



**DARLINGTON**  
Borough Council

1.30 p.m., Wednesday, 4 August 2021

Council Chamber, Town Hall, Darlington. DL1 5QT

# Planning Applications Committee Agenda

**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 7 July 2021 (Pages 5 - 10)
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 11 - 12)
  - (a) 12 - 18 Skinnergate, Darlington (Pages 13 - 40)
  - (b) Land Adjacent to 2 Mill Lane Redworth (Pages 41 - 52)
  - (c) K Premier Express, 172 Yarm Road, Darlington (Pages 53 - 66)
  - (d) 21 Langholm Crescent, Darlington (Pages 67 - 76)
  - (e) 45 Clare Avenue, Darlington (Pages 77 - 84)

6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

## **PART II**

8. Notification of Appeals –

The Chief Executive will report that :-

Albert Hill Properties Ltd have appealed against this Authority's decision to refuse permission for erection of 2.4m high steel palisade perimeter fence with gates to east and west boundary Land At 21 Garden Street, DARLINGTON (21/00471/FUL)

Bellway Homes Limited (Group Office) have appealed against this Authority's decision to refuse permission for residential development comprising up to 150 dwellings with all matters reserved except for means of access - a roundabout on Burtree Lane to Land North of Burtree Lane, Darlington , DL3 0XD (19/01072/OUT)

Mr and Mrs N Tyers have appealed against this Authority's decision to refuse permission for Change of use of land to Gypsy/Traveller site including erection of 4 no. amenity buildings, siting of 4 no. mobile homes, 4 no. touring pitches and 4 no. transit van spaces, access road and associated works to Land off Neasham Road/Burma Road, Hurworth Moor, Darlington, Co Durham, DL2 1PZ (20/00822/FUL)

Mr Robert Cunningham has appealed against this Authority's decision to refuse permission for Change of use of land to Gypsy/Traveller site including erection of 5 no. amenity buildings, siting of 5 no. mobile homes, 5 no. touring pitches with car parking, access road and associated works to Land Opposite Sovereign House, Hurworth Moor, Darlington , DL21PZ (20/00889/FUL)

**RECOMMENDED** – That the report be received.

## **PART III**

### **EXCLUSION OF THE PUBLIC AND PRESS**

9. To consider the Exclusion of the Public and Press –

**RECOMMENDED** - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.

10 Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 23 July 2021 (Exclusion Paragraph No. 7) –  
Report of Chief Executive  
(Pages 85 - 96)

11 SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting

12 Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 27 July 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 8.30am to 4.45pm Mondays to Thursdays and 8.30am to 4.15pm Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

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## PLANNING APPLICATIONS COMMITTEE

Wednesday, 7 July 2021

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

**APOLOGIES** – Councillors Clarke and Tait.

**ALSO IN ATTENDANCE** – Councillor Curry.

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

### PA15      **DECLARATIONS OF INTEREST**

Councillor Sowerby declared a pecuniary interest in Minute PA19 (21/00537/FUL) below, and left the meeting during consideration of that item only. There were no other declarations of interest reported at the meeting.

### PA16      **TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 9 JUNE 2021**

**RESOLVED** – That the Minutes of this Committee held on 9 June 2021 be approved as a correct record.

### PA17      **APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

#### PA18      **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 views of the Council's Environmental Health Department, the request of the Police Architectural Liaison Officer, thirteen letters of objection, fifteen letters of support, and the views of the Applicant, the Applicant's Agent, one objector, one supporter, and the Ward Councillor, whom the Committee heard).

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

1. An extraction system including a 45 Maxfan Compac model number EJ463266 shall be installed in accordance with drawing number KMS/104A dated 06/06/21 along with 2 CDA silencers and anti-vibration mountings. The system shall be operated and maintained in accordance with the manufacturer's recommendations so long

as the use continues. No modifications to the system shall be undertaken without the prior approval of the Local Planning Authority. Following installation, commissioning sheets shall be provided to the Local Planning Authority.

**REASON** - To protect the amenity of residents from noise.

2. In accordance with EMAQ guidance - Control of Odour and Noise from Commercial Kitchen Exhaust Systems, a high level of odour control will be required for this application which includes:
  - a. Fine filtration or electrostatic precipitator (ESP) followed by carbon filtration (carbon filters rated with a 0.2 – 0.4 (resistance time)).
  - b. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1.

These shall be installed, operated, and maintained in accordance with the manufacturer's recommendations so long as the use continues. Following installation, commissioning sheets shall be provided to the Local Planning Authority. No modifications to the system shall be undertaken without prior approval from the Local Planning Authority.

**REASON** - To protect the amenity of residents from fumes and odours.

3. The drainage system to the premises shall be provided with a suitable grease trap 2.

**REASON** - To prevent the discharge of grease into the public sewer.

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

**REASON** – To protect the amenity of local residents.

5. The use hereby approved shall not operate after 9pm Monday to Saturday and not at all on Sundays or Bank Holidays.

**REASON** – In the interests of residential amenity.

**PA19 6 THE GREEN, HIGH CONISCLIFFE (SPOTTED DOG PH)**

**21/00537/FUL** - 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).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, the views of the Council's Conservation Officer, four letters of objection received, the objections

received from High Coniscliffe Parish Council, and the objections received from Councillor Crudass, Councillor for the Heighington and Coniscliffe Ward).

**RESOLVED** – 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.

**PA20 K PREMIER EXPRESS, 172 YARM ROAD**

**21/00122/FUL** - 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).

**NOTE:** The application was withdrawn at the meeting.

**PA21 36 OAKDENE AVENUE**

**21/00178/FUL** - 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).

(In reaching its decision, the Committee took into consideration the Planning Officer's

report (previously circulated), the objection and concerns of the Council's Conservation Officer, three letters of objection received, and one letter of support received).

**RESOLVED** – 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.

**PA22 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.

**PA23 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 25 JUNE 2021 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA14/Jun/2021, the Chief Executive submitted a report (previously



circulated) detailing breaches of planning regulations investigated by this Council, as at 25 June 2021.

**RESOLVED** - That the report be noted.

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**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

**Committee Date – 4 August 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:-**

| <b>Address/Site Location</b>                 | <b>Reference Number</b> |
|--|-------------------------|
| 12 – 18 Skinnergate, Darlington              | 21/00556/DC             |
| Land Adjacent to 2 Mill Lane Redworth        | 21/00627/OUT            |
| K Premier Express, 172 Yarm Road, Darlington | 21/00122/FUL            |
| 21 Langholm Crescent, Darlington             | 21/00460/FUL            |
| 45 Clare Avenue, Darlington                  | 21/00417/TF             |

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## DARLINGTON BOROUGH COUNCIL

## PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4<sup>TH</sup> August 2021

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|                                 |   |
|---------------------------------|---|
| <b>APPLICATION REF. NO:</b>     | 21/00556/DC   |
| <b>STATUTORY DECISION DATE:</b> | 10 August 2021  |
| <b>WARD/PARISH:</b>             | Park East   |
| <b>LOCATION:</b>                | 12 - 18 Skinnergate   |
| <b>DESCRIPTION:</b>             | Demolition of existing shops/warehouses at 13/18 Skinnergate and 2 Raby Terrace, erection of 6 no. three bed houses, 6 no. two bed three storey flats and 3 no. ground floor (Use Class E) units with 3 no. two storey flats over. Renovation of 12 Skinnergate and adjoining extension to provide 1 no. (Use Class E) unit to ground floor and 1 no. two storey flat over, including demolition of existing extensions, landscaping and other associated works |
| <b>APPLICANT:</b>               | Darlington Borough Council  |

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**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=Q82CFLPLCD00>

**APPLICATION AND SITE DESCRIPTION**

1. The application site (comprising all of the existing buildings including the shops/warehouse spaces, rear service yard and former British and Foreign School building (No 2 Raby Terrace) is within the heart of the town centre and approximately 0.2 hectares. No 12 Skinnergate is a fire damaged property and remains in such condition. The site is predominantly occupied by buildings with little landscape or external space. There is a small service yard area to the rear of the properties along the Raby Terrace elevation. There is an existing electrical substation in the centre of the

Raby Terrace boundary which is currently an open walled sub-station in relatively poor state of repair.

2. There is a significant change in level across the site rising by approximately 1.8m from the Skinnergate elevation to the Raby Terrace boundary.
3. The site is bounded to the north by Punch Bowl Yard; to the east by existing units on Skinnergate; to the south by retail units on Skinnergate and British School Yard and Acadia Court, which are in residential use and to the west by terraced residential dwellings.
4. The site lies within the Town Centre Conservation Area and there are listed buildings immediately to the north and south of the site and on the opposite side of Skinnergate. The site is also within the immediate setting of the Quaker Burial Grounds which is connected to the Grade II\* Meeting House.
5. The proposal involves the demolition of Nos 13/18 Skinnergate and No 2 Raby Terrace and the redevelopment of the site with the erection of six, three bed houses, six, two bed three storey flats and three ground floor (Use Class E) retail units with three, two storey flats above. Furthermore, the proposal includes the renovation of No 12 Skinnergate and adjoining extension to provide one (Use Class E) retail unit to the ground floor and one, two storey flat above, including demolition of existing extensions, landscaping and other associated works. There has been an allowance of parking provision for eleven cars which have been allocated as on street parking on Raby Terrace which will be facilitated by the removal of double yellow lines and re-working of the road layout by the council prior to the completion of the scheme. In addition to this, 2 fully accessible parking spaces have been provided.
6. Separate planning applications (reference number 21/00557/DCLB and 21/00859/DCLB) have been submitted for the proposed works and repairs to No 12 Skinnergate to facilitate the wider development which is pending consideration. Both applications are pending consideration.
7. The Design, Access and Heritage Statement which has been submitted in support of the planning application states that the proposed scheme has been the subject of a number of consultation sessions with the local community stakeholders including local residents and businesses on Skinnergate and Raby Terrace. There have been discussions with Historic England and the local planning authority prior to the formal submission of both planning applications which is in accordance with the Council's guidance contained within the adopted Statement of Community Involvement document.

#### **MAIN PLANNING ISSUES**

8. The main planning issues to be considered for this planning application are whether the proposed development is acceptable in the following terms:
  - a) Planning Policy

- b) Design, Layout and Impact on the Character and Appearance of the General Street Scene
- c) Impact on Designated and Non-Designated Heritage Assets
- d) Residential Amenity
- e) Noise
- f) Highway Safety and Parking Provision
- g) Ecology Matters
- h) Archaeology
- i) Contaminated Land
- j) Sustainability Matters

## **PLANNING POLICIES**

9. The site is within the development limits as defined by the Proposals Map of the Local Plan 1997 and therefore the principle of the development can be supported by saved policy E2 of the Local Plan and CS1 of the Core Strategy. The other relevant Local Plan policies include those seeking to ensure that the proposed development

- Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
- Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
- Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
- Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (CS2 of the Core Strategy 2011)
- Does not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping (Policy CS5 of the Core Strategy 2011)
- Protects buildings, their settings and features of archaeological interest (CS14 of the Core Strategy 2011)
- Will be focused on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16 of the Core Strategy 2011)
- Protects, enhances and promotes the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local importance in conservation areas. (CS14 of the Core Strategy)
- Protects the vitality and viability of Darlington town centre (Policy CS7 of the Core Strategy 2011)

- Protects the hierarchy of centres in the Borough (Policy CS9 of the Core Strategy 2011)
- Such as housing schemes are located in strategic locations such as the urban area (Policy CS10 of the Core Strategy 2011)
- Meets an identified housing need (Policy CS11 of the Core Strategy 2011)

Other relevant documents are:

- The National Planning Policy Framework 2021
- Tees Valley Guide (Design Guide & Specification Residential and Industrial Estates Development)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Supplementary Planning Document – Design for New Development

## **RESULTS OF TECHNICAL CONSULTATION**

10. The Council's Conservation Officer is supportive of the proposed development but has advised that further understanding of No 2 Raby Terrace (the former British and Foreign School) is required as the building is a non designated heritage asset which would be demolished as part of the proposed development.
11. Historic England are broadly supportive of the overall scheme but have commented that the demolition of No 2 Raby Terrace would be a loss to the significance of the conservation area. This harm has to be considered alongside the overall heritage benefits and wider public benefits of the scheme in accordance with the National Planning Policy Framework 2021. Historic England has advised when making that balanced judgement, the local planning authority is convinced that the significance of this building is well understood and options for conversion have been thoroughly considered
12. The Council for British Archaeology are the Amenity Body who have responded to the consultation on the planning application and they are broadly supportive of the proposed development but they are objecting to the demolition of No 2 Raby terrace as they consider there is insufficient justification and it would also be preferable for the building to be retained for environmental reasons.
13. The Council's Highways Engineer, Transport Policy Officer and Environmental Health Officer have not objected to the principle of the planning application, subject to the imposition of appropriate planning conditions
14. The Lead Local Flood Authority and Northumbrian Water have raised no objections to the proposed development subject to the imposition of planning conditions
15. The Durham County Council Archaeology Team have raised no objections to the proposed development subject to the imposition of planning conditions



## RESULTS OF PUBLICITY AND NOTIFICATION

16. Three letters of objection have been received following the Council's notification and publicity exercises for the planning application. The comments that have been received can be summarised below:

- *We wish to raise our concerns regarding the demolition works. We are Skinnergate News at No 20 Skinnergate and we want to know how our health and safety is to be protected. Are we expected to trade with the noise, dust and disruption? This will highly likely be detrimental to our health and unpleasant for our customers. Has 20 Skinnergate been surveyed to ensure that it will survive such building work?*
- *I need to object to the plans owing to the fact there are proposals to have new commercial outlets built below the residential units which is unnecessary. There have always been empty retail units blighting Skinnergate and building new units simply to be left vacant will continue to be an eyesore on the street. Residential developments with false retail facade would be the way forward*
- *Nature of the design of the development, we feel it is too modern in its inception and not in keeping with the conservation area as we were informed.*
- *We were told that there would be single story dwellings for people over 50 years old, now they are multiple story which will only attract the wrong tenants.*
- *We were also informed that the 'Wildsmith's shop' was going to be converted as a walk through/small boutique type shops which would link up to smaller shops*

## PLANNING ISSUES/ANALYSIS

### a) Planning Policy

17. 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).

18. The planning application site lies within the development limits for the urban area as defined by the Borough of Darlington Local Plan. The town centre location is in a sustainable location and the principle of this proposed mixed development of housing and retail development accords with the local development plan (saved policy E2 of the Local Plan and CS1, CS7, CS9, CS10 and CS11 of the Core Strategy 2011).

19. Whilst the Council can currently demonstrate a deliverable 5 year supply of housing land, housing development on sites in suitable and sustainable locations are still required to ensure the annual average requirement can continue to be met and the Council can continue to demonstrate a deliverable 5 year supply of housing sites once the emerging Local Plan has been adopted.

### b) Design, Layout and Impact on the Character and Appearance of the General Street Scene

20. The proposed use for the site is a mix of residential with four retail units at ground floor along Skinnergate to achieve and retain an active street frontage. The main residential

accommodation will be located behind the shops between Skinnergate and Raby Terrace and will provide terrace houses and flats with private external amenity spaces and a central public external area (forming a new 'Yard') centrally connecting all of the accommodation and providing a new linkage between the residential accommodation and Skinnergate.

21. The scale and massing of the proposed scheme is influenced by the surrounding environment. There is an undulation in roofscapes and heights with most two and three storey properties with steeply pitched roofs and varying floor heights. The scheme looks to reflect this mix by utilising different floor to floor heights with some units utilising the roof space along Skinnergate, the two storey terrace housing along Raby Terrace (reflecting the scale of the other residential properties along this street frontage) and three storey flats to the north of the site making best use of the daylight and merging with the other taller properties beyond along Punch Bowl Yard.
22. The buildings along the Skinnergate frontage follow historic design principles in both appearance, fenestration, scale, massing and materials while the new residential properties behind the Skinnergate elevation land along the Raby Terrace elevation are influenced by historic principles in terms of building scale, roof pitch and materials but in a contemporary and modern way to provide a clear delineation between new and old elements without competing or detracting from the historic assets.
23. Whilst details of the hard and soft landscaping for the scheme will need to be secured by a planning condition, there will be a need for some retaining walls and ramped paths/stepped external spaces. The change in level between Skinnergate and Raby Terrace provides an opportunity to create some interesting spaces within the new external yard with seating/terracing building into the scheme as well as accessible routes through the various paths linking the site to Raby Terrace, Punch Bowl Yard, Skinnergate and British School Yard.
24. There will be a mix of high-quality surface finishes in keeping with the Masterplan and regeneration for the whole of the Skinnergate area currently taking place along the street and within many of the existing Yards and Wynds. Planting could be introduced where possible and the introduction of some soft landscaping will significantly soften the space, add diversity as well as having an impact on the health and wellbeing of local residents.
25. The proposed development would accord with the general design principles set out in the Council's adopted Supplementary Planning Document – Design for New Development.
26. The Architectural Liaison Officer (ALO) from Durham Constabulary have provided some detailed comments on the proposed layout based on the principles of Crime Prevention through Environmental design (CPTED) which are intended to help create strong cohesive communities in line with the National Planning Policy Framework 2021. The comments relate to the location of cycle stands, bin stores, the height of boundary walls

and other means of enclosure on the site, the location of windows overlooking public areas, lighting and access arrangement through the site. It has been agreed with the Architectural Liaison Officer that the applicant will liaise further with the local planning authority and the ALO on these matters and this can be secured by a planning condition.

27. In general design terms, the proposed development is an excellent designed scheme which reflects the characteristics of the surrounding area and successfully mix historic and modern design principles. The Skinnergate frontage is a great improvement to the existing buildings and retains the active shopping frontage whilst the residential development is sympathetic to the design of the area but in a modern and contemporary manner which does not detract from the visual appearance of the street scene. The development would link well with the existing infrastructure and makes a valuable contribution towards the character of the local area and its sense of place. The development would accord with policy CS2 of the Core Strategy 2011.

**c) Impact on Designated and Non-Designated Heritage Assets**

28. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks that local planning authorities pay special attention to preserving or enhancing the character and appearance of conservation areas. Section 66 of the Act 1990 imposes a duty to treat a finding of harm to a listed building and its setting as a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise and subsequent case law has stated that it is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgment..
29. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (para 197 of the National Planning Policy Framework 2021).
30. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199 of the National Planning Policy Framework 2021).
31. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200 of the National Planning Policy Framework 2021) and the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (Para 203 of the National Planning Policy Framework 2021).

32. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (para 206 of the National Planning Policy Framework 2021)
33. The application site is located in the centre of the Town Centre Conservation Area, fronting Skinnergate and Raby Terrace to the rear. As noted, the site includes the Grade II No.12 Skinnergate, non-designated No.2 Raby Terrace (Former Foreign and British School) and later 20th century buildings which are considered to have a negative impact to the Conservation Area.
34. The site is located with the immediate setting and adjoining to several other Listed assets which include, The Mechanics Institute (Grade II), Nos 78 and 79 Skinnergate (Grade II), No's 75, 75A, 76 and 76A Skinnergate (Grade II), No. 74 Skinnergate (Grade II) and No. 21 Skinnergate (Grade II). The site directly adjoins to No. 11 Skinnergate Grade (II) and No 20 Skinnergate (Grade II).
35. The site to the rear facing onto Raby Terrace is within the immediate setting of the Quaker Burial Grounds which is connected to the Grade II\* Meeting House. The boundary wall of the Burial grounds is also Listed at Grade II. It is therefore evident that the site is of high significance with many Listed and non-designated assets within and around the site
36. No.12 Skinnergate is in a poor and deteriorating state of condition having suffered a major fire in 2018. The three storey building is understood to be of the mid-18th century with gauged brick flat arches on the first floor. To the rear of No.12 there is a linear extension which projects half the width of the plot. It is an interesting addition and while having seen historic alteration has retained several key features of note including fireplaces, doors, door surrounds and other elements to the first floor. The fire has caused substantial damage to the main building and also exposed elements of previous historic alteration. There are some surviving features including fireplaces, chimney breast, stacks and pots.
37. No.2 Raby Terrace is a non-designated heritage asset. The building is part of the former British and Foreign School and is present on the first edition OS maps. The building is understood to have been the first home of the School which was founded by the generosity of the Quakers. In Darlington the funding for the school came by way of the Pease Family and therefore holds a high level of significance to the area. The building as existing has seen historical alterations and additions but the core of the fabric and the historic plan form can still be clearly read.

38. Nos 14-18 Skinnergate, are buildings from approximately the 1970's being large monolith buildings which replaced the historic buildings in the later 20th century. These buildings have no value or and make no contribution to the area and they have a negative impact to the Conservation Area and setting of the Listed assets.

***No.12 Skinnergate***

39. This listed building is in a poor state of condition and continuing to deteriorate. As part of the proposed development, the building is to be repaired and reused including the rear extension which is considered to be a very positive public benefit which would be derived from the scheme. The proposals look to retain the buildings current layout and appearance but there does appear to be some changes to the chimney stacks. The stacks should be conserved and retained as these are important historic features and given the loss which has already been seen to the building, it is paramount that the remaining fabric is conserved and retained wherever possible. A separate and more detailed listed building application is to be submitted solely for No.12 Skinnergate which looks at the urgent repair and remedial works which are critical to the building and will likely expand upon the detail submitted as part of this planning application.
40. There is much greater detail needed for the works to No.12 Skinnergate given the works to the rear extension, the proposed new rear openings including the new shop frontage and the repairs which are vitally needed. As stated, the rear extension has seen substantive alteration, but it has also retained several key features and detail. It is vitally important that greater detail is provided to understanding how the historic fabric is going to be retained and the new elements added. These matters would be considered in more detail in the separate planning application yet to be submitted.
41. The Council's Conservation officer and Historic England welcome that the repair and re-use of the listed structure has been incorporated as part of the proposals and in policy terms and they also advise that this presents a considerable public benefit. They acknowledge the need for further details to be supplied in the separate listed building application for No 12 Skinnergate which has yet to be submitted.
42. The Council for British Archaeology also believe the conservation of No 12 Skinnergate will have a positive outcome for this heavily fire damaged building

***New build development - Nos 14-18 Skinnergate***

43. This existing building has a hugely negative impact to the Conservation Area and setting of the neighbouring Listed Buildings. The proposals are to demolish this building and erect new buildings which are more appropriate to the character of the area. The proposals are very positive as they see the removal of the poor quality building and development reinstated which reforms the historic pattern and form, for example, the line of development and open spaces works off following the former lost historic burgage plots for this area. The historic frontage along Skinnergate is also to be reinstated with a variation in the roof line.

44. Overall, the impact of this part of the proposed development is positive. However, precise details of the new shopfronts, joinery details, finishes and colour schemes and gates for the buildings will need to be provided and these items can be secured by planning conditions
45. The change of roof lines and pitches within the wider development is interesting and is sympathetic to the detail found on the immediate area. Overall the materials palette has been kept to a minimum which is positive and ensures there is not too much visual cluttering, but precise details of the materials would need to be secured by a planning condition. The general principles of the landscaping scheme have been well considered, providing some key planting areas.
46. The Council's Conservation Officer Historic England broadly welcome the scheme as it reflects the historic layout of back plots along Skinnergate and it relates to the character of this part of the conservation area.
47. The Council for British Archaeology believe that the demolition of these buildings and the redevelopment of the site will have a positive outcome for the character and appearance of the Town Centre Conservation Area

***No.2 Raby Terrace (former British and Foreign School)***

48. This building is considered to be a non-designated asset. The existing building has a connection and is within close proximity to the Quaker burial ground and has strong ties to the Quaker movement the Pease family. Architecturally, the building has a lesser quality, but it is evident that the building has high significance historically, socially and on its Empirical evidence.
49. The proposals would see the loss of the building and the erection of terraced properties fronting onto Raby Terrace.
50. Historic England have stated that the loss of No.2 Raby Terrace would be a loss to the significance of the conservation area and the local planning authority must be convinced that the significance of this building is well understood and options for conversion have been thoroughly considered.
51. The Council for British Archaeology considers that there is insufficient justification for the demolition of this non-designated heritage asset, the beneficial impacts of the scheme would arguably be improved by its retention and reuse and the CBA believe strongly that the embodied carbon in standing buildings should be considered amongst the criteria for demolishing as opposed to reusing buildings as part of the imperative for sustainability in the built environment. Reaching 2050 targets to be carbon neutral depends on big changes to current norms, which should include revised approaches to reusing buildings preferentially to demolition and rebuild options. Especially when considering undesigned heritage assets

52. In order to establish the possibility of retaining No 2 Raby Terrace an extensive options appraisal exercise was carried out to review potential options for the creative re-use of the building both for residential and commercial use. There was a strong view among that A1/A3, or small office/business use was not acceptable on this site except for along the main Skinnergate elevation. This is also demonstrated in the council business plan model which is a drive to reduce retail units within the town centre and increase housing in order to utilise the brown field high quality sites for the delivery of exemplar residential schemes while also fulfilling the housing targets.
53. The building itself has for several years been an unoccupied site and has little of its original historic features and several later editions which hinder the interpretation of its original form and fabric. The retention of the building would have a negative impact upon the proposed scheme, in terms of bringing forward a local authority affordable housing scheme in a highly sustainable location which overall is a high quality aspirational architectural benchmark for the delivery of town centre residential schemes and which is intrinsic to the regeneration strategy for the area. However, the applicant has acknowledged that there is a strong argument for some permanent interpretation and storytelling feature about the building in this location which could actually serve to tell a stronger community message than the current building serves to do.
54. The role that the building played (of which this building was a small part) in the historic and community history for Darlington, its Quaker roots and for the development of national education (and the slavery abolition movement) within England and the British Isles during the 19th Century is still recognised as being significant and it has been suggested that some interpretation be included within the proposed scheme to tell that story which is currently undervalued or unknown by many visiting the town. Part of the proposals for the scheme is to open-up the end of the British School Yard to provide a new linkage through to Raby Terrace and to provide a new intimate public plaza to the end of this space. It is suggested that some interpretation in the form of public art or plaque be introduced to provide an opportunity for story-telling and historic interpretation to ensure this story is not lost (which the building itself currently does little to provide). This would form a part of the local history trail for the area and have strong connectivity with the Quaker burial ground adjacent, the mechanics institute and the Quaker Meeting House buildings on Skinnergate.
55. Whilst Historic England's and the CBAs comments on the loss of No 2 Raby Terrace are noted the application, the Local Planning Authority need to be clear in applying the correct test in considering them, i.e. it is not an untilted balance – the harm to the heritage assets must be accorded considerable importance and weight and there needs to be a clear and convincing justification for any harm.
56. The loss of No.2 Raby Terrace would be a loss to the significance of the conservation area but set against the other elements of the scheme the net heritage benefit is still positive. The loss of this non-designated heritage asset would be harmful to the significance of the conservation area. This harm has to be considered alongside the

overall heritage benefits and wider public benefits of the scheme arising from it in line with paragraph 200 of the National Planning Policy Framework 2021. Consideration also has to be given to the duty of preserving the character and appearance of the conservation area and the setting of listed buildings as set out in the Act 1990.

57. The loss of the building would be considered to cause “less than substantial harm” to the significance of the surrounding heritage assets and where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 202 of the National Planning Policy Framework 2021)
58. The repair and re-use of No 12 Skinnergate, which is a listed building is an obvious and significant heritage benefit, particularly where done in a way that retains as much heritage detail as possible to ensure its longevity as a valued asset both architecturally and communally which is what the proposal aims to achieve. Other public benefits include:
- The redevelopment of the existing modern retail units to create an improved street frontage on Skinnergate. This will improve the setting of the adjoining listed buildings as well as the character and appearance of a prominent and popular street scene within the Town Centre Conservation Area.
  - The provision of a high quality affordable housing scheme within a sustainable location and which can set a benchmark for the delivery of future residential schemes in and around the town centre
  - A scheme which will incorporate measures in aid of climate change
  - The provision of small-scale retail outlets to encourage occupation by local independent business to enhance the retail and commercial offer within Skinnergate
  - The creation/reinstatement of thoroughfare from Skinnergate to Raby Terrace.
  - The creation of a scheme which follows the former lost historic burgage plots for this area
  - The introduction of some form of artwork or plaque to inform people of the story of No 2 Raby Terrace which is not currently publicly evident
  - Improvements to the south boundary of Punch Bowl Yard making this a more pleasant environment to move through. The proposal has the potential to be a catalyst for future redevelopment of Punch Bowl Yard.
  - A highly improved frontage onto Raby Terrace, which increase natural surveillance of this area
  - The opening up of views to the rear of Skinnergate from Raby Terrace providing a better understanding of the historic plot layout and roofscape.
59. It has been agreed that an historic recording of No 2 Raby Terrace is carried out prior to its demolition for the purposes of historical understanding. This would be a Level 3 recording which is an analytical record and will comprise an introductory description followed by a systematic account of the building’s origins, development and use. The record will include an account of the evidence on which the analysis has been based,



allowing the validity of the record to be re-examined in detail. It will also include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Copies of any report would then be sent to the local Historic Environment Record and to the appropriate Local Studies Library This would be in accordance with guidance contained within the Historic England document "Understanding Historic Buildings - A Guide to Good Recording Practice"

60. Based on the information that has been submitted in support of the planning application, officers are convinced that the significance of No 2 Raby Terrace is well understood and will continue to be so through the Level 3 Recording process and some form of interpretation board or artwork and that the option for retaining and converting the building have been thoroughly considered in accordance with the requirements of Planning (Listed Buildings and Conservation Areas) Act 1990 (secs 66 and 72). Furthermore, it is considered that, in accordance with the requirements of the National Planning Policy Framework 2021 (para 202) that there are significant social, economic and heritage public benefit benefits which would be derived from the proposed development that would outweigh the less than substantial harm to the conservation area that would be caused by the demolition of the non-designated heritage asset, No 2 Raby Terrace. The overall development would also accord with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework 2021 and policy CS14 of the Core Strategy 2011.

**d) Residential Amenity**

61. The spatial relationship between the proposed dwellings within the development and with the existing dwellings in the immediate vicinity are acceptable and will not result in any adverse amenity conditions for the occupants in terms of loss of privacy and outlook. The proposed development would accord policy CS16 of the Core Strategy 2011.

**e) Noise**

62. A noise impact assessment has been submitted in support of the planning application which has looked at how noise in the local area will potentially impact on the future residents and what mitigation measures are required in the proposed dwellings in order to ensure a suitable acoustic environment for future residents.
63. Measurements were taken of noise from Road Traffic Levels on Raby terrace to the rear of the development and a correction of 2dB was added to the result to correct for 'normal' traffic conditions. As the report was compiled during the 'lockdown' with restrictions imposed on the night-time economy it was agreed that instead of taking noise measurements in this unusually quiet period data should be used from a similar street in the centre of Durham measured on a summer weekend in 2019 which was affected by noise in the night-time economy. This data was then used to model the impact of noise on the proposed development and what mitigation would be required in order to create a good acoustic environment for future residents.

64. The modelling has shown that windows on the façades of buildings fronting onto Skinnergate, the courtyard area, Punch Bowl Yard and Raby Terrace will all require enhanced glazing specifications and an alternative means of ventilation to allow future residents to ventilate their rooms without having to open a window and be exposed to the prevailing noise levels. The report has not set a detailed specification for glazing and ventilation, but it has set the minimum design standards which must be met and shown that such levels can be achievable. The modelling has shown that the noise levels in outdoor amenity areas which are proposed as part of the development will be <55dB LAeq, 16rh. Given the location of the development in the town centre this is deemed to be acceptable for dwellings in such a location. The Council's Environmental Health Officer has recommended the imposition of a planning condition to minimise noise disturbance from external noise sources into the proposed dwellings.
65. The report has also suggested some design criteria for the construction of separating floors between those properties with a commercial element on the ground floor and a residential element on the floor above. This scenario is not something which is adequately covered in the Building Control Regulations and without proper consideration of the impact of sound moving from one part of the building to another it can be source of noise complaints to Environmental Health. The development must be built in a way which ensures noise insulation between these two elements of the building is sufficient and the Environmental Health Officer has recommended the imposition of an appropriate planning condition
66. Furthermore, in order to protect the amenities of the occupants of this development from noise, odours in the future, a planning condition has been recommended which results in the retail units remaining in Class E usage. The planning condition would not prevent the units being used for other purposes, but a planning application would be required to do so. This is considered important as changes have recently made to the planning process by Central Government which enables more buildings to be changed to other uses without the need for full planning permission.
67. It is considered that with the use of appropriate planning conditions, the scheme would accord with policy CS16 of the Core Strategy 2011.

**f) Highway Safety and Parking Provision**

68. The traffic generation for this development is expected to be lower than other average housing private housing developments given the town centre location. It is expected that traffic generation will be an additional 4-5 two-way trips in the AM/PM peak hours, which equate to one additional vehicle movement every 12-15 minutes. As such it is accepted that no formal Transport Statement or Assessment is needed to support the planning application, and that the vehicle movements can be accommodated on the local highway network without requiring off-site mitigation. It is also noted that the current retail floor area is to be reduced significantly with a loss of 1865 square meters internal floor space, with much smaller retail units replacing the existing, as such it is likely that vehicle movements associated with retail use are reduced.

69. A review of the past five year period of Police accident statistics demonstrates that there have been two recorded Personal Injury Collisions (PICS) recorded within the vicinity of the site. The first located on the junction of Duke Street & Raby Terrace which was a 'Serious' incident and was located approximately 90m from the site and the second, a 'minor' incident which was located at Powlett Street approximately 80m from the site entrance. Given that there are not a significant number of accidents, or any repeat pattern of accident, there is no reason to conclude that a proposal with very minimal increased traffic generation would have any material impact on highway safety.
70. The application site is located within a highly sustainable location having excellent access to local town centre shops and amenities, public transport links, bus and rail connectivity and pedestrian links.
71. The proposed layout provides two parking spaces within the site both of which are to be allocated to disabled parking and this approach to prioritize parking for disabled accessible spaces within the site is welcomed as anyone with mobility impairment would be impacted inequitably should parking not be provided. It is envisaged that these parking spaces would be for the residents and visitors for this development only.
72. A comment has been raised by the Council's Highways Engineer about the proposed access arrangements for these spaces next to the boundary wall of Punch Bowl Yard and the need to reduce its height to improve visibility. It is the intention to remove this area of wall to provide good visibility and this would be carried out by a Party Wall agreement. A Party Wall Surveyor will be appointed by Darlington Borough Council to move forward with the Party Wall negotiations when/if Planning Consent is secured
73. Additional offsite parking could be created by making use of the existing block paved layby running across the site on Raby Terrace. This area is currently covered by restrictions which prohibit parking in the interest of providing access to the existing parking and service areas of the site. This could be converted to a permit/residents parking area and is likely to yield an additional spaces subject to detailed design and consultation. The Tees Valley (Design Guide & Specification Residential and Industrial Estates Development) advises that generally parking provision for social housing should be one space per unit, however in a town centre location, parking may be reduced provided alternative sustainable travel options are available.
74. Whilst the overall car parking provision is low, as stated, this development is in a highly sustainable location with access to amenities and other transport links. This form of residential development in the town centre is a scheme where the occupants may not be as reliant on private car ownership and offers occupants the opportunity to live close to the town centre and its amenities and attractions. In this location alternative means of travel are available and the level of parking can be acceptable.
75. Pedestrian permeability is provided through the site from Skinnergate to Raby Terrace, with gradients of 1:21 or flatter which makes the development accessible for persons with mobility impairment. It is anticipated that public open space and paths within the

site will remain private and may be gated on an evening, it is expected that it could be used as a public thoroughfare, as it provides a convenient link from Skinnergate to Raby Terrace.

76. The retail units would be serviced via Skinnergate, within the existing restrictions which prohibit vehicular access past Duke Street bollard during the hours of 10am-5pm in the interests of maintaining a safe pedestrian environment within the town centre. This arrangement is currently used by many commercial properties, on Skinnergate and within the pedestrianized area of the town centre, where many businesses do not benefit for servicing/loading bays located to the rear.
77. Provision is made for bin storage for the both retail units and residential flats/dwelling houses. It is therefore accepted that collection can be made from the public highway and that bins will not be stored within the public highway but within designated storage areas.
78. The footway fronting the site across Raby Terrace is currently broken up by wide vehicle access points which will be redundant should the site be redeveloped. No substantive detail is provided at this stage with regard to offsite highway works. However, these vehicle access points will need to be reinstated as a properly constructed footway with a full height kerb and suitable dropped crossing facilities across the frontage to provide an acceptable disabled access route. A dropped crossing should also be provided across Raby Terrace to enable wider connectivity to existing pedestrian infrastructure which is considered essential for a safe means of pedestrian access and should be completed prior to occupation of the site.
79. More detailed design work will be required to create additional parking within the existing block paved layby on Raby Terrace. This will require the Highway Authority to undertake a consultation exercise with local residents and businesses regarding proposed changes to Traffic Regulation Orders (TROs) which is a separate process to Planning Approval.
80. A Construction Management Plan would be required to ensure appropriate consideration is made for matters related to highway safety and free flow of traffic and this can be secured by the imposition of a planning condition.

**g) Ecology Matters**

81. A bat risk assessment of the buildings on Skinnergate, including No 2 Raby Terrace and adjoining former Argos retail unit has been submitted in support of the planning application. Whilst there are no historic records of roosting bats at the Skinnergate site, several potential access points to typical roost features were identified and a daylight survey was constrained by lack of access to the interiors of the buildings. No bat activity was recorded at the site during a dawn return survey at the end of the bat survey season, but a single common pipistrelle was recorded close by before the start of the survey. The location of the site close to suitable foraging habitat, and presence of several potential access points for bats into the buildings rendered it a medium risk for

use by roosting bats for which further surveys were required. The interiors of the buildings needed to be searched for evidence of bat occupation and at least 1 additional bat activity survey was required to inform an impact assessment and mitigation strategy.

82. Additional surveys were carried out in May and June 2020. No bat activity was recorded during either dawn survey, but foraging common pipistrelles were noted in the south west corner of the site, and occasional commuting bats overflowed the site. No bats emerged from or returned to roost in the buildings and the site is considered to be a low risk for such use.
83. Mitigation is not required in respect of bats at the proposed development, which is considered likely to have a neutral impact upon the conservation status of the local bat population, but a strategy is presented to ensure individual bats are not harmed. In order to enhance biodiversity, a Bat Survey Report (June 2020) recommends a single Schwegler 1FR bat tube should be installed at the apex of the gable of the houses in the south west corner of the site, overlooking the cemetery. This recommendation can be secured by a planning condition.
84. The proposed development would accord with policy CS15 of the Core Strategy 2011.

#### **h) Archaeology Matters**

85. The application site is within the historic core of Darlington and may contain remains relating to the earliest development of the town. Subsequent activity across this site, in the form of various buildings, is likely to have truncated any archaeological remains of these earlier phases of activity, but there is still potential for some remains to have survived between the various foundations. As a result, the Durham County Council Archaeology Team has advised that a watching brief should be carried out during the site preparation and construction phases of the project, to allow any remains encountered to be recorded which can be secured by planning conditions.

#### **i) Contaminated Land**

86. A Contaminated Land desktop study and site walkover Phase 1 report has been submitted in support of the planning application. This has identified that the site has a long history of commercial uses in the centre of town and it is very much likely that some contamination of the underlying ground will have resulted from these former uses. It would also not be unexpected to encounter relatively deep areas of made ground beneath the surface, or even relic foundations beneath parts of the site.
87. Currently the site is occupied by several different buildings which will be demolished as part of the application and are preventing access to the underlying ground conditions for a more thorough site investigation. A site investigation, and possibly then remediation, will be required as part of any approval of this application. The desk top study has stated that this site investigation should include ground gas monitoring comprising of at least 6 rounds of ground gas readings over a 3 month period.

88. Although there are no landfills in the immediate vicinity there is a strong likelihood of significant depths of made ground being encountered which may produce ground gas.
89. The Council's Environmental Health Officer has recommended appropriate planning conditions in relation to land contamination. The proposed development would accord with policy CS16 of the Core Strategy 2011.

**j) Flood Risk and Drainage**

90. A Flood Risk Assessment has been submitted with the planning application which confirms that the site is within Flood Zone 1 and concludes that the risk to the proposed retail and residential development is low from all forms of flooding as categorised in the National Planning Policy Framework and the Technical Guidance and the proposed uses of land are appropriate in this Flood Zone
91. Sufficient information has been submitted in support of the planning application to satisfy the Local Lead Flood Authority (LLFA) that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. However, a detailed design for the management of surface water runoff from the proposed development is required but this information can be secured by condition.
92. Northumbrian Water have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted Drainage Strategy. In this document it states the foul and surface water flows shall discharge to the combined sewer at manhole 7402, the surface water flows shall be restricted to a maximum of 5l/sec. This can be secured by a planning condition.
93. The proposed development would accord with policy CS16 of the Core Strategy 2011.

**k) Sustainability Matters**

94. There are a range of options available that are primarily concerned with reducing carbon emissions such as solar water heaters; photovoltaic panels; low carbon boilers underfloor heating and air source heat pumps. The principles that will underpin the environmental design of this development is that the building fabric acts as a moderator of the external climate and the heating, ventilation and lighting installations deal with the reduced demands of the moderated internal climate. The design philosophy will consider a well insulated building fabric; incorporating a window design to admit and distribute daylight effectively, without admitting unwanted solar heat during the summer; cooling by refrigeration equipment will only be provided where necessary and the use of flexible, controllable and energy efficient engineering systems to provide final environmental control.
95. Further to this the developer will throughout the building design, construction and delivery process take on board the Darlington Borough Council Climate Change Strategy principles outlined in their report: 'A carbon neutral Darlington Borough Council, Climate Change Strategy July 2020'.

## **THE PUBLIC SECTOR EQUALITY DUTY**

96. 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. Whilst the precise details of the hard and soft landscaping for the site would be secured by a planning condition, permeability is provided through the site from Skinnergate to Raby Terrace, with gradients of 1:21 or flatter which makes the development accessible for persons with mobility impairment. The dropped kerbs on the Raby Terrace frontage would be reinstated as footway which will also improve access for persons with mobility impairment. The new dwellings and retail units would meet the requirements of Part M of the Building Regulations and therefore it is considered that the scheme would accord with policy CS2 of the Core Strategy 2011.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

97. 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. These matters have been considered in paragraph 26.

## **CONCLUSION AND RECOMMENDATION**

98. The application site is in a highly sustainable town centre location within the development limits of the urban area. The principle of this mixed use development would be in accordance with the local development plan. The proposed development would not have a negative impact on the street scene, in general design terms, nor upon residential and general amenity of the area, highway safety, ecology, flood risk or the archaeological history of the area. The Council's Conservation Officer, Historic England and the Council for British Archaeology (an Amenity Body) are broadly supportive of the overall scheme but they have all commented that the demolition of No 2 Raby Terrace will harm the significance of the Town Centre Conservation Area and the retention of the building should be considered and any identified harm has to be considered alongside the overall heritage benefits and wider public benefits of the scheme in accordance with the National Planning Policy Framework 2021. When making that balanced judgement, the local planning authority must be convinced that the significance of this building is well understood and options for conversion have been thoroughly considered. Officers are satisfied that the conversion and retention of the building has been considered by the developers in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and officers accept the reasons for its demolition rather than its retention and that a Level 3 Recording and interpretation board or artwork will preserve the history of the building. Officers are mindful of and have fully considered the considerable importance and weight which must be afforded the heritage assets in making a decision; however, in the opinion of officers, the harm caused to the Conservation Area by the loss of the No 2 Raby Terrace

is overcome by the significant economic, social, heritage and public benefits, as set out in this Report, which would be derived from the proposed development. The proposed development would accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, along with the considerations set out within the National Planning Policy Framework 2021 and policy CS14 of the Core Strategy 2011.

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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a) Drawing Number Z0-XX-DR-A-040001 P2 3D Views
  - b) Drawing Number Z0-XX-DR-A-040002 P2 3D Views
  - c) Drawing Number Z0-XX-DR-A-040003 P2 3D Views
  - d) Drawing Number Z0-XX-DR-A-040004 P2 3D Views
  - e) Drawing Number Z0-XX-DR-A-040005 P2 3D Views
  - f) Drawing Number Z0-XX-DR-A-040006 P2 3D Views
  - g) Drawing Number Z0-XX-DR-A-040007 P2 3D Views
  - h) Drawing Number Z0-XX-DR-A-040008 P2 3D Views
  - i) Drawing Number Z0-XX-DR-A-041001 P1 Photorealistic 3D View 01
  - j) Drawing Number Z0-XX-DR-A-041002 P1 Photorealistic 3D View 02
  - k) Drawing Number Z0-XX-DR-A-041003 P1 Photorealistic 3D View 03
  - l) Drawing Number Z0-XX-DR-A-910003 S1 P2 Site Plan – Proposed
  - m) Drawing Number Z0-00-DR-A-910001 S1 P2 Site Location Plan
  - n) Drawing Number Z0-XX-DR-A-030002 S1 P2 General Arrangement Sections
  - o) Drawing Number Z0-XX-DR-A-030001 S1 P2 General Arrangement Sections
  - p) Drawing Number Z0-XX-DR-A-020102 S1 P2 General Arrangement Elevations
  - q) Drawing Number Z0-XX-DR-A-020101 S1 P2 General Arrangement Elevations
  - r) Drawing Number Z0-02-DR-A-010100 S1 P2 General Arrangement Plan - Second Floor
  - s) Drawing Number Z0-01-DR-A-010100 S1 P2 General Arrangement Plan - First Floor
  - t) Drawing Number Z0-00-DR-A-010100 S1 P2 General Arrangement Plan -Ground Floor
  - u) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00137 PO1 Contributing Impermeable Areas
  - v) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00135 PO1 Flow Control Manhole Detail S5
  - w) Drawing Number 8313-BGP-00-ZZ-DR-C-52-00134 PO1 Attenuation Details
  - x) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00133 PO1 Manhole Schedule



- y) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00132 PO1 Drainage Details
- z) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00131 PO1 Drainage Details
- aa) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00130 PO1 Proposed Drainage Strategy
- bb) Drawing Number Z0-XX-DR-A-911003 S1 P1 Party Walls -Additional Surveys Required
- cc) Drawing Number Z0-XX-DR-A-911002 S1 P1 Party Wall Types
- dd) Drawing Number Z0-XX-DR-A-911001 S1 P1 - Site Demolitions and Party Walls

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

3. No development shall commence on site until the Crime Prevention through Environmental design (CptED) principles set out in the response from the Durham Constabulary Crime Prevention Unit have been given full consideration by the developer. Precise details of measures that can be implemented within the approved development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to achieve a satisfactory form of development in the interests of the general amenity of the area.

4. 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

5. Prior to the commencement of the development, including any demolition works, a Demolition Management Plan and a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plans shall include a method statement detailing the process of securing No 12 Skinnergate (Grade II listed building) and the dismantling of the adjoining buildings; a dust action plan, the proposed hours of demolition and construction and deliveries, vehicle and pedestrian routes, road maintenance and signage, site parking, and material storage areas. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway and pedestrian safety; the general amenity of the area and to protect the heritage asset during the demolition and construction phase of the development

6. Notwithstanding condition 5 there shall be no use of mechanical tools for the demolition works around or directly adjoining No 12 Skinnergate (Grade II listed building)

REASON: To protect the heritage asset during the demolition phase of the development

7. Prior to the commencement of the development, precise details of works within the public highway on Raby Terrace shall be submitted to and approved in writing by the Local Planning Authority. The details include footway works, dropped kerbs, tactile paving, and road markings and signage associated with residents parking. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety

8. The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details;

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

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS16 and the National Planning Policy Framework 2021

9. CL2 - Phase 2 Site Investigation Strategy
10. CL3 - Phase 2 Investigation Works
11. CL4 - Phase 3 Remediation and Verification Strategy
12. CL5 - Construction/Remediation works
13. CL6 - Phase 4 Verification and Completion Report
14. No buildings shall be built above damp proof course level, until full joinery details for all shop fronts (Scale 1:10 – 1:20) and all windows and doors (internal and external) (Scale 1:10 – 1:20) have been submitted to and approved, in writing by the Local Planning

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

REASON: In the interests of the visual appearance of the development and the significance of the street scene and Town Centre Conservation Area

15. No buildings shall be built above damp proof course level, until precise details of all materials to be used throughout the approved development (including samples where required) have been submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be restricted to the materials and finishes for all dormer extensions; details of all means of enclosure; all brick types, brick bones, coursing and banding details, mortar and plaster mixes; roof tiles; rainwater goods; treatments of all dormers and bay windows; window materials designs and colour schemes; and details of render (including finishes and colour). The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of the visual appearance of the development and the significance of the street scene and Town Centre Conservation Area
  
16. No buildings shall be built above damp proof course level, until a scheme for all hard and soft landscaping, including planting schemes and floor levels for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of the visual appearance of the development and to ensure safe, convenient and attractive access for pedestrians and disabled persons.
  
17. No buildings shall be built above damp proof course level, until a scheme of proposals for reducing carbon emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consider measures such as solar water heaters; photovoltaic panels; low carbon boilers underfloor heating and air source heat pumps and the development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: To achieve a satisfactory form of development in the interests of climate change.
  
18. 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 205 of the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.
  
19. Prior to the occupation of the development, precise details of a scheme to provide an historic interpretation of No 2 Raby Terrace shall be submitted to and approved in

writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: To provide a record of the non-designated heritage asset

20. Prior to the occupation of the dwellings hereby approved, details of the glazing and ventilation strategy to meet the requirements of Table 1 in the Apex Acoustics Report 8886.1A submitted with the application shall be provided to and agreed in writing with the Local Planning Authority. The agreed specification for glazing and ventilation shall be fitted into the dwellings hereby approved prior to their occupation and shall be retained and maintained thereafter for the lifetime of development  
REASON: In the interest of protecting the amenities of the future occupants of the development
21. Prior to the occupation of the any dwellings with a commercial element on the ground floor and a residential element to the floor above hereby approved, details of the specification of the floor construction between the two elements shall be submitted to and agreed in writing with the Local Planning Authority. The specification must satisfy the requirements of Table 11 of the Apex Acoustics Report 8886.1A submitted with the application, suggested construction methods are also provided in this report. The agreed specification for flooring shall be fitted into the dwellings hereby approved prior to their occupation and shall be retained and maintained thereafter for the lifetime of development  
REASON: In the interest of protecting the amenities of the future occupants of the development
22. Prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details and the parking and storage arrangements shall be retained and maintained thereafter for the lifetime of development  
REASON: In the interests of promoting sustainable modes of transport
23. A Level 3 Recording (in accordance with guidance contained within the Historic England document "Understanding Historic Buildings - A Guide to Good Recording Practice") shall be carried for No 2 Raby Terrace prior to the demolition of the building. Copies of the Recording shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.  
REASON: To comply with paragraph 205 of National Planning Policy Framework 2019 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible

24. Prior to the commencement of the development precise details showing the removal of the existing vehicular access on Raby Terrace, and the reinstatement of footways shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway and pedestrian safety

25. The development shall not be carried out otherwise than in complete accordance with the approved Flood Risk Assessment (FRA) & Drainage Philosophy dated 28th April 2021 and the following mitigation measures detailed within the FRA

- a) Discharge to NW combined sewer restricted to 5 l/s
- b) 60m<sup>3</sup> of storage provided

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

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

26. The buildings hereby approved shall not be brought into use until: -

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

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

27. Development shall be implemented in line with the drainage scheme contained within the approved Flood Risk Assessment (FRA) & Drainage Philosophy dated 28th April 2021. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 7402. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2021

28. The development shall not be carried out otherwise than in complete accordance with the mitigation and compensation measures set out in the document entitled "Bat Survey Report: St Mary's Association Club, former Argos building and adjoining

structures, Skinnergate, Darlington” produced by Barrett Environmental Limited dated June 2020 unless otherwise agreed in writing by the Local Planning Authority  
REASON: In the interest of biodiversity enhancement.

29. The commercial units shown on the approved plans, shall be used for retail purposes (Class E) purposes only as set out within the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) and for no other purpose or purposes whatsoever, including other purposes within Class E without express planning consent of the local planning authority  
REASON: To ensure that the local planning authority retains control over the future uses of the units in the interests of safeguarding the amenities of the area and the occupants of the residential development

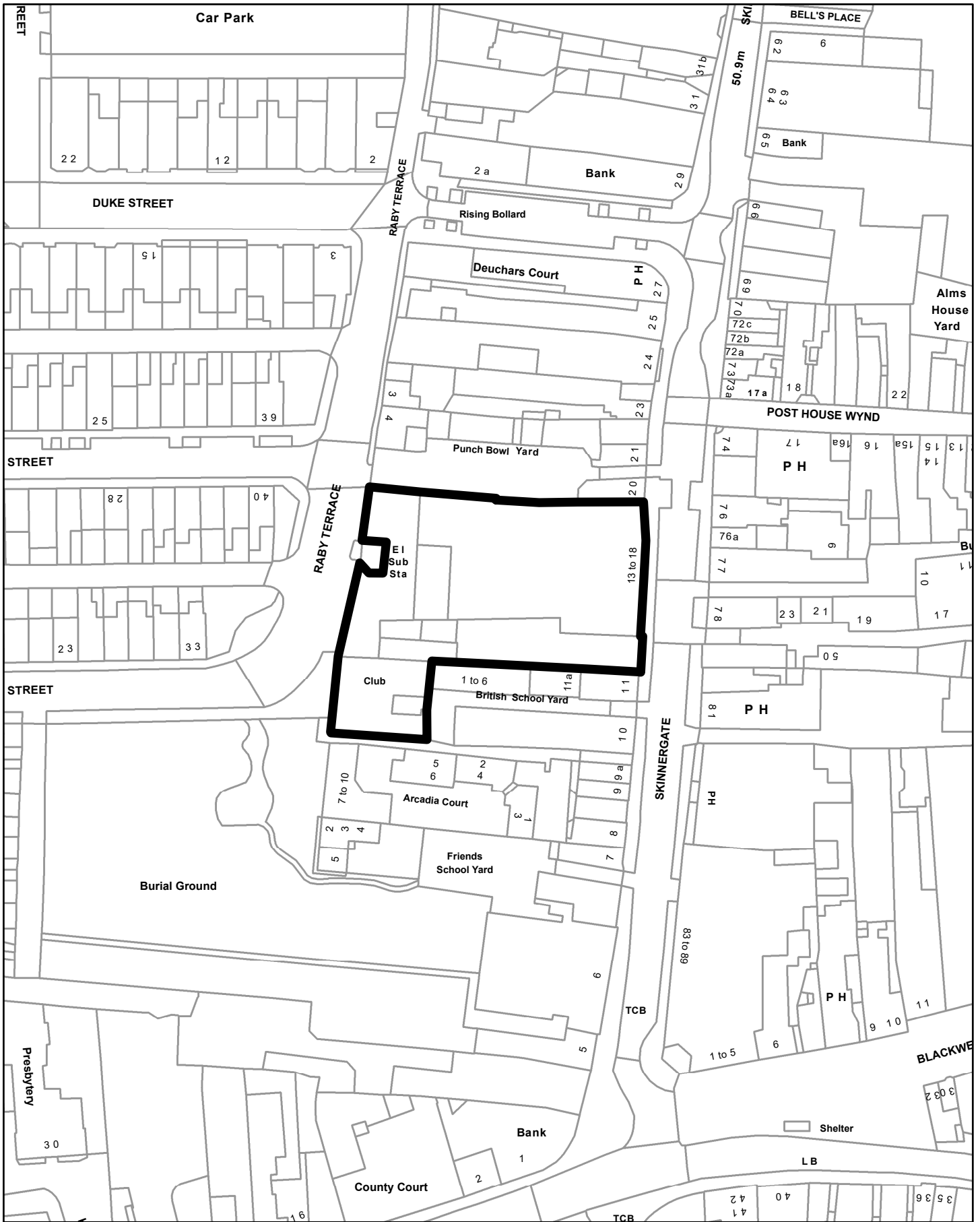
## **INFORMATIVES**

### **Street Naming**

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

### **Residents Parking**

The applicant is advised that amendments will be required to the Residents Parking Scheme Order and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter.

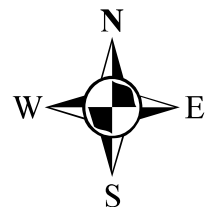


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**PLANNING REF No: 21/00556/DC**

DARLINGTON BOROUGH COUNCIL

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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE:** 4<sup>th</sup> August 2021

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**APPLICATION REF. NO:** 21/00627/OUT

**STATUTORY DECISION DATE:** 03 August 2021

**WARD/PARISH:** Heighington And Coniscliffe

**LOCATION:** Land Adjacent To 2 Mill Lane REDWORTH

**DESCRIPTION:** Outline application with all matters reserved except access for the erection of up to 2 no. dwellings

**APPLICANT:** Mr Wheeldon

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**RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO CONDITIONS**

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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 currently comprises approximately 0.18ha of land which is overgrown and was last used as residential curtilage and garden space. The site is bound to the north, south and west by residential development, with agricultural land to the east. The site is enclosed to the north; south and west by close boarded timber fencing and to the east by a timber post fence.
2. The site has been the subject of a previous outline planning permission for residential development which has now lapsed (see below). This is a new planning application seeking outline planning permission for two dwellings with all matters reserved apart from access which would be provided via a shared private drive directly leading off Mill Lane.

#### MAIN PLANNING ISSUES

3. Outline planning permission (ref no: 16/00952/OUT) has previously been granted to redevelop the site for two dwellings with all matters reserved. Access to the site was shown as via the private shared drive off Mill Lane. However, the outline planning permission has since lapsed.
4. The private shared drive also provides access for No 2 Mill Lane which was built under planning permission reference number 16/00532/FUL; No 2 Main Road and No 3 Mill Lane which was built under planning permission reference number 07/00895/FUL.
5. The main considerations for this proposed development are whether it is acceptable in the following terms
  - a. Planning Policy
  - b. Highway Safety and Parking Provision
  - c. Residential Amenity
  - d. Impact on the Visual Appearance and Character of the Area
  - e. Archaeology
  - f. Land Contamination
  - g. Ecology Matters
  - h. Drainage and Flood Risk

#### **PLANNING POLICIES**

6. The relevant Local Plan policies include those seeking to ensure that the proposed development
  - Is located within the limits of development (E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011)
  - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
  - Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
  - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
  - Reflects or enhances Darlington's distinctive natural characteristics; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network and positively contributes to the character of the local area and its sense of place (CS2 of the Core Strategy 2011)
  - Protects, restores, extends and manages the Borough's biodiversity (CS15 of the Core Strategy 2011)
  - Incorporates appropriate hard and soft landscaping which has regard to the setting of the development (saved policy E14 of the Local Plan 1997)
  - Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16 of the Core Strategy 2011)

- Improves transport infrastructure and creates a sustainable transport network (CS19 of the Core Strategy 2011)
- Complies with statutory standards relating to contaminated land (Policy CS16 of the Core Strategy 2011)

#### **Other relevant Documents**

Supplementary Planning Document – Design for New Development

National Planning Policy Framework 2021

#### **RESULTS OF TECHNICAL CONSULTATION**

7. The Council's Highways Engineer, Environmental Health Officer and Transport Policy Officer have raised no objections to the principle of the development
8. Durham County Council Archaeology Team has raised no objections and requested the imposition of a planning condition.

#### **RESULTS OF PUBLICITY AND NOTIFICATION**

9. Following the Council's notification and publicity exercises, three objections have been received. The comments can be summarised as follows:
  - *The lane leading up to the field is used by three houses and it is narrow and has already subsided on one side. It is not fit for wagons with building supplies coming up it and it will block us from getting out of our house (No 3 Mill Lane). It will stop us from parking and will cause general havoc and damage to the road surface. If planning is granted, we wish that all building material be craned over fence on main road.*
  - *I object totally to more people having access to this lane. It is not, in my opinion, suitable for any more traffic than is using it currently.*
  - *Our land (No 4 Mill Lane) adjacent to the proposed access road is lower and there is only a constructed timber fence with no solid constructive wall to prevent collapse of the road on to our land*
  - *When the new tarmac road was installed by Mrs Dobson, the Contractor did not put in any support between the fence and the tarmac therefore pushed all the gravel and tarmac up against the fence*
  - *Further when the new tarmac road was installed the fence is lower than that of a six foot fence which is what we previously had but now it is a four foot fence allowing us to see cars and people passing by and the same in reverse people looking down at our property*
10. The Parish Council have been consulted on the planning application, but no comments have been received

#### **PLANNING ISSUES/ANALYSIS**

##### **a) Planning Policy**

11. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the

development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

12. The planning application site is located within the development limits for the village as defined by the Proposals Map of the Borough of Darlington Local Plan 1997. As a result, the principle of the site being developed for residential purposes would accord with saved policy E2 of the Local Plan 1997 and CS1 of the Darlington Core Strategy Document 2011.
13. Whilst the Council can currently demonstrate a deliverable 5 year supply of housing land, further sites in suitable and sustainable locations are still required to ensure the annual average requirement can continue to be met and the Council can continue to demonstrate a deliverable 5 year supply of housing sites once the emerging Local Plan has been adopted.

#### **b) Highway Safety and Parking Provision**

14. This application site has good public transport accessibility as it is within 400m of bus stops on Surtees Road which are served by the number 1/X1 (Bishop Auckland to Darlington) that operates every 15 minutes during the day and every 60 minutes on an evening Monday to Saturday and every 60 minutes during the day on a Sunday. There is no evening service on a Sunday.
15. There is a footpath from the application site to the bus stops, and although this is narrow there will be low pedestrian flows and there is no opportunity to widen it due to the constraints of neighbouring properties.
16. The application site is located close to the cycling network with there being an advisory cycle route close by that connects to the wider cycle network. Cycle storage and parking should be provided for this development in the form of either a garage or a safe and secure lockable shed or appropriate storage container, Within the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020) it states that for long stay requirement for residential cycle parking should be one space per bedroom. Details of the cycle parking can be secured by a planning condition.
17. The site is accessed via Mill Lane and an existing priority junction off the A6072 Main Road/Shildon Road Redworth, which benefits from a protected right turn and protected pedestrian refuge island. There is no particular concern with road safety at this location, where a study of the past 5 years of recorded police incidents demonstrates that there has been just one recorded personal injury collision (PIC) with the study area, located approximated 80m south of the Mill Lane A6017 Junction. There is no pattern of repeat accident history which would warrant refusal of highway safety grounds.
18. From Mill Lane, the two new properties are accessed via a private shared drive, which is currently used by three existing dwellings. The proposal to create an additional two

units is therefore acceptable in principle whereby a shared drive should not serve in excess of 5 dwellings.

19. Where the access becomes a private shared drive located off the Public Highway any rights of access would be a civil matter and not under the control of the Highways Authority. This would also apply to the responsibility of maintenance and rectifying, and damage should it occur during the construction period. As such this is outside the remit of the Council's Highways Engineer.
20. The additional traffic generation from the proposed dwellings is considered negligible within the local highway network and falls well below the recommended trigger point of 50 residential units which would require a formal transport statement/assessment.
21. Given the rural location it is expected that private car use would be the predominant mode of transport. When considering that the development is not proposed to exceed two dwellings, this would only equate to 1-1.5 additional vehicle movements in the am/pm peak hour. As such it does not demonstrate the 'severe impact' required to warrant refusal under NPPF guidance.
22. Generally, the maximum length of a private shared drive should be no more than 25m. Should the site access exceed the 25m maximum length then a suitable bin store should be provided no more than 25m from the adopted highway.
23. As stated above, there is a narrow footway on one side along Mill Lane leading to the A6072 Main Road which is the only means of pedestrian access to the site. However, given the constraints of the opposing properties there is no scope to widen the footway. Mill Lane does benefit from street lighting therefore the risk to pedestrians from moving vehicles should be reduced, along with the general environment of Mill Lane which is not conducive to high vehicle speeds where it is narrow and does not provide a through route.
24. Whilst parking and the internal layout of the site are not being considered at this outline stage, there must be sufficient in curtilage space to cater for the parking needs of two dwellings and the in curtilage driveway/access should provide a turning facility with sufficient space for vehicles to turn around and exit onto the adopted highway in a forward gear for highway safety reasons.
25. It is noted that access to the site for construction vehicles is via Mill Lane and the private road, both of which are comparatively narrow. The applicant will therefore need to consider how deliveries and site vehicles will be managed within a construction management plan (CMP) including delivery routes, vehicle sizes and delivery times.
26. The site is within a sustainable location and the principle of developing on the site would accord with policy CS2 of the Core Strategy 2011.

### **c) Residential Amenity**

27. The proposed layout of the site will be the subject of a future Reserved Matters application. The proximity distance guidelines between existing and proposed dwellings which need to be met are clearly set out in the Council's adopted Supplementary Planning Document – Design for New Development. Having considered the size of the application site and the location and orientation of the residential dwellings which bound the site, there does not appear to be a reason why a scheme cannot be developed which would fully accord with the guidelines set out in the Design SPD. The use of the private shared drive by additional vehicles and pedestrians associated with the two new dwellings would not raise significant residential amenity issues for the occupants of the dwellings that currently bound the access to justify a reason to refuse the planning application on such grounds.
28. There will be a need for the proposed development to follow good acoustic design by providing external amenity space screened from the A6072. This screening could be achieved by having the dwellings located closer to the A6072 and the external amenity space located behind. This will be considered in more detail as part of any future Reserved Matters submissions. The dwellings themselves will also need to ensure indoor ambient noise levels (less than 30dB LAeqT in bedrooms and less than 35 dB LAeqT in living areas) within BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" are achieved. Therefore, the Council's Environmental Health Officer has recommended the imposition of a planning condition.
29. It is considered that the site can be built out in accordance with policy CS16 of the Core Strategy 2011.

**d) Impact on the Visual Appearance and Character of the Area**

30. The proposed layout, scale, landscaping and appearance of the proposed dwellings would be the subject of a future Reserved Matters submission. The application site is in a prominent position when viewed from Main Road (A6072) and it appears to be on a higher ground than the highway due to the timber fencing along this boundary being positioned on top of a low wall.
31. The two new dwellings will be highly visible within the street scene, but this would be a replication of the visual impact of No 2 Mill Lane and also the existing housing development on the opposite side of Main Road. It is considered that the addition of two further dwellings in this location will not have an adverse impact on the visual appearance and character of the street provided that the dwellings are of an appropriate scale and appearance, constructed from acceptable materials with a good landscaping scheme, all of which would be considered in more detail as part of a Reserved Matters application. The principle of redeveloping this site would accord with policy CS2 of the Core Strategy 2011

**e) Archaeology**

32. Redworth is a village with medieval origins. It is also one with some limited evidence of Prehistoric activity in its vicinity. There is, therefore, some potential for remains relating to these periods to survive in the area of development, especially as the area appears to

have been undisturbed since the First Edition Ordnance Survey Map. The Durham County Council Archaeology Team has recommended that a planning condition be imposed on the application to secure a scheme of archaeological works. The scope of the works would be for a watching brief on the topsoil stripping associated with the development. The proposal would accord with policy CS14 of the Core Strategy 2011.

#### **f) Land Contamination**

33. The planning application has been supported by a Screening Assessment which confirms that the site has previously been used for both domestic and grazing land with no buildings on the site. There is a former pond to the north east of the boundary of the application site which was infilled or drained in the 1970s/1980s. Whilst the pond is close to but outside of the site boundary, the Environmental Health Officer is satisfied that it is a low risk in terms of ground gas and furthermore, in accordance with the National Planning Policy Framework 2021, the responsibility for securing a safe development in terms of contamination rests with the developer and/or landowner. The Council's Environmental Health Officer has no further comments to make and the proposal would accord with Policy CS16 of the Core Strategy 2011.

#### **g) Ecology Matters**

34. The application site is not covered by any ecology designations and it is an overgrown piece of land previously used as garden space. The existing site will not have any high ecological value but the redevelopment of the site will result in an opportunity to increase the ecological value of the site by the introduction of measures such as bird boxes, bat boxes and appropriate landscape features in accordance with the requirements of the National Planning Policy Framework 2019 and policy CS15 of the Core Strategy 2011.

#### **h) Drainage and Flood Risk**

35. The site lies within Flood Zone 1 and therefore the proposal would generally comply with policy CS16 of the Core Strategy 2011. A planning condition can be imposed which requests the submission of the details to dispose of surface and foul water.

### **THE PUBLIC SECTOR EQUALITY DUTY**

36. 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 layout and design of the proposed dwellings would be subject to future consideration under a Reserved Matters submission and therefore compliance with policy CS2 of the Core Strategy 2011 and Part M of the Building Regulations would be a consideration at that stage.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

37. 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**

38. The application site has been the subject of a previous outline planning permission for two dwellings which has subsequently lapsed. A precedent for residential development in this location has therefore been established. The site is within the development limits for the village and it is considered that a scheme can be developed which will not raise residential amenity or highway safety issues and will not have a negative impact on the visual appearance and character of the local area. The principle of developing the site for residential purposes would be in accordance with the local development plan and the National Planning Policy Framework 2021. The concerns which have been raised in the objections primarily relate to the condition of the private shared access which leads into the site. As the access is not an adopted highway, the responsibility of ensuring it is unobstructed during the construction phase and structurally sound lies with the developer and landowner. However, it is recommended that if outline planning permission is granted, a Construction Management Plan is submitted to the local planning authority for review.

## **THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -
  - a) appearance
  - b) landscaping
  - c) layout
  - d) scale

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

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

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

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
3. The planning application made in pursuance of condition 1 shall not propose more than two dwellings



REASON: For the avoidance of doubt

4. Prior to or at the same time as any reserved matters application relating to [layout etc.], details of the windows to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on glazing specifications including its acoustic performance and details of any trickle vents which shall be installed for all windows in habitable rooms that have a direct line of sight with the A6072, to ensure internal noise levels in accordance with BS8283:2014 'Guidance on sound insulation and noise reduction for buildings' are achieved.

Thereafter, the development shall not be carried out otherwise than in complete accordance with the details approved

REASON: To safeguard the amenities of the future occupants of the development

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

REASON: In the interests of highway safety and the general amenity of the local area

6. Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and shall be permanently retained thereafter.

REASON: In the interests of highway safety and to promote the use of sustainable modes of transport

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

REASON: In the interest of the amenity of the local area

8. Prior to the commencement of the development precise details of the private access road including construction details, drainage, materials, a sealed surface at the junction with the adopted highway and turning facilities shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

REASON: In the interests of highway safety

9. Prior to the commencement of the development precise details of a scheme to enhance the ecological value of the site 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 and shall be permanently retained thereafter  
REASON: To comply with the biodiversity net gain requirements set out in the National Planning Policy Framework 2021

10. Prior to the commencement of the development, precise details for the disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In order to achieve a satisfactory form of development

11. 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 2021

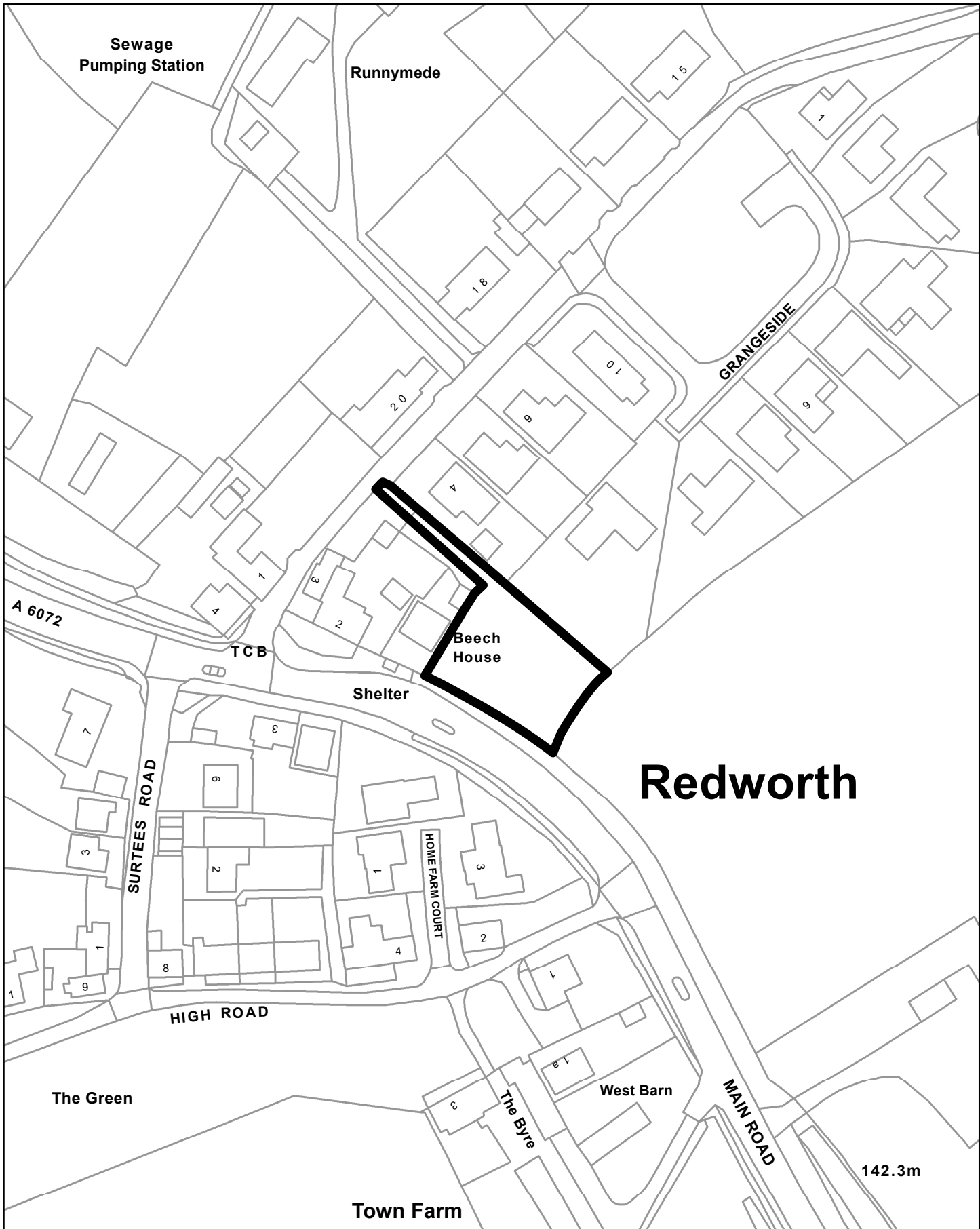
12. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and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

REASON: To comply with Paragraph 205 of the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

## **INFORMATIVES**

### **Highways**

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

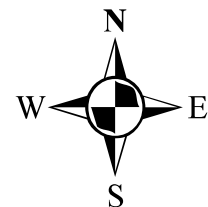


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**PLANNING REF No: 21/00627/OUT**

DARLINGTON BOROUGH COUNCIL

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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE: 4 August 2021**

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**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

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

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As no decision was made at the meeting of the Planning Applications Committee held on the 7 July 2021 this matter has been deferred to this meeting for a decision.

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.
5. Members may recall that this application was withdrawn from the agenda for the previous meeting on 7 July 2021, to enable the applicant to address points raised by the Council's Private Sector Housing Team in their response to the application. The plans have been amended to show the type of fire doors to be used and their location within the dwelling, the installation of further windows to the ground floor rear elevation and the alteration to bedrooms 2 and 3 to ensure sufficient privacy between rooms. These amendments have been reconsulted upon and, as set out in the Planning Issues section of this report, it is considered that these elements now meet the standards set out in the Private Sector Housing Team's comments.

## **MAIN PLANNING ISSUES**

6. Site History:

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

04/00925/FUL. Single storey extension to rear of premises. 20.10.2004. Granted with Conditions.

7. 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**

8. 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**

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

10. The Council's Environmental Health Officer has been consulted on the application and has raised no objection to the proposal.
11. The Architectural Liaison Officer has been consulted on the application and raises no objection.
12. The Council's Private Housing Sector have been consulted on the application and have raised no objection to the proposals on the basis of the amendments to the proposal.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

13. 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*
  - *Loss of privacy – 2 The Mead*
  - *Overshadowing of conservatory – 174 Yarm Road*
  - *No party wall agreement in force – 174 Yarm Road*
  - *Two waste bins are insufficient for the property*
  - *Private Housing comments raise issue with bedroom fronting onto car parking space*
  - *Design- Dormer windows/ windows, front elevation is 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*
  - *Would de-value neighbouring properties*
  - *Local crime increases*

## **PLANNING ISSUES/ANALYSIS**

### **(a) Planning Policy**

14. 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).
15. 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.

16. 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.
17. 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
18. The proposal will be assessed against these matters in the following sections of the report.

**(b) Visual Amenity**

19. 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.
20. 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, 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.
21. 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.

22. 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**

23. 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.

24. 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.

25. 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.

26. 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.

27. The Council's Environmental Health Officer has been consulted on the application and has raised no objections.
28. 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.
29. 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.
30. 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 impact, 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.
31. 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.
32. 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.
33. 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**

34. 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.

35. 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.
36. 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.
37. 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.
38. 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.
39. 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.
40. 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.

41. 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.
42. 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**

43. 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.
44. 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.
45. 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.
46. 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.
47. 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 Architectural Liaison Officer has been consulted on the application and raises no objection to the proposal.
48. The application has been amended to address matters raised by the Council's Private Sector Housing Team on the original proposal. The amended plans show the type of fire doors to

be used and their location within the dwelling, the installation of further windows to the ground floor rear elevation and the alteration to bedrooms 2 and 3 to ensure sufficient privacy between rooms. In commenting on these amended proposals, the Private Sector Housing Team has confirmed that these alterations now address their original concerns relating to these matters. Although bedroom 4 remains close to the minimum space standards, provided it is built in accordance with the approved plans it would meet the appropriate space standard. The applicant would still however be required to apply for a HMO Licence which would provide the necessary safeguards in the event that the bedroom was not built to these standards. Similarly, there remains some concern that there would be a shortfall in the amount of kitchen worktop space for the number of residents proposed, however these internal works would also be covered by the Licensing regime.

#### **PUBLIC SECTOR EQUALITY DUTY**

49. 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**

50. 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.
51. 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.
52. 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

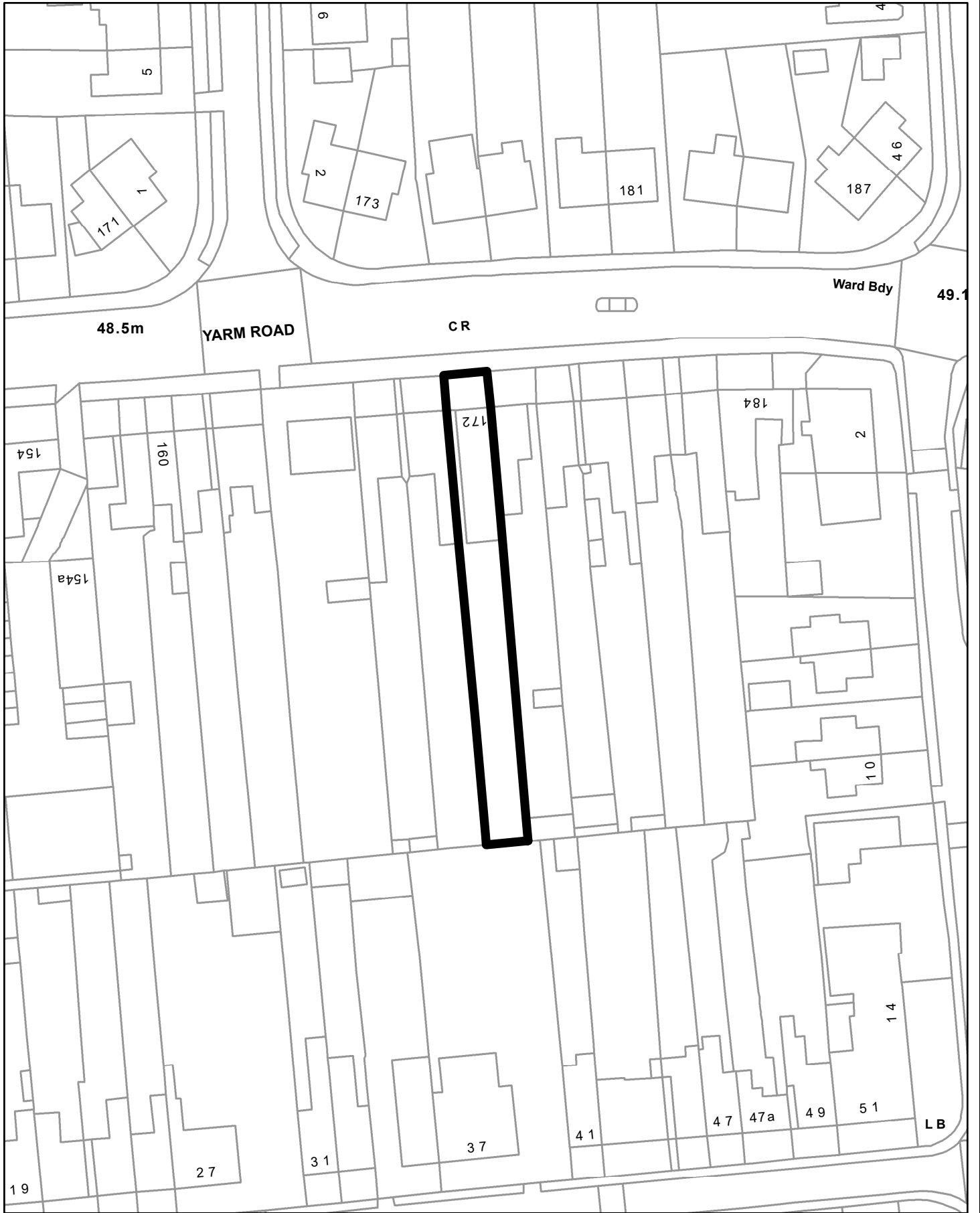
The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,

- 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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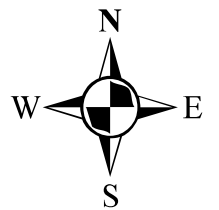


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**PLANNING REF No: 21/00122/FUL**

DARLINGTON BOROUGH COUNCIL

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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE: 4 August 2021**

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|                                 |  |
|---------------------------------|--|
| <b>APPLICATION REF. NO:</b>     | 21/00460/FUL   |
| <b>STATUTORY DECISION DATE:</b> | 21 <sup>st</sup> June 2021 (Extension of time agreed 10 <sup>th</sup> August 2021)   |
| <b>WARD/PARISH:</b>             | PARK WEST  |
| <b>LOCATION:</b>                | 21 Langholm Crescent Darlington DL3 7ST  |
| <b>DESCRIPTION:</b>             | Erection of part single storey rear extension with partial glazed roof and part two storey rear extension. Loft conversion including construction of 2 no. dormer windows to rear, 2 no. roof lights to front roof slopes and associated works (as amended by plans received 03/06/2021) |
| <b>APPLICANT:</b>               | Mr & Mrs Jackson   |

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

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

#### **APPLICATION AND SITE DESCRIPTION**

1. The application site comprises a traditional red brick mid-terraced north facing property with an enclosed rear yard accessed from a back lane. The property has a part two storey and single storey off-shoot to the rear which mirrors that to the rear of the adjoining property at 19 Langholm Crescent. The property is located within the West End Conservation Area and the surrounding area is predominately residential in character.
2. Planning permission is sought to alter and enlarge the existing dwelling as follows:

- Erection of a single storey rear extension to the side of the existing two storey off-shoot and to extend to the rear of the off-shoot with a two storey extension on the footprint of the single storey element of the off-shoot
  - Construction of two rear dormers to rear roof slope and installation of two rooflights to front roof slope to facilitate the conversion of the roofspace
3. The single storey extension is modern in design and will be set in from the boundary with No. 23 by approximately 0.5m, it will have a projection of 7.7m, will be 2.8m wide and will sit under a mono-pitch roof with eaves height of approximately 2.6m and ridge height of 4m. The roof will have 4 glazed panels and two existing windows at first floor on the side elevation, and which will serve the new larger family bathroom will be reduced in depth to accommodate the new roof. The ground floor extension will create a large open plan kitchen/dining area with a separate utility room and will have thin framed aluminium glazed rear doors, black in colour.
  4. The two-storey element will replace the existing single storey extension, being built on the same footprint. It will measure approximately 3.6m wide and will project approximately 1.4m from the rear of the existing two-storey off-shoot. The mono-pitched roof will continue over the extension at the same eaves and ridge height.
  5. Improvements have been negotiated following concerns raised by the Conservation Officer in that the two rear box dormers have been replaced with traditional style dormers with slate/lead cheeks and white timber sash windows and which are in alignment with other windows on the rear elevation. The dormer windows will measure approximately 1.5m wide, 2m deep with a maximum projection of approximately 3.7m. The addition of the dormers will facilitate the loft conversion which will create an additional bedroom (making four in total), shower room and study.

### **MAIN PLANNING ISSUES**

6. The main issues for consideration are: -
  - a) Visual Amenity and Impact on West End Conservation Area
  - b) Residential Amenity
  - c) Highway Safety

### **PLANNING POLICIES**

7. Relevant Local Plan policies include those seeking to ensure that new 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 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)
8. Planning Guidance Note 7 – Alterations and Extensions to Dwellings and the National Planning Policy Framework 2021 are also relevant to this planning application.

## **RESULTS OF TECHNICAL CONSULTATION**

9. The Council's Highways Engineer has no objections to the proposal.
10. The Council's Conservation Officer has been consulted on the application and has raised the following concerns regarding: -
- the historic window being on the existing rear elevation needs to be blocked up in a more sympathetic manner
  - the first-floor extension being stepped out would break the existing symmetry and would see the loss of the historic small single storey lean-to extension at ground floor
  - the impact of the proposed alterations to the roof by the construction of dormer windows and rooflights

## **RESULTS OF PUBLICITY AND NOTIFICATION**

11. Three letters of objection have been received with responses summarised below:
- The design and appearance of the proposal will have an impact on the building, the street scene and the character and appearance of the West End Conservation Area contrary to policy and is not sympathetic to or in keeping with the Conservation Area
  - Impact on residential amenity in regard to loss of light and outlook to both adjacent dwellings and their gardens
  - Proposal does not accord with Policies H12, CS14 and NPPF Section 16
  - GPDO guidance does not allow side extensions on Victorian properties in conservation areas
  - Impact on future residents
  - Impact on Highways and parking especially to the rear of the properties due to the extensive building works required.

## **PLANNING ISSUES/ANALYSIS**

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

12. Saved Local Plan Policy H12 states that alterations and extensions to existing dwellings will be permitted where they are in keeping with the character, design and external appearance of the property and are in keeping with the surrounding street scene and area. Policy CS2 of the Core Strategy requires 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.
13. Policy CS14 is also relevant as it seeks to protect and enhance buildings and features which contribute to and protect local character and distinctiveness including built heritage, their settings, and features of historic importance within conservation areas. 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.
14. Paragraph 197 of the NPPF, 2021 requires that in determining planning applications, local planning authorities should take account of new development making a positive contribution to local character and distinctiveness. Paragraph 206 also requires that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably.
15. The site is within the West End Conservation Area and a brief Heritage statement has been submitted with the application. The application property forms part of a long run of terraced dwellings built on land once owned by the Cleveland Dairy. The West End Conservation Area Character Appraisal identifies these terraced dwellings as being designed with a high degree of uniformity and are of high value due to their relatively intact windows, door boundaries and roof lines, which adds to the character of this part of the conservation area.
16. The proposed single storey lean-to extension to the side of the existing two-storey off-shoot is of a modest size and subservient to the main off-shoot to the rear of the dwelling. The extension will be built from matching materials, although will incorporate an area of glazing within the lean-to roof and a fully glazed door to the rear. The proposed extension will result in some alterations to the size of first floor windows in the rear off-shoot to accommodate the roof structure, however these are already modest bathroom and w.c. windows discreetly located close to the rear of the main dwelling, and the proposed alterations will have little discernible impact on these windows themselves or on the wider conservation area.
17. In view of the modest size of this extension located to the rear of the dwelling which is largely obscured a ground floor level by an existing brick boundary wall which enclosed the property from the rear lane, subject to appropriate matching materials being used, to be secured by planning condition, the extension is considered to be in keeping with the main

dwelling and would not detract from the character and appearance of the surrounding West End Conservation Area.

18. The proposed extension to the rear of the existing off-shoot would be built on the footprint of the existing single storey extension below and would project approximately 1.4 metres from the rear of the off-shoot at first floor level, continuing the mono-pitched roof above. The extension would result in the loss of an existing first floor bay window and some interruption to the symmetry of the pair of off-shoots to the rear of 19 and 21 Langholm Crescent. The Conservation Officer has expressed concern regarding these aspects of the proposed two storey extension and the impact this will have on the character of the conservation area.
19. Whilst acknowledging these concerns, the proposed extension would be modest in scale with a projection of approximately 1.4 metres. Although the upper part of the extension and the break in symmetry would be visible from the back lane above the rear boundary wall, these changes would only be discernible from the back lane that runs between Langholm Crescent and Cleveland Terrace/Coniscliffe Road and as such would have a limited impact on the character of the West End Conservation Area. The proposed changes from this aspect would be seen in the context of the rear of properties many of which have undergone a degree of extension and alteration, including alterations to rear boundary walls to include modern garages and garage door openings, as well as other extensions and alterations to the rear of the properties and their roofs. The degree of uniformity referred to in the Conservation Area Appraisal is less noticeable from the rear lane in the context of these changes and as such in view of the modest projection of the extension and the use of matching materials, the proposed extension is not considered to constitute harm in the context of the overall character and significance of the Conservation Area and is therefore considered to be acceptable in accordance with Core Strategy Policy CS14.
20. Two dormer windows are proposed in the rear roofslope, the scale and design of which have been amended since the application was first submitted. Two rooflights are also proposed in the front elevation. The proposed dormer windows in their amended form have been designed to align with the first floor windows below and are to have slate pitched roofs and slate/lead cheeks. They have been reduced in scale and form from the flat roofed dormers originally proposed. Although this will result in some interruption to the rear roofslope, the proposed dormer windows in their amended form are acceptable in terms of their scale, siting, and design. Being located to the rear of the property, with other dormer windows close by, they are similarly considered to have a limited impact on the character and appearance of the Conservation Area.
21. The proposed rooflights in the front elevation will sit flush with the roof slope and can be installed as permitted development without the need for planning permission. While concerns regarding the installation of the rooflights 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.

22. Overall, it is considered that the proposed works would not result in harm to the existing dwelling and surrounding West End Conservation area in terms of Visual Amenity and would accord with Policies H12, CS2, CS14 and the requirements of the NPPF, 2021.

**(b) Residential Amenity**

23. The application site is bounded by to the west by 23 Langholm Crescent and to the east by 19 Langholm Crescent and objections have been received from both properties in regard to the impact the proposals will have the amenities of these properties in terms of loss of light, outlook and privacy.
24. The single storey extension will be set in from the common boundary with No. 23 by approximately 0.5m. 23 Langholm Crescent has been extended by a single storey in-fill extension with the solid brick wall which projects approximately 2.2m. This extension forms part of the boundary between the two properties with the remainder of the boundary being a 1.8m high brick wall reinforced with hedging. The proposed single storey extension will project 7.7 metres from the rear of the property and does not meet the 45-degree code in respect of the single storey extension to the rear of 23 Langholm Crescent.
25. This room is currently used a storage room, however outlook from this room is already limited by the boundary wall and hedging between the two properties. The proposed extension is to be set in from the common boundary by 0.5 metres with an eaves height of 2.6 metres which rakes away from the boundary to a ridge height of 4m. The slight increase in height of the extension above the existing boundary wall, set in from the common boundary, and sloping away from the boundary will not, on balance, significantly worsen the already limited outlook from the window in the extension to the rear of No. 23 so as to warrant refusal of the application on this basis.
26. The two storey extension will be visible from No. 23, however in view of the distance away from 23 Langholm Crescent it is not considered this will adversely impact upon the amenities of this property in terms of loss of light or outlook. This extension complies with the 45-degree code when measured from the nearest first floor window in the rear of this property.
27. The proposed two storey extension also complies with the 45-degree code in respect of the existing bay window at first floor level to the rear of the adjoining property at 19 Langholm Crescent. There will be no discernible impact at ground floor level since the extension is to be built on the footprint of the existing ground floor extension.
28. There will be some overlooking of the rear garden areas of neighbouring properties due to the addition of the dormer windows to the rear elevation. This will not result in any significant deterioration of privacy levels over and above overlooking from existing first floor rear windows. Similarly, the addition of the roof lights to the front elevation will raise



no issues in regard to residential amenity.

29. Having taken into account the objections raised by the occupiers to either side it is considered that the overall effect of the alterations and extensions would not be unduly harmful and on balance would not cause material harm to the living conditions of the occupiers such that planning permission be refused.
30. Overall, it is considered the proposals would accord with Saved Policy H12 of the Borough of Darlington Local Plan 1997.

### **(c) Highway Safety and Parking**

31. The Highways Engineer has no objections to the proposal as the property has no in-curtilage parking and the loft conversion can be undertaken without the need for planning permission.

### **THE 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.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

33. 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**

34. The proposal for the erection of a part single, part two storey rear extensions, two traditional dormers to the rear roof slope, and two roof lights to the front roof slope 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 2021. The proposal does not cause any unacceptable 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.

### **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. 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 (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

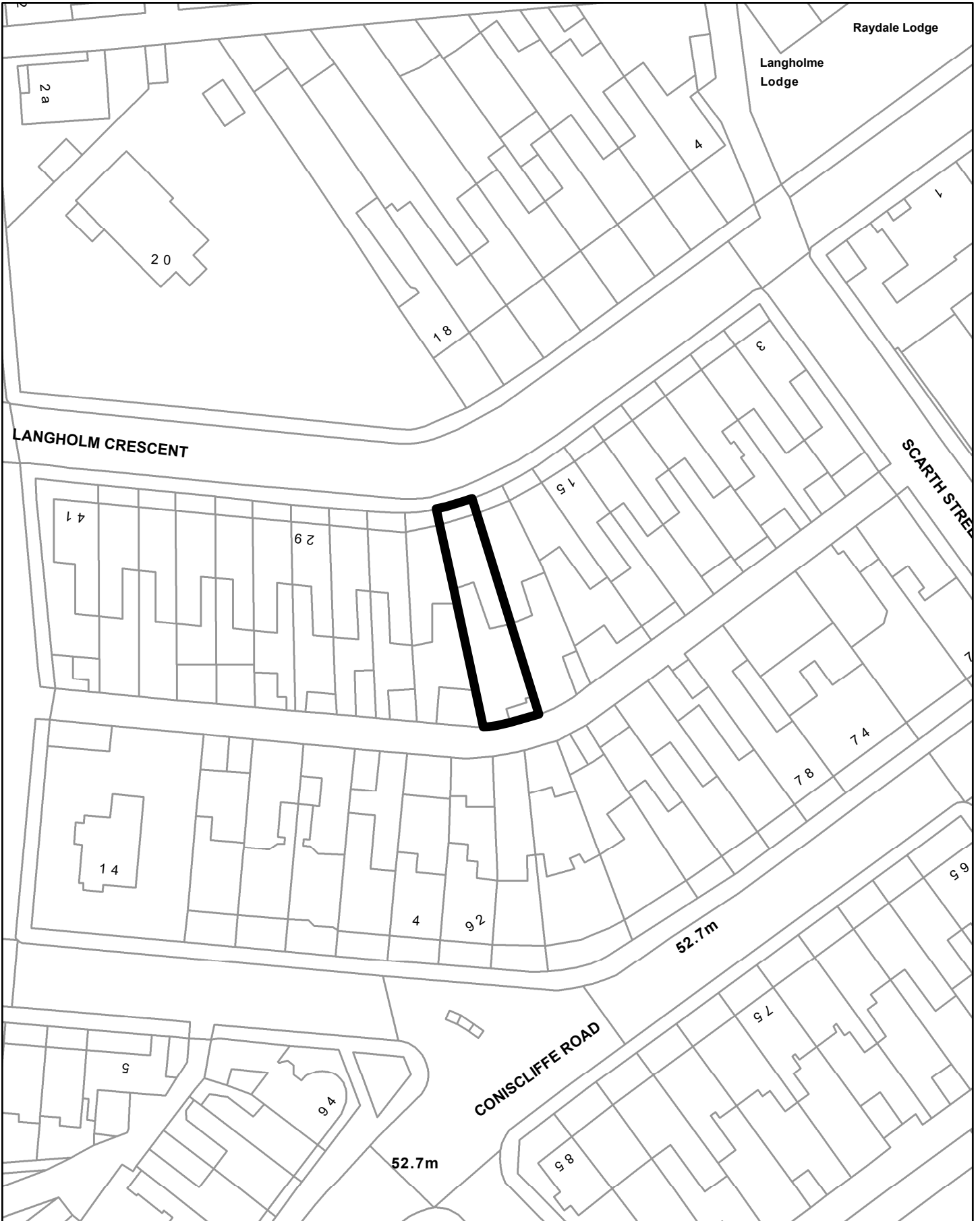
REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

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

Proposed Floor Plans Drawing No. L020143-004 dated April 2021

Proposed Elevations Drawing No. L020143-005 Rev A dated April 2021

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

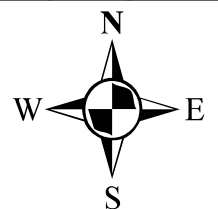


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**PLANNING REF No: 21/00460/FUL**

DARLINGTON BOROUGH COUNCIL

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## DARLINGTON BOROUGH COUNCIL

## PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE: 4 August 2021**

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|                                 |   |
|---------------------------------|---|
| <b>APPLICATION REF. NO:</b>     | 21/00417/TF   |
| <b>STATUTORY DECISION DATE:</b> | 23 <sup>rd</sup> June 2021  |
| <b>WARD/PARISH:</b>             | HUMMERSKNOTT  |
| <b>LOCATION:</b>                | 45 Clare Avenue Darlington DL3 8SJ  |
| <b>DESCRIPTION:</b>             | Felling of 1 no. Horse Chestnut (T13) and 1 no. Beech (T17) protected under Tree Preservation Order 1970 (No.3) (Amended description) |
| <b>APPLICANT:</b>               | Mrs Amrit Khokhar   |

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

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**APPLICATION AND SITE DESCRIPTION:**

1. The Horse Chestnut (T13) and Beech (T17) trees the subject of this application are protected by Tree Preservation Order (No. 3) 1970 and located within the rear curtilage of No. 45 Clare Avenue, to the south west of the property. The Beech tree (T17) is close to the southern boundary with Carmel College. There are other trees within the rear curtilage of the property which are also protected by the same order but do not form part of this application.
2. Permission is sought to fell the both the Horse Chestnut and Beech tree. An Arboricultural Survey submitted with the application identifies that both trees are diseased (*Kretzschmaria deusta*) and recommends they should be felled due to structural compromise.
3. The proposal has been amended since it was first submitted in that a further Horse Chestnut tree (T15) has been removed from the proposal because it was not identified in the Arboricultural Survey as requiring felling.

**MAIN PLANNING ISSUES:**

4. The main planning relevant to this application are: -
  - Effect on Protected Trees

- Amenity Values of The Trees

#### **PLANNING POLICIES:**

5. Relevant development plan policies are those seeking to ensure that works to protected tree consider of: -
  - The health and stability of the trees, their future likely lifespan, and their public amenity value (saved Local Plan Policy E13).
  - Protect and enhance healthy ancient woodland, mature trees, street trees (Policy C15).

#### **RESULTS OF TECHNICAL CONSULTATION:**

6. The Arboricultural Officer has been consulted and considers the felling to be justified and recommends that authorisation be approved subject to replacement trees being planted.

#### **RESULTS OF PUBLICITY AND NOTIFICATION:**

7. Eight letters of objections have been received with the responses summarised below:
  - Possible remedial work such as removal of overhanging branches has not been suggested and no decay testing has been done other than a visual assessment. Full extent of the disease/damage has not been determined given that the trees are in full leaf and full of flowers
  - Fungus infestation is probably slow growing, is in a minute quantity in relation to size of tree and it would be prudent to monitor over next few years
  - The trees are highly visible from outside of the site, contribute to the visual amenity of the street scene and should be protected given that they are important for the environment and a home for wildlife.
  - If approval is given, trees should be replaced as per Arborist's recommendation (16cm girth) as larger specimens would have a better chance of establishing and would more rapidly contribute to the public visual amenity.
  - Council's Tree and Woodland Strategy 2021-2031 states that trees should only be felled as a last resort and approval would set a precedent
  - Decision has already been made based on Arborist's recommendation
8. One letter of representation has been received from Carmel College which raises the following issues:
  - The letter of representation from Carmel College supports the felling on the grounds that both the trees are diseased, are in a poor state and in the opinion of an independent arboricultural consultant require felling especially as T17 is in close proximity to the boundary with the college

### **PLANNING ISSUES/ANALYSIS:**

9. Saved Local Plan Policy E13 (Tree Preservation Orders) states that when determining application to fell or carry out works to protected trees, the Council will take into account the health and stability of the trees, their likely future lifespan and their public amenity value.
10. The submitted Arboricultural Survey provides written and photographic evidence that the Horse Chestnut (T13) and the Beech tree (T17), identified in the report as T2 and T1 respectively, are both suffering from disease and require removal due to them being structurally compromised.
11. The report states that T1 (Beech tree) is decaying at the base with the action of the decay-causing fungi which is expected to become increasingly significant resulting in structural compromise at the base of the tree. Internal inspection has found considerable decay already present with the tree becoming pre-disposed to sudden failure during storm conditions. The removal of the tree is considered to be a high priority given the risk to surrounding school buildings and properties should the tree fail. The report also states that T2 (Horse Chestnut) is similarly structurally compromised at the base, albeit the tree's crown has already failed in sections reducing overall wind impact on the tree. The removal of the tree is also recommended in view of the risk to surrounding school buildings and properties.
12. The Council's Senior Arboricultural Officer has carried out a visual inspection of the trees and has recommended that the proposed felling of the trees is justified given that the trees are both diseased with *Kretzschmaria deusta* pathogens which has caused the trees' structure to be compromised (photographic evidence was taken at the site visit). The disease weakens the strength of the wood, making it brittle and likely to fail in adverse weather conditions and both trees pose a risk to surrounding properties as they are adjacent to Carmel College and nearby dwellings.
13. The Senior Arboricultural Officer also advises that there are no chemicals available to eliminate the disease, nor is there any treatment to stop or reduce the effect *Kretzschmaria deusta* has on any tree. The size of the fungus is immaterial as this does not give an indication of the decay within the tree. He also advises that it is impossible to predict the safe life expectancy of the trees and if there was nothing of value within the falling distance of the trees then there could be a case for monitoring the trees health. However, the close proximity to the college and residential dwellings, in this instance, is deemed sufficient justification.
14. The felling of the trees would be subject to the replanting of two replacement trees, a Beech tree (*Fagus sylvatica*) and a Horse Chestnut (*Aesculus hippocastanum*) which would be secured by planning condition. The condition requires that these trees be planted no later than the next planting season following the felling of the trees and should the trees die or become diseased, the applicant would be required to replace the trees.

15. The proposed felling of the trees will result in the loss of two protected trees which, together with other protected trees located within the rear of the application property and also to the rear of properties on the south side of Clare Avenue, contribute significantly to the visual amenity of the surrounding area. In this instance however it has been demonstrated by the submission of an Arboricultural Survey with the application that the trees are diseased and pose a risk to nearby dwellings and school buildings should they fail in storm conditions. The trees have also been inspected by the Council's Senior Arboricultural Officer who has confirmed the trees are diseased. He also advises there is no known treatment for the disease and in view of the proximity of the trees to nearby property recommends the trees be felled, and replacements planted. On this basis, the proposal is considered to comply with Saved Local Plan Policy E13.

**CONCLUSION AND RECOMMENDATION:**

16. The felling of the trees the subject of this application is justified on the basis that the trees are diseased and pose a risk to surrounding properties should they fail in storm conditions as a result of the disease. The trees have been inspected by the Council's Senior Arboricultural Officer and raises no objection to the proposal subject to a condition requiring that replacement trees be planted. The proposal is therefore considered to comply with Saved Policy E13 of the Borough of Darlington Local Plan, and accordingly:

**IT IS RECOMMENDED THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -**

- 1) The felling works hereby permitted shall be undertaken within two years of the date of this permission

REASON - To accord with the provisions of The Town & Country Planning (Tree Preservation) (England) Regulations 2012

- 2) Not later than the next planting season immediately following the felling of the trees hereby permitted, 1 No. Beech Tree (*Fagus sylvatica*) and 1 No. Horse Chestnut Tree (*Aesculus hippocastanum*) (10 – 12cm girth, containerised tree or airpot) shall be planted as close to the original trees as possible. The replacement trees shall be deemed to be included in the preservation order under which this consent is given, as though it had originally been specified therein. Thereafter the applicant shall provide written confirmation that the replacement trees have been planted in accordance with the terms of this condition within 28 days of the planting. Should the replacement trees die, or become seriously diseased, the landowner must replace the trees as per the original replacements.

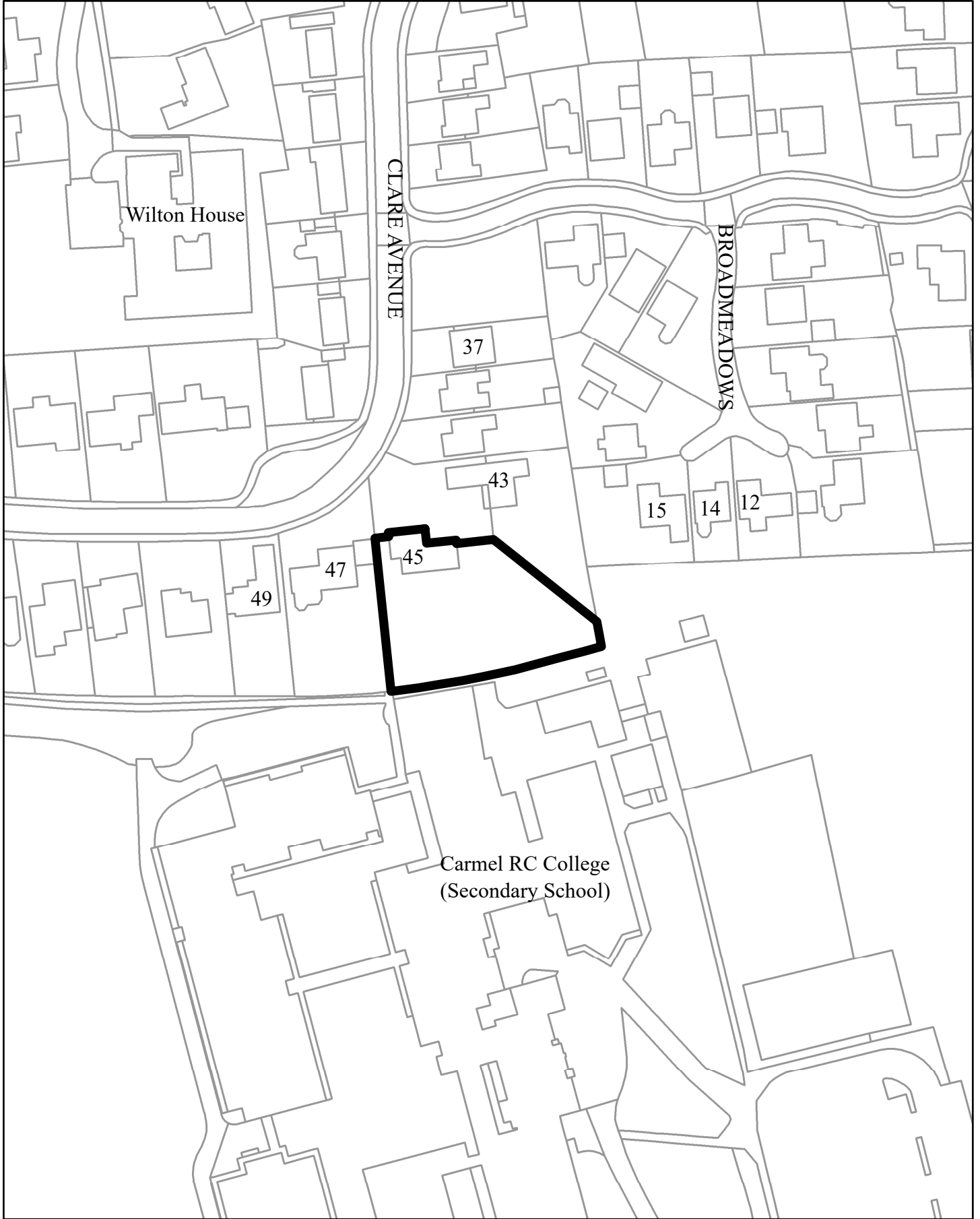
REASON: In the interests of visual amenity

- 3) All work to trees shall be carried out to BS Specification 3998 (as amended) and are to be carried out by a qualified and insured arborist.



Reason - To safeguard the health of the trees.

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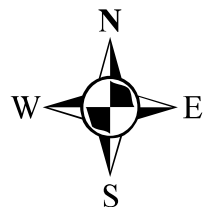


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**PLANNING REF No: 21/00223/OUT**

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