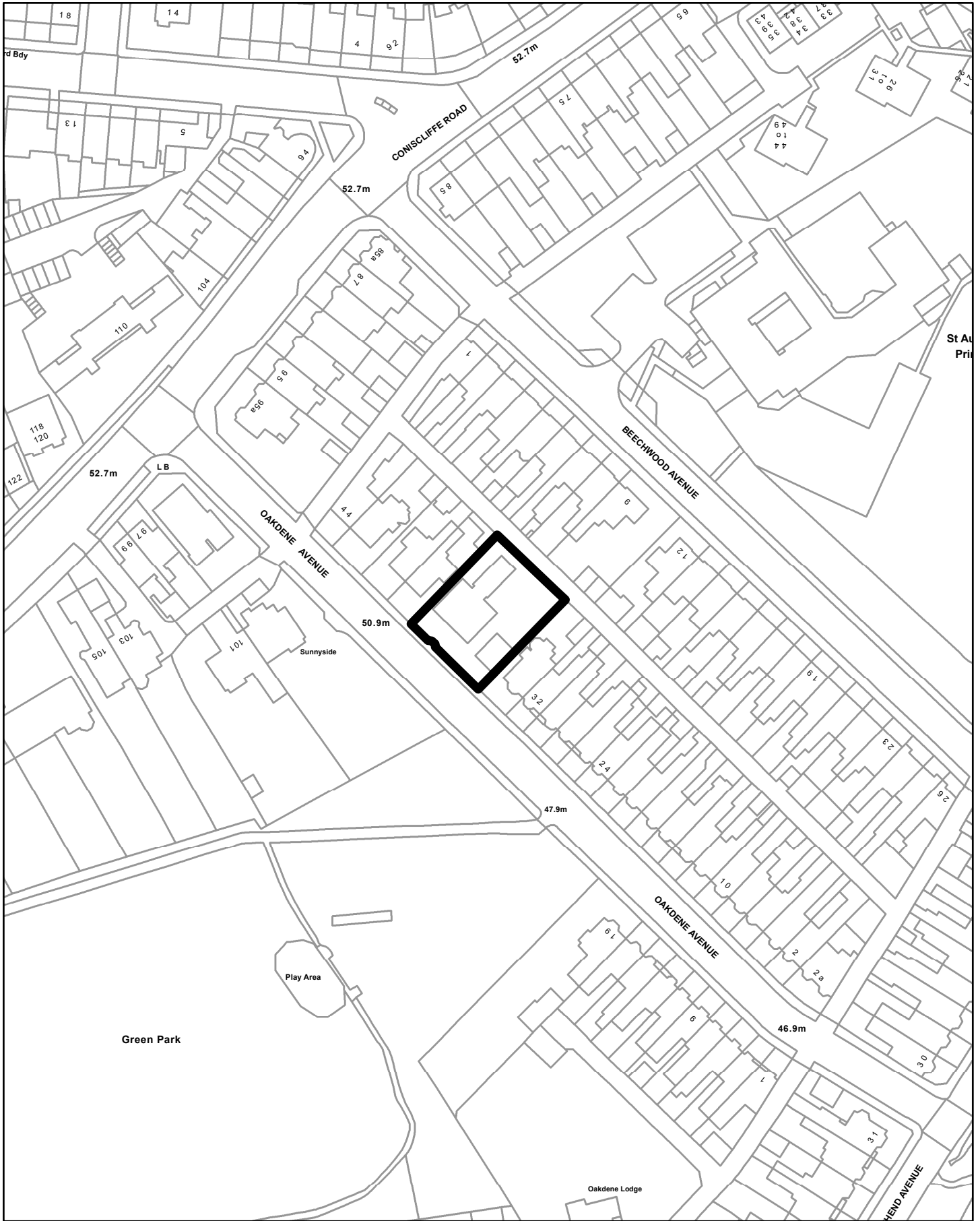
Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the development hereby permitted being construction above dampproof course level and the development shall not be carried out otherwise than in accordance with any such approved details.

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

3. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,
 - 001 Site Location Plan
 - 101 Proposed Block Plan
 - 103 Rev 2 Amended Proposed Floor Plan
 - 104 Rev 2 Amended Garden Spa Room
 - 105 Second Floor Plans Existing and Proposed
 - 302 Rev 2 Amended Proposed Elevation A

- 303 Rev 2 Amended Proposed Elevation B

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

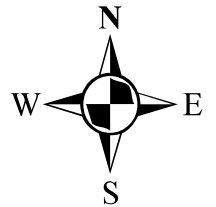


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