



Planning Applications Committee Agenda

1.30 pm, Wednesday, 29 September 2021
Council Chamber, Town Hall, Darlington, DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Appointment of Vice Chair for the remainder of the Municipal Year 2021/2022
3. Declarations of Interest
4. To Approve the Minutes of the Meeting of this Committee held on 1 September 2021 (Pages 5 - 6)
5. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 7 - 8)
6. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 9 - 10)
 - (a) 366 Yarm Road (Pages 11 - 20)
 - (b) Bank Top Station (Pages 21 - 52)

- (c) Agricultural Lane and Crematorium, West Cemetery, Carmel Road North (Pages 53 - 68)
- (d) Berrymead Farm (Pages 69 - 82)
- 7. 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
- 8. Questions

PART II

- 9. Notification of Decision on Appeals –

The Chief Executive will report that, Inspectors, appointed by the Secretary of State for the Environment, have :-

Dismissed the appeal by Mr Chris Watson, Albert Hill properties Ltd against this Authority's decision to refuse permission for the erection of 2.4m high steel palisade perimeter fence with gates to east and west boundary at Land at 21 Garden Street, Darlington (21/00471/FUL). (Copy of Inspector's decision letter enclosed)

RECOMMENDED – That the report be received.
(Pages 83 - 86)

PART III

EXCLUSION OF THE PUBLIC AND PRESS

- 10. To consider the Exclusion of the Public and Press –

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

- 11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 17 September 2021 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 87 - 100)
- 12. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
- 13. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 21 September 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, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 1 September 2021

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

APOLOGIES – Councillors Lister and Wallis.

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

PA35 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA36 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 AUGUST 2021

RESOLVED – That the Minutes of this Committee held on 4 August 2021 be approved as a correct record.

PA37 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

PA38 83 STANHOPE ROAD SOUTH, DARLINGTON

21/00553/FUL – Construction of raised deck seating area with stepped access, 2 no. privacy panels to north and east sides and storage beneath (Retrospective Application).

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

RESOLVED – That Planning Permission be refused.

REASONS – a) In the opinion of the Local Planning Authority the timber screen fencing erected around the raised decked area to protect the amenities of neighbouring properties is a stark and incongruous feature in the streetscene which results in harm to the character of the West End Conservation Area in which it is located. The timber screen fencing is therefore considered contrary to Saved Policy H12 of the Borough of Darlington Local Plan, 1997 and Policies CS2 and CS14 of the Darlington Core Strategy Development Document 2011. The proposed level of harm would amount to less than substantial harm to the heritage asset and there are no public benefits put forward that would sufficiently outweigh the harm to the character and appearance of the West End Conservation Area. Contrary to Paragraph 202 of the NPPF 2021 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

b) Without the timber screen fencing the raised deck seating area would have an unacceptable impact on the amenities of neighbouring properties due to overlooking and the

development is also considered contrary to the requirements of Saved Policy H12 of the Borough of Darlington Local Plan, 1997 in this regard.

PA39 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.

PA40 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 20 AUGUST 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA33/Aug/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20 August 2021.

RESOLVED - That the report be noted.

When the time comes for the application to be considered, the Chair will use the following running order:

[This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour, however, to ensure that the opportunity to make representations are made in a fair and balanced way.]

- Chair introduces agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak;
- Members may question applicant/agent;
- Up to 3 objectors may speak
- Members may question objectors;
- Up to 3 supporters may speak
- Members may question supporters;
- Parish Council representative may speak;
- Members may question Parish Council representative;
- Ward Councillor may speak;
- Officer summarises key planning issues;
- Members may question officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 29 September 2021

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.**
- 2) Letters of objection and representation from the public.**

Index of applications contained in this Schedule are as follows:-

Address/Site Location	Reference Number
366 Yarm Road	21/00862/FUL
Bank Top Station	21/00688/DC
Agricultural Lane and Crematorium, West Cemetery, Carmel Road North	21/00977/DC
Berrymead Farm	21/00205/RM1

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 29th September 2021

APPLICATION REF. NO:	21/00862/FUL
STATUTORY DECISION DATE:	14 th September 2021 (EOT Until 1 st October 2021)
WARD/PARISH:	EASTBOURNE
LOCATION:	366 Yarm Road
DESCRIPTION:	Erection of single storey glazed extension to front elevation
APPLICANT:	Mr & Mrs. Burrell Graeme & Julie

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QWJTQ2FPH0K00>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to 366 Yarm Road, located at the eastern end of Yarm Road and is to the south west of the McMullen Road/Yarm Road Roundabout. The application property comprises a hot food takeaway at ground floor, currently used as a fish and chip shop, with a self-contained flat above. Planning permission was granted for the hot food takeaway in November 2016 (16/00896/FUL). There is a dedicated parking area to the east of the application site and a forecourt to the front of the existing property. There is a retail shop (McColl's) which adjoins the property to the west. There are other commercial/retail business around the roundabout including a retail park. There are residential dwellings on Yarm Road and McMullen Road immediately beyond the commercial properties. Alderman Crooks Park is located immediately to the South.

2. Planning permission is sought for the erection of a single storey glazed extension to the front elevation. The extension measures approximately 3m in projection x 6m in width x 2.8m in total height. The materials used in the construction of the extension consist of reinforced glass and composite materials. The extension is glazed on all sides as well as the roof. The existing car park to the east of the property would remain available to serve the proposed takeaway.
3. There was a previous planning application (20/00783/FUL) for the change of use from a hot food takeaway (Sui Generis) to mixed use hot food takeaway/café (Sui Generis/Use Class E) and erection of single storey extension to front elevation which was refused on the basis of the impact of the use on parking and highway safety as well as the scale, design and siting to the front of the proposed extension.

MAIN PLANNING ISSUES

4. Site History:

20/00783/FUL. Change of Use from hot food takeaway (Use Class Sui Generis) to mixed use hot food takeaway/cafe (Use Class Sui Generis/E) and erection of single storey extension to front elevation (as amended by plans received 24 November 2020). Refused. 21.01.2021.

16/00898/ADV. Display of 1 No. internally illuminated fascia sign to the front elevation and 1 No internally illuminated sign to the side elevation (amended plans received 11 October 2016). Granted with Conditions. 22.11.2016.

16/00896/FUL. Change of Use from shop (Use Class A1) to Hot Food Takeaway (Use Class A5), installation of a new shopfront; creation of an outdoor seating area, and addition of stainless-steel flue to rear elevation (as amended by plans and additional information received 28 October 2016). Granted with Conditions. 08.12.2016.

04/00020/ADV. Display of one fascia sign to shop front and one projecting sign (description amended by letter 5 February 2004). Granted with Conditions. 19.02.2004.

04/00018/FUL. Installation of 4 no. anti-ram raid bollards (Retrospective application). Withdrawn. 10.02.2004.

01/00475/FUL. Single storey rear extension forming office and store. Granted with Conditions. 16.08.2001.

97/00518/ADV. Continued display of internally illuminated box fascia sign and retention of first floor flank non-illuminated advertisement (amended description). Refused. 01.10.1997.

97/00309/FUL. Installation of a new shopfront (retrospective development). Granted with Conditions. 25.06.1997.

96/00735/CU. CHANGE OF USE FROM BANK (CLASS A2) TO HOT FOOD TAKE-AWAY (CLASS A3).
Granted with Conditions. 13.02.1997.

96/00735/(A). NUMBER 8/96/735/DM DATED 13 FEBRUARY 1997 FOR CHANGE OF USE FROM
BANK (CLASS A2) TO HOT FOOD TAKEAWAY. Approved. 10.09.1997.

87/00355/MISC. ERECTION OF BOLLARDS TO DEFINE CAR PARKING SPACES. Granted with
Conditions. 26.08.1987.

84/00579/AD. THE DISPLAY OF: AN INTERNALLY ILLUMINATED FASCIA SIGN. Granted with
Conditions. 07.11.1984.

5. The main planning issues to be considered are:

- 1) Impact on Visual Amenity
- 2) Impact on Residential Amenity
- 3) Parking and Highway Safety
- 4) Other Matters

PLANNING POLICIES

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

- a) Makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (Policy CS2 of the Core Strategy 2011)
- b) Where new shop fronts, or alterations to existing shop fronts are proposed, the development respects the scale, proportions and character of the building and of neighbouring buildings and shopfronts (Saved Local Plan Policy E38)
- c) 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 community (Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Environmental Health Officer has been consulted on the application and has raised no objections.
8. The Council's Highways Engineer has been consulted on the application and has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

9. There have been 9 letters of objection submitted and the main points are summarised below:

- Parking, congestion and Highway Safety

- Impacts on visual amenity
- Residential Amenity – loss of light/ overshadowing
- Safety of McColl's shop
- Security of glass extension
- Will affect McColl's deliveries
- Long queues affecting access to McColl's
- Too many eating establishments in area

PLANNING ISSUES/ANALYSIS

(a) Visual Amenity

10. The application property is one of a pair of semi-detached commercial properties located in a prominent position on the south side of Yarm Road/McMullen Road roundabout. The ground floors of both properties are currently in commercial use. Both properties have been altered to include shop fronts although the character of the properties is more of domestic scale.
11. The proposed ground floor extension to the front would project approximately 3m into the forecourt area to the front of the property. The proposed extension is a modern structure with floor to ceiling glazed panels, a glazed roof and a glazed door to the front north elevation. It is considered that the scale and design of the proposed extension would not be unduly prominent in context of the existing commercial property and the wider street scene.
12. It is acknowledged that an extension to the front was proposed in a previous application (20/00783/FUL) and was subsequently refused. The proposal subject of this current application has been amended from the last submission and is of a smaller scale and of a modern appearance which, on balance, is not considered to result in a detrimental impact on the character and appearance of the existing property or the surrounding area where there are numerous commercial properties, including Darlington Retail Park located to the north of the roundabout.
13. Owing to the above reasons, it is considered the proposed extension would accord with Saved Policy E38 (Alterations to Business Premises) and Core Strategy Policy CS2 (Achieving High Quality Sustainable Design).

(b) Residential Amenity

14. It is acknowledged that there have been some concerns raised over the safety of staff working in the adjoining convenience store McColl's and the proposed extension restricting views from the shop and impacting their safety.
15. Due to the substantial glazing within the proposed extension, it is not considered that the proposal would result in a significant loss of light or outlook from the adjoining shop premises. While planning policies seek to protect amenities of residential properties and

their private garden areas from development that may be overbearing resulting in loss of light or outlook, the same provisions do not apply to commercial premises.

16. The Council's Environmental Health Officer has raised no objections to the proposal.
17. It is considered that the proposed extension would not result in a loss of residential amenity and would therefore accord with Policy CS2 and CS16 of the Core Strategy 2011.

(c) Parking and Highway Safety

18. The proposed extension shows that it will be used as a space for waiting for orders on one side and a queuing area on the other side. The extension features benches within the extension, located on either side, with no dedicated seating which people could lean against to eat, however it is considered that this would not attract customers to stay for a long period of time. There is also a dedicated car park, which the fish and chip shop business has exclusive access to, located to the east. Therefore customers of the neighbouring McColl's shop have no 'right' as such to use the car park, should the owner not be willing to permit this.
19. A previous application (20/00783/FUL) for an extension with a change of use from a hot food takeaway (Use Class Sui Generis) to a mixed-use hot food takeaway/café (Use Class Sui Generis/E) was refused on highway grounds owing to lack of parking and increased traffic/road safety concerns.
20. The Council's Highways Engineer has been consulted on the application and has considered this current proposal to be fundamentally different to the previous proposal as this application does not provide internal seating and the proposal offers a more customer friendly means of waiting/queuing in inclement weather. In the previous application it was considered that the internal seating element would likely have compromised parking available for the higher turnover of takeaway customers as seated customers will stay for a longer duration.
21. 5-year accident history does show a number of minor collisions, with additional parking on the highway circulatory likely to be an aggravating factor. Increased parking restrictions were implemented as part of the recent works on McMullen Road Roundabout, restrictions now extend to Yarm Road and Salters Lane as well as the circulatory space of the roundabout, with the objective of protecting capacity and visibility to ensure a safe and free moving highway.
22. The hot food takeaway is known to be busy and successful business and generates a significant amount of additional traffic over the previous retail use. It is considered that whilst the car parking is for exclusive use for the fish and chip shop their does appear to be some dispute with the adjoining convenience store over traffic and parking issues, which is a civil matter not a material planning consideration.

23. Owing to the points set out above, the Highways Engineer has set out that they do not consider that this application would create any additional highways impact and therefore has a neutral impact on traffic and road safety. They have raised no highway objections.

(d) Other Matters

24. There have been concerns raised over the security of the proposed glazed extension and the use of glass. The application states that the proposed extension would be constructed of reinforced glass and it is considered that the existing shop front features glazing and therefore there is not an increased concern regarding the security of materials.
25. There has been concern raised over queues from the fish and chip shop extending past the front of the neighbouring convenience store. This is considered to be an existing resulting factor of the fish and chip shop use and it is not considered the proposed extension would result in a further impact above the existing situation.
26. One matter raised by an objector is that there are too many eating establishments in the area. The property is already in use as a hot food takeaway and this application is for an extension to the front only and would therefore not introduce a new use. Notwithstanding this, the Council does not have a policy restricting the number and/or location of new restaurants and takeaways and as such it would be difficult to justify refusal of the application on this basis.

PUBLIC SECTOR EQUALITY DUTY

27. 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

28. The proposed extension to the front of the property would be acceptable in terms of visual amenity its impact on the character and appearance of the existing property and the surrounding area in accordance with Saved Local Plan Policy E39 and Core Strategy Policy CS2. The proposed extension would not result in a loss of residential amenity in accordance with Policy CS2 and CS16 of the Core Strategy 2011.
29. The proposed extension which consists of a waiting and queuing area and no dedicated seating is not considered to result in an increased impact on parking and highway safety above that of existing and to warrant the refusal of this application.

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

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

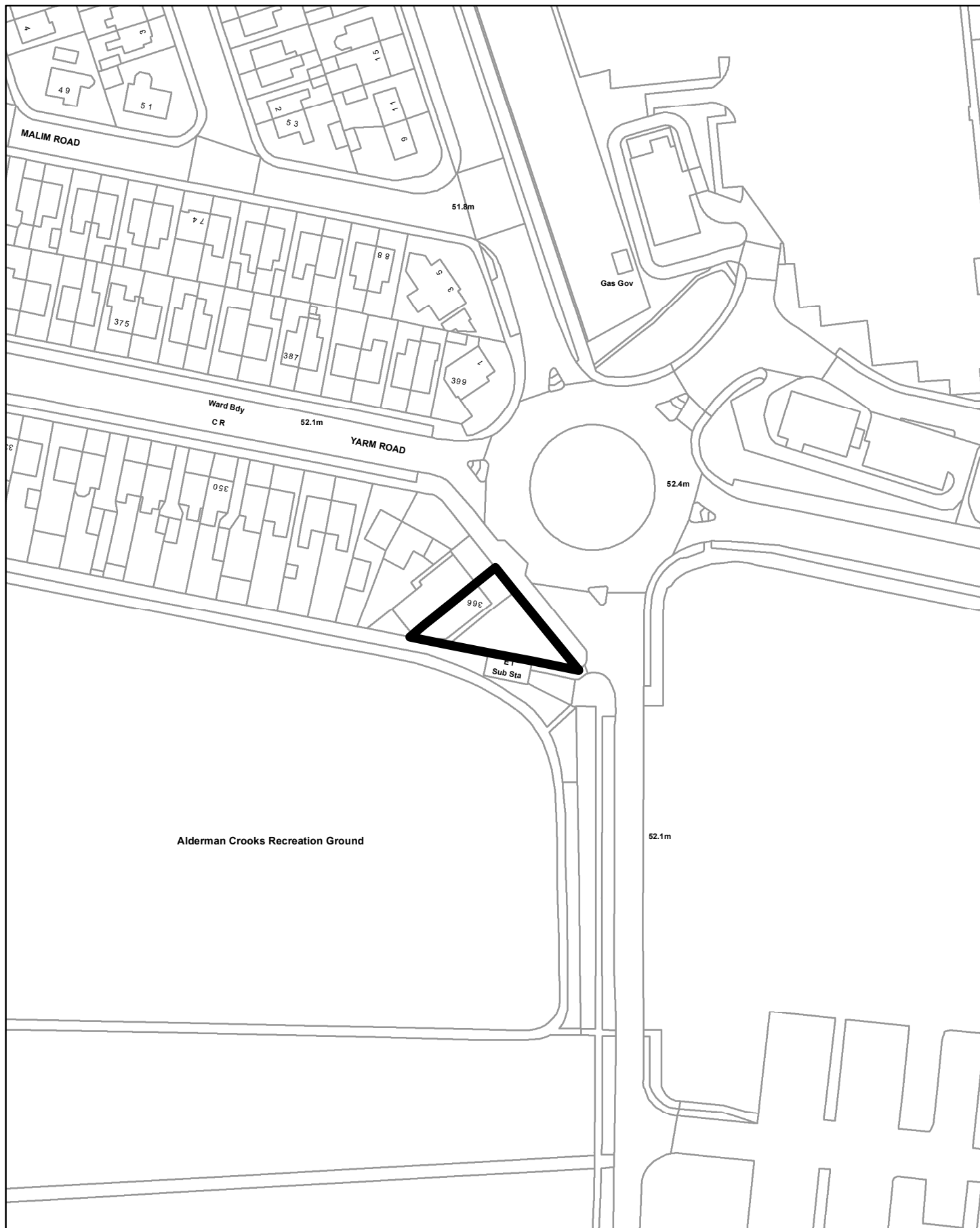
REASON: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

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

- Site Location Plan
- 20033 002B Proposed Plan
- 20033 003B Existing and Proposed Elevations
- 20033 004B Existing and Proposed Site Plans
- 20033 005 Detailed Plan
- Visuals and Measurements

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

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Planning Ref No: 21/00862/FUL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 29th September 2021

APPLICATION REF. NO:	21/00688/DC
STATUTORY DECISION DATE:	08.October 2021
WARD/PARISH:	Bank Top and Lascelles
LOCATION:	Darlington Station Gateway East
DESCRIPTION:	Demolition of existing buildings and erection of station building with concourse, multi-storey car park, transport interchange, public realm and highways works and alterations to boundary wall (Additional Bat Survey Report received 27 August 2021)
APPLICANT:	Darlington Borough Council

RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING REGULATIONS 1992, SUBJECT TO CONDITIONS

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

APPLICATION AND SITE DESCRIPTION

1. Darlington Bank Top station is one of the Tees Valley's principal rail gateways and is strategically located on the East Coast Main Line. It is a regional transport hub that serves the Tees Valley and the wider catchment including South Durham and North Yorkshire.
2. This planning application has been submitted under Regulation 3 of the Town and Country Planning Regulations 1992 for the demolition of existing buildings and erection of station building with concourse, multi-storey car park, transport interchange, public realm and highways works and alterations to boundary wall and involves a significant opportunity to improve strategic transport infrastructure in the heart of the town

3. The site is situated to the east of the main Bank Top railway station. The proposed multi storey car park and station building lies predominantly on the existing surface car park accessed off Garbutt Square extending eastwards towards Neasham Road, whilst the new public square is to be located directly north bounded by the retaining wall to St. John's Place to the north and east and the railway tracks to the west. The scheme will also create a new enhanced station entrance and concourse as part of an overall station redevelopment masterplan. The existing Garbutt Square car park is owned by LNER. Darlington Borough Council own or are in negotiations with all other property and landowners, for the plots that make up the rest of the site. To the northern end of the site between St Johns Place, Albert Street and Garbutt Square are a mixture of residential, commercial and light industrial properties. The properties are in the process of being purchased by Darlington Borough Council, ready for demolition prior to the construction of the new transport interchange.
4. Darlington Station provides the town and region with good rail connectivity across the UK, attracting and enabling business, encouraging visitors and providing access to jobs and education. There is more potential connectivity in the future with both High Speed 2 (HS2) and Northern Powerhouse Rail (NPR) having Darlington in their service plans. Rail Industry studies identify that the East Coast Main Line (ECML) north of York is now at or very close to capacity with train operators struggling to deliver franchise commitments as a direct result. The infrastructure at Darlington station is one issue that exacerbates problems with capacity and resilience and risks to future rail service improvements.
5. The issues at Darlington station are related to the interaction between national and local services. Local east-west services on both the Bishop Line and the Tees Valley Line have to cross the East Coast Main Line (ECML). This crossing movement takes significant time and capacity from national services on the ECML. This results in issues relating to effective connections, issues with the potential for new national services and any ability to consider more frequent local services. The solution identified is a new station building on the east side of the ECML that could serve both national and local services without the need for crossing the ECML.
6. A new station building and new high-speed services in the future provides an opportunity to maximise these benefits for Darlington and the Tees Valley. A wider masterplan for the station area has been developed that with an aspiration for a rail gateway fit for the 21st Century that can accommodate future demands for national, regional and local passenger rail services as well as freight.
7. The surrounding area is predominately in residential use comprising traditional terraced dwellings and flats (Pembroke Court development) on Neasham Road and the roads which lead from it, and Appleby Close which is a modern housing development comprising a mix of dwelling houses and apartment buildings.

8. Bank Top railway station is a Grade II*listed building and St. John's Church, which is directly north east of the site across Neasham Road, is grade II listed building. The northern end of the application site is outside but within the setting of the Parkgate Conservation Area.
9. The proposed Darlington Station Gateway Masterplan will make enhancements to the existing Bank Top Station, improvements to the railway lines and the creation of a modern Transport Hub and Multi Storey Car Park (MSCP). The development has been split into three sections:
 - a) Station Gateway West - Works outside of the station to pedestrianize the highway and
 - b) Bank Top Station enhancements. A planning application has been submitted for these works (reference number 21/00691/DC)
 - c) Refurbishment of the Bank Top station tracks and platforms and the erection of a new pedestrian link bridge from the station to the proposed new platform building. Applications have yet to be submitted for this phase of the overall development and discussions are ongoing between the Council, the applicants and Historic England
 - d) Station Gateway East – Erection of a 672 space Multi Storey Car Park, transport hub, station entrance and concourse
10. This planning Application is wholly concerned with the works to the Station Gateway East. Darlington Borough Council along with funding from Tees Valley Combined Authority (TVCA) are the clients for the works to the Station Gateway East. The redevelopment of the station is to meet the future demands for national and regional passenger rail travel as well as freight services.
11. The proposals have been part of extensive pre-application engagement with officers and other external partners such as Historic England and the applicant carried out a consultation exercise with local residents in accordance with the Council's adopted Statement of Community Involvement document which resulted in queries for eleven interested parties.

Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

12. The proposed development has been the subject of a Screening Assessment (ref no 21/00014/SCR) in accordance with the Regulations 2017 and It is the opinion of the local planning authority that taking into account the characteristics of the development, its location, and the characteristics of the potential impacts, there are unlikely to be any significant impacts that would warrant the submission of an Environmental Impact Assessment.

MAIN PLANNING ISSUES

13. The main planning issues 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 Heritage Assets
- d) Residential Amenity
- e) Highways Safety, Parking Provision and Sustainable Transport
- f) Ecology, Trees and Landscaping
- g) Demolition and Construction Management Plan
- h) Noise
- i) Air Quality
- j) Flood Risk and Drainage
- k) Contaminated Land
- l) Archaeology

PLANNING POLICIES

14. 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 CS15 of the Core Strategy 2011)
- The development has regard to existing trees and incorporates trees into the proposed layout wherever possible (E12 of the Local Plan 1997)
- Includes hard and soft landscaping which has regard to its form, setting and design (policy E14 of the Local Plan 1997)
- 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, buildings and features that reflect Darlington's railway heritage. (CS14 of the Core Strategy
- 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 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

15. The Council's Highways, Environmental Health Officer, Rights of Way Officer and Sustainable Transport Officer have raised no objections to the principle of the proposal subject to the imposition of planning conditions.
16. The Council's Conservation Officer is generally supportive of the overall proposals and has highlighted where the proposal will have an impact on the heritage assets and that the impacts will need to be weighed against the public benefits of the scheme.
17. Northern Gas Networks, Northumbrian Water, Northern PowerGrid, Durham County Council Archaeology Team, Local Lead Flood Authority have raised no objections to the principle of these proposals
18. Historic England are supportive, in principle, to these works which will facilitate the next phase of Darlington Station's development as a strategic transport interchange linking the town and region to the national railway network. Historic England welcome the applicant's ongoing dialogue with the Council and Historic England in progressing proposals for the new footbridge, but they remain concerned that this critical element of the scheme has been omitted from the scope of this application. They strongly encourage the Council to ensure that all necessary steps have been taken to mitigate harm through the careful and sensitive design of the new interventions, including the new footbridge element
19. Network Rail has advised that they are aware of this scheme and are engaged with the developer in the design and delivery of these proposals. They therefore have no observations to make in respect of this planning consultation other than confirming that separate applications will be submitted for the link bridge etc at the main railway station building.

20. The British Transport Police has confirmed that the Project Team for the scheme have been consulting both them and the Durham Constabulary Architectural Liaison Officer for some time that many of their primary concerns have been well addressed. CCTV in particular appears to be taking note of police recommended standards which is very encouraging to see. The BTP would wish to see toilets to be located within the station and for patrons use only; they prefer the rotunda design of the station building and careful consideration needs to be given to the number, location and design of any new planters and benches
21. The Architectural Liaison Officer from Durham Constabulary has also confirmed that many of the primary concerns have been addressed and the Police welcome that the scheme will be achieving the Park Mark award. The ALO has recommended that the principles of Secured by Design Commercial 2015 should be considered.
22. Darlington Association on Disability have been working alongside the Project Team on this scheme and they have no disability accesses issues at this time.

RESULTS OF PUBLICITY AND NOTIFICATION

23. Following an extensive publicity and notification process by the Local Planning Authority, five letters of objection from three households have been received and the comments can be summarised as follows:
 - *I do not want to see a huge carpark on my doorstep. This carpark does not need to be this overpowering*
 - *The fumes will be bad for my health and the noise will be terrible. Surely this is a breach of our human rights? To be exposed to such noise and pollution in our own homes. I won't be able to open my windows to have fresh air as there won't be any. Would you like to have building work and disruption on your doorstep for four years?*
 - *The Multi story carpark is too high and makes it the dominant feature on the eastern side*
 - *In this part of the plan the emphasis should be the new travel centre and passenger access and facilities which should be designed to be in keeping with the existing station buildings on the west side of the station.*
 - *The multi storey carpark will be in full view out of my bay window (St Johns Crescent) and all front windows. It will cast a shadow over my property and block our right to light and many others on Neasham Road. It would mean a loss of privacy overlooking us being such height.*
 - *I do not see the need for an increase from the existing 382 space carpark to the 850 car park spaces space from a 5 story multi carpark so close to residential houses*
 - *There will be an increase in noise and fumes from vehicle engine's noise from vehicle alarms reversing and revving dust from vehicle wheels, excessive artificial lighting, vermin, accumulated windblown rubbish, oil, fuel, hydraulic fluids, suspended fluids, grease, antifreeze hot engines also emit oil evaporations.*

- *At present there is a nice open view across to the station from my doorstep. It is hard to*
- *image a huge carpark in place and this gives me huge anxiety and worry over the impact upon my children's safety and wellbeing if the proposed plans go through*
- *It is going to create more traffic*

24. The Friends of the Stockton & Darlington Railway have objected to the planning application and have commented as follows:

- *The description of the Gateway East application is misleading in that the proposed transport interchange is only for cars and taxis. There has been no attempt to resolve the long standing problem of inadequate bus access to the station. Its location outside the Town Centre means that it is not a natural public transport hub and access will continue to rely on existing services with stops in three different locations; Park Lane, Parkgate and Neasham Road. With the creation of a 600 space multi-story car park, the proposals represent a continuation of 20th century planning for growing use of the private car. We accept that parking provision is essential for cars of passengers from areas without good bus services, but the Gateway will be unsustainable without a proper public transport interchange.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

25. 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 (2021) supports the plan led system providing that planning decisions should be "genuinely plan-led" (NPPF para 15).

26. 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

27. Policy CS19 of the Core Strategy states that the Council and its partners will work together to make the best use of and improving existing transport infrastructure within and connecting to the Borough having considered first solutions to transport problems that are based on better management and the provision and promotion of sustainable travel. For the rail based transport network this will be by providing new stopping facilities for rail services to the east of Bank Top Railway station and to integrate rail with all other transport modes.

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

28. The proposal includes an extension to the Bank Top Station on the eastern side of the railway tracks. The new extension will interface with proposed Network Rail led works including new platforms, track and line side infrastructure for southbound high-speed

and local Tees Valley services. The proposed Gateway East will consist of a new entrance to the north of the site through a rotunda designed entrance. The concourse will connect the entrance with proposed platforms to the south. The proposed concourse is shell and core only with a separate team undertaking the internal fit out. The concourse will also be connected by a new pedestrian link bridge over the railway lines to the existing station which is outside the scope of this planning application. Passengers will enter the station from the north into the Retail Hub including shops, cafés, ticketing office and seating. To the south of the concourse there is an Operation Hub which will include waiting rooms, WCs and staff facilities.

29. To maximise the parking numbers part of the station concourse has been integrated within the footprint of the Multi Storey Car Park (MSCP). The proposed MSCP provides a total 672 spaces accommodated over five floors (including ground floor) or ten split levels. The vehicle entrance/exit is located in the east elevation accessed off a realigned Garbutt Square. The environmental strategy for the car park is for the building to be naturally ventilated to negate the need for large mechanical ventilation. The design of the façades therefore requires suitable free areas to maximise natural ventilation. The design of the MSCP cladding features masonry to the ground floor and at the upper levels powder coated aluminium vertical fins wrap around the car park structure. The materials for the overall building would be a mix of railings, metal cladding, brick cladding, curtain walls and glazing to be both modern, environmentally sensitive and also sympathetic to the neighbouring Bank Top Station building. However, it is recommended that a planning condition is imposed to secure the precise details.
30. The Neasham Road gable elevation is recognised as one of the most visible parts of the building to the commuters and residents of Neasham Road. The design of the elevation has therefore been treated differently to the rest of the MSCP. Brickwork piers project out further than the rest of the elevation with a punched vertical window to the stairwell and full height masonry cladding with an inset panel to the centre have been incorporated into the design creates a canvas for signage for the scheme
31. The final part of the scheme is the creation of a new transport interchange for the station. As well as creating a new entrance on the eastern side of the station the transport hub will be linked by a new bus stop on Neasham Road and additional cycle storage. To the north of the station entrance will be a new drop off area for passengers and a short stay car park. The proposal will also include a high quality public square to the front of the station, including seating areas, raised planters and a plinth for some public art relating to the railway industry creating a new location for people to congregate in Darlington
32. Raised planters play an important role securing the entrance of the car park from attack by creating a natural vehicle barrier. To the areas where there are no raised planters the public square has security bollards which are spaced to allow good access for pedestrians but stop vehicles from approaching the entrance
33. To the north of the site is an existing retaining wall which dates back to when Parkgate was lowered below the railway line. The retaining wall separates St Johns Place from

Yarm Road to the north and tapers down on the eastern boundary to Neasham road. At its highest point the height difference retained by the wall is over 5 meters. The retaining structure is a hard constraint on the site where access can only be provided via Neasham Road on the east. There is a pedestrian stair built into the wall to provide access from Yarm Road, no vehicular access is possible.

34. It is proposed that part of the retaining wall to Neasham Road is to be demolished to create a safe junction into the site and to provide suitable visibility for vehicles exiting the site. Approximately 43m of retaining wall would be demolished and then stepped back to the existing stair access into the site. This option improves the visibility of the station entrance for pedestrians and vehicles approaching the site, as well as views of the existing listed Bank Top station. The removal of the retaining wall also allows for the creation of a new 3m wide footpath to access the station site.
35. To mitigate against the loss of the retaining wall, a new 18m dwarf wall will be constructed alongside the widened footpath to show the rough location of the original wall. The dwarf wall will be built from the same stone and copings as the demolished retaining wall (unless the existing stone is not found to be in good enough condition to retain). The dwarf wall visually represents the history of the retaining walls in this location. The wall also acts as a physical and visual separation between the footpath and the proposed station development.
36. The proposed development will be a significant alteration to the street scape along this section of Neasham Road. The proposed buildings and layout have been designed having considered the aim of the proposals, the shape of the site, the location of residential dwellings and its spatial relationships with the neighbouring heritage assets. The majority of the buildings that are to be replaced are not of any visual significance and do not make a value contribution to the street scene. The proposed development is however a high quality development which will be sympathetic to street scene in terms of scale, design and materials, the amenity of the street at lower level and will introduce a high quality public square to the area. The proposed development would accord with policy CS2 of the Core Strategy in this regard.

c) Impact on Heritage Assets

37. 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.
38. 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).

39. 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).
40. 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 considered 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).
41. 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)
42. The application has been supported by a high level, detailed and extremely useful Heritage Assessment (HA) that fully complies with the requirement of paragraph 194 of the National Planning Policy Framework 2021. The site is located in a highly significant location, within the immediate setting of the Grade II* Bank Top Station. Bank Top Station was constructed in 1887, designed by William Bell and engineer Thomas Harrison. The building is the third phase of development of the station building. It is highly ornate and has a feel of renaissance design. The station was designed with a more public focus to the west of the site, where there is more architectural detail. The elevation along the eastern elevation of the building is more modest in design. This is however in part due to the phase 3 works retaining sections of the second phase of development under Thomas Prosser
43. Reference to the historic record and OS maps the site is associated with the historic sidings, shunting lines and engine shed with associated turntable. The site is also within the immediate setting of the Grade II Church of St John the Evangelist which was constructed in 1849 in the English style. The Church forms a significant landmark within the area. The site is also on the boundary of the Parkgate Conservation Area, of which Church of St John is within the boundary. The Parkgate area has historically been an

important arterial route directly linking to Yarm and Stockton. The Conservation Area forms a significant part of the development of Darlington.

44. Whilst the Council's Conservation Officer is in support of the overall project, he has advised that there are elements of the proposal which will cause harm the historical significance of the site. These elements are the loss some of the buildings within the site such as the Grey Horse Public House, which retain their historic form and plan form of the area; the loss of a small section of an existing sandstone wall and gate pillar which has been retained and located on Garbutt Square; the partial removal of the retaining wall on the Neasham Road/Yarm Road and Parkgate frontage which fronts the Parkgate Conservation Area.
45. The proposed works would impact the Grade II Church of St John the Evangelist. The works would directly impact the setting of the Church of which is considered to have exceptional significance. While there would be some harm to the setting, there would be some benefits in what is being considered and overall, the proposals have been considered to ensure the setting and views onto the church are protected. Indeed, whilst the loss of the existing buildings will alter the character of the area, such works will open the sight lines onto the II* Station building from the Church and vice versa.
46. The size and height of the proposed MSCP has been justified by the operational requirements of the site and to mitigate for the loss of existing parking spaces as a result of the redevelopment scheme and the amendment to the entrance to the concourse to a rotunda design has been done to create a more appropriate entrance into the building, and to have better interaction and integration with the public square. Whilst this has resulted in a larger entrance building, the Council's Conservation Officer is in support of the curved design.
47. The materials for the proposed buildings and the public realm and lighting can all be secured by appropriate planning conditions.
48. Historic England are supportive, in principle, to these works which will facilitate the next phase of Darlington Station's development as a strategic transport interchange linking the town and region to the national railway network. The proposal for the Station Gateway East scheme is considered to be ambitious and forms part of a wider package of alteration and improvement works to the station, envisaged as part of a masterplan.
49. As stated above, the Council's Conservation Officer is broadly supportive of the overall proposals but there are elements which will harm the historic significance of the site and the setting of the heritage assets. 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 NPPF). Consideration also must 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. The extent of harm that has been identified is "less than substantial" 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

50. The public benefits that would be derived from the proposed development include:

- a) Darlington Station provides the town and region with good rail connectivity across the UK, attracting and business, visitors and providing access to jobs and education. This proposal will improve potential connectivity in the future with both High Speed 2 (HS2) and Northern Powerhouse Rail (NPR) having Darlington in their service plans.
- b) A new station building and new high-speed services in the future provides an opportunity to maximise benefits for Darlington and the Tees Valley.
- c) The new station entrance building will give improved access for all and connect via a new footbridge (albeit outside the remit of this application) into the east facade of the station building. This will enable, together with the improved access to the west side of the station, better access and connectivity to Darlington and the wider region which in turn will benefit Darlington economically and help to further promote the use and availability of sustainable means of transport.
- d) The cumulative effect of the Station Gateway East project will not only sustain and make provision for growing passenger numbers for the station and therefore directly benefit the Grade II* listed building.
- e) The development will enable a more efficient use of the space for a transport interchange for both public transport via bus links throughout Darlington and beyond and cycle network
- f) The creation of the public square and the removal of existing buildings and retaining walls would open views of the listed Bank Top Station and Church of St John the Evangelist and improve connectivity between the two heritage assets
- g) The creation of the public square will bring visual, ecological and social benefits to the local area
- h) The removal of the existing parking from within the main vehicular approach to the North to the station, to the new multi storey car park will de clutter the approach to the station and enable improved public realm and appreciation of the Grade II* listed building
- i) The proposed development would include green infrastructure such as electric charging points
- j) The overall effect of the proposal will be to create a more obvious, coherent, purposeful and welcoming entrance to this side of the station which will serve the building well for the 21st Century, thereby contributing to sustaining the long-term future of the Grade II* listed building.

51. Based on the information that has been submitted in support of the planning application, officers are convinced that the significance of the site and the surrounding heritage assets is well understood, and the development has been designed to reflect the assets whilst also needing to meet other operational requirements. The site has

been considered against 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 heritage assets that would be caused by the demolition of the development of the existing buildings, the sandstone wall on Garbutt Square and the retaining wall as well as the scale and layout of the proposed development. The overall development would 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.

52. Discussions are ongoing with the Council, Historic England and the appropriate stakeholders with regard to proposals for the listed Bank Top Station which includes the provision of a link bridge between the station and the proposed platform. Whilst the link bridge falls outside the remit of this application, the location of the link bridge has been taken into consideration for these proposals and the applicant and Agent for this application are aware of these ongoing discussions. Whilst Historic England are concerned that planning applications have not been submitted for this part of the overall redevelopment Masterplan, Officers consider that this does not prevent the local planning authority from determining this planning application based on the fact the discussions are ongoing, all parties are aware and continue to be involved in them.

d) Residential Amenity

53. There are residential dwellings on the opposite side of Neasham Road which are terraced dwellings with enclosed front gardens and Pembroke Court which is a three-storey apartment building located behind mature hedging. Appleby Mews is a modern development located to the south and south east of the application site. Appleby Mews comprises a mix of dwellings and four storey apartment buildings. The apartment buildings are located primarily on the edges of this development and on the boundary of the application site. The apartment buildings on the western edge overlook the existing car park with the Bank Top Station building beyond. The apartment building and two storey dwellings on the Garbutt Square have elevations and gardens which front onto commercial buildings, which would be demolished as part of the proposal.
54. The gable end of the proposed building facing onto Neasham Road and its junction with St John Crescent would be approximately 38m from the Pembroke Court development and the corner of the gable would be approximately 21m from No 23 Neasham Road which is positioned further forward than its neighbours. The separation distance between the new building and the existing dwellings and apartments on Appleby Mews which share a boundary with Garbutt Square is between 43 and 45 metres due to the staggered layout of these properties and there is a separation distance of 24m and 32m between the proposed building and the existing apartment buildings on the western boundary of Appleby Mews.

55. The site is quite constrained due to its shape, the presence of the heritage assets and the location of the residential properties. It is evident that the outlook from these dwellings will be impacted upon by the proposed development, but the separation distances will help to reduce its visual impact to a level which is acceptable in amenity terms and would not justify a reason to refuse the planning application. Existing trees on the boundary with Appleby News would provide some limited screening between the new development and the existing properties. The limited impact of the proposed development upon the existing dwellings also has to be balanced against other material planning considerations and the wider public benefits that would be derived from the proposed development.
56. It is evident that the applicant has been in discussions with the British Transport Police and Durham Constabulary with regard to security advice for the development when designing the proposed layout and building.
57. It is considered that, in terms of outlook and loss of privacy, the proposed development will not have a significantly adverse impact on the amenities of the existing dwellings in the area and the proposal would accord with policy CS16 in this regard.
58. This report will also consider other amenity matters such as noise, air quality and the need for a demolition and construction management plan.

e) Highways Safety, Parking Provision and Sustainable Transport

59. As stated, the proposal is for the erection of a 672 space Multi-story Car Park (MSCP) building including station concourse together with ancillary external infrastructure including an access (entry and exit) to the MSCP building via Garbutt Square from Neasham Road and a further access from Neasham Road on the northern side of the MSCP building to serve passenger pick-up and drop-off facilities as well as accommodation of bus replacement services during periods of disruption to scheduled train services. The car park includes 38 spaces for electric vehicle (EV) charging and cycle parking adjacent to the drop-off area. Disabled parking bays for 36 vehicles are provided on levels 00 and 01, 4 of which are for EV charging together with 4 disabled bays in the drop-off area. The transport interchange hub will provide:
- a) 20 Short stay parking spaces (including for accessible spaces)
 - b) 2 x Drop off areas including an overflow drop off area
 - c) 1 x Loading bay to service station concourse retail
 - d) 1 x New bus stop to north bound Neasham Road plus an existing bus stop to the south bound carriageway
 - e) Space for 4 x bus replacement service
 - f) 20 x Cycle Storage spaces
60. Darlington Borough Council commissioned SYSTRA to carry out a demand study to examine the number of parking spaces which are likely to be required at a new Multi Storey Car Park (MSCP) located adjacent to Darlington Railway Station. It is understood

that the new MSCP will replace most of the existing car parks around the station which currently comprises:

- a) Victoria Rd / Portico – 21 Spaces
- b) Parkgate Ramp – 40 Spaces
- c) Garbutt Square – 344 Spaces
- d) Station East Albert St – 43 Spaces
- e) Park Lane – 104 Spaces

61. This shows that there are currently approximately 552 spaces surrounding the station. In addition, 20 drop off / pick up spaces located to the north of the MSCP, it is understood that the following spaces will remain with MSCP in operation

- a) Victoria Rd / Portico – 4 Spaces (short stay / drop off)
- b) Parkgate Ramp – 0 Spaces
- c) Garbutt Square – 0 Spaces
- d) Station East Albert St – 0 Spaces
- e) Park Lane – 31 Spaces
- f) MSCP – 672 Spaces

62. The study shows that the current demand for car parking in the area is estimated to be in the order of 449 spaces (2020) with a prediction for this to grow to a demand of 778 spaces in 2050. Based on the calculations the demand would exceed capacity by 2047 based on a capacity of 717 spaces.

63. The site is in a sustainable location and accessible by bus, taxi, car, cycle and on foot.

64. The predicted vehicular trip generation has been set out within the application and from this data it is predicted that the proposed car park (based on 690 spaces used in this assessment) is likely to generate in the order of 139 trips (two-way) in the weekday AM peak, 60 trips (two-way) in the PM peak of 15:00-16:00. With 139 two-way trips in the Saturday peak period of 12:30-13:30 PM.

65. The Transport Assessment has been submitted in support of the planning application which reviews the impact of the proposed development on the wider highway network. Fully classified peak hour turning counts were undertaken at five junctions near to the application site. Additional automatic traffic count (ATC) data was also obtained from Darlington Borough Council at three count locations. This data was used to consider a 'Covid virus' sensitivity factor for the traffic count data, where it was known that traffic flows were below historic levels. It is considered that the proposal will have no material impact on highway safety and the personal injury collision (PICs) accident assessment has concluded that there are no specific areas of concern which would necessitate intervention or improvement as a result of the current application proposals being implemented

66. Operational assessments of the following junctions were carried in order to assess capacity, queuing and delay levels at the opening and design year levels; Yarm Road / Neasham Road / B6280 mini roundabout; John Williams Boulevard / Yarm Road signalised junction; A167 / Parkgate / Stonebridge signalised junction; Hundens Lane / B6280 / Ridsdale Street signalised junction; Neasham Road / Garbutt Square priority junction.
67. This assessment has only identified operational difficulties at the mini roundabout junction of Yarm Road / Neasham Road / B6280 Parkgate. From the results provided it can be seen that in the 2021 base scenarios, it is predicted that the Neasham Road arm (Arm 3) of this junction operates over its practical capacity of 0.85 RFC in each scenario. All other arms of the junction are predicted to operate within capacity. The assessment of scenarios exceeding capacity, results in an exponential increase in RFC and queuing, which is not necessarily commensurate with the actual number of vehicles being added to the approach flows. The assessment indicates that 4 additional vehicles (gross) in the AM peak, 21 vehicles in the afternoon peak and 31 in the Saturday peak are generated as a result of the development proposals. However, no net allowance has been made for the traffic that could access the existing car parks at the moment which would broadly reduce the values given by 69.9%. It is therefore concluded that the cumulative residual impact of the development is not 'severe' and therefore should not be prevented on transport grounds as it is unlikely to have any discernible impact on the operational safety of the local highway network.
68. Offsite highway works are required to facilitate access into the new development. Early discussions with the Highways Authority have informed the final design and the majority of issues raised during early discussions have now been incorporated or addressed within subsequent design work. A new junction to a passenger pick up drop off area has been proposed and its location would be approximately 55m from the exit of Neasham Road/Yarm Road roundabout and it is felt that given the magnitude of traffic that could be expected to enter the car park during peak hours, versus the opposing flow on Neasham Road inbound traffic that this would be acceptable. There is an existing retaining wall that separates Neasham Road from St Johns Place which could restrict visibility to the north therefore as part of the proposals this is being cut back to improve visibility from the junction. An upgraded signalised crossing has been provided on Neasham Road with relocated bus stop facilities to provide bus connectivity to the site.
69. Non-motorised users are catered for in principle with widened footways and shared footway/cycleway facilities into the site, although final designs of these features will need a review at detailed design stage with drop crossings and tactile paving provided across junctions and joining into the surrounding infrastructure and appropriate signage. All off-site highway works will be subject to further design work as part of Technical approval for Section 38/278 works, however this is separate to Planning approval

70. There is an existing junction off Neasham Road to serve a surface level car park at the end of Garbutt Square and it is felt that intensification of use of this section of currently adopted highway would not have a severe impact given that the current industrial buildings and operations will cease as part of the proposals, hence it would solely serve the car park and any Network Rail access provision.
71. The proposals require stopping up of the current highway and additional areas to be offered for adoption as part of the Section 38 process in order to secure adequate visibility slays from side road junctions etc within the development area. This would be dealt with as a separate process to Planning Approval. Garbutt Square would be stopped up as this would solely serve access to the MSCP and Network Rail access and would therefore no longer be required for a highways purpose. A review of the parking restrictions in the local area would need to be carried out and this would be secured by a suitably worded condition.
72. The Council's Highways Engineer and Sustainable Transport Officer have raised no objections to the proposed development subject to the imposition of appropriate planning conditions. The proposed development would meet the requirements of policy CS2 of the Core Strategy 2011 in this regard.

f) Ecology, Trees and Landscaping

73. An ecological survey submitted in support of the planning application found the habitats within the site to be dominated by hard standing with small areas of amenity grassland, ornamental planting, tall ruderal, scrub and scattered trees. Limited foraging opportunities are presented by the scattered trees and scrub habitats throughout site. The railway network to the west of the proposed development area is considered to provide commuting opportunities for local populations of bats. Buildings within the site were considered to be of up to moderate suitability for roosting bats and further surveys were recommended to determine if roosts are present which have the potential to be affected by the proposals.
74. With regard to birds, the trees, scrub, and buildings within the site boundary offer foraging and nesting opportunities for the local bird community. Scrub habitats to the west of Garbutt Square car park are considered to be particularly suitable. Scattered trees are generally isolated and exposed, or else immature, and therefore opportunities presented by these features are limited.
75. The habitats within the proposed development area are considered unsuitable for BAP (biodiversity action plan) species such as butterflies due to a lack of open grassland habitats or key food plants *and it* is considered that there is limited potential for BAP species such as hedgehog to be present intermittently within the site boundary.
76. The submitted Preliminary Ecological Appraisal & Bat Roost Assessment includes appropriate mitigation and compensation measures, such as the inclusion of bat and bird boxes within the development, tree protection measures, appropriate timings for site clearance, which can be secured by a planning condition.

77. Further bat surveys were carried out in site (August 2021) and the findings revealed that all trees within the site are of negligible suitability for roosting bats; no bats were found to be roosting within any of the buildings during the surveys but they remain potentially suitable for low numbers of bats to use on an intermittent basis at certain times of the year and limited numbers of common pipistrelle, soprano pipistrelle, and noctule were recorded commuting throughout the site. Some commuting of bats across the site was recorded, particularly to and from the railway line to the west, and along Neasham Road to the east but very little foraging activity was recorded during the surveys. The Council's Ecology consultant confirmed that the findings of the latest survey is sound, and the survey includes very good mitigation and compensation measures such as the timings for construction; use of appropriate lighting schemes and these can be secured by a planning condition.
78. A tree survey submitted with the planning application reveals 3 groups and 14 individual trees. Of the surveyed trees, 1 group is category 'B', 1 is category 'C' and the third could not be categorised. Of the trees, 8 are category 'B' and 6 are category 'C'. None of the trees are covered by a tree preservation order. Five of the category B trees would be removed to facilitate the development along with the category C trees but overall, the amount of soft landscaping across the site would be greatly increased.
79. The trees which are on the eastern boundary of the site with the existing residential development on Appleby Mews would be retained.
80. To the north of the site where the new transport interchange and public square are located extensive areas of greening would occur to soften the effect of the new paving and around the drop off area there will be lawns to which the paths will criss-cross, connecting as users walk towards Central Park Enterprise Zone. To the public square, beside the entrance areas of ground level and raised beds will be filled with extensive planting. The new planting will create a biodiverse environment for station users to stop and enjoy on their way to the station. To the west of the site a new green will be created between the realigned Garbutt Square and the MSCP. The green will mostly be seeded with grass seed but will also include shrub planting around the SUDs detention basin. Where some trees will be lost to make way for the new MSCP and concourse they will be replaced with new trees to transport interchange, public square or green beside Garbutt Square. Overall the scheme is increasing the area of public greening and promoting biodiversity with a range of different environments.
81. Planning conditions to ensure that the development would be carried out in accordance with the submitted Tree Survey and the for submission of a landscaping scheme have been recommended.
82. Overall, the proposed development would accord with policies E12, E14 of the Local Plan 1997 and CS2 and CS15 of the Core Strategy 2011 in this regard.

g) Demolition and Construction Management Plan

83. A detailed demolition and construction management plan has not been submitted with the development. The application is extensive and will involve the demolition of existing buildings and the build phase of the construction is likely to last for over a year. There is also likely to be piling associated with the foundations of the new car park, something which Environmental Health has received numerous complaints about in the recent past, but on other occasions alternative piling techniques have eliminated complaints entirely. The applicants need to give careful consideration as to how the impacts of their activities on surrounding residents will be minimised during the construction phase. These include, but are not limited to issues around noise, dust, vibration and disruption caused by parking from contractors' vehicles and deliveries to the site. A planning condition would need to be imposed to cover the submission of appropriate Plans

h) Noise

84. The application has been supported by a Noise Impact Assessment. There is no set methodology for assessing noise from a multi-storey carpark and the impact assessment has made use of two separate methodologies. The first assessment has looked at the noise using a BS:4142 assessment which is normally associated with industrial developments, but the assessment has been made by classifying the entirety of the car park as a single entity and then modelling the impact of the noise from it at the nearest noise sensitive receptor. The second assessment has looked at noise from the car park according to the standards set out in BS:8233 and makes an assessment as to whether these will be exceeded at the nearest noise sensitive receptor.
85. The BS:4142 assessment has concluded that during the morning 'peak' traffic flow there will likely be a marginal exceedance of 2dB above the existing background noise level. This is not a significant result. There are a number of caveats to this result, such as the model not taking account of other increases in noise in the surrounding area including traffic on the approach to the car park and no penalties have been included in the BS:4142 assessment as the existing noise environment already includes noise from the existing car park. However, the assessment does make the point that following the construction of the car park the nearest noise sensitive receptor will be shielding by the building from railway noise and the noise from the tannoy announcements.
86. The BS:8233 assessment concludes that the car park will not cause internal noise levels within bedrooms to exceed the BS:8233 daytime and night time internal limit of 35 dB LAeq, 16hr and 30 dB LAeq, 8hr respectively at any noise sensitive receptor. This has been clarified with the authors of the report. The report has looked at two different scenarios as part of the assessment, one with a 1.8m high noise barrier along the rear of properties on Appleby Close, the other the other with a slight realignment of the existing entrance to the car park along Garbutt Square. The assessment has shown that there is only a 1dB difference between the two scenarios, indicating that there is nothing to be gained by erecting a noise barrier in this location to protect the 1st floor bedrooms from increased road traffic noise.

87. The final part of the noise assessment has looked at how the noise from mechanical ventilation plant could impact on the nearest existing noise sensitive receptors. The report makes clear that the final specifications and noise levels of the proposed mechanical plant are not known, but suggests that in order to ensure they do not create an issue, the rating level of any external plant should be limited to 5 dB below the LA90, T background noise level when assessed in accordance with BS:4142. To ensure that this happens, the Council's Environmental Health Officer has recommended a planning condition.
88. Overall, the Council's Environmental Health Officer is satisfied that the noise assessment has shown that the development can take place without creating a significant adverse impact on existing receptors and the proposal would accord with Policy CS16 in this regard.

i) Air Quality

89. The application has been supported by an Air Quality Impact Assessment. The impact assessment has used data available from nearby diffusion tubes and computer modelling software to predict what the impact of the development will be on air quality standards at nearby receptors. The assessment has made use of the IAQM and EPUK Guidance on Air Quality and planning. It has concluded that the impact of the development on local air quality would be low and no mitigation measures are proposed to offset any impacts on air quality. The Council's Environmental Health Officer would agree with this finding and the proposal would accord with Policy CS16 in this regard.
90. The numbers of proposed electric charging points in the completed car park in relation to the provision of 'normal' car parking spaces is in excess of the ratio of two charging points per fifty new parking spaces which is proposed as the criteria in the draft Local Plan. Obviously, throughout the useful life of the car park it would be expected that more electric vehicles would make use of it and the provision for electric charging points may have to be increased over time.

j) Flood Risk and Drainage

91. The planning application boundary is located entirely within Flood Zone 1 in accordance with the Environment Agency flood maps. This means that the site is at low risk from flooding which accords with policy CS16 of the Core Strategy 2011. It is proposed that surface water and foul flows will be discharged into NWL sewers surrounding the site. Attenuation storage including open a SuDS basin, permeable paving and attenuation crate storage will be provided to allow a restriction to surface water rates. The Flood Risk Assessment submitted in support of the planning application concludes that the proposed development is appropriate for the site and there will be no increase in flood risk to the site or surrounding area as a result of the development. Northumbrian Water and the Lead Local Flood Authority have no objections to the principle of the development and have recommended the imposition of planning conditions.

k) Contaminated Land

92. The application has been supported by a Phase 1 Desk Top Assessment which has compiled the results from several previous site investigations in the surrounding area and an Envirocheck Report which includes historical Ordnance Survey mapping. The report is essentially in three separate parts and includes a written assessment of the historical land uses and likely contamination. plans of the proposed development area and the Envirocheck report and historical maps.
93. The report was written before the final layout of the proposed redevelopment at the station was drawn up, but the Council's Environmental Health Officer has confirmed that it is a good assessment of the historic land uses and likely contamination. It fulfils the requirement of a Phase 1 Desk Top Study for the entirety of the site.
94. A Phase 2 Site Investigation Interpretative Report has also been submitted and this report interprets the results of a site investigation report (March 2021). That report was commissioned to address the expected issues in the earlier Desk Top Study. The report makes clear that it was not possible to access all of the site as part of the investigation. The eastern most section of the site in particular around Neasham Road was impossible to access because of existing buildings. The report states that these areas will be targeted for further site investigations following the demolition of the existing buildings. One of the buildings in this area is the former petrol service station on Neasham Road which is known to have underground fuel storage tanks.
95. Overall, the Council's Environmental Health Officer is satisfied with the submitted reports and the conclusions which have been drawn from them. However, further site investigation is needed in the areas which have so far been inaccessible, as well as remediation and verification of the issues uncovered in the reports to date and this would need to be secured by planning conditions. The proposed development would accord with policy CS16 in this regard.

l) Archaeology

96. The area includes some buildings and structures which appear to date to the mid nineteenth century, and the layout of the area still preserves the layout at that time. Accordingly, the Durham County Council Archaeology Team has recommended that a building recording of the still extant historic buildings should be carried out prior to demolition, as well as some recording of the character of the area via street scenes, to capture how this part of the town is/was. This can be secured by appropriate planning conditions.

THE PUBLIC SECTOR EQUALITY DUTY

97. 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. Darlington Association on Disability has confirmed that they have been working alongside the Project Team on this scheme and

they have no disability accesses issues at this time. The proposals would accord with policy CS2 of the Core Strategy 2011 in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

98. 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. The British Transport Police and the Durham Constabulary are stakeholders that have worked together with the Project Team to consider all aspects of security and antisocial behaviour prevention.

CONCLUSION AND RECOMMENDATION

99. Tees Valley Combined Authority, in partnership with the Darlington Borough Council, Network Rail and LNER, has planned a comprehensive improvement project at Darlington Bank Top Station and the Council is leading on the development of land immediately to the east and west of the existing station (the Neasham Road side and the Victoria Road side). The project will deliver the biggest transformation of the station area in decades providing modern, pedestrian-friendly travel interchanges for the town and the wider region.

100. This proposal involves the creation and integration of travel interchanges and a new multi-storey car park, which will promote sustainable travel through priority enhancements for pedestrians and cyclists, create a gateway approach and public realm that reflect the economic ambitions of Darlington and the wider Tees Valley region linking Central Park and the town centre with the Station more effectively through an improved environment to create more visitors and business to Darlington and paving the way for improved train services at Darlington as a key east coast mainline station that improves regional and national connectivity. The Council's development, alongside improvements to the existing station building by Network Rail and LNER is planned to be completed by 2025, in time for the 200th anniversary of the birth of the modern railway.

101. The overall objectives of the proposal are fully acknowledged and recognised. The application site is in a highly sustainable location within the development limits of the urban area. Information has been provided in support of the planning application which explains need for the proposed development and justifies the extent of the car parking provision for the new multi storey car park. There are no highway safety or sustainable transport objections to the principle of the development and planning conditions have been recommended to further consider matters relating to drainage, archaeology, ecology and landscaping. The proposed development will have an impact on the outlook of the residential dwellings in the area but the proposed buildings have been located to minimise such impacts as much as possible whilst fulfilling the operational requirements of the project and taking into account other physical constraints of the site and the neighbouring heritage assets. The scheme is a proposal with well-designed

buildings and the addition of a public square is highly welcomed in both visual and social terms. Overall, the proposal would accord with the appropriate local development plan policies on such matters.

102. The Council's Conservation Officer and Historic England are broadly supportive of the overall scheme and have been involved in the pre-application discussions with officers on the proposals. Such discussions will continue in relation to the proposal for the Bank Top station building, which includes a link bridge to the platform included within this proposal. The areas of the scheme which will have an impact upon the heritage assets have been identified and the 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 the buildings and the site is well understood. Officers are satisfied that the proposal 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 submitted reasoning and justifications for the project. 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 less than substantial harm caused to the heritage assets 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

**PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING REGULATIONS 1992,
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) SGMSCP-NAP-Z1-ZZ-DR-A-00001 P2 - Location Plan
 - b) SGMSCP-NAP-Z1-00-DR-A-00010 P5 – Site Plan
 - c) SGMSCP-NAP-Z0-XX-DR-A-90001 P6 – Landscape General Arrangement
 - d) SGMSCP-NAP-Z1-00-DR-A-01000 P11 – Level 00-01
 - e) SGMSCP-NAP-Z1-02-DR-A-01002 P9 - Level 02-03
 - f) SGMSCP-NAP-Z1-04-DR-A-01004 P9 - Level 04-05
 - g) SGMSCP-NAP-Z1-06-DR-A-01006 P9 - Level 06-07
 - h) SGMSCP-NAP-Z1-08-DR-A-01008 P9 - Level 08-09
 - i) SGMSCP-NAP-Z1-XX-DR-A-02000 P5 - East Elevation
 - j) SGMSCP-NAP-Z1-XX-DR-A-02001 P5 - North East Elevation
 - k) SGMSCP-NAP-Z1-XX-DR-A-02002 P5 - North West Elevation
 - l) SGMSCP-NAP-Z1-XX-DR-A-02003 P5 - South East Elevation

- m) SGMSCP-NAP-Z1-XX-DR-A-02004 P5 - West Elevation
- n) SGMSCP-NAP-Z1-XX-DR-A-02005 P5 - South Elevation
- o) SGMSCP-NAP-Z1-XX-DR-A-03000 P15 - GA Sections Block A
- p) SGMSCP-NAP-Z1-XX-DR-A-03001 P14- GA Sections Block B
- q) SGMSCP-NAP-Z1-XX-DR-A-03002 P6 - GA Sections Station
- r) SGMSCP-NAP-Z0-XX-DR-A-00020 P4 - Site Sections
- s) SGMSCP-FHT-Z0-SL-DR-C-00001 P5 - Proposed Drainage Layout
- t) SGMSCP-FHT-Z0-SL-DR-C-00101 P3 - S278 Works General Arrangement
- u) SGMSCP-FHT-Z0-SL-DR-H-00002 P4 - Non Motorised User Plans
- v) SGMSCP-FHT-Z0-SL-DR-H-00005 P4 - Areas of highway to be Stopped
- w) SGMSCP-FHT-Z0-SL-DR-H-00007 P4 - Proposed Access Arrangements
- x) SGMSCP-FHT-Z0-SL-DR-H-00008 P4 - Garbutt Sq. Swept Path
- y) SGMSCP-FHT-Z0-SL-DR-H-00009 P3 - Access Swept Path
- z) SGMSCP-FHT-Z0-SL-DR-H-00010 P3 - Access Arrangements Swept Path
- aa) SGMSCP-FHT-Z0-SL-DR-H-00011 P3 - Garbutt Sq. Swept Path
- bb) SGMSCP-FHT-Z0-SL-DR-H-00012 P3 - Stopping Up Plan

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

3. No building shall be constructed above damp proof course until precise details of the materials to be used throughout the development (buildings and public realm) hereby approved 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

4. No building shall be constructed above damp proof course until precise details of a lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development and the wider street scene, residential amenity and to protect biodiversity.

5. Prior to the demolition of the stone retaining wall on Neasham Road/Parkgate, precise details of the design and materials to be used in the replacement means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development

6. No building shall be constructed above damp proof course until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include a management plan for the scheme and upon approval of such scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local

Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.
REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

7. No building shall be constructed above damp proof course until fully detailed highway design information has been submitted to and approved in writing by the Local Planning Authority. The information shall include the precise details of all works within the public highways and works intended for adoption by the Highways Authority. Details should include phasing of works, material specifications, surface finishes, tie-in details, construction standards/pavement makeup. Details should also include level/gradient information of all pavements and roads. Precise details of signing and lining works. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of highway safety.
8. No building shall be constructed above damp proof course until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and buses, for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority
REASON: In the interests of highway safety.
9. A Road Safety Audit shall be carried out for all of the highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit
REASON: In the interests of highway safety.
10. No building shall be constructed above damp proof course until precise details of the cycle storage building have been approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include the number of cycles, the location and design of the building, the type of cycle stan, security measures and the future maintenance of the building. The cycle stand shall be in place prior to the occupation of the building and retained thereafter. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of promoting sustainable modes of transport
11. 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 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.
12. No building shall be constructed above damp proof course until precise details of the bin stores have been approved have been submitted to and approved in writing by the

Local Planning Authority. The details shall include the number, the location and design of the stores. The bin stores shall be in place prior to the occupation of the building and retained thereafter. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the general amenity of the development

13. Prior to the installation of any fixed mechanical ventilation system associated with the development hereby approved the details shall be submitted to and agreed in writing with the Local Planning Authority. The ventilation system thereby agreed, shall achieve noise levels in excess of 5dB below the background noise level (LA90, T) when assessed in accordance with BS:4142. The agreed ventilation system shall thereafter be retained and maintained throughout the lifetime of the development

REASON: In the interest of safeguarding the amenities of the neighbouring properties.

14. Prior to the commencement of the any phase of the development, including demolition, a site specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
- c. Construction Traffic Routes, including parking areas for staff and visitors.
- d. Details of wheel washing.
- e. Road Maintenance.
- f. Warning signage.

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

REASON: In the interests of highway safety and residential amenity

15. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority

REASON: In the interests of highway safety and residential amenity

16. If piled foundations are incorporated into the development hereby approved, details of the piling method including justification for its choice, means of monitoring vibration, and groundwater risk assessment if necessary, in accordance with recognised guidance, shall be submitted and agreed in writing by the Local Planning Authority prior to works starting on site. The development shall not be carried out otherwise than in accordance with the approved details.

REASON: In the interests of the amenity of the area

17. No development shall take place until the applicant has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which has been approved in writing by the local planning authority as follows:

- a) Methodologies for a Historic England-style Level 2 building record prior to any conversion works or stripping out of fixtures and fittings.
- b) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
- c) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
- d) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

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

REASON To comply with National Planning Policy Framework 2021 as the buildings are non-designated heritage assets

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 NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

19. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Proposed Drainage Layout" dated "25/01/2021". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 6101 and upstream of 6204 and ensure that surface water flows discharge to the combined sewer at manholes 6101 and slightly upstream of manhole 6204. The surface water discharge rate at each connection point shall be restricted to 2.5l/sec. 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

20. 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) Lead Flood Authority Validation Checklist
- b) Detailed design of the surface water management system.
- c) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- d) A management plan detailing how surface water runoff from the site will be managed during the construction phase.
- e) 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

21. The development hereby permitted shall only be carried out in complete accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 4th June 2021 and the following mitigation measures detailed within the FRA

- a. Discharge to NWL combined sewers restricted to 5l/s
- b. 708m³ 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.

22. The building 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) Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

23. CL3 – Phase 2 Site Investigation Works

24. CL4 - Phase 3 Remediation and Verification Strategy

25. CL5 - Construction/Remediation works

26. CL6 – Implementation of Phase 3 Remediation Strategy and Phase 4 Verification and Completion Report

27. The development shall not be carried out otherwise than in complete accordance with the Tree Protection Plan and Arboricultural Method Statement contained within the document entitled “BS5837 Tree Survey – Darlington MSCP” dated December 2020 and produced by Eco North unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the visual appearance of the development

28. The development shall not be carried out otherwise than in complete accordance with the Mitigation and Compensation Strategy contained within the submitted document entitled “Preliminary Ecological Appraisal & Bat Roost Assessment Darlington MSCP” dated June 2021 and produced by Eco North unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and habitats

29. The development shall not be carried out otherwise than in complete accordance with the Mitigation and Compensation Strategy contained within the submitted document entitled “Bat Survey Report Darlington Multi Story Car Park” dated August 2021 and produced by Eco North unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and habitats

INFORMATIVES

Highways

The Developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/38 Agreement

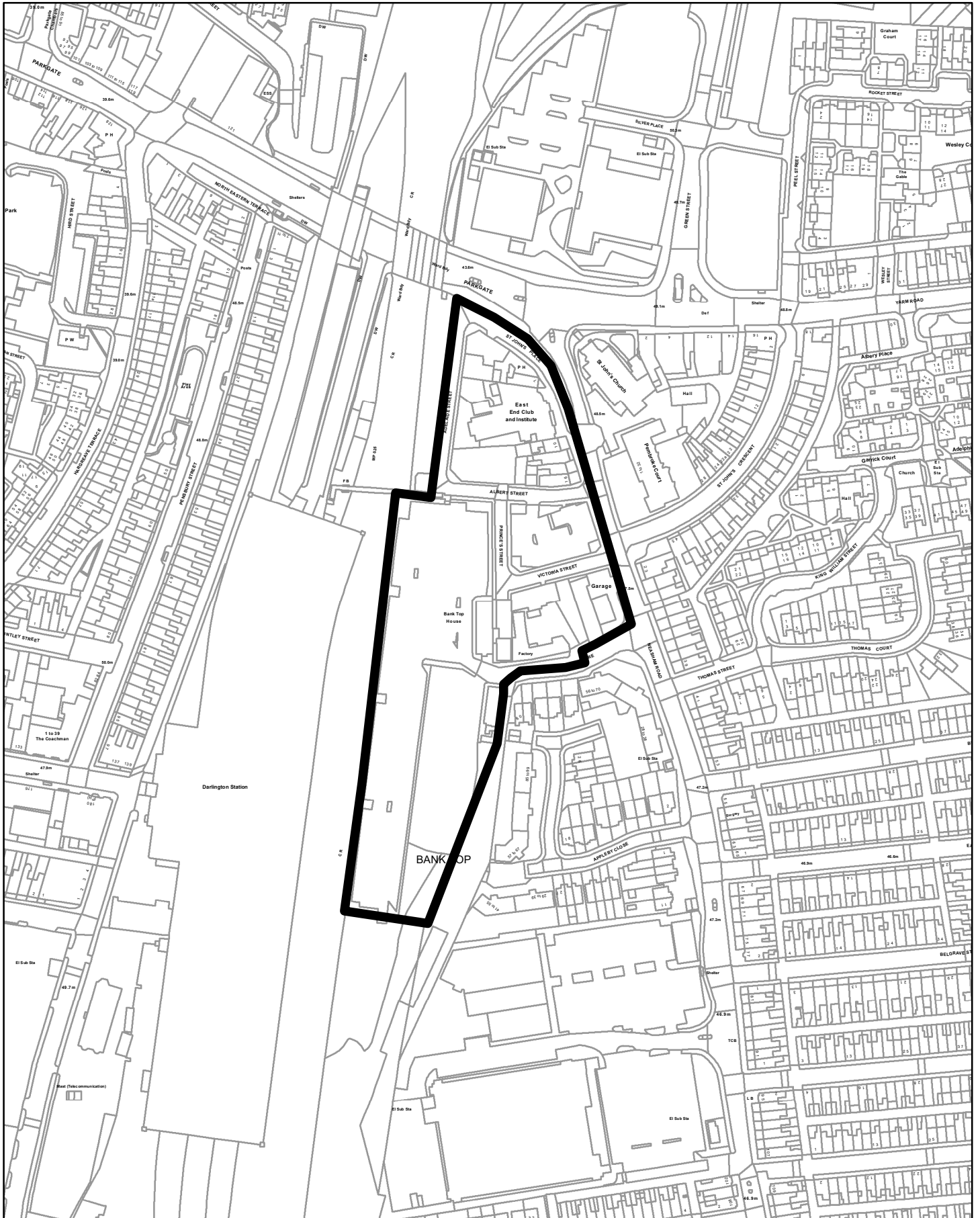
Prior to commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting should be submitted and approved in writing by the Local

Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter.

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Engineering (contact Mr. C. Easby 01325 406707) to discuss the introduction of Traffic regulation Orders in connection to revised parking restrictions and bus stop areas.

The Developer is required to enter into an agreement under Section 59 of The Highways Act 1980 prior to commencement of the works on site. Where Darlington Borough Council, acting as the Highway Authority, wish to safeguard The Public Highway from damage caused by any Construction Traffic serving your development. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter

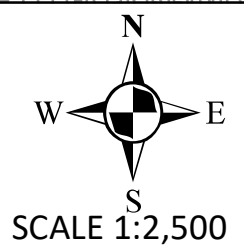


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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 29 September 2021

APPLICATION REF. NO:	21/00977/DC
STATUTORY DECISION DATE:	12 November 2021
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Agricultural Lane and Crematorium, West Cemetery, Carmel Road North
DESCRIPTION:	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 17 (wall to southern boundary) attached to planning permission 21/00271/DC dated 10 June 2021 (Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 14 (Drainage) attached to planning permission 19/01185/DC dated 09 March 2020 (Refurbishment of existing crematorium including conversion of existing chapel into office space and erection of chapel, car parking, external lighting, floral tribute area and garden of remembrance on agricultural land adjacent to cemetery to allow an increased discharge rate of 5 l/sec rather than 3.5 l/sec) to omit wall from southern boundary and replace with fence and associated landscaping
APPLICANT:	Mr Dave Winstanley

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QXQA6QFP0G300>

APPLICATION AND SITE DESCRIPTION

1. Members considered a planning application, 19/01185/DC, for development in connection with proposals to update and enhance existing chapel and crematorium facilities at West Cemetery in March 2020. The application proposed the refurbishment of the existing crematorium to provide upgraded cremation facilities and office space, and the erection of a new chapel, car parking, external lighting, floral tribute area and garden of remembrance on agricultural land to the west of the existing cemetery. Members resolved to grant planning permission subject to a number of conditions covering a range of matters including ecology, landscaping and tree protection, archaeology, and drainage. A further Section 73 application to vary the wording of condition 14 (drainage), 21/00271/DC, was considered and approved by Members in June 2021.
2. Condition 17 of both permissions (19/01185/DC and 21/00271/DC) requires that prior to the chapel being constructed above damp proof course level, details of a wall and associated landscaping to be built along the southern boundary of the site must be submitted and approved in writing. Thereafter the wall and landscaping should be implemented in accordance with the approved details prior the chapel first being brought into use. The wall and landscaping are required to provide screening between the properties on Salutation Road and the chapel and the grounds. The precise wording of the condition is set out below:

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

3. An application to discharge condition 17, and a number of other planning conditions, (20/00952/CON) was submitted in October 2020. The application provided details of a proposed 2 metre high brick wall to be erected for a length of approximately 30 metres set forward approximately 9 metres of the rear boundaries of 78 – 86 Salutation Road. The application also proposed the planting of a number of specimen trees along the southern boundary to supplement existing mature/semi-mature trees along this boundary.
4. In response to the public consultation exercise undertaken in connection with this application (at Members' request) a number of objections were received which concerned the short length of the wall, the maintenance of the land between the existing garden boundaries and the proposed wall, and the adequacy of the landscaping proposals.

5. This planning application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary the wording of condition 17 to allow the erection of the fence in lieu of a wall and for associated landscaping proposals, in response to the concerns expressed regarding the previous proposals. The application now proposes the erection of a 2.4 metre high vertical timber boarded fence approximately 100 metres in length, adjacent to the rear boundaries of 78 – 106 Salutation Road to the south of the site. The fence will be set in between 16 and 28 metres from the rear boundaries of these properties, accounting for a step in the position of these boundary fences, behind which 14 trees (species) will be planted along the length of the proposed fence. An area of species rich grassland and a wildflower meadow, as part of the ecology proposals for the wider site, will also be created either side of the fence. A total of 6 no. hedgehog-friendly gravel boards are to be installed at regular intervals along the length of the fence. No other changes to the approved scheme are proposed as part of this application.

SECTION 73 APPLICATION PROCESS

6. Section 73 of the Town and Country Planning Act 1990 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. Planning Practice Guidance states that an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Applications cannot be made under Section 73 to extend the time limit within which a development must be started and where an application under Section 73 is granted the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

7. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the opinion of the Local Planning Authority, the proposal is development for which an Environmental Impact Assessment **is not required** as the development would not be likely to have significant effects on the environment by virtue of factors such as nature, size, or location.

MAIN PLANNING ISSUES

8. An application under Section 73 is an application for planning permission and therefore Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, is relevant. The

National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

9. Since the application proposes only to vary the wording of condition 17, to allow the erection of a fence in place of a wall, with associated landscaping, and as the proposal in all other respects remains unchanged from that considered by Members in March 2020, with no subsequent change in either local or national planning policy since this time, consideration of the application will be limited to the acceptability of otherwise of the proposed wall and landscaping having regard to the relevant national and local planning policies as set out on the Planning Policies section of this report and considered in detail in the main body of the report. It is not necessary to revisit the principle of development or re-assess any other aspects of the proposal.

PLANNING POLICIES

10. Relevant planning policies include those seeking to ensure that new development:
 - Makes efficient use of land, buildings, and resources, reflects the character of the local area, creates a safe and secure environment (Policy CS2)
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural, and environmental townscapes (Policy CS14)
 - Would 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 and protects and enhances mature trees and hedgerows (Policy CS15, Saved Policy E20)
 - Protects and, where possible, improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity, and the health and safety of the community (Policy CS16)

RESULTS OF TECHNICAL CONSULTATION

11. No objection in principle has been raised by the Council's Environmental Health Officer, Highway Engineer or Transport Policy Section. Durham County Archaeology and Northern Gas similarly raise no objection. Neither the Gardens Trust nor Northumbrian Water Ltd wish to comment on the application.

RESULTS OF PUBLICITY AND NOTIFICATION

12. Ten letters of objection have been received from residents which raise the following issues:
 - Residents of Salutation Road promised a wall when planning application approved in March 2020
 - A wall has stood the test of time since 1850s around perimeter of West Cemetery
 - Fence has 15 year lifespan

- Do not feel fence would achieve same longevity or security as wall
- Maintenance plan should form part of planning application to ensure maintenance of site is on-going
- Landscaping and tree planting will not mature sufficiently to provide adequate screening once fence reached end of its lifespan
- Not all tree species within landscaping scheme will provide same degree of screening/security
- Ecological and amenity impacts of lighting of chapel and car park
- Decision to replace wall with fence made on cost
- Fence should be reduced in height to blend in with surroundings
- Plans do not show reduction in height of lighting or provision of CCTV as discussed with Senior Council Officers and Members
- Plans do not show position of French drain
- Concerns regarding drainage strategy

PLANNING ISSUES/ANALYSIS

(a) Impact on Residential Amenity

13. At their nearest point, the chapel, car park and turning area will be located between 160 and 120 metres respectively from the rear gardens of properties on Salutation Road to the south. A noise assessment submitted with the original application, considered the impact of the proposed development within West Cemetery on nearest noise sensitive receptors, including residential properties to the north and south and the care home to the south west. The assessment concluded that the proposed chapel and car parking development will be of low impact in accordance with BS4142 and this element of the proposal complies with Policy CS16 and the requirements of the National Planning Policy Framework in terms of noise impact. On this basis, the noise impact assessment considered no further noise mitigation measures were required.
14. The purpose of condition 17 and the requirement to build a wall and provide additional landscaping along the southern boundary of the site is however to ensure there is appropriate screening between the residential properties on Salutation Road and the adjacent chapel site. This is to ensure that appropriate privacy levels can be achieved both for residents of Salutation Road enjoying their properties and rear gardens and for visitors to the chapel and grounds. It was not intended that the wall and landscape planting would completely obscure the chapel and grounds, rather it would provide a degree of screening and act as a visual buffer between dwellings and their gardens on one side and the chapel and activities within its grounds on the other.
15. The original planning application also secured by condition the provision of a 2.4 metre high close boarded timber fence immediately adjacent to a new service road constructed along the eastern boundary of the chapel site leading into the cemetery, to limit views of the electric transfer vehicles as they move between the service yard at the chapel into the cemetery to the crematorium. The proposed fence would match this fence in terms

of its height, appearance and construction and would adjoin its western side before continuing adjacent to the southern boundary.

16. The main issue for consideration is therefore whether the variation of condition 17, to provide a 2.4 metre high close boarded timber fence extending a distance of approximately 100 metres adjacent to the southern boundary of the site, and associated landscape planting, in lieu of a wall would provide appropriate standards of residential amenity in this location by providing a visual buffer between the chapel to the north and residential development to the south. As the fence will be set approximately 16 – 28 metres from the rear garden boundaries of properties on Salutation Road it is not considered that the fence itself will have any discernible impact on the amenities of these properties in terms of loss of light or outlook.
17. The proposed fence at 2.4 metres in height, surrounded by additional tree planting, wildflower meadow and species-rich grassland planting will provide a substantial buffer between these two land uses. While the chapel, car park and associated activities will still be visible from the rear of these properties, in view of the separation distances involved (between 120 and 160 metres) the proposed fencing and landscaping is considered to be an acceptable solution to providing screening between the residential properties to the south and the chapel to the north. The proposed fence will extend the full length of the southern boundary, approximately 100 metres, whereas the proposed wall was limited to a short 30 metre section in the south east corner of the site.
18. The fence has also been moved further away from the southern boundary to allow for an increased amount of tree and landscape planting in this area. As with any landscape planting scheme this will take time to reach full maturity, however a total of 14 no. heavy standard trees are proposed (12 – 14cm girth), which together with additional shrub and wildflower meadow/species-rich grassland planting will reinforce the screening of the site when viewed from the properties to the south as they reach maturity.
19. One issue raised by objection is the ability of the proposed landscaping scheme to provide appropriate screening of the site in view of the limited lifespan of a fence when compared to a wall. It is not intended that the fence be in situ for a time-limited period. The proposed fence and landscaping are intended as a package of measures to provide an appropriate degree of screening, privacy and separation for both residents and visitors to the chapel and grounds. It is therefore proposed that condition 17 in its amended form also seeks to ensure the fence is maintained in accordance with the approved details for the lifetime of the development such that if it were to deteriorate there would be a requirement to maintain or replace the fence to the satisfaction of the local planning authority.
20. A further matter raised by objection is the effect of the lighting columns within the cemetery grounds and at the chapel on the amenities of residential properties. This application proposes no change to the approved lighting scheme which involves the installation of a number of lighting columns along the existing central roadway through the cemetery and some wall mounted down lighting to the new chapel building. As such,

this does not fall to be considered as part of this application. That aside, following an assessment of the submitted lighting plans when considered as part of the original application, the Environmental Health Officer advised that the lighting proposed and its distance from surrounding properties was not considered to adversely affect the amenity of surrounding sensitive receptors.

21. A planning application (21/01063/DC) for the creation of additional burial plots on land to the south of the chapel building and to the north of the maintenance building has recently been received. This is a resubmission of a previous application (20/01212/DC) which was withdrawn to allow the concerns of the Environment Agency to be addressed. This application is in the early stages of consultation and is under consideration, however the impact of activities associated with the proposed burial ground on the amenities of properties on Salutation Road to the south will also be considered as part of that application. Should any further amendments to the boundary treatment be required as a result of the burial ground proposals then this will be considered at that time.
22. Notwithstanding this, in view of the separation distances between the properties on Salutation Road to the south and the approved chapel, car park and grounds to the north, it is considered that the proposed 2.4 metre high fence and associated landscaping will provide an appropriate visual buffer between these two areas, reinforcing the entire southern boundary of the site with a fence and comprehensive package of landscaping proposals which will mature over time. It is proposed to amend the wording of condition 17 to require a fence to be in place for the lifetime of the development to ensure that existing privacy levels are maintained. Similarly, condition 3 would secure the maintenance of the landscaping proposals for the standard 5-year period. On this basis, the proposal is considered to comply with Policy CS16.

(b) Impact on Visual Amenity

23. The proposed 2.4 metre high fence has been designed to match that to be erected adjacent to the service road which will run along the east of the chapel site adjacent to the western boundary of the cemetery. The proposed fence will adjoin the service road fence and will be off-set from the brick boundary wall that encloses West Cemetery, a Grade II Registered Park and Garden, by approximately 12 metres. The proposed fence and associated landscaping proposals will have little discernible impact on key views within the registered park and garden, when looking east and west along the main avenue. Furthermore, the fence and landscaping to the south of the chapel site will distinguish between the more formal brick walling that encloses the cemetery itself and is more reflective of means of enclosure that surrounding certain elements of development taking place on the chapel site to the west of the cemetery.
24. The proposal is therefore considered to be acceptable in terms of its visual impact and will not result in harm to the setting of West Cemetery, a Grade II Registered Park and Garden. The proposal therefore complies with Policies CS2 and CS14 and the NPPF.

(c) Trees and Ecology

25. As part of the original application, there was a requirement to provide an area of species-rich grassland on land to the south of the site which together with the approved landscaping plan and additional tree planting surrounding the chapel and car park, to offset the loss of semi-improved grasslands on the chapel site and to ensure there will be no net loss of biodiversity as a result of the development. The planting of additional trees immediately to the south of the proposed fence, over and above that originally proposed in addition to the creation of an area of wildflower meadow, will result in an overall net gain in terms of biodiversity, thereby complying with Policy CS16 and the NPPF in this regard.

(c) Other Matters

26. The maintenance of the land to the south of the fence has been raised by a number of objectors, with a request that a maintenance plan forms part of any planning permission granted and is the subject of a planning condition to ensure compliance. The land is Council-owned land and the Council has a responsibility as landowner to maintain the land in a proper manner, with recourse to the appropriate Council department if the land is not being properly maintained.
27. Whether or not this should fall within the remit of the planning application and be controlled by planning condition is dependent upon whether such a condition would meet the relevant tests for planning conditions, as set out in guidance on the use of planning conditions contained in paragraph 56 of the NPPF, 2021. This states that *'planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'*.
28. In this case, the maintenance of the land is controlled by the Council as landowner and as such a planning condition is not considered to meet the tests of being necessary, relevant to the development or reasonable in the same way that the maintenance of the wider cemetery and chapel sites would not be brought under the control of the planning system by condition.
29. Reference is made in other objections to the submitted plans not showing the proposed French drain to the north of residents' gardens. The proposed drain is unaffected by this application and will still be installed as stated in previous planning applications and will be secured by planning condition. Similarly, the wider drainage strategy has been referred to by an objector which does not fall to be considered as part of this application, having been the subject of the previous Section 73 application, 21/00271/DC, and discharge of condition application, 20/00952/CON.

CONCLUSION AND RECOMMENDATION

30. The provision of a 2.4 metre high close boarded timber fence and associated landscape planting on land adjacent to the southern boundary of the chapel site to the west of West

Cemetery is considered to be acceptable in terms of providing an appropriate visual buffer between the properties on Salutation Road and their rear gardens and the chapel, car park and grounds to the north, to provide an appropriate degree of privacy and screening both for residents and visitors to the chapel and its grounds. The proposed fence does not give rise to any issues of visual amenity and does not affect the setting of the adjacent West Cemetery, being a Grade II Registered Park and Garden. In this regard, the variation of condition 17 to provide a fence instead of a wall is not considered to diminish the purpose of that condition. No other changes are proposed to the approved scheme as part of this application, and it is not considered necessary to revisit the principle of development or re-assess any other aspects of the proposal. As this is an application under Section 73 of the Town and Country Planning Act 1990, it is also necessary to repeat the relevant conditions for clarity. Accordingly, it is recommended that:

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:
 - (a) Proposed site plan, drawing number DC19002/A/020 C3 dated 19.12.2019
 - (b) Proposed site plan – crematorium, existing car parking and passing places, drawing number DC19002/A/021 P1 dated 18.12.2019
 - (c) Proposed site plan – chapel, drawing number DC19002/A/022 C3 dated 19.12.2019
 - (d) Proposed external works – fencing, drawing number DC19002/A/035 C3 dated 19.12.2019
 - (e) Proposed external works – fencing details, drawing number DC19002/A/036 P1 dated 19.12.2019
 - (f) Contractors compound and access plan - sheet 1 of 2, drawing number DC19002/A/040 P1 dated 29.11.2019
 - (g) Contractors compound and access plan – sheet 2 of 2, drawing number DC19002/A/041 P1 dated 29.11.2019
 - (h) Proposed ground floor plan – chapel, drawing number DC19002/A/101 P1 dated 28.10.2019
 - (i) Proposed ground floor plan – crematorium, drawing number DC19002/A/120 P1 dated 03.12.2019
 - (j) Proposed roof plan – crematorium, drawing number DC19002/A/130 P1 dated 16.12.2019
 - (k) Proposed roof plan – chapel, drawing number DC19002/A/131 P1 dated 12.11.2019

- (l) Proposed elevations – crematorium, drawing number DC19002/A/220 P1 dated 10.12.19
- (m) Proposed chapel elevations, drawing number DC19002/A/221 P1 dated 28.10.2019
- (n) Proposed site sections – chapel, sheet 1 of 3, drawing number DC19002/A/320 P1 dated 19.12.2019
- (o) Proposed site sections – chapel, sheet 2 of 3, drawing number DC19002/A/321 P1 dated 19.12.2019
- (p) Proposed site sections – chapel, sheet 3 of 3, drawing number DC19002/A/322 P1 dated 19.12.2019
- (q) Landscape concept, drawing number BA9684LAN-C dated 8.8.2021 issue I
- (r) Landscape planting detail, drawing number BA9684 LAN-D dated 8.8.2021 issue I
- (s) Landscape planting detail, drawing number BA9684LAN-D1 dated 8.8.2021 issue I
- (t) Landscape planting detail, drawing number BA9684LAN-D2 dated 8.8.2021 issue I
- (u) Landscape planting detail, drawing number BA9684LAN-D3 dated 8.8.2021 issue I
- (v) Landscape planting detail, drawing number BA9684LAN-DLC dated 8.8.2021 issue I
- (w) Landscape specification, drawing number BA9684-LAN-S dated 8.8.2021 issue I
- (x) Outline drainage strategy – chapel, drawing number DC19002-APP-00-XX-DR-C-30001-S3 P06 dated 12.7.2019
- (y) Outline surfacing and level strategy, drawing number DC19002-APP-00-XX-DR-C-30002-S3 P05 dated 12.7.2019
- (z) External lighting and trenching layout sheet 1 of 2, drawing number DC19002/A/607 T1 dated February 2020
- (aa) External lighting and trenching layout sheet 2 of 2, drawing number DC19002/E/608 T1 dated February 2020

REASON – To define the consent

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

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

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

REASON – To comply with Policy CS15.

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

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

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

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

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

REASON – In the interests of highway safety and residential amenity

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

REASON – In the interest of residential amenity

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

REASON – In the interest of residential and visual amenity

10. Prior to the new chapel hereby permitted first being brought into use, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until

the approved details have been implemented in full and shall be retained for the lifetime of the development.

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

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

REASON – In the interests of visual and residential amenity

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

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

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

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

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

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

15. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details:
- I. Detailed design of the surface water management system;
 - II. A built program and timetable for the provision of the critical surface water drainage infrastructure
 - III. A management plan detailing how surface water runoff from the site will be managed during the construction phase

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

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

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

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

17. The fence to be built on land adjacent to the southern boundary of the chapel site and associated landscaping scheme hereby approved shall be implemented in accordance with the plans referred to in condition 2 of this permission prior to the chapel first being brought into use. Thereafter, the fence shall be maintained in accordance with the approved details for the lifetime of the development to the satisfaction of the Local Planning Authority.

REASON – In the interests of visual and residential amenity

18. Prior to the chapel hereby approved being constructed above damp proof course level, details of a wall to be constructed along the southern boundary of the application site and associated landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the wall and landscaping scheme shall be

implemented in full in accordance with the approved details prior to the chapel first being brought into use.

REASON – In the interests of visual and residential amenity



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 29 September 2021

APPLICATION REF. NO:	21/00205/RM1
STATUTORY DECISION DATE:	8 October 2021
WARD/PARISH:	Heighington And Coniscliffe
LOCATION:	Land at Berrymead Farm, Durham Road COATHAM MUNDEVILLE
DESCRIPTION:	Application for reserved matters approval relating to appearance, landscaping, layout, and scale (Phase 1, 123 dwellings) attached to outline planning permission 15/00804/OUT dated 06 February 2020 (Outline planning permission for the erection of 370 No dwelling houses (Use Class C3) and land reserved for a primary school and nursery (D1)) (amended plans received 27 July 2021; Noise Assessment received 6 August 2021; amended plans received 3 September 2021)
APPLICANT:	Persimmon Homes Teesside

RECOMMENDATION: GRANT APPROVAL 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. Outline planning permission was granted subject to a Section 106 Agreement and planning conditions (reference number 15/00804/OUT) in April 2018 by the Planning Applications Committee to develop the Berrymead Farm site for up to 370 dwellings, with land reserved for a primary school and nursery. At this stage all matters were reserved for future consideration apart from the access arrangements. The planning

permission was issued in February 2020 once the Section 106 Agreement process had been completed.

2. Whilst the outline planning application was a joint submission on behalf of Persimmon Homes, Taylor Wimpey and Northumbrian Land Ltd, this Reserved Matters submission relates solely to a detailed single phase of the development (one third of the overall development) which would be brought forward by Persimmon Homes. This planning application has been submitted to seek approval for the following reserved matters for this single phase (in accordance with conditions attached to 15/00804/OUT):
 - a) Appearance,
 - b) Landscaping,
 - c) Layout
 - d) Scale
3. Persimmon Homes are seeking to develop the area to the north east of the existing watercourse which runs through the development site. This area accounts for approximately one-third of the total developable area on the site and therefore Persimmon Homes intend to develop this parcel on a proportionate basis for 123 units. This submission includes a landscape buffer to the north of the site and measures 20 acres in total. Whilst already approved by the outline application, the boundary of this reserved matters application site has been extended south beyond the watercourse to include the site access from the A167 Beaumont Hill to demonstrate how this phase of the development will be accessed. The overall proposal includes:
 - a. 123 Residential Dwellings
 - b. 2x SUDs ponds/basins & 1x Existing Pond
 - c. 3.43 Hectares of POS & Landscaping.
 - d. 1x Children's Play Area
 - e. 1x Electrical Substation
4. A Reserved Matters application (ref no 21/00346/RM1) has also been submitted on behalf of Taylor Wimpey to develop a second phase of the wider development site with a further 123 units. This site is adjacent to the Persimmon Homes phase the subject of this application and is pending consideration by the Local Planning Authority. The southern end of the development site has yet to be the subject of any Reserved Matters submissions.

MAIN PLANNING ISSUES

5. The principle of developing the site for residential purposes along with the offsite highway works has been established by the granting of the outline planning permission (15/00804/OUT). The main issues to be considered here are whether this proposed phase of the development is acceptable in the following terms:
 - a) Appearance,
 - b) Landscaping,

- c) Layout
- d) Scale
- e) Other Matters

PLANNING POLICIES

6. The Berrymead site (ref no 15/00804/OUT) lies outside of the existing development limits identified by the Proposals Map of the Local Plan 1997. However, at the time the application was submitted and determined, the Council could not demonstrate a 5 year supply of deliverable housing sites. The proposal was considered to make a valuable contribution towards the Council being able to meet that requirement and target, which the Council has continued to do. The site is a housing allocation within the emerging Local Plan and would be within the new development limit for the urban area. The 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 CS15 of the Core Strategy 2011)
- The development has regard to existing trees and incorporates trees into the proposed layout wherever possible (E12 of the Local Plan 1997)
- Includes hard and soft landscaping which has regard to its form, setting and design (policy E14 of the Local Plan 1997)
- 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)
- 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

- National Planning Policy Framework 2021
- Supplementary Planning Document – Design for New Development

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer, Transport Policy Officer, Environmental Health Officer and Ecology Consultant have raised no objections to the principle of the proposed development.
8. Northern Gas Networks have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Two letters of objection to the planning application have been received following the Council's notification and publicity exercises. The comments are as follows:
 - *This was not included in the local plan, which already includes significantly more dwellings than the Council is obligated to provide or is necessary. Many urban areas need redevelopment*
 - *Mature trees and natural habitats will be destroyed. This is greenbelt land.*
 - *There will be much increased traffic on the already strained roads and junctions (A167, A1150).*
 - *On gov.uk flood risk maps, these houses are at risk of flooding. Increased rainwater due to raised woodland area*
 - *Damage to boundary fence/property due to tree roots*
 - *Lack of light due to tree height*
 - *Anti-social behaviour of youths congregating in unsupervised, secluded area- possible drug and alcohol use*
 - *Increased traffic flow on A167 will make access to home difficult*
 - *Traffic noise/speed is already significant*
 - *Farmland floods annually- where will this surplus water go?*
10. A comment has been received which can be summarised as follows:
 - *An article in the Echo referred to noise levels on the A167 being too high to allow residents to have windows open as this would mean recommended noise levels in habitable rooms will be exceeded. I can confirm that it is not possible to open windows without intrusive noise levels. A potential solution to noise levels would be a 40mph speed restriction and speed cameras. There is no noise problem when traffic is complying with the speed limit*
11. A second comment has been received which states:
 - *I have no objections to the planning permission for the housing development if off street parking for houses on Harrowgate Village is resolved. There is a partial hardstanding outside No 5 Harrowgate Village for off street parking that is insufficient for a modern vehicle and it is substantially smaller than adjacent properties. This affects my ability to park my vehicle off the road which I try and do for safety reasons*

12. Whessoe Parish Council has objected to the planning application on the following grounds:

- *Essentially the whole piece of land looks to be split into three sections*
 - a) *The northern section - 21/00205/RM1 - Persimmon Homes - with access via A167*
 - b) *The middle section - 21/00346/RM1 - Taylor Wimpey - with access via the A167*
 - c) *The southern section (closest to our Hall/White Horse) - this area also belongs to Taylor Wimpey but there is no Reserved Matters application at this time. This is the area that would have access via two roundabouts onto Burtree Lane*
- *The Parish Council is of the view that it will not work to only access via A167 for these two initial developments, and the Highways Engineer in his response to the Taylor Wimpey application references the need to consider the whole development/site in the round rather than piecemeal by individual developer. Residents of the new developments wanting to travel towards Darlington town centre (i.e., turning right on to the A167) will have enormous difficulty in doing so. If this is all to go ahead, it would be essential to include the Burtree Lane access points right from the beginning. As that is likely to be a hugely costly infrastructure exercise when there are no initial plans to develop that part of the site, then the plans for the A167 entrance should be amended to at the very least traffic lights, if not a roundabout*

PLANNING ISSUES/ANALYSIS

a) Appearance

13. The impact of the overall housing development upon the appearance and the character of the immediate area was considered at outline planning application stage. The outline planning application was supported by a Masterplan to show how the site could be built out and brought forward and this Reserved Matters submission does generally accord with that Masterplan.
14. The residential dwellings consist of a mix of two, three, four and five bed dwellings. The properties are a mix of terraced, semi-detached, and detached dwellings with brick being the predominate material. The bricks would be a mix of red, buff, and brindle variety of a tone and colour which compliments the existing materials surrounding the site along with a selection of contrasting red and grey roof tiles.
15. There is a variety of well designed, high quality house types throughout the development incorporating a mix of gable and pitched roof properties with design features such Village style doors; stone heads and cills detailing; a combination of integrated garages and on plot parking and pitched roofs above door canopies. The design and appearance of the market and affordable units will be indistinguishable and together the properties will form a coherent scheme which complements its immediate context.

16. The visual appearance of the proposed development is considered to be acceptable and would accord with Policy CS2 of the Core Strategy 2011 in this regard.

b) Landscaping

17. The proposed off site highway works approved under the outline planning permission include the creation of a new footpath and cycleway along the western edge of A167 which will result in the need to remove some of the trees that are located on this stretch of highway verge. These works would lead to the removal of 18 Category B trees of moderate quality, 1 Category C tree of low quality, and 3 Category U trees that require removal regardless of the design proposals. The removal of these trees within the highway corridor will undoubtedly cause a negative visual impact within the streetscape.
18. In order to facilitate the proposed housing development, 4 Category B trees of moderate quality, and 2 Category U trees will require removal regardless of design and where access points are required onto the A167. The arboricultural impact of this tree and hedge removal is considered to be low given the retained tree cover and the extent of the proposals.
19. The majority of the existing hedgerow along the A167 will be retained with the dwellings, whilst outward facing, being sited behind the hedgerow. The proposed development includes 3.43 hectares of open space ranging from pockets of open space; a central area of open space with a play area, SUDs areas and an extensive area of open space and woodland to the north of the site. These areas would be supplemented by a landscaping scheme which includes extensive tree planting, hedgerow planting and species rich grassland. The landscaping scheme has recently been amended to increase the levels of wildflower planting in the POS in the north of the site and to increase the levels of wildflower planting around the southernmost SUD's pond.
20. A Landscape Construction and Ecological Management Plan (LCEMP), a combined Landscape Ecological Management Plan (LEMP) and Construction Environmental Management Plan has been submitted in support of the planning application. The plan sets out how ecological habitats will be created, enhanced, managed, and monitored in the short and long-term to promote their biodiversity interest. In addition, a CEMP is provided to detail how protected/priority species and habitats will be protected through the enabling/construction period. The Council's Ecology consultant has advised that the revisions to the landscaping scheme and the LCMEP are acceptable and will allow for the development of robust semi-natural habitats and the monitoring regime will ensure that the habitats are managed positively into the future. The changes to the woodland and wildflower grassland areas will be of benefit to local biodiversity.
21. The wider area will see the loss of trees along the A167 due to the off-site highway works which were approved under the outline planning permission. The development of this phase of the wider site will also result in some further tree and hedge removal. It is however considered that the extensive landscaping proposals for this part of the development site will mitigate for the loss of tree and hedges to an acceptable degree

and will also introduce a high quality landscape scheme which enhances biodiversity, habitat creation and will integrate the development into the existing landscape.

22. In response to an objection, maximum heights have been added to landscaping plans for the areas of raised land in the north of the POS. The individual mounds vary between 1m -1.5m above the existing ground level whilst the central area will be 0.5m above the existing ground level. Given the distance from any existing or proposed properties and the general topography of the area it is not expected to lead to any increased risks of overlooking of existing neighbouring dwellings.
23. The proposal would accord with policy CS2 and CS15 of the Core Strategy 2011, saved policies E12 and E14 of the Local Plan 1997 and the National Planning Policy Framework in this regard.

c) Layout

24. The detailed layout of the scheme has been informed by the access arrangements established at the outline planning application stage alongside the principles suggested by the Illustrative Masterplan also submitted with the outline planning application. Whilst the Masterplan is not an approved document, it played a fundamental role in assessing the suitability of residential development on the site during the determination of the outline planning application and has therefore formed the starting point for Persimmon Homes' detailed design to ensure compatibility with later phases of the development.
25. In accordance with the Masterplan, this phase of the development is accessed from the ghost island T-junction from Beaumont Hill (A167) to the east of the site. Dwellings are located along this boundary, between the existing houses fronting out onto the A167 behind the existing hedgerow to provide an outwardly facing relationship between the proposed development and the surrounding area which is in character with the existing dwellings on Beaumont Hill.
26. Within the site, there are pockets of public open space which break up the development pattern, performing both a functional and social role within the development, including the high ground in the north of the site. Within the central area of public open space, a play area is located to serve the wider Berrymead development. A footpath crosses this area to increase its accessibility to the wider site.
27. There are numerous pedestrian and vehicular links safeguarded along the western and southern boundary of the phase to facilitate access to the later phases of the wider scheme, in accordance with the principles of the outline approval which includes the need to formation of a loop with the strategic link road around the safeguarded school land. Officers can confirm that both Persimmon Homes and Taylor Wimpey are in constant discussions with each other about how the two detailed phases will integrate as well as the final phase which has yet to be the subject of any detailed submissions.

28. The layout and position of the dwellings have been amended on some areas of the phase to ensure that the proposed development and its spatial relationship with existing dwellings is in complete accordance with the proximity distance requirements set out in the Council's Supplementary Planning Document – Design for New Development. This has resulted in a clear pattern of development blocks culminating in a mixture of cul-de-sacs, turning heads and shared drives. To provide each dwelling with an area of private external space rear gardens are designed to 'back up' with one another. With an area of semi-private space to the front of the units and a clearly defined private space to the rear, plot boundaries are clear and unambiguous with an obvious delineation between the public and private spaces.
29. At key locations throughout the development, detached units have been positioned within the street scene to form focal buildings within the development. At key corners there are dual frontage properties to aid the transition around corners and provide an outlook onto both elevations. By providing the windows on the side elevation, the properties increase surveillance around the site, thereby reducing the opportunities for crime. The proposal maximises the amount of frontage along the key pedestrian routes and public open space throughout the site to create a safe and legible development and as stated, a continuous frontage is provided along the boundary with the A167 to the east of the development and around areas of green infrastructure within the site.
30. As stated, the off-site highway works and access arrangements onto the A167 to the east and Burtree Lane to the west to mitigate the impacts of the overall development in highway terms has been considered at outline planning application stage.
31. In response to the Parish Council comments, the overall housing development site has access of both the A167 and two roundabouts off Burtree Lane. This phase includes the A167 access and the small roundabout works on Burtree Lane will be delivered as part of the Taylor Wimpey phase of the development and in line with the triggers set out in the Section 106 Agreement. These triggers are that no more than 50 dwellings can be occupied until the Beaumont Hill access is available for use; no more than 80 dwellings can be occupied until the Burtree Lane small roundabout works are available for use, no more than 350 dwellings can be occupied before the fourth arm on the large roundabout on Burtree Lane is available for use, as well as the link road between Burtree Lane and Beaumont Hill being installed prior to the occupation of the 150th dwelling.
32. Even with Persimmon phase and the Taylor Wimpey phase (ref no 21/00364/RM1) combined (total of 246 dwellings), this falls significantly short of the 350 dwelling trigger for the fourth arm of the large Burtree Lane roundabout. Any subsequent triggers will fall with the developer who submits an application for the southern parcel of the site and will need to be assessed as part of that separate application. However, what is clear is that both Persimmon and Taylor Wimpey's schemes both meet the appropriate S106 triggers and can therefore come forward now. Furthermore, a phasing plan for the wider development would be submitted by all developers to discharge a planning

condition attached to the outline permission and this will further strengthen the controls over when accesses become available in line with the Section 106 Agreement.

33. The off-site highway works that have been approved under the outline planning permission include improvement to the highway infrastructure outside the dwellings on Harrowgate Village, including the upgrading of the footway to a shared footway and cycle way.
34. Following detailed discussions between the applicant, the Council's Highways Engineer and the Transport Policy Team, the internal road, cycle and footpath layout and design are acceptable and provide good connections to the approved off site highway works on the A167 and beyond. Car parking and cycle parking provision meets the required Tees Valley guidelines.
35. The most recent Acoustic Design Statement relevant to this application considers the impacts of noise from road traffic on the Persimmon area (Phase 1) of the development and concludes that based on the site layout which was used in the assessment, with certain mitigation (glazing standards and trickle vents) suitable noise levels in accordance with relevant guidance and set out in planning conditions attached to the outline planning permission will be achieved (in both internal and external spaces). The site layout does demonstrate good acoustic design with the dwellings closest to A167 screening main garden areas from the road. The Council's Environmental Health Officer has advised that the layout for the Persimmon area (Phase 1) in relation to noise and noise mitigation is acceptable.
36. Overall, the layout of the proposed development is acceptable and would accord with policies CS2 and CS16 of the Core Strategy 2011 and the Supplementary Planning Document on Design for New Development in this regard.

d) Scale

37. Scale and height of a development is important to the successful integration of any new development into the existing built environment and surrounding landscape. This proposal incorporates a mix of 2 and 2.5 storey properties throughout the site in order to create a diverse and attractive development. Whilst it is acknowledged that 2 storey properties are the prominent style within the local area, the 2.5 storey dwellings have been designed to contain a habitable room in the roof space so that they remain reflective of the surrounding development. With a mixture of skylights and dormer windows, the 2.5 storey dwellings will create variation and points of interest within the street scene. The scale of the proposed development is acceptable and would accord with policy CS2 of the Core Strategy 2011 in this regard.

e) Other Matters

Planning Conditions

38. As a separate process to the Reserved Matters application, the applicant will be required to submit application(s) to discharge certain planning conditions attached to the outline planning permission 15/00804/OUT. A planning application (ref no:

21/00304/CON) has been submitted to seeking to discharge conditions relating to the location of the play areas; archaeology; Arboricultural Impact Assessments, ecology and noise which are pending consideration and is subject to consultations with the appropriate consultees.

39. Further submissions will be required to cover matters including the phasing of the development; materials, affordable housing provision; various highway matters, land contamination, drainage, a Travel Plan. It would be the applicant's intention to proceed with these submissions should this planning application be granted.

THE PUBLIC SECTOR EQUALITY DUTY

40. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposed layout will include dropped kerbs, tactile paving etc at appropriate places and the dwellings would be designed to meet Part M of the Building Regulations. The proposed development would accord with policy CS2 of the Core Strategy 2011 in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

41. 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

42. This application is a Reserved Matters submission for one phase of the Berrymead Farm housing development. Members were minded to approve the outline planning application (15/00804/OUT) for the wider site in April 2018, at a time when the Council could not demonstrate a 5 year supply of deliverable housing land, subject to the applicant entering into a Section 106 Agreement. The traffic generation and highway safety impacts, visual impacts on the surrounding area and the offsite highway works, including tree removals to facilitate footpaths/cycle paths and access points were agreed at the outline planning application stage.
43. The proposed layout provides good connectivity throughout and to the existing and proposed infrastructure and it raises no highway, pedestrian or cycling safety concerns. The dwellings are positioned and orientated to comply with the required proximity distances between dwellings and the extensive landscaping scheme will bring biodiversity enhancements to the site and mitigate against existing tree and hedge loss. The proposed dwellings are well designed, and this phase of development will integrate well with the surrounding area and the other phases that will be brought forward to develop the whole site (370 dwellings).

44. A separate application process will be completed to discharge the necessary planning conditions attached to the outline planning permission insofar as they relate to this individual phase of the development. Those submission will consider matters such as drainage, affordable housing provision, tree protection measures, archaeology etc and the details will be considered by the local planning authority in conjunction with the appropriate statutory and non-statutory consultees.

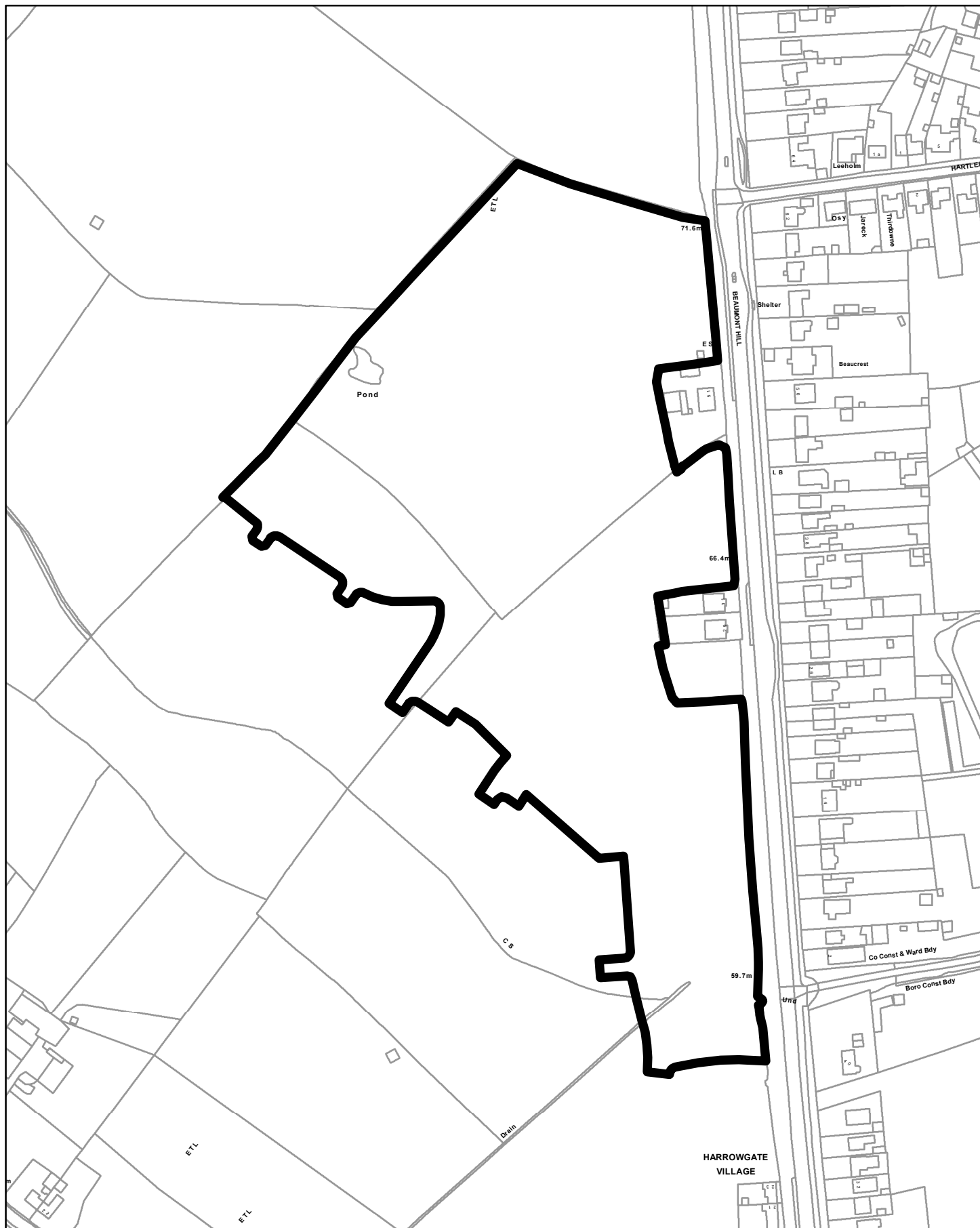
THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number DAR-BMF-000 A – Location Plan
 - b) Drawing Number DAR-BMF-001 F – Site Layout Overall
 - c) Drawing Number DAR-BMF-002 F – Site Layout Extract
 - d) Drawing Number DAR-BMF-003 C – Materials Layout
 - e) Drawing Number DAR-BMF-004 C – Boundary Treatment Plan
 - f) Drawing Number D900 Rev 3 – Swept Path Analysis Refuse Vehicle
 - g) Drawing Number DAR-BMF-005 D - Landscape Layout Plan 01
 - h) Drawing Number DAR-BMF-006 D - Landscape Layout Plan 02
 - i) Drawing Number DAR-BMF-007 D - Landscape Layout Plan 03
 - j) Drawing Number DAR-BMF-008 B – Ecology Layout
 - k) Drawing Number DAR-BMF-010 B - Adoptable Areas Plan
 - l) Drawing Number DAR-BMF-011 A – Tree Removal Plan
 - m) Drawing Number DAR-BMF-013 A - Tree / Hedge Retention Plan
 - n) Drawing Number DAR-BMF-019 - Sound Mitigation Layout
 - o) Drawing Number GW-WD-06 F – Greenwood
 - p) Drawing Number SWC-WD-06 F - Sherwood Corner
 - q) Drawing Number SW-WD-06 D Sherwood
 - r) Drawing Number BD-WD-06 R – Bond
 - s) Drawing Number BM-WD-06 E – Burnham
 - t) Drawing Number CM-WD-06 Q - Compton
 - u) Drawing Number CWC-WD-06 E - Charnwood
 - v) Drawing Number CWC-WD-06 G – Charnwood Corner
 - w) Drawing Number DM-WD-06 E – Delamare
 - x) Drawing Number DY-WD-06 D - Danbury
 - y) Drawing Number FH-WD-06 – Fenchurch
 - z) Drawing Number GTC E SS 0010 R2 1 Close Coupled Sub Station
 - aa) Drawing Number HL-WD-06 B - Haldon
 - bb) Drawing Number HY-WD-06 S - Harley
 - cc) Drawing Number MS-WD-06 C - Marston
 - dd) Drawing Number PD-WD-06 L – Portland
 - ee) Drawing Number RN-WD-06 E Rendlesham
 - ff) Drawing Number SGD-001 B Single and Double Garage

gg) Drawing Number SGD-010 - Double Garage

hh) Drawing Number SN-WD-06 H - Saunton

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



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Planning Ref No: 21/00205/RM1

DARLINGTON BOROUGH COUNCIL

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Appeal Decision

Site visit made on 10 August 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Appeal Ref: APP/N1350/W/21/3278106

Land at 21 Garden Street, West of Weir Street, Darlington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Chris Watson Albert Hill Properties Ltd against the decision of Darlington Borough Council.
- The application Ref 21/00471/FUL, dated 26 April 2021, was refused by notice dated 7 June 2021.
- The development proposed is Erection of new perimeter fence – land at 21 Garden Street, West of Weir Street, Darlington.

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is no site description within the submitted planning application form. However, the Council used the address contained within the description as the site address and I concur with this approach.
3. An amended plan has been submitted with the appeal to remove the proposed gated access from Weir Street. However, as this has not been formally consulted upon, I discount this plan.
4. The Darlington Local Plan Submission Draft 2020 is an emerging document and I apply limited weight to its policies.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether or not the proposal would lead to highway safety issues; and
 - The effect on the living conditions of local occupants.

Reasons

Character and appearance

6. Located close to Darlington town centre, the appeal site is located within a designated Employment Area. It is a large parcel of land partially gravelled over and void of buildings. Currently it is open to the front with Weir Street and

Garden Street. Perimeter fencing along two sides is proposed, the southern edge facing onto Garden Street and eastern edge facing onto Weir Street. Double vehicular gates are proposed to Weir Street.

7. The area is largely commercial in nature with businesses including small car garages, self-storage centre and vehicle hire centres. There are also residential dwellings along Weir Street at Skerne View and Skerne Studios within converted warehouse buildings opposite the site, and on Garden Street.
8. The proposed fencing would extend parallel with Weir Street directly along the boundary with the street and return along Garden Street. It would appear as a very industrial, stark and obtrusive feature, made more significant by its height at approximately 2.4m for the entire perimeter, with no relief from its continuous expanse.
9. Further, given the narrow width of Weir Street, it would also contribute to a sense of oppressiveness. In this open corner location, it would be clearly visible and prominent when viewed from the street scene. It would thus not represent good design and would be detrimental to the character and appearance of the area.
10. Palisade fencing and indeed other perimeter security fencing is not an uncharacteristic feature locally given its commercial context. There are examples of both a combination of brick walls with palisade or timber fencing above, located close by. In these instances, the ratio of metal/timber and brickwork has the effect of a less industrial appearance and thus improves its overall visual aesthetic.
11. There are a few examples of metal palisade fencing as a boundary treatment in its own entity. However, where viewed locally, these were at a much lower height than the proposal, or the expanse was limited in length when at a similar height to this. Other high security fencing I viewed was of a material that provided clear intervisibility and was of a sympathetic nature. No examples provided are located in as prominent a location or share precisely the same circumstances or characteristics as the proposal before me.
12. I appreciate its enclosure would prevent unauthorised parking and access onto the land, and could prevent fly tipping from occurring. The appellant explains that they have used preventative measures. However, no precise details of such have been presented with the appeal.
13. The appellant states that due to land levels, a lower fence would not provide sufficient security measures. However, that is not to say that other security fencing or security measures could not be explored by the appellant.
14. To conclude on this main issue, given the proposed expanse of boundary fence, height and location, it would be out of character with the local area. It would not meet the objectives of the Darlington Local Development Framework Core Strategy 2011 (CS) Policy CS2 in its aims to achieve high quality design.

Highway safety

15. The proposed security fence would be located along the boundary with Weir Street and the vehicular access gates would be positioned directly opposite warehousing, with no set back off the adopted highway. At the time of my visit, one unit directly opposite was in operation as a commercial enterprise,

although there is nothing before me to demonstrate that the other units are not in commercial occupation or frequently used. Furthermore, given the business context of the local area and residential properties along Weir Street, there is nothing before me to suggest that Weir Street would not experience a reasonable volume of passing traffic.

16. All things considered, I have concerns regarding the proposed positioning of the fence and access gates, the location of other buildings opposite and directly fronting onto the street, taken with its narrow width. The comings and goings of vehicles would lead to vehicular conflict, and conflict between vehicles and pedestrians would also be likely.
17. As a consequence of erecting the fence against the boundary of the adopted highway along Weir Street, its maintenance by the Council would be problematic. There is no evidence provided by the appellant of the position of the now demolished buildings and their relationship with Weir Street.
18. Therefore, to conclude on this matter, the proposal would lead to detriment to highway and pedestrian safety and would thus conflict with the CS Policy CS2 in its aims for development to create a safe and secure environment.

Living Conditions

19. Skerne View and Skerne Studios form part of the buildings to the opposite side of Weir Street from the appeal site. One large picture window of Skerne View would look directly onto the proposal. Weir Street is narrow in width and the outlook would be significantly reduced by virtue of the proposed high and continuous run of industrial fencing within close quarters. Even with the surrounding context of the commercial nature of the area, the occupant's living conditions would be harmed.
20. Furthermore, whilst there may have been industrial buildings previously located on the site, these have been demolished. There is no evidence presented of the outlook from residential properties to compare, and in any case, I have considered the proposal against the circumstances before me.
21. From Skerne Studios, there would be no direct overlooking onto the proposal as it would be at an oblique angle and therefore I do not consider the living conditions of the occupants would be unduly harmed as a consequence.
22. No evidence has been submitted by the appellant of fly tipping or incidents of unauthorised access by motorcyclist leading to safety or nuisance concerns to substantiate their claim that the proposal would lead to improved living conditions of local residents.
23. To conclude, the proposed height of the security fence and proximity to residential dwellings would detrimentally harm the living conditions of the occupiers of Skerne View. It would therefore conflict with the CS Policy CS16 only so far in its objectives for new development to protect general amenity.

Other Matters

24. Whilst theft has been cited as a reason to justify the proposal, there is no evidence presented relating to theft issues, for me to consider.

Conclusion

25. The proposal would result in harm arising to the character and appearance of the local area, highway and pedestrian safety and the living conditions of local residents. It would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

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

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