



Planning Applications Committee Agenda

1.30 pm, Wednesday, 27 October 2021
Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 29 September 2021 (Pages 5 - 22)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 23 - 24)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 25 - 26)
 - (a) 3 Meadowbank Close, Hurworth Place (Pages 27 - 36)
 - (b) 2 Meadowbank Close, Hurworth Place (Pages 37 - 46)
 - (c) 274 Carmel Road North (Pages 47 - 54)
 - (d) Outbuilding To Rear Of 496 Coniscliffe Road (Pages 55 - 66)
 - (e) 1 Hall View Grove (Pages 67 - 76)
 - (f) 10 Chatsworth Terrace, Darlington (Pages 77 - 90)

(g) 15 Station Terrace, Middleton St George (Pages 91 - 106)

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

7. Questions

PART II

8. Notification of Decision on Appeals –

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

Dismissed the appeal by Bellway Homes Limited and Lateral Investments Ltd against this Authority's decision to refuse permission for the Development proposed in Outline Application with associated access for residential development up to 150 dwellings (19/01072/OUT).

RECOMMENDED – That the report be received.
(Pages 107 - 114)

9. Notification of Appeals –

The Chief Executive will report that :-

Ms Barbara Dewing has appealed against this Authority's decision to refuse consent for works for Erection of 1 no. dwelling with 2 no. car parking spaces accessed off Rose Lane; associated amenity space and pedestrian access via Nos 1 and 3 Stockton Road at Land to the rear of 1 and 1a Stockton Road, Darlington, DL1 2RX (20/01231/FUL)

Mr William Gate has appealed against this Authority's decision to refuse consent for works for Change of use of land from former coal depot to storage of building materials (Use Class B8 Storage and Distribution) at Former (Bank Top) Coal Depot Site (Land adjacent to train lines), Melland Street, Darlington, DL1 1S (21/00721/CU)

Mr Tim Jones has appealed against this Authority's decision to refuse consent for works for Erection of detached double garage at Mulberry House, 21C Roundhill Road, Hurworth, DL2 2ED (21/00516/FUL)

RECOMMENDED – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

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

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

11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 15 October 2021 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 115 - 128)
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, 19 October 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, 29 September 2021

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

APOLOGIES – Councillors Allen, Cossins and Wallis.

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

PA41 APPOINTMENT OF VICE CHAIR FOR THE REMAINDER OF THE MUNICIPAL YEAR 2021/2022

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

PA42 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA43 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 1 SEPTEMBER 2021

RESOLVED – That the Minutes of this Committee held on 1 September 2021, be approved as a correct record.

PA44 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
CL3	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a “suitably competent person(s)” and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a “suitably competent person(s)”, in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p>

	<p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL4	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL6	<p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved</p>

	<p>remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
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PA45 366 YARM ROAD

21/00862/FUL – Erection of single storey glazed extension to front elevation.

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

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

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

PA46 BANK TOP STATION

21/00688/DC – 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).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Officer, Environmental Health Officer, Rights of Way Officer, Sustainable Transport Officer and Conservation Officer; the views of Northern Gas Networks, Northumbrian Water, Northern PowerGrid, Durham County Council Archaeology Team, and the Local Lead Flood Authority; the concerns expressed by Historic England; the views of Network Rail; the concerns raised by the British Transport Police and the Durham Constabulary Architectural Liaison Officer; the views of Darlington Association on Disability; five letters of objection; the objections of the Friends of the Stockton and Darlington Railway, and the views of the Applicant's Agent, whom the Committee heard).

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

1. A3 – Implementation Limit (Three Years).
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) 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.

PA47 AGRICULTURAL LANE AND CREMATORIUM, WEST CEMETERY, CARMEL ROAD NORTH

21/00977/DC – 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.

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

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

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:
 - (a) Proposed site plan, drawing number DC19002/A/020 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 DC190002/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 Facultatieve Technologies 'Proposed Sunday Working Schedule' between the hours of 09.00 and 17.00.

REASON – In the interest of residential amenity.

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

REASON – In the interest of residential and visual amenity.

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

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

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

REASON – In the interests of visual and residential amenity.

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

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

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has

been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

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

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

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

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

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

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

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

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

17. 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.

PA48 BERRYMEAD FARM

21/00205/RM1 - 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).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), two letters of objection, two comments received, the objections of Whessoe Parish Council and the views of the Applicant, whom the Committee heard).

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

1. The development hereby permitted shall be carried out in accordance with the approved 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.

PA49 NOTIFICATION OF DECISION ON APPEALS

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

Dismissed the appeal by Mr 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).

RESOLVED – That the report be received.

PA50 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.

PA51 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE

OF PRACTICE AS OF 17 SEPTEMBER 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA40/Sept/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 17 September 2021.

RESOLVED - That the report be noted.

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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 – 27 October 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
3 Meadowbank Close, Hurworth Place	21/00780/CU
2 Meadowbank Close, Hurworth Place	21/00798/CU
274 Carmel Road North	21/00964/FUL
Outbuilding To Rear Of 496 Coniscliffe Road	21/00861/FUL
1 Hall View Grove	21/00789/FUL
10 Chatsworth Terrace DARLINGTON	21/00797/OUT
15 Station Terrace, Middleton St George	21/00922/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th October 2021

APPLICATION REF. NO:	21/00780/CU
STATUTORY DECISION DATE:	30 th August 2021 (EoT 1 st November 2021)
WARD/PARISH:	HURWORTH
LOCATION:	3 Meadowbank Close Hurworth Place
DESCRIPTION:	Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property
APPLICANT:	Mr P Thompson

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=summary&keyVal=QVIK13FPFU500>

APPLICATION AND SITE DESCRIPTION

1. The application site is a piece of land to the east of 3 Meadowbank Close and adjacent to public footpath No. 13. The surrounding area is predominantly residential in character. Footpath No 13 is the former trackbed of the historic Croft Branch of the Stockton and Darlington Railway which is classed as a non-designated heritage asset. The site is situated within Flood Zone 2.
2. Planning permission is sought for the change of use from open space to domestic curtilage including the erection of a 1.8m high close boarded fence to enclose land. This piece of land has recently been purchased by the applicant. The application site is not affected by Group Tree Preservation Order No. 1, 1989 which relates to trees to the north of the site. A

retrospective application for the change of use of land and erection of a 1.8m high timber boarded fence to the rear of 2 Meadowbank Close is also on this agenda for consideration (21/00798/CU).

3. This piece of land is approximately 1m higher than the garden of the property and a retaining wall will be constructed between the tree area and the garden of the property to retain the split levels and avoid soil erosion. The wall will be constructed across the lawn and any trees although not preserved will not be impacted by this work.

MAIN PLANNING ISSUES

4. The main issues with this application are:

- a) Impact on the character and appearance of the property, the surrounding area and the right of way
- b) Impact on the non-designated heritage asset
- c) Impact on residential amenity
- d) Flood Zone

PLANNING POLICIES

5. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development: -

- Is in keeping with character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12)
- Provide links to existing networks to ensure safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (CS2)
- Protect the Borough's distinctive character by protecting buildings, their settings and features and archaeological local importance in conservation areas (CS14)
- Is focussed on areas of low flood risk and complies with national planning guidance relating to flood risk (CS16)

RESULTS OF TECHNICAL CONSULTATION

6. The Council's Senior Arboricultural Officer has not commented on this proposal.

7. The Council's Rights of Way Officer has raised an objection to this application.

8. Hurworth Parish Council have not commented on this proposal.

9. The Stockton and Darlington Railway HAZ Project Manager has raised objections to this application:

- As set out within the objection by the FSDR I concur that the proposed fence will be an intrusive extension of the garden enclosing the open space margin of the trackbed of the historic Croft Branch of the S&DR and within the boundary of the former railway.
- It conflicts with Policy ENV2 of the emerging Darlington Local Plan, which seeks to protect the setting of and avoid damage to this non-designated heritage asset.
- To grant permission would set a precedent and would encourage other householders in Meadowbank Close to seek similar extensions, creating further damage to the public amenity and the setting of the Croft Branch.

10. Friends of the Stockton and Darlington Railway have raised objections to this application:

- The proposed fence will be an intrusive extension of the garden enclosing the open space margin of the trackbed of the historic Croft Branch of the S&DR and within the boundary of the former railway.
- It conflicts with Policy ENV2 of the emerging Darlington Local Plan, which seeks to protect the setting of and avoid damage to this non-designated heritage asset.
- The trackbed carries an attractive public footpath, popular with local residents since the line closed in 1964 and which connects with the network of other paths in the village.
- The Local Plan requires this to be used in informing a heritage statement and impact analysis to accompany the application, in line with the National Planning Policy Framework. This has not been done.
- The application site in its current condition makes an essential contribution to the amenity of the trackbed path; it should be retained within the public realm and managed accordingly.
- To grant permission would encourage other householders in Meadowbank Close to seek similar extensions, creating further damage to the public amenity and the setting of the Croft Branch.
- The Friends are currently in discussion with the S&DR Heritage Action Zone Projects Manager on the feasibility of working with landowners, the parish council and the local community volunteer group to create a project to manage the area as a rail heritage community based public amenity. This would include the application site, the trackbed and the woodland on the site of the former sidings accessing the coal depot.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Five properties in Meadowbank Close and one property in Grange Avenue were consulted in accordance with the regulations and five objections have been received. The points of objection are:

- It will protrude for several feet onto the footpath area and is not in line with the rear boundaries of adjacent properties.
- This track bed is part of Darlington's rail heritage, which will be celebrated in 2025, and such intrusions onto the area of the Croft Branch of the Stockton and Darlington railway will greatly damage the setting.
- If this fence is allowed to be erected, on this extremely important historical area, then it will be done with no regard to what this old track bed means to both the area

(Darlington is the birthplace of railways, and we need to preserve this heritage) and to the local people who use the old track bed for recreation.

- This has been accessible to the public for many years and should not be blocked by a private residence for their own personal benefit.
- This piece of land is also used as access for large farm vehicles, and trucks. Reducing the size of the access, would make passing very difficult.
- If granted, this will set an unfortunate precedent for every house, that backs onto this old track bed, to land grab.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property, the surrounding area and the right of way

12. The site is a narrow strip of grass verge which runs to the rear (east) of properties on Meadowbank Close. Public Footpath No. 13 which runs in a north – south direction along Linden Drive before accessing open countryside to the north, is also located to the east of the site. The public footpath at this point is also coincident with the former trackbed of the croft branch line of the former Stockton and Darlington Railway. The impact of the development on the former branch line, a non-designated heritage asset, will be considered elsewhere in this report.

13. A section of this grass verge to the rear of 3 Meadowbank Close has been purchased by the applicant and it is proposed to change the use of this land to domestic curtilage and to erect a 1.8m high timber boarded fence to enclose this land. The fence will replicate the original timber boundary fence in terms of its size, construction and materials and those erected to the rear of other properties on Meadowbank Close. The fence will abut the public footpath although its width will remain unaltered and the eastern side of the footpath will remain as it is, heavily planted with trees and shrubs. The length of this fence is approximately 14.5m, after which the footpath continues into open countryside.

14. Linden Drive and the public right of way are enclosed by a variety of boundary treatments to the front and rear of existing properties which either face or back onto Linden Drive. The proposed fence, although is proposed to be erected closer to the right of way is to match that enclosing the newly built dwellings on the former Croft House site being broadly traditional and suitable for its setting.

15. The fence is to be built on land owned by the applicant and will not encroach onto the public right of way or former branch line, although will be closer to the branch line and will be within the setting of this non-designated heritage asset. The Council's Rights of Way Officer has objected to the application on the basis that it is considered the new fence restricts the available width of the footpath at this point and gives an imposing feel to the footpath. The Officer advises however that the Definitive Map and Statement does not specify a minimum footpath width at this location and so legally the fencing is not obstructing the footpath.

16. While it is acknowledged that the proposed fence will have some impact on users of the public right of way at this point, it will not result in the encroachment of the right of way. Any impact will be for a short section of the right of way and the public right of way, and former branch line, remain open for use. The scale and siting of the fencing and the change of use of a small area of grass verge means is not considered to have a harmful impact on the character and appearance of the application property, surrounding area or on users of the right of way.

(b) Impact on the Non-Designated Heritage Asset

17. The application site lies adjacent to (and within the setting of) the former trackbed of the historic Croft Branch of the Stockton and Darlington Railway which is classed as a non-designated heritage asset. The Croft branch line was opened on the 27th October 1829 and was 3.5 miles in length. It ran from north of Hill House east of Skerne Bridge in Darlington to the north side of Hurworth Place where it terminated at the S&DR's Croft Depot. The branch line is partly coincident with Public Footpath No. 13 in this location.

18. Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected. Paragraph 194 of the NPPF, 2021, requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 203 of the NPPF, 2021, requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

19. Policy ENV2 (Stockton and Darlington Railway (S&DR) Strategic Policy) of the Emerging Local Plan states that proposals which will conserve and enhance elements which contribute to the significance of the Stockton and Darlington Railway and its setting, including its trackbed and branch lines, will be supported. Due to the emerging status of the Local Plan however, this policy carries little weight in the determination of this application.

20. A brief Heritage Statement (HS) has been submitted with the application which is proportionate to the development proposed. The HS explains that the purpose of the fence is to enclose an area of rough grassland recently purchased by the applicant, adjacent to the former branch line of the Stockton and Darlington Railway, which has been used for fly tipping. The HS also explains that the fence is to replicate the original timber boundary fence in terms of its size, construction and materials and whilst it will be relocated closer to the branch line considers that it will have a neutral effect on its setting.

21. As set out elsewhere in this report, the design of the new fencing will match that enclosing the newly built dwellings on the former Croft House site being broadly traditional and suitable for its setting. The fence will be built on land in the ownership of the applicant and will not encroach onto the public right of way or former branch line, although will be closer to the branch line and will be within the setting of this non-designated heritage asset. The public right

of way and branch line is enclosed elsewhere along its length further south along Linden Drive by a variety of boundary treatments to the front and rear of existing properties which either face or back onto the right of way, including the former depot walls which remain on Linden Drive, all of which contributes to its setting in this location. Further north, beyond the built confines of Hurworth Place, the branch line is surrounded by open countryside which is typical of its setting in this location.

22. While the erection of the proposed fence will result in some further enclosure of the former branch in this location, this is consistent with the character of the area immediately surrounding the branch line in this location. The public right of way, and former branch line, remain open for use. The scale and siting of the proposed fencing means that it is not considered to have a harmful impact on the setting of this non-designated heritage asset and therefore complies with Policy CS14 and the NPPF in this regard.

(c) Impact on residential amenity

23. The change of use of the land and erection of a 1.8 metre high timber boarded fence will have little discernible impact on the amenities of nearby residential properties. The area of land in question is a small addition to the existing rear curtilage of the application property and the fence is sufficiently distant from nearby properties so as not to result in any significant detrimental impacts in terms of light, outlook and overlooking to neighbouring residential properties.

(d) Flood Zone

24. A Flood Risk Assessment has been submitted with the application which states that whilst the access road and entrance to Meadowbank Close are within Flood Zone 2 the houses within the development and their rear garden areas are sited at a significantly higher elevation to protect them from flood risk. Flood protection measures were installed as part of the redevelopment of the site. The proposed fence is to be erected on higher ground to the east of the dwellings. The fence is vertically boarded with gaps between and under the boards. Its relocation will therefore have no material effect on flood risk. The proposal complies with Policy CS16.

THE PUBLIC SECTOR EQUALITY DUTY

25. 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

26. The change of use of an area of grass verge and the erection of a 1.8m high timber boarded fence to the rear of 3 Meadowbank Close is considered to be acceptable in terms of its impact

on the character and appearance of the application property and surrounding area. While there will be some impact on a short section of public footpath no. 13 and on the setting of the non-designated heritage asset by the enclosure of this area, this impact is not considered to be unacceptable for the reasons set out in the report. The proposal is therefore considered to comply with Policies CS2, CS14 and CS16. It is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing no. 795-01 - Rev A

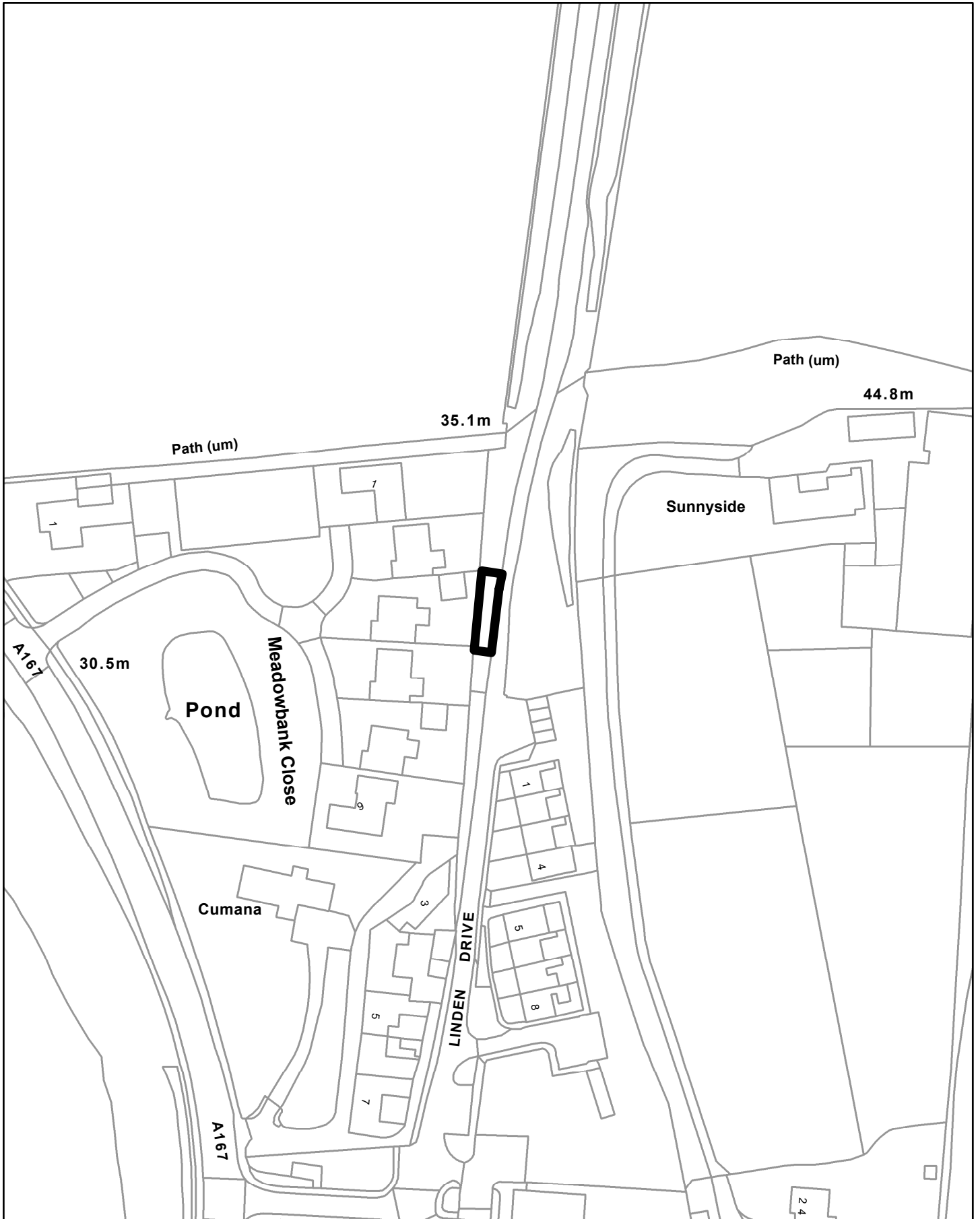
REASON – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2.

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

- Drwg. No. 798-01 – Proposed Site Layout and Fence Detail

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

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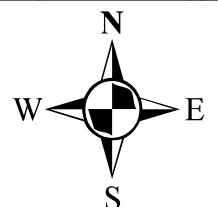


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Planning Ref No: 21/00780/CU

DARLINGTON BOROUGH COUNCIL

Page 35



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th October 2021

APPLICATION REF. NO:	21/00798/CU
STATUTORY DECISION DATE:	30 th August 2021 (EoT 1 st November 2021)
WARD/PARISH:	HURWORTH
LOCATION:	2 Meadowbank Close Hurworth Place
DESCRIPTION:	Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property (Retrospective Application)
APPLICANT:	Mr N Jeffrys

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=summary&keyVal=QVRP7UFG3I00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a piece of land to the east of 2 Meadowbank Close, Hurworth Place and adjacent to public footpath No. 13. The surrounding area is predominantly residential in character. Footpath No 13 is also the former trackbed of the historic Croft Branch of the Stockton and Darlington Railway which is classed as a non-designated heritage asset. The site is situated within Flood Zone 2.

2. Retrospective planning permission is sought for the change of use from open space to domestic curtilage including the erection of a 1.8m high close boarded fence to enclose land as an extension to the applicant's rear garden. This piece of land has recently been purchased by the applicant. Group Tree Preservation Order No 1, 1989 covers part of this land enclosed by

this fencing. An application for the change of use of land to domestic curtilage and the erection of a 1.8m high fence to the rear of the neighbouring property at 3 Meadowbank Close is also on this agenda for consideration (21/00780/CU).

3. This piece of land is approximately 1m higher than the garden of the property and a retaining wall is in the process of being constructed between this small area of land and the garden of the property to retain the split levels and to avoid soil erosion. This wall does not require planning permission because of its height.

MAIN PLANNING ISSUES

4. The main issues with this application are:

- a) Impact on the character and appearance of the property, the surrounding area and the right of way
- b) Impact on the non-designated heritage asset
- c) Impact on residential amenity
- d) Impact on trees
- e) Flood Zone

PLANNING POLICIES

5. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development: -

- Is in keeping with character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12)
- Provide links to existing networks to ensure safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (CS2)
- Protect the Borough's distinctive character by protecting buildings, their settings and features and archaeological local importance in conservation areas (CS14)
- Protects and enhances healthy woodland, trees and hedgerows and has regard to existing trees and incorporates trees into the proposed layout wherever possible (CS15 and E12)
- Is focussed on areas of low flood risk and complies with national planning guidance relating to flood risk (CS16)

RESULTS OF TECHNICAL CONSULTATION

6. The Council's Senior Arboricultural Officer has not commented on this proposal.

7. The Council's Rights of Way Officer has raised an objection to this application

8. Hurworth Parish Council object to the application for the following reasons:

- This fence has been erected on an important historical area of land, which forms a part of Darlington's historical past.

- Darlington and Stockton must always preserve their place in history, and chipping away this pedigree by allowing construction, or the installation of fences will reduce and distort the historical value.
- To our knowledge the land upon which the applicant has constructed this fence does not belong to them.
- The aims and objectives of Hurworth Parish Council include the preservation of both open spaces and the preservation of our local heritage.
- The new fence will cause an obstruction to the farm vehicles that use this access and could eventually potentially lead to an accident.

9. The Stockton and Darlington Railway HAZ Project Manager has raised objections to this application:

- As set out in the objection by FSDR I concur that the unauthorised fence is an intrusive extension of the garden enclosing established trees in the open space margin of the trackbed of the historic Croft Branch of the S&DR and within the boundary of the former railway.
- It conflicts with Policy ENV2 of the emerging Darlington Local Plan, which seeks to protect the setting of and avoid damage to this non-designated heritage asset.
- To grant permission would encourage other householders in Meadowbank Close to seek similar extensions, creating further damage to the public amenity and the setting of the Croft Branch.

10. Friends of the Stockton and Darlington Railway have raised objections to this application:

- The unauthorised fence is an intrusive extension of the garden enclosing established trees in the open space margin of the trackbed of the historic Croft Branch of the S&DR and within the boundary of the former railway.
- It conflicts with Policy ENV2 of the emerging Darlington Local Plan, which seeks to protect the setting of and avoid damage to this non-designated heritage asset.
- The trackbed carries an attractive public footpath, popular with residents since the line was closed in 1964, which connects with the network of other paths in the village.
- The Local Plan requires this to be used in informing a heritage statement and impact analysis to accompany the application, in line with the National Planning Policy Framework. This has not been done.
- The trees on the site make an essential contribution to the amenity of the trackbed path; they should be retained within the public realm and managed accordingly.
- To grant permission would encourage other householders in Meadowbank Close to seek similar extensions, creating further damage to the public amenity and the setting of the Croft Branch.
- The Friends are currently in discussion with the S&DR Heritage Action Zone Projects Manager on the feasibility of working with landowners, the parish council and the local community volunteer group to create a project to manage the area as a rail heritage community based public amenity.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Five properties in Meadowbank Close and one property in Grange Avenue were consulted in accordance with the regulations and five objections have been received. The points of objection are:

- We consider this fence to be ugly and intrusive in what is a pleasant and leafy walk along the old railway line.
- It protrudes for several feet onto the footpath area and is not in line with the rear boundaries of adjacent properties.
- This track bed is part of Darlington's rail heritage, which will be celebrated in 2025, and such intrusions onto the area of the Croft Branch of the Stockton and Darlington railway will greatly damage the setting.
- This fence has been erected on an extremely important historical area, with no regard to what this old track bed means to both the area (Darlington is the birthplace of railways, and we need to preserve this heritage) and to the local people who use the old track bed for recreation.
- They have encroached onto a historical rail line.
- This piece of land is also used as access for large farm vehicles, and trucks. Reducing the size of the access, would make passing very difficult.
- If granted, this will set an unfortunate precedent for every house, that backs onto this old track bed, to land grab.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property, the surrounding area and the right of way

12. The site is a narrow strip of grass verge which runs to the rear (east) of properties on Meadowbank Close. Public Footpath No. 13 which runs in a north – south direction along Linden Drive before accessing open countryside to the north, is also located to the east of the site. The public footpath at this point is also coincident with the former trackbed of the croft branch line of the former Stockton and Darlington Railway. The impact of the development on the former branch line, a non-designated heritage asset, will be considered elsewhere in this report.

13. A section of this grass verge to the rear of 2 Meadowbank Close has been purchased by the applicant and incorporated into the rear garden of the property enclosed by a 1.8m high timber boarded fence. The fence replicates the original timber boundary fence in terms of its size, construction and materials and those erected to the rear of other properties on Meadowbank Close. The fence has enclosed the public footpath on one side while the other side maintains its present state. The width of the footpath remains unaltered, and the eastern side of the footpath will remain as it is, heavily planted with trees and shrubs. The length of this fence is approximately 14.5m, after which the footpath continues into open countryside.

14. Linden Drive and the public right of way are enclosed by a variety of boundary treatments to the front and rear of existing properties which either face or back onto Linden Drive. The

fence albeit erected closer to the right of way matches that enclosing the newly built dwellings on the former Croft House site being broadly traditional and suitable for its setting.

15. The fence has been built on land in the ownership of the applicant and will not encroach onto the public right of way or former branch line, although will be closer to the branch line and will be within the setting of this non-designated heritage asset. The Council's Rights of Way Officer has objected to the application on the basis that it is considered the new fence restricts the available width of the footpath at this point and gives an imposing feel to the footpath. The Officer advises however that the Definitive Map and Statement does not specify a minimum footpath width at this location and so legally the fencing is not obstructing the footpath.

16. While it is acknowledged that the fence has some impact on users of the public right of way at this point, it has not resulted in the encroachment of the right of way. This impact will be for a short section of the right of way and the public right of way, and former branch line, remain open for use. The scale and siting of the fencing and the change of use of a small area of grass verge means is not considered to have a harmful impact on the character and appearance of the application property, surrounding area or on users of the right of way.

(b) Impact on the Non-Designated Heritage Asset

17. The application site lies adjacent to (and within the setting of) the former trackbed of the historic Croft Branch of the Stockton and Darlington Railway which is classed as a non-designated heritage asset. The Croft branch line was opened on the 27th October 1829 and was 3.5 miles in length. It ran from north of Hill House east of Skerne Bridge in Darlington to the north side of Hurworth Place where it terminated at the S&DR's Croft Depot. The branch line is partly coincident with Public Footpath No. 13 in this location.

18. Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected. Paragraph 194 of the NPPF, 2021, requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 203 of the NPPF, 2021, requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

19. Policy ENV2 (Stockton and Darlington Railway (S&DR) Strategic Policy) of the Emerging Local Plan states that proposals which will conserve and enhance elements which contribute to the significance of the Stockton and Darlington Railway and its setting, including its trackbed and branch lines, will be supported. Due to the emerging status of the Local Plan however, this policy carries little weight in the determination of this application.

20. A brief Heritage Statement (HS) has been submitted with the application which is proportionate to the development proposed. The HS explains that the purpose of the fence is to enclose an area of rough grassland recently purchased by the applicant, adjacent to the former branch line of the Stockton and Darlington Railway, which has been used for fly tipping. The HS also explains that the fence replicates the original timber boundary fence in terms of its size, construction and materials and whilst it has been relocated closer to the branch line considers that it has a neutral effect on its setting.

21. As set out elsewhere in this report, the design of the new fencing will match that enclosing the newly built dwellings on the former Croft House site being broadly traditional and suitable for its setting. The fence has been built on land in the ownership of the applicant and will not encroach onto the public right of way or former branch line, although will be closer to the branch line and will be within the setting of this non-designated heritage asset. The public right of way and branch line is enclosed elsewhere along its length further south along Linden Drive by a variety of boundary treatments to the front and rear of existing properties which either face or back onto the right of way, including the former depot walls which remain on Linden Drive, all of which contributes to its setting in this location. Further north, beyond the built confines of Hurworth Place, the branch line is surrounded by open countryside which is typical of its setting in this location.

22. While the erection of the fence has resulted in some further enclosure of the former branch in this location, this is consistent with the character of the area immediately surrounding the branch line in this location. The public right of way, and former branch line, remain open for use. The scale and siting of the fencing means that it is not considered to have a harmful impact on the setting of this non-designated heritage asset and therefore complies with Policy CS14 and the NPPF in this regard.

(c) Impact on residential amenity

23. The change of use of the land and erection of a 1.8 metre high timber boarded fence will have little discernible impact on the amenities of nearby residential properties. The area of land in question is a small addition to the existing rear curtilage of the application property and the fence is sufficiently distant from nearby properties so as not to result in any significant detrimental impacts in terms of light, outlook and overlooking to neighbouring residential properties.

(d) Impact on trees

24. The area of land contains a number of self-seeded ash and sycamore trees which are protected by Group Tree Preservation Order No. 1, 1989 which are now incorporated into the applicant's garden. A Tree Survey and Arboricultural Impact Assessment has been submitted with the application which considers the impact of the development on these protected trees. The realignment of the boundary fence has resulted in some fence posts being within the trees' root protection areas (RPA) however the report advises that works have been undertaken by hand and these young / early semi-mature trees have not been negatively impacted as a result of the work. A retaining wall has been built within the applicant's garden to the west of the

trees to retain the split levels and to prevent soil erosion. This work does not require planning permission due to the height of the wall. The tree survey further advises that the construction of the wall has not impacted the protected trees. The proposal therefore complies with Policy CS15.

(e) Flood Zone

25. A Flood Risk Assessment has been submitted with the application which states that whilst the access road and entrance to Meadowbank Close are within Flood Zone 2 the houses within the development and their rear garden areas are sited at a significantly higher elevation to protect them from flood risk. Flood protection measures were installed as part of the redevelopment of the site. The relocated fence is on higher ground to the east of the dwellings. The fence is vertically boarded with gaps between and under the boards. Its relocation will therefore have no material effect on flood risk. The proposal complies with Policy CS16.

THE PUBLIC SECTOR EQUALITY DUTY

26. 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

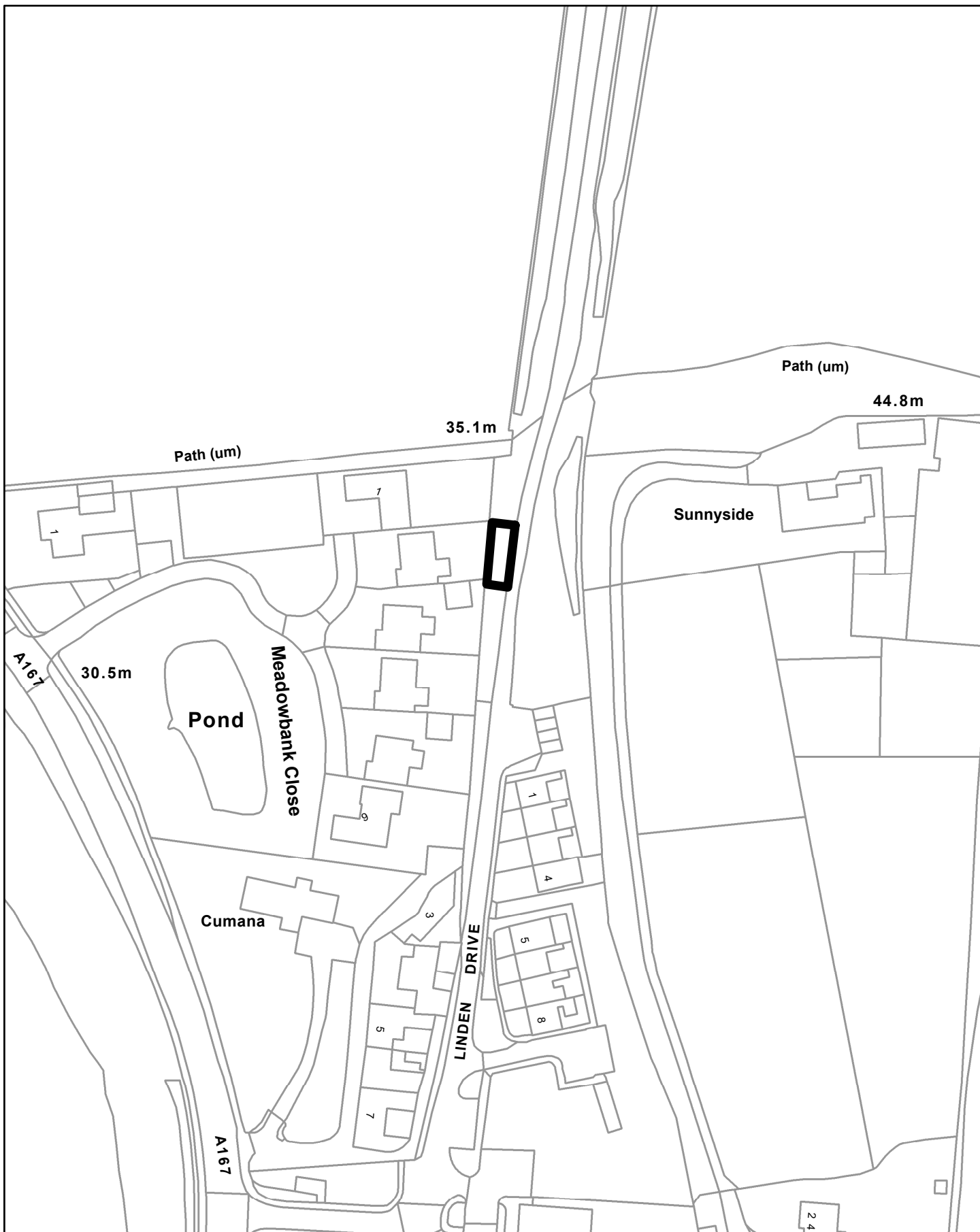
27. The change of use of an area of grass verge and the erection of a 1.8m high timber boarded fence to the rear of the applicant's property is considered to be acceptable in terms of its impact on the character and appearance of the application property and surrounding area. While there will be some impact on a short section of public footpath no. 13 and on the setting of the non-designated heritage asset by the enclosure of this area, this impact is not considered to be unacceptable for the reasons set out in the report. The proposal is therefore considered to comply with Policies CS2, CS14, CS15 and CS16. It is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing no. 795-01 - Rev A
REASON – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2.
3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- Drwg. No. 795-01 - Rev A – Proposed Site Layout and Fence Detail
- Drwg. No. TCP01 - July 2021 Tree Constraints Plan

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

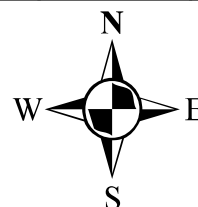


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Planning Ref No: 21/00798/CU

DARLINGTON BOROUGH COUNCIL

Page 45



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DARLINGTON BOROUGH COUNCIL**PLANNING APPLICATIONS COMMITTEE****COMMITTEE DATE: 27th October 2021.**

APPLICATION REF. NO:	21/00964/FUL.
STATUTORY DECISION DATE:	15 th October 2021.
WARD/PARISH:	COLLEGE.
LOCATION:	274 Carmel Road North.
DESCRIPTION:	Erection of a porch with new stepped access to the front elevation, the demolition of the existing detached garage and the erection of a single storey rear extension incorporating the insertion of 2 no. Roof-Lights, conversion of the existing loft into a habitable space incorporating the insertion of a hip to gable roof extension with extended rear dormer and the formation of additional blocked paved parking area to front of property and associated internal alterations (amended description 14.10.2021).
APPLICANT:	Mr. Nick Hall.

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=QXMHS4FP0F600>

APPLICATION AND SITE DESCRIPTION:

1. The application site comprises a two-storey semi-detached house located on the eastern side of Carmel Road North and to the south of its junction with Thornbury Rise and the Staindrop Road/Woodland Road roundabout. Carmel Road North consists predominantly of detached and semi-detached housing. There are a number of preserved trees within the front garden of the application site that are protected by a Tree Preservation Order dated 1962.

2. This application seeks permission for:-

- The erection of a porch with new stepped access to the front elevation.
- The demolition of the existing detached garage and the erection of a single storey rear extension incorporating the insertion of 2 no. rooflights
- The conversion of the existing loft into a habitable space incorporating the insertion of a hip to gable roof extension with extended rear dormer.
- The formation of additional blocked paved parking area to the front of the property and associated internal alterations.

RELEVANT PLANNING HISTORY:

3. Site History: -

a. 99/00161/TF - Pruning of two trees included in the County Borough of Darlington Tree Preservation (no.3) Order 1962 - Granted with Conditions.

MAIN PLANNING ISSUES:

4. The main issues for consideration with this application are as follows: -

- Impact on visual and residential amenity
- Parking considerations.

PLANNING POLICIES:

5. Relevant Local Plan policies include those seeking to ensure that new development:-

- Is in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area, maintains adequate daylight entering the principal rooms of nearby buildings; maintains adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and is not overbearing when viewed from neighbouring properties. Adequate parking or garaging and other external space with the curtilage must be maintained or provided (Saved Policy H12 of the Borough of Darlington Local Plan 1997).
- Planning Guidance Note 7 – Alterations and Extensions to Dwellings is also relevant to this application.

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highways Officer.

RESULTS OF PUBLICITY AND NOTIFICATION:

7. Following the Council's publicity exercises relating to the original submission, three letters of objection were which raise the following issues:

- Roof extension too large and out of character with adjoining property and neighbouring houses
- Loss of privacy due to overlooking of garden and property from roof extension

PLANNING ISSUES/ANALYSIS

(a) Impact on Visual and Residential Amenity

8. The proposed single storey rear extension is not considered to be large in terms of its scale and footprint relative to the application property which itself is a modest semi-detached two storey dwelling. When viewed from the street scene, the single storey extension would not be visible from Carmel Road North as it would be located to the rear of the site, however the proposal would be partially visible from Thornbury Rise. The extension would be single storey, and would be of a sympathetic design and scale, built of matching materials, and would not result in an adverse impact when viewed from Thornbury Rise.
9. The adjoining property at 272 Carmel Road North has previously been extended to the rear. The proposed rear extension will extend approximately 3.3 metres from the rear of the application property and complies with the 45-degree code with regard to the adjoining property. The extension is sufficiently distant from the nearest properties to the north on Thornbury Rise so as not to affect the amenities of these properties in terms of loss of light, outlook or privacy.
10. The proposed porch to the front of the property would project out by 1.714-metres (approx.) and be 2.842-metres in height at the eaves (approx.) and the 3.490-metres in height at the ridge. The roof runs in line with the existing front facing roof. Materials would match the host dwelling. By virtue of its design, footprint and finish, the proposed porch would be a form of minor development which would not significantly alter the appearance of the principal elevation of the host dwelling, which is set back from the street and screened by protected trees. It would therefore not have any detrimental impact upon the uniformity of the street scene. Nor would it unacceptably impact upon the amenities of the adjoining property.
11. It is also proposed to create a new parking area to the front of the property. The parking area will be constructed from permeable paving (porous material that enables rainwater to flow through it) and would be permitted development under Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This element of the proposal would give rise to no issues of visual or residential amenity.
12. The proposed hip to gable roof extension with the erection of a dormer window across the rear of the extended roofspace would represent a significant alteration to this pair of semi-detached properties. The hip to gable roof extension will be visible from both Carmel Road North and Thornbury Rise with the proposed dormer window being most

visible from the rear of immediately neighbouring properties on Thornbury Rise to the north and Carmel Road North to the south. A total of 3 objections have been raised to this element of the proposal on the grounds that the hip to gable extension and rear dormer would be out of character with the property and surrounding area and would give rise to overlooking of neighbouring properties.

13. The adjoining property has a hipped roof, albeit this property has been altered and extended over the years, and the proposed hip to gable extension would be most noticeable in the context of this pair of semi-detached properties when viewed from Carmel Road North. Both properties are however set back approximately 30 metres from the road with mature trees in the front garden of both properties protected by tree preservation order which provide some screening of the properties which are slightly elevated above the road. In this instance it is not considered that the proposed hip to gable extension would have such a significant impact on the character and appearance of either the application property or the surrounding area so as to warrant refusal of the application on this basis.
14. The proposed dormer window being located to the rear of the property would similarly have a limited impact on the character and appearance of the surrounding area, with any views being limited from between properties on Thornbury Rise to the north. Similarly, it is not considered that this would have a harmful impact on the character and appearance of the surrounding area.
15. Overlooking of the rear gardens of neighbouring properties will be possible from the windows in the proposed dormer window. Two windows are proposed which serve a bedroom and shower room. A high level window is also proposed in the north gable end of the property serving a stairwell. There is a degree of overlooking from existing first floor windows between properties, however it is not considered that overlooking from an additional bedroom window in the dormer extension will give rise to an unacceptable loss of privacy of surrounding properties. The windows serving the stairwell and shower room will be obscure glazed which will reduce the potential for overlooking from these windows.
16. Notwithstanding the objections received to this element of the application and considerations of these matters set out above, the proposed hip to gable extension and rear dormer window elements of this application are considered to meet the requirements of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and could be constructed as permitted development. This represents a fallback position for the applicant and is an important material consideration to which weight can be attached in consideration of the application. Should the application be refused on the grounds of visual or residential amenity, the applicant would have a strong fallback position in that they could proceed anyway with the construction of these elements of the application under householder permitted development rights for the property.

(b) Parking considerations.

17. Despite the increase in the dwelling size, the formation of an additional blocked paved parking area to front of the property will mitigate for the increase in the dwelling size by providing additional on-site parking. The Council's Highways Officer has no objection to raise.

PUBLIC SECTOR EQUALITY DUTY:

18. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998:

19. 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:

20. The design, appearance and materials of the proposed development will relate relatively well to the residential character of the existing dwelling and the character of its residential surroundings. The proposed development does not raise any material highway safety concerns and will provide sufficient on-site parking. The proposed single storey rear extension and porch elements of the proposals will not have a significant adverse impact on visual or residential amenity. On balance, for the reasons set out in the report the proposed hip to gable roof extension and rear dormer window will not adversely impact upon visual or residential amenity. Notwithstanding this, a fallback position exists for the applicant that these elements of the application can be built under householder permitted development rights. Weight can be attached to this as a material planning consideration. Accordingly, it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (Three Years).

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

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

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - To ensure that the external appearance of the development is of an appropriate design in accordance with Saved Policy H12 (Alterations and extensions to existing dwellings) of the Borough of Darlington Local Plan 1997 (Alterations 2001).

3. PL00 Approved Plans.

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

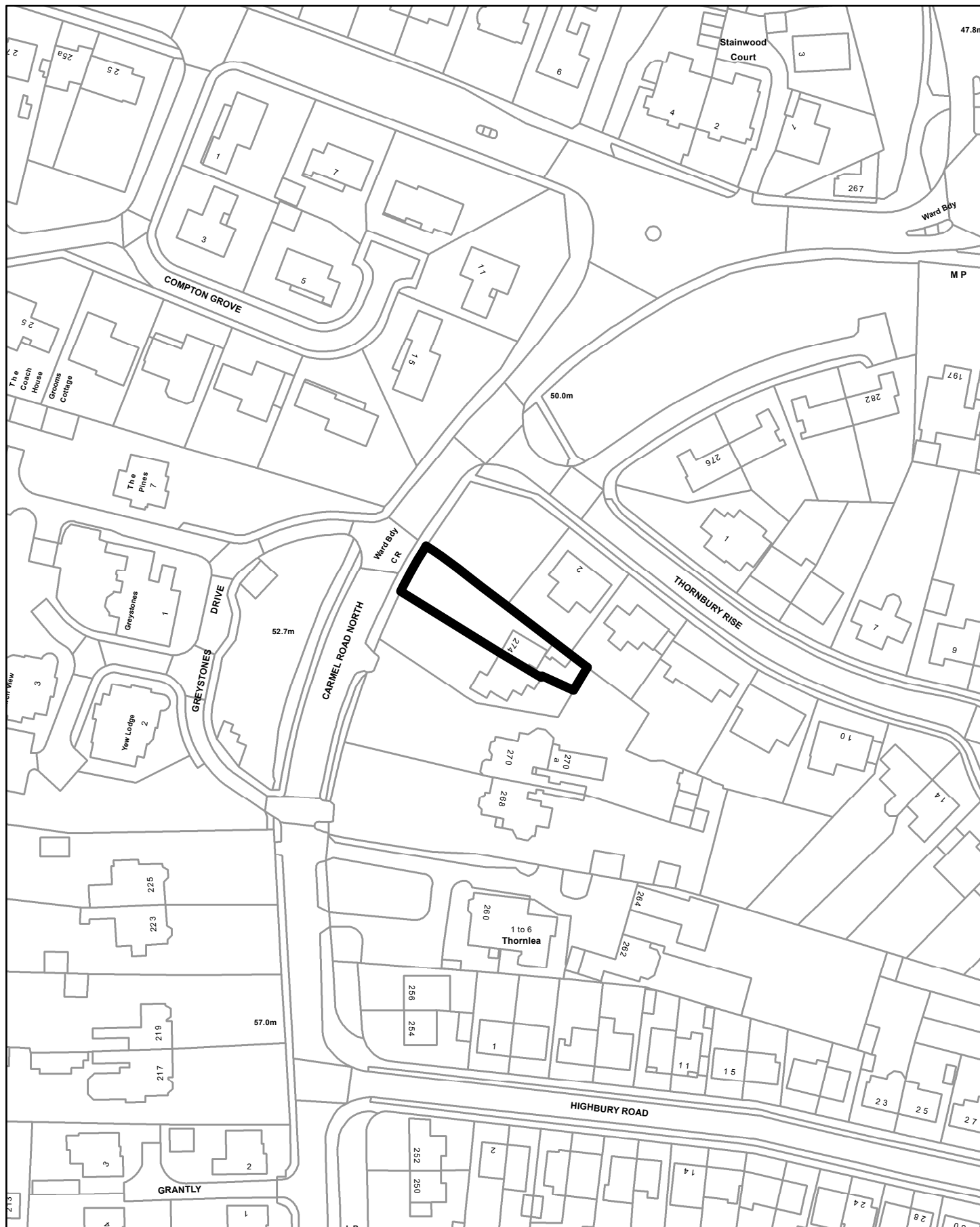
- Dwg No. 2021/152/F1 - Existing and Proposed Layout.
- Dwg No. 2021/152/F2 - Block Plan.
- Dwg No. 2021/152/F2 REV A - Block Plan Indicating Trees.

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

4. D1 - Obscure Glazing

The window formed in the north elevation serving the stairwell shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.



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Planning Ref No: 21/00964/FUL

DARLINGTON BOROUGH COUNCIL

Page 53



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27 October 2021

APPLICATION REF. NO:	21/00861/FUL
STATUTORY DECISION DATE:	29 October 2021
WARD/PARISH:	Hummersknott
LOCATION:	Outbuilding To Rear Of 496 Coniscliffe Road
DESCRIPTION:	Conversion, alteration and extension of outbuilding to form 1 no. 3 bed dwelling (amended plans received 5 October 2021)
APPLICANT:	Mrs J Wrate

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The planning application site is a parcel of land located to the rear of Nos 494 to 498 Coniscliffe Road. The site appears to be garden space and there is a two storey outbuilding and a single storey greenhouse within the application site. It is accessed via an existing access and gates set back off Coniscliffe Mews, which is a modern housing development to the north and east of the site.
2. The land and buildings are within the same ownership of No 496 Coniscliffe Road. There is no recent planning history relating to the existing two storey outbuilding, but it appears to be a storage or coach house building associated with the property and it has been previously used for domestic purposes.

3. The application site contains existing trees which are not covered by any tree preservation order but there are trees outside of the site which are protected by Orders dated 1961 and 1994.
4. The proposal involves the conversion and extension to the outbuilding to create a 3 bed dwelling. The extension would be two storey (kitchen with bedroom above), located to the rear of the building with a projection of 4.5m; a width of 3.9m and an overall height to the ridge of 6.2m. The extension would be constructed from brick and roof tiles to match the existing building.
5. An outline planning application for the demolition of the outbuilding and the erection of a dwelling on the site as an alternative to this proposal has also been submitted and is currently under consideration (21/00162/OUT).

MAIN PLANNING ISSUES

6. The main issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Impact on the Character and Appearance of the Area
 - b) Residential Amenity
 - c) Highway Safety and Parking
 - d) Impact on Trees
 - e) Ecology
 - f) Flood Risk
 - g) Land Contamination
 - h) Other Matters

PLANNING POLICIES

7. 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)
 - 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)
- Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 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)
- Complies with statutory standards relating to contaminated land (Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Highways Engineer, Transport Policy Manager, Environmental Health Officer, Ecology consultant and Senior Arboricultural Officer have raised no objections to the principle of the proposed development
9. Northern PowerGrid has raised no objections

RESULTS OF PUBLICITY AND NOTIFICATION

10. Five objections have been received following the Council's notification and publicity exercises. The comments can be summarised as follows:
 - *The existing building would not meet current habitable living standards*
 - *Front elevation windows will overlook neighbouring properties and their gardens*
 - *The proposal is effectively shoehorned into limited existing space of the outbuilding. The existing space/outbuilding was never intended for a habitable dwelling.*
 - *The proposal is out of keeping, character and scale of Coniscliffe Mews which is low density 4/5 bedroom, 2 garage family dwellings*
 - *Required construction and maintenance on the boundary lines will require access to neighbouring land*
 - *The only access to the rear of the proposal is through the habitable dwelling. This will not only constrain the initial construction of the extension, but ongoing maintenance of the property and extensive gardens.*
 - *Why fell the trees? The garden should be shaped around them*
 - *It is out of character in both scale and appearance and dependent on aspect it may also introduce a loss of privacy and daylight*
 - *Any windows to the front aspect of the building will look straight into our garden entertainment area.*
 - *I understood that no further development could take place after Coniscliffe Mews was completed as this would breach the level of housing density within the prescribed distance from the Northumbrian Water chemical storage*

- *The proposal means the converted dwelling only has access to the substantial rear garden from the house. All garden waste will have to be carried through the dwelling*
- *The proposal has a negative impact on No 496, having the brick South-facing wall of the proposed dwelling across the end of its garden as well as an unusually angled boundary*
- *Much of this plot and its surroundings has been a haven for wildlife for many years*
- *There would be a direct line of sight from the extension into the rear of our property (No 498 Coniscliffe Road), with a clear view into our conservatory and bedrooms*

11. A comment has also been received from the occupant of No 494 Coniscliffe Road with regard to the condition of the existing boundary wall that runs between the rear of No 494 and to the front of the outbuilding. The occupant would like the boundary wall to be rebuilt and made safe and secure especially as the outbuilding will be in residential use and the area to the front will be used for parking.

12. Following the submission of amended plans, a further objection has been received which states:

- *We notice that the latest amendment has retained some trees. However, we can't see any reason for removing trees T1, T2 and T3 other than using the same drawings as in Application 21/00162/OUT. We still have the objections which we reported to the original Application.*

PLANNING ISSUES/ANALYSIS

a) Impact on the Character and Appearance of the Area

13. The two storey building is set behind a set of gates at the access point off Coniscliffe Mews with its front elevation facing onto the highway (Coniscliffe Mews). It is located between the rear of Nos 494/496 Coniscliffe Road to the south and No 1 Coniscliffe Mews to the north. Coniscliffe Mews is a housing development of large, detached dwellings built in the 1990s.
14. The outbuilding is an existing structure within the street scene and has been previously used for domestic uses ancillary to No 496 Coniscliffe Road. The conversion of the building to a separate dwelling would result in the addition of a new residential unit within an existing residential area and therefore it would not be out of character with the local area, albeit the proposal is for a conversion and not a new build.
15. The front elevation of the building would not be greatly altered other than the reopening of a blocked up ground floor window; the replacement of timber double door at ground level with a glazed entrance door and side windows and the replacement of a door at first floor level with a small window. The main alteration to the outbuilding is the extension along with new boundary fencing at the rear which would not be highly visible from the front aspect. It would appear from the submitted plans that the existing gates at the front of the property would be retained. Precise details of the means of

enclosure, including any works to stabilise/repair the boundary wall with No 494 Coniscliffe Road can be secured by the imposition of a planning condition.

16. The rear extension is well designed with the eaves height matching the main building, but with the overall ridge height set lower than that of the main building. The outbuilding would have a large rear garden and No 496 Coniscliffe Road would also retain a large garden once the two sites have been segregated by the proposed new fence line (1.8m high fence).
17. There is no planning guidance which stipulates that a building must have a pathway around it to make the rear garden accessible without having to enter the main building and that can be difficult to achieve where a proposal involves the conversion of an existing building rather than a new build.
18. It is considered that the proposed conversion of the existing outbuilding to a dwelling is not out of character with the residential nature of the surrounding area and the proposed alterations and extensions to facilitate the change of use would not have an adverse impact on the appearance of the street scene. The proposal would accord with policy CS2 of the Core Strategy 2011 and E14 of the Local Plan 1997 in this regard

b) Residential Amenity

19. When considering the impact, the proposal may have on neighbouring dwellings, it is important to note that the existing building has been used for ancillary residential/domestic purposes in the past and the building could be used for such purposes in the future without having to apply for planning permission resulting in there being views from the building towards neighbouring properties.
20. The ground floor windows in the front elevation are a study/utility room, a glazed front door and side windows and a stairwell. The first floor windows are a stairwell; a bathroom window and a bedroom window. It is evident that careful consideration has been given to the nature of the openings in this elevation to prevent overlooking of neighbouring dwellings where possible. The main habitable windows are located to the rear and in the proposed extension which do not directly overlook any neighbouring dwellings. There are no openings in the north or south facing elevations, which would protect No 496 Coniscliffe for any loss of privacy.
21. The only habitable window in the front elevation would be a bedroom window at first floor level and there will be oblique views from this window over the rear gardens of Nos 494 Coniscliffe Road and 1 Coniscliffe Mews, although existing trees on the shared boundary with No 1, will give some protection. This relationship is not considered to be too dissimilar from overlooking from first floor windows of existing dwellings elsewhere on Coniscliffe Mews. It is considered that a view from one habitable room would not result in such adverse amenity conditions to justify a reason to refuse the planning application on such grounds, especially as the building could be reused at any time for ancillary uses and the windows could be reopened.

22. The outbuilding is approximately 45m from the front elevation of No 2 Coniscliffe Mews opposite, and the extension would be 24m from the rear elevation of No 496 Coniscliffe Road which fully complies with proximity distance guidance (21m). No 498 Coniscliffe Road is off set and located to the south east of the outbuilding and the extension would be approximately 37m from this property and any views of this property from the extension would be indirect. The building is already in existence and therefore cannot be considered overbearing when viewed from the Coniscliffe Mews and the proposed extension is not an excessive enlargement to the rear to be considered an overbearing addition to the building when viewed from the north, south or the west.
23. The application site would be segregated from No 496 Coniscliffe Road by a standard 1.8m high close boarded fence.
24. It is inevitable that neighbouring properties are likely to experience some disturbance during the conversion works given the location of the development site and that access is somewhat restricted. Therefore, a planning condition has been recommended which controls the hours of construction and deliveries.

c) Highway Safety and Parking

25. The additional traffic that would be generated from a single dwelling is considered to be de minimis on the local highway network.
26. The proposed site plan shows that the new dwelling will be accessed via an existing vehicle crossing located on Coniscliffe Mews. No 496 Coniscliffe Road would retain sufficient parking within the driveway and garage accessed via Coniscliffe Road and would not require any additional parking to mitigate the loss of the outbuilding as an ancillary building for the parking of a vehicle.
27. A review of the past 5 years of recorded Police personal injury collisions (PICs) reveals that there have been no recorded incidents within the vicinity of the site. There is no reason to conclude that there is any inherent road safety concern, or that this proposal would cause any road safety concerns.
28. In order to meet the requirements of the Tees Valley Residential Design Guide and Specification, the dwelling should have two in curtilage parking spaces and the Council's Highways Engineer is satisfied that adequate parking provision is made.
29. Pedestrian access to the dwelling will be via the existing footway located to the eastern side of Coniscliffe Mews. Whilst there is space within the adopted highway boundary to extend the footway on the western side, it would not be reasonable to demand such works for a single dwelling development, as there is a footway located opposite and a dropped driveway crossing is available for access for persons with mobility impairment. Refuse collection will be available from the Council's kerb-side collection service and the dwelling will be accessible by emergency services where a fire appliance should be able to get to within 45m of a dwelling entrance.

30. The site is within 400m walk of a pair of bus stops on Coniscliffe Road which are served by Service X75/X76 which provides a regular bus service 7 days a week. An advisory cycle lane also exists on Coniscliffe Road and this provides a link into the wider cycling network. The site is within a sustainable location and is accessible by means other than the private motor vehicle. A planning condition has been recommended to secure a cycle storage area.
31. The Council's Highways Engineer has Transport Policy Officer have not objected to the proposed development. The development would accord with policy CS2 in regard to highway safety, parking requirements and accessibility.

d) Impact on Trees

32. There are trees within the site which are not covered by a tree preservation order and following a site inspection, the Council's Senior Arboricultural Officer has advised that the trees are not worthy of further protection. As a result, there are no arboricultural objections to the proposed removal of five trees within the site, two of which are dead. The remaining trees, whilst not worthy of an Order, would need to be protected during the construction phase from damage by compaction, severance, or from material spillage and this will only be possible through the installation of protective fencing which can be secured by a planning condition.
33. There is a preserved tree within the rear garden of No 496 Coniscliffe Road, but no development would occur with its root protection area and it would be unaffected by the proposed development. None of the other protected trees in the vicinity of the site would be affected by the development. The proposal would accord with policy E12 of the Local Plan 1997.

e) Ecology

34. A bat report has been submitted in support of the planning application which reveals that surveys recorded no evidence of any species of bat roosting in the outbuilding. A small number of common pipistrelle and soprano pipistrelle bats were recorded foraging in the trees close to the property. The outbuilding is in a poor state of repair, but the brickwork of the exterior wall remains well pointed so there are few opportunities for bats to roost and there was no evidence of any use. The report concludes that that there is a negligible risk of any impact on bats due to the conversion or demolition of the outbuilding and includes appropriate mitigation measures which can be secured by a planning condition
35. The Council's Ecology Consultant has advised that the bat report is sound as no bat roosts were recorded and so no further work would be required.
36. The development should meet the National Planning Policy Framework 2021 requirement for securing biodiversity net gains and this can be achieved through the provision of built in wildlife nesting opportunities (bats, birds, invertebrates) within the new structure and the use of native species within any soft landscaping. This can be secured by a planning condition.

37. The proposed development would accord with policy CS15 of the Core Strategy 2021

f) Flood Risk

38. The site is within Flood Zone 1 and there is a low flood risk. The surface water and foul water would be disposed via the mains sewer. The proposed development accords with policy CS16 in this regard.

g) Land contamination

39. The application has been supported by a Land Contamination Screening Assessment. Having reviewed the information, the Environmental Health Officer has raised no objections in relation to land contamination and the proposal would accord with policy CS16 in the regard.

h) Other Matters

40. In response to an objection which relates to the proximity of the site to the Broken Scar Water Treatment Works, in 1992 a Hazardous Substance consent was granted by the Council for the storage of 10 tonnes of chlorine at the Treatment Works which are located to the west of the site and this limited certain types of development from taking place in the local area. Members are advised that the consent has since been revoked by the Council as there is no longer a need for it to be in place as the amount of chlorine stored on the WTW site is now below the threshold for the need for any form of consent from the Council and the Health and Safety Executive. As a result, the limitation zone around the WTW no longer exists and is not a material planning consideration.

THE PUBLIC SECTOR EQUALITY DUTY

41. 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. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

42. 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

43. The proposed conversion of the existing outbuilding to a separate dwelling within an existing residential area would not raise any adverse highway safety or residential

amenity concerns and overall, the proposal would comply with local development plan policy.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a. Drawing Number PR301A – Proposed Site Plan
 - b. Drawing Number PR302 – Proposed Plans and Elevation

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

3. Prior the commencement of the development, precise details of a scheme to provide net gains for biodiversity shall be submitted to and approved, in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To enhance biodiversity within the site and the local area in accordance with National Planning Policy Framework 2021

4. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 (2012) and shall include fencing of at least 2m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

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

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

5. Prior to the first occupation of the building, precise details of a secure cycle storage area shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed development shall not be carried out otherwise than in complete accordance with the agreed details, which shall be in place prior to the occupation of the building and retained thereafter.

REASON: To encourage sustainable modes of transport

6. Prior to the first occupation of the building, precise details of all means of enclosure for the site, including repair works to the existing boundary wall with No 494 Coniscliffe Road, shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed development shall not be carried out otherwise than in complete accordance with the agreed details, which shall be in place prior to the occupation of the building and retained thereafter.

REASON: In the interests of residential amenity and the visual appearance of the development.

7. The development shall not be carried out otherwise than in complete accordance with the mitigation measures and method statement included with the document entitled "Bat Surveys and Risk Assessment for the Outbuilding at 496 Coniscliffe Road, Darlington" dated June 2021 and produced by Veronica Howard unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and the protected species and their habitats

8. The materials, including windows, used in the external surfaces of the extension hereby permitted shall match those used on the existing building.

REASON - In the interests of maintaining the visual amenity of the development.

9. 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 residential amenity

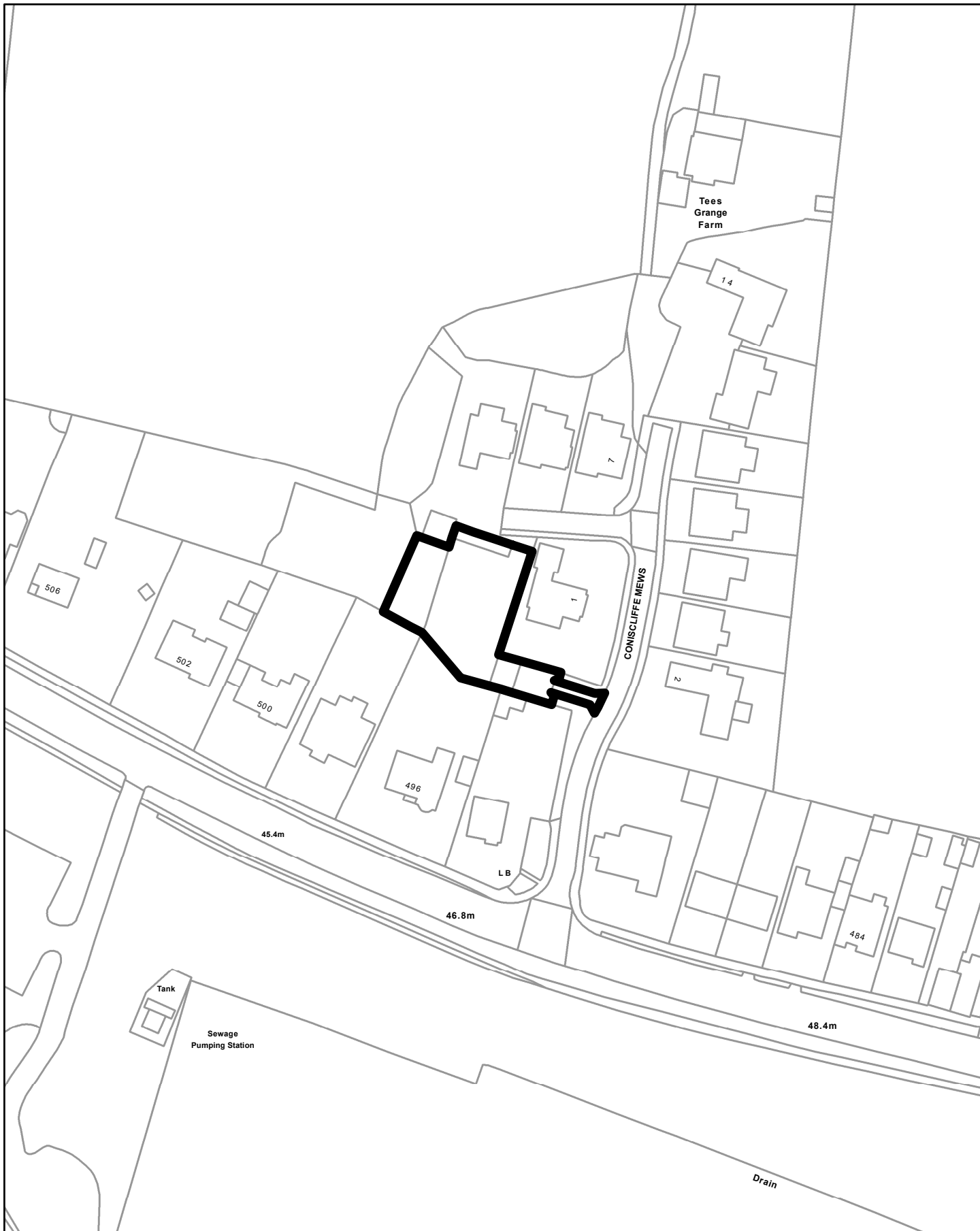
10. The bathroom windows shown on Drawing Number Drawing Number PR302 shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby properties.

INFORMATIVES

Highways

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



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Planning Ref No: 21/00861/FUL

DARLINGTON BOROUGH COUNCIL

Page 65



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th October 2021

APPLICATION REF. NO:	21/00789/FUL
STATUTORY DECISION DATE:	1 st September 2021 (EoT 1 st November 2021)
WARD/PARISH:	MOWDEN
LOCATION:	1 Hall View Grove Darlington
DESCRIPTION:	Erection of a two storey side extension to west elevation, re-location of 1.8m high side boundary fence, widening of existing drive to create extra off-street parking and the erection of a detached summerhouse in the rear garden (as amended by plans received 26.07.21 and 04.10.21)
APPLICANT:	Paul Furness

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=summary&keyVal=QVKG4IFPFXD00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a south facing detached two storey dwelling sited adjacent to some open space on Hall View Grove. The surrounding area is predominantly residential in character.
2. The application site is not in a Conservation Area.

3. The northern end of the rear garden is covered by Group Tree Preservation Order No 1, 1951. There are several mature trees located on open space land adjacent to the property, none of the trees are situated within the curtilage of this application site.

4. The proposal involves the building a two storey side extension on the western elevation to provide and enlarged kitchen, a utility room and a bin store on the ground floor, the creation of an additional bedroom on the first floor, the re-location of the boundary fence, the widening of the existing drive to create extra off-street parking and the erection of a detached summerhouse in the rear garden.

5. The proposed two storey extension on the western elevation will project 2.5m to the side of the original dwelling and will be 7.7m in length at first floor level and 9.2m in length at ground floor level. The roof will be dual pitched sloping from front to back and being set 90 degrees from the slope of the main roof. The eaves will be 4.8m in height and the ridge 7.0m. The height of the eaves of the front part of the extension will be 2.5m and the ridge 3.7m.

6. The proposal also includes the relocation of the existing fence on the western boundary of the application site. The fence, in line with the rear of the dwelling will be moved 1.2m to the west to allow a pedestrian access to the rear garden.

7. The proposal also includes the widening of the existing drive and dropped kerb to create extra off-street parking.

8. The proposal also includes the erection of a detached wooden summerhouse in the north eastern corner of the rear garden. This summerhouse will be placed on an existing 0.10m high base. The summerhouse will be 3.6m wide and 3.0m deep. The summerhouse will have a shallow dual pitched roof with eaves at 2.35m and the ridge at 2.55m.

9. The materials for the proposals will be red brickwork to match existing with brown concrete tiles to match existing and the detached summerhouse will be wood.

10. The amended plans submitted on 26.07.21 included:

- the widening of the existing drive and dropped kerb to create an extra parking space;
- the positioning of the tree that is proposed to be removed on the adjacent land.

11. The amended plans submitted on 04.10.21 included:

- the addition of the detached summerhouse in the rear garden.

LAND OWNERSHIP MATTERS

12. The Local Planning Authority is not the arbiter of boundary ownership disputes. Ownership of the open space was and remains a civil matter between any other party claiming ownership, and the applicant and is not a material planning consideration.

13. Members will note that the granting of planning permission would not prejudice any legal standing of any of the parties in terms of their ownership interest and their ability to take civil action in respect thereof.

MAIN PLANNING ISSUES

14. The main issues with this application are:

- a) Impact on the character and appearance of the property;
- b) Impact on residential amenity;
- c) Highway safety;
- d) Impact on Trees.

PLANNING POLICIES

15. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development: -

- Is in keeping with character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12)

RESULTS OF TECHNICAL CONSULTATION

16. The Highway Officer raises no objection to the proposal.

17. The Senior Arboricultural Officer raises no objection to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

18. Three properties in Hall View Grove were consulted in accordance with the regulations and five objections have been received.

The points of objection were:

- We believe that the applicant does not own the land to the west of the property that he would like to extend his boundary onto.
- There is a tree to the front west side of the property (not on the applicants land) which would need removing for this work to be completed to the property.
- This is an example of 'Planning Creep'. Last time Mr Furness moved his back fence over his boundary and then submitted a planning application retrospectively. It appears they are attempting any means to gain more land that does not belong to them.

- This planning application would set a precedent to others who wish to extend into open spaces.
- Visual amenity - These proposals will affect the beautiful landscape which is tree lined and the open space, which is a character of the Mowden estate.
- The loss of trees will cause disruption to the wildlife in the environment.
- The land they propose to extend onto is not owned by them, surely if it's common land it is unlawful to take it as your own & build or extend;
- This is an open plan estate and these open spaces should be for the benefit of all the residents not for individual families.
- In granting permission, the council would be condoning taking land that does not belong to the applicant and setting a precedence where everyone living next to a piece of land could claim it as their own thus depriving the wider community of this wonderful amenity.
- The development itself could cause damage to the root system of the two protected trees on the boundary of the property.
- We now see a further attempt to extend the boundary to the left side which I feel will spoil the scenery as you travel along Hallview Grove either by car or on foot.
- This land is a valued public amenity and as such, it is imperative, that it be preserved as such, and not stealthily be granted planning permission(ie stolen) thus creating a precedent for all!
- Residents choose to live in this area because of it layout, open planning and green spaces, as opposed to closely spaced, and congested modern developments.
- The trees and amenities were already there when house purchases were made. Why not buy more suitable sized property, not overlooked by trees in the first place, rather than upsetting things!

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property

19. The proposed extension and detached summerhouse are not considered to be large in terms of their scale and footprint relative to the application property which itself is a fairly modest detached dwelling. In this instance the application property is situated within a large plot surrounded by similar dwellings.

20. The two storey extension has been designed with a pitched roof at 90 degree angle from the main house roof. This will help the extension appear suitably subservient to the main dwelling and limit the impact of the extension on the character and appearance of both the application property and the surrounding area.

21. The existing 1.8m high boundary fence will be re-located on the western boundary of the application site. The fence, in line with the rear of the dwelling will be moved 1.2m to the west to allow a pedestrian access to the rear garden. It is not considered that this fence will have an unacceptable impact on light to, or outlook from the neighbouring properties.

22. The existing drive and dropped kerb will be widened to create an additional off-street parking space. This driveway will be constructed of porous materials.

23. The construction of a detached summerhouse has been designed with a shallow dual pitched roof which will limit the impact on the character and appearance of both the application property and the surrounding area.

24. Due to the siting and positioning of this property the proposed extension and detached summerhouse meet the requirements of the 45-degree code in relation to the neighbouring properties.

(b) Impact on residential amenity

25. The erection of a two storey side extension to west elevation, re-location of 1.8m high side boundary fence, widening of existing drive to create extra off-street parking and the erection of a detached summerhouse in the rear garden (as amended by plans received 26.07.21 and 04.10.21) would be in keeping with the character of the property and would not, therefore, be harmful to visual amenity.

26. The proposal would not result in any significant detrimental impacts in terms of light, outlook and overlooking to neighbouring residential properties.

27. It is not considered that this proposal will impact significantly on the residential amenities of the adjacent properties to the extent that it would be justified refusing planning permission on these grounds.

(c) Highway Safety

28. The proposal increases the dwelling size from 3 to 4 bedrooms which increases the required curtilage parking provision from the current arrangement of two spaces, to three in order to accord with current Tees Valley Design Guide Standards. An additional space could be easily accommodated within the curtilage with a suitably widened driveway and vehicle crossing.

29. The amended plans demonstrate additional parking provision in order to mitigate the increase in dwelling size from 3 to 4 bedrooms. Officers are satisfied that the proposal demonstrates sufficient curtilage parking.

30. The additional driveway requires the widening of an existing vehicle access and this should be completed prior to occupation of the extension. All works within the highway require the prior consent and approval of the Highways Authority, in this case as part of a Section 184 agreement as the attached informative.

31. The Highway Officer stated that he has no objection to the proposal.

(d) Impact on trees

32. The trees adjacent to the application site that are not covered by any Tree Preservation Order appear to be in good form and condition but not worthy of protection.

33. It is of paramount importance that the root area of the trees is completely protected from damage by compaction, severance, or from material spillage. This will only be possible through the installation of protective fencing in accordance with BS5837 2012. It is recommended that this fencing is put into position prior to any further works on the site (demolition or development), and that the extent of this protection is inspected by a Council Officer prior to work commencing. This fencing should be at least 2m high and consist of galvanized tube, braced to resist impacts, supporting by a welded mesh wired to the uprights and horizontals to dissuade encroachment.

34. The Senior Arboricultural Officer stated that he has no objection to the proposal.

THE PUBLIC SECTOR EQUALITY DUTY

35. 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

36. The development accords with relevant Local Plan policies in that it respects the character and appearance of the host property and relates well to the surrounding area. The development does not raise any issues that would not be capable of being dealt with by standard conditions.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. B4a (Materials)
3. No demolition, site clearance or building operations shall be commenced until fencing of a height of not less than 2 metres has been erected around the tree, adjacent to the proposed development. The distance of the fence from the trunk of the tree shall be whichever is the greater distance of the following:-
 - (i) five metres from the base of the tree; or
 - (ii) the area described by the limit of the spread of the branches of the tree.

Such fencing is to be maintained during the course of the development to the satisfaction of the Local Planning Authority.

REASON - To enable the Local Planning Authority to ensure the retention of the tree on the site and its protection from damage, in the interests of visual amenity.

4. Tree Protection (During development)

None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority:-

- (i) the raising or lowering of levels in relation to the existing ground level;
- (ii) cutting of roots, digging of trenches, removal of soil;
- (iii) the construction of buildings, roads or the carrying out of other engineering operations;
- (iv) the lighting of fires;
- (v) driving vehicles over the area below the spread of the branches of the tree; and
- (vi) the storing of materials or equipment.

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

5. The vehicular access and widened drive shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.

REASON - To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.

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

- 21034-01A – Existing Layouts and Elevations
- 21034-02A – Proposed Layouts
- 21034-03A – Proposed Elevations including Fence Details
- 21034-04B – Existing and Proposed Site Plan including parking

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

INFORMATIVES

Section 184 Crossover

The applicant is advised that works are required within the public highway, to widen an existing vehicle crossing; contact must be made with the Assistant Director : Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

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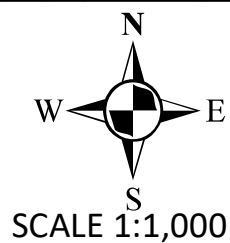


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Planning Ref No: 21/00789/FUL

DARLINGTON BOROUGH COUNCIL

Page 75



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th October 2021

APPLICATION REF. NO:	21/00797/OUT
STATUTORY DECISION DATE:	9 th September 2021 (EOT 29 th October 2021)
WARD/PARISH:	PARK EAST
LOCATION:	10 Chatsworth Terrace DARLINGTON DL1 5DH
DESCRIPTION:	Outline planning permission for residential development of up to 3 dwellings with all matters reserved
APPLICANT:	MR PETER SMITH

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

APPLICATION AND SITE DESCRIPTION

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVRND8FP0F600>

1. The application site is situated to the west side of Chatsworth Terrace, which lies in a predominantly residential area to the south of the town centre. Allotments are situated immediately to the west and south of the site, to the north is the existing property of 10 Chatsworth Terrace, a two-storey residential dwelling, and to the east is the highway, with neighbouring terraced dwelling houses beyond. The Grade II registered Park and Garden, South Park, is situated to the south, beyond the allotments. The immediate area consists of a mix of two storey, traditional terraced and semi-detached dwellings.

2. The site, which measures some 0.03 hectares currently contains three existing brick-built garages, an outbuilding, and a vegetable garden, and is in the ownership of 10 Chatsworth Terrace.
3. This application seeks outline planning permission for the erection of up to three dwellings on the site. The application is submitted in outline with all matters of detail reserved for future consideration.

MAIN PLANNING ISSUES

4. The main issues for consideration are:
 - (a) Principle of the proposed development;
 - (b) Impact on Heritage Assets;
 - (c) Impact on visual amenity and residential amenity;
 - (d) Contaminated land;
 - (e) Highway Safety;
 - (f) Ecology.

PLANNING POLICIES

5. Relevant Local Plan policies include those seeking to ensure that new development:
 - Is located inside the development limits as defined by the Borough of Darlington Local Plan (E2 and CS1);
 - makes efficient use of land, buildings, and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
 - Protects, and where appropriate enhances the distinctive character of the borough's built, historic, natural, and environmental townscapes (CS14);
 - Ensures no net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity, and the geological network through the design of new development, including public spaces and landscaping (CS15);
 - protects and, where possible improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (CS16);

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highways Engineer, Environmental Health Officer or Ecology Advisor, subject to conditions. The Conservation Officer has raised some concerns regarding impact on the nearby Grade II Registered Park (South Park) which will be considered further in the following sections of this report.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Nine letters of objection have been received. The main issues raised relevant to this application are:
- Impact on character and appearance of the area;
 - Density of proposed development;
 - Environmental harm to surrounding allotments;
 - Loss of daylight and privacy to surrounding properties;
 - Noise and disruption and lack of access during building works;
 - Lack of available car parking;
 - Loss of openness;
 - Loss of outlook;
 - Impact on highway safety;
 - Will lead to additional significant demand on on-street parking;
 - Impact on Heritage Assets (South Park);
 - Impact on wildlife / nature conservation;
8. Other matters raised regarding, potential tenure of the new housing and restriction of views are not material planning considerations and have therefore not been taken into account in the consideration of this proposal. Also raised is the issue of potential damage to foundations. This is noted however there is no evidence to suggest that this will occur, and this matter can be adequately dealt with by other mechanisms including the Building Regulations and the Party Wall Act.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

9. The proposed site is located within the development limits of the main urban area of Darlington and is not identified as open land in Policy E3 of the Local Plan (1997). The proposal therefore accords with the locational requirements of policy E2 of the Darlington Local Plan 1997 and CS1 of the Core Strategy.

b) Impact on Heritage Assets

10. The site as existing forms a small area which holds three garages and extended garden for No. 10. To the immediate west of the site are allotment gardens. To south of the site lies the Grade II Registered Park and Garden, South Park.
11. When looking at the proposed site, it has been detached from the allotment gardens since the mid-20th century with the formation of the existing gardens. However, the Conservation Officer has highlighted that development has never encroached past this point and ensured that there are open views onto South Park. When looking from the Public Footpath to the north of South Park, the southern end of Chatsworth Terrace, is visible. The site while having existing garages is of a low level and non-primary use. The

Conservation Officer considers that the development of dwellings should see development of a greater height and scale.

12. The Conservation Officer also considers that looking at the proposed site and the natural grain of the street, three dwellings would create an over-intensive development which could set a harmful precedent with a potentially negative and harmful impact on the South Park Registered Park and Garden. As such, he considers that it may be more appropriate to consider a development of up to two dwellings on the site.
13. In response to the Conservation Officer's comments, the agent has submitted a brief Heritage Impact Assessment, which considers the impact of the proposal on the Registered Park and Garden. It indicates the distance of the site from the park, being circa 100 metres, and separated by trees and allotment gardens with limited views to and from the park. It sets out that the detailed design of the dwellings would be considered at Reserved Matters stage and this would aim to achieve a scheme that compliments the existing dwellings within the street, both in terms of scale, design, and layout, and that does not detract from the immediate street scene or the wider surroundings.
14. Whilst the concerns raised by the Conservation Officer are noted and have been carefully considered, given the distance from the park, the limited visibility of the site itself, and the nature of the site within an existing built-up area of which the development would be seen in the context of, it is not considered that the proposal would have a harmful impact on heritage assets, and scale, design and appearance would be considered further at Reserved Matters stage. Whilst the Conservation Officer seeks to limit development to two dwellings, given the above, it is not considered that there is sufficient justification to do so.
15. Overall, the proposal would not be considered harmful to heritage assets and complies with Policy CS14 in this regard.

c) Impact on visual and residential amenity

16. The site is occupied by existing garages and is within a street occupying a mixture of both semi-detached and terraced, traditional two-storey dwellings. It is apparent that a scheme could be designed on the site that would sit well within the existing street scene in terms of density, layout, and disposition of the dwellings. Nevertheless, these issues as well as the design, scale and appearance of the proposed buildings would be for consideration as part of a future Reserved Matters application, along with a landscaping scheme, to assist in assimilating the new dwellings into their surroundings.
17. Whilst some objections have raised concerns regarding a loss of openness and outlook arising from the development of the site (as opposed to a loss of view which is not a material planning consideration), it is acknowledged that the development of the site will result in a different outlook and the presence of larger scale buildings than is currently the case, however there is sufficient distance between existing dwellings and the site, so as to achieve a satisfactory relationship between dwellings that would mirror

the relationship between existing dwellings on the west and east side of the Terrace, and which would not result in an overbearing impact.

18. Levels across the site vary considerably, gradually rising from west to east, and reducing marginally from north to south, and it is considered appropriate in these instances that a planning condition is attached to any approval to secure submission and agreement of finished floor levels of the proposed new dwellings.
19. It is recommended, due to the close relationship with existing dwellings, that a planning condition requiring submission and agreement of a Construction Management Plan, together with the standard restriction on construction working hours, be attached to any approval. Also recommended, is a planning condition to secure submission and agreement of details of boundary treatment within the site.
20. Whilst it is noted that some objections raise concerns regarding noise and disturbance during construction works, these impacts are of a temporary nature and can be mitigated with the above Construction Management Plan and restriction on hours of construction.
21. In view of the above, there is considered to be no conflict with policy CS2, CS14, CS16, or the Design SPD in this regard. Matters such as layout, scale, design and appearance and landscaping would be dealt with by way of a reserved matters application should planning permission be granted.

d) Contaminated land

22. The Environmental Health Officer has been consulted and has indicated that a (Phase 1) and site investigation (Phase 2) should accompany any subsequent reserved matters planning application. It is not expected that a site with a history of domestic use like this would require extensive remediation, but a layer of clean topsoil may be required to be brought in for any new garden areas. The desktop study and site investigation will be required to confirm this.
23. Accordingly, the Environmental Health Officer has recommended that the full range of contaminated land conditions (CL1-CL6) be attached to any approval. Subject to these conditions, the proposal does not conflict with Policy CS16 in this regard.

e) Highway safety

24. It is proposed for the site is to be accessed via the existing highway infrastructure of Chatsworth terrace. The street is part of the adopted highway network and features footways both sides along with street lighting provision. Thus, the Highways Engineer considers that there is a safe means of access available for both vehicular and pedestrian access subject to precise details of the internal layout which may require amendments to vehicle crossing locations.

25. Given that the proposal is for a maximum of three dwellings and is likely to generate an additional two, two-way vehicles trips in the am/pm peak hours, it would be difficult to refuse on highway safety or traffic impact grounds given that one additional vehicle movement is generated approximately every half hour. The site is in a sustainable location within the town centre fringe and as such benefits from alternative sustainable transport options other than private car usage. The nearest bus stops are located within 400m walking distance, with Darlington station also within easy walking distance. In order to further promote use of sustainable forms of transport, secure cycle parking should be provided for each new residential dwelling.
26. A review of the past 5 years of recorded police injury collisions (PICs) demonstrates that there has been just one 'minor' incident recorded at the junction of Leafield Rd. There is therefore no pattern of incident to suggest that there is any inherent road safety concern at this location, or that a very minor intensification of use would cause any material road safety concern and thus warrant refusal under NPPF guidelines.
27. Currently dwellings on Chatsworth Terrace are a mix of terraced properties to the eastern side which are reliant upon on-street parking, whilst the semi-detached properties located to the western side generally have some in curtilage parking provision and are still partly reliant upon on-street parking. Several objection letters raise issues with competition for parking demand, however this is an existing situation which may be exacerbated by commuter parking as the street is otherwise unrestricted and not part of a residents parking zone (ZPZ). Where adequate parking provision is made, this application should not have any further detrimental impact.
28. The application is submitted with "all matters reserved" and as such no indicative site layout is provided, however the site is currently partially occupied by three existing garages and corresponding driveways. It is therefore clear that there would be a loss of some existing parking provision under the ownership of 10 Chatsworth Terrace as indicated by the blue line on the ownership plan. In order for the proposal to be acceptable parking provision should be made for both the new dwellings and to mitigate the loss of parking for the existing dwelling. For the existing dwelling, parking could be created within the curtilage by construction of a new vehicle crossing and in curtilage driveway within the frontage of the site. In order to provide sufficient mitigation the Highways Engineer has recommended that two parking spaces are provided and that this is secured by an appropriately worded condition.
29. The two new parking spaces for No 10 Chatsworth Terrace should be provided prior to the demolition/redevelopment of the garages in order to minimise impact of parking and residential amenity during construction and maintained thereafter for use by the occupier of No 10.
30. Overall, the Highways Engineer considers that if this application is appropriately conditioned to secure parking for both the new dwellings and to mitigate the parking loss of No, 10 Chatsworth Terrace, the proposal would have a neutral impact with regard to parking requirements, and the new dwellings (maximum of three) will generate very

little new traffic, and not demonstrate the 'severe impact' required to justify refusal under NPPF guidance. Consequently, the Highways Engineer has raised no objections and the proposal is in accord with policy CS2 in this regard.

f) Ecology

31. Several objections have raised concerns regarding impact of the proposal on wildlife and nature conservation. The Council's Ecology Advisor has confirmed that due to the site being hard standing and garden with no mature tree cover, he would not expect to see an ecological assessment for a development of this size. The garages on site would be low risk for bats and no risk assessment would be required.
32. Biodiversity net gains as required by the NPPF could be delivered by the inclusion of built-in nesting opportunities for birds and invertebrates into the fabric of the new builds. Details and implementation of such features can be secured by planning condition. Subject to this, the proposal is considered to accord with Policy CS15 in this regard.

CONCLUSION AND RECOMMENDATION

33. The proposed development complies with the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of impact on heritage assets, highway safety, residential and visual amenity, and ecology. Internal highway layout, scale, design, appearance, and landscaping would be considered at Reserved Matters stage. It is therefore recommended that planning permission be granted subject to conditions.

PUBLIC SECTOR EQUALITY DUTY

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

1. A1 Outline (Reserved matters)
2. A2 Outline (Implementation Time)
3. PL (Accordance with Plan)

Site Location Plan

02 Block Plan / site layout plan

4. B4 External materials
5. E3 Landscaping (Implementation)
6. Prior to the commencement of the development, precise details of internal driveway(s) and vehicle parking shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces/garages and the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – In the interests of highway safety.
7. Prior to the commencement of the development, precise details of 2 No, in curtilage vehicle parking spaces for No, 10 Chatsworth Terrace, shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces/garages and the development shall not be carried out otherwise than in complete accordance with the approved details. Parking Spaces shall be made available prior to the demolition of existing garages and retained permanently thereafter.
REASON - In the interests of highway safety.
8. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include a dust action plan, the proposed hours of construction, vehicle and pedestrian routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON – In the interests of highway safety.
9. Construction and demolition work shall not take place outside the hours of 08.00 -18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.
REASON – In the interests of residential amenity.
10. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.
REASON – In the interests of highway safety.
11. Prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To provide adequate facilities to encourage the use of sustainable modes of transport.

12. Prior to the commencement of the development and any site investigative works a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

13. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised, and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

15. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to, and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

16. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

17. The Phase 3 Remediation and Verification works shall be conducted, supervised, and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.
A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness

of all agreed remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation, and verification requirements relevant to the site (or part thereof) have been completed, reported, and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework

18. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

REASON – In the interests of visual and residential amenity.

19. Prior to the occupation of the development hereby approved, details of boundary treatment shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the agreed boundary treatment shall be in place prior to the occupation of the development.

REASON – In the interests of visual and residential amenity.

20. Prior to the commencement of the development hereby approved, details of measures to secure biodiversity net gains, to include built-in nesting opportunities for birds and invertebrates into the fabric of the new builds, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the agreed measures shall be fully implemented in the carrying out of the development and shall remain in place thereafter.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) and to provide biodiversity net gains in accordance with the requirements of the National Planning Policy Framework.

INFORMATIVES

Section 184 Crossover

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing and contact must be made with the Assistant Director : Highways, Design and

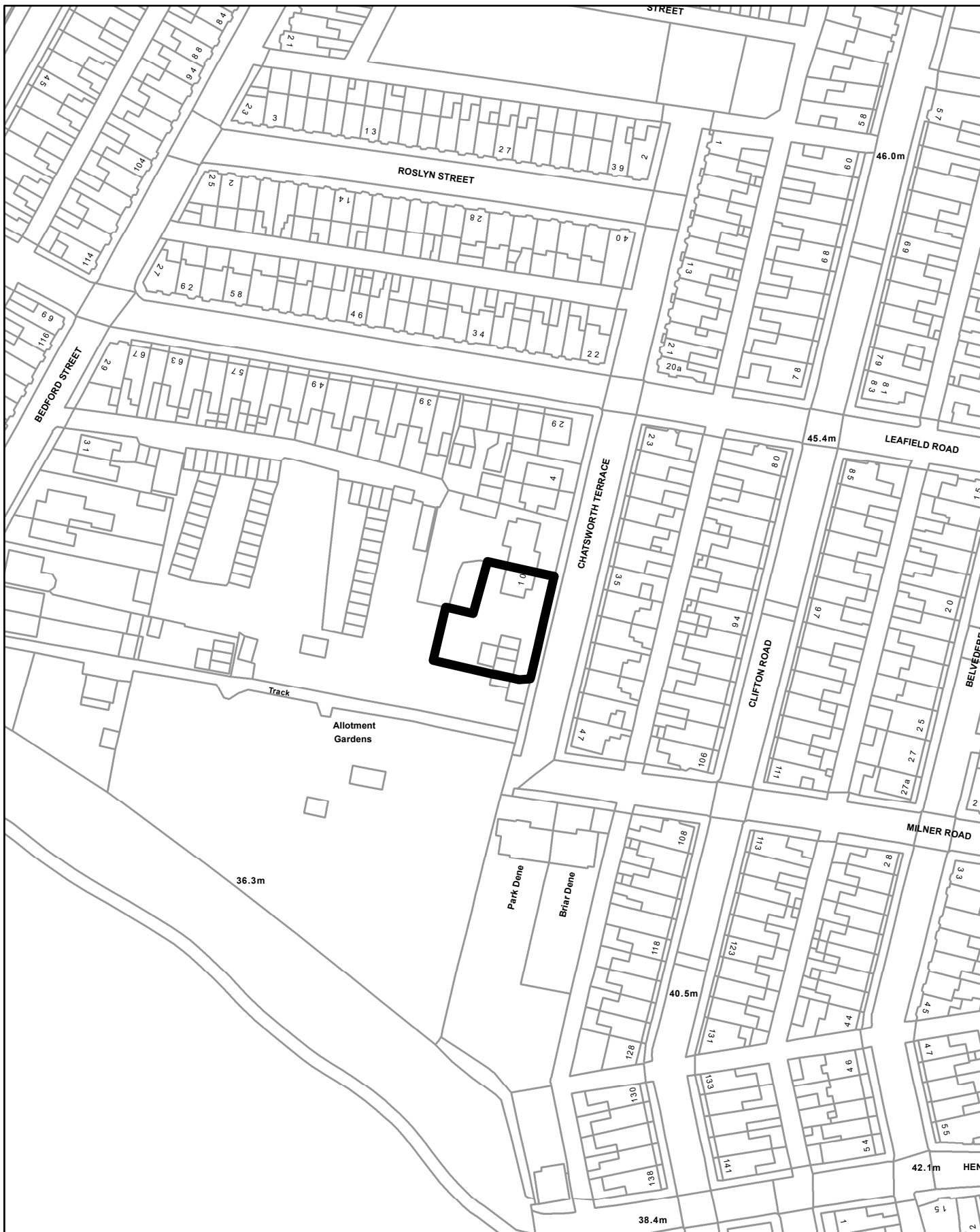
Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

Street Naming

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

Section 59

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.

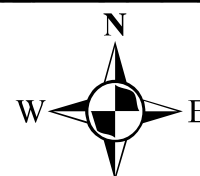


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Planning Ref No: 21/00797/OUT

DARLINGTON BOROUGH COUNCIL

Page 89



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th October 2021

APPLICATION REF. NO:	21/00922/FUL
STATUTORY DECISION DATE:	1 st October 2021 (EOT until 29 th October 2021)
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	15 Station Terrace
DESCRIPTION:	Change of Use from ground floor shop (Use Class E) with living accommodation above (Use Class C3) to ground and first floor shop/cafe (Use Class E) including new shop front with level access to front elevation, new shop windows with level access door and painted mural to side elevation, alterations and replacement to all other windows and associated internal works (Amended Plans to show parking space received 21st September 2021) (Amended opening times to 8am - 6pm Monday - Saturday, 10am-4pm Sundays and Bank Holidays) (Amended Plans showing alterations to rear windows, sound proofing upgrade to party wall, low odour extraction system and roof insulation received 29th September 2021)
APPLICANT:	Mr K B Shalona Kaneen

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

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

<https://publicaccess.darlington.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to a two storey terraced property that sits in an end-terraced position fronting Station Terrace to the south west. The side elevation of the proposed application property fronts on to Heathfield Park to the north west. No.14 Station Terrace adjoins the application property to the south. No.16 Station Terrace is located beyond the rear alley way to the east of the application site. No. 1 Harpers Terrace is located beyond the highway to the north west of the application site with residential properties located beyond the highway to the south west, along Station Road. The area is predominantly residential in nature with some commercial uses interspersed, including the former Platform 1 Public House located to the north.
2. The property has previously been in use as a retail shop (Use Class E) on the ground floor with living space above (Use Class C3).
3. This application seeks permission for a change of use from ground floor shop (Use Class E) with living accommodation above (Use Class C3) to ground and first floor shop/café (Use Class E) including a new shop front with level access to front elevation, new shop windows with level access door and painted mural to side elevation, alterations and replacement to all other windows and associated internal works.
4. The proposals to the ground floor include the installation of a serving counter and shop space to the front with seating space towards the rear. There is a disabled bathroom to the ground floor. The rear yard area includes space to store bins. The proposals to the first floor include a kitchen area to the front with a further seating area towards the centre. There is a cake decorating area to the rear.
5. The external changes proposed include a replacement shop front and first floor window within the front elevation. To the ground floor side elevation (north west) it is proposed to install shop windows and doors. The proposals include replacing the first floor windows within the side gable elevation. To the rear it is proposed to build up the existing ground floor window and remove and fit a high level window on the first floor. To the rear south facing side elevation it is proposed to have a partially obscurely glazed window on the first floor and high level window on the ground floor. The application further includes a stainless steel flue painted matching brick red fixed to a low odour extraction system which is fixed to the existing chimney stack. The proposal also includes british gypsum sound block board along the wall adjoining No.14 Station Terrace.
6. The proposal also includes two car parking spaces and secured bicycle hoops located in the forecourt to the side (north west) of the property.
7. The proposal features a mural to the side (north west) elevation of the application property.
8. The proposed opening times are 8am – 6pm Monday to Saturday and 10am – 4pm Sundays and Bank Holidays.

MAIN PLANNING ISSUES

9. Site History:

None Relevant.

10. The main planning issues to be considered are:

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

PLANNING POLICIES

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

- a) Is located inside development limits defined on the proposals map and is in accordance with Policy E2 of the Saved Local Plan.
- b) Will not include alterations to the business premises which would result in material adverse impacts on the character and appearance of the building or streetscene and new shop fronts or alterations to existing shop fronts will respect the scale proportions and character of the building and of neighbouring buildings and shop fronts (Policy E38 of the Saved Local Plan 1997)
- c) Which includes signing, the signing should be coordinated and be an integral part of the overall shop front design (Policy E38 of the Saved Local Plan 1997)
- d) Re-uses the vacant upper floors of commercial properties and is of an appropriate use (E43 of the Saved Local Plan 1997)
- e) Will accord with Darlington's sub- regional role and locational Strategy set out within Policy CS1 of Darlington's Core Strategy (2011)
- f) Makes efficient use of land and existing buildings and reflect Darlington's distinctive, natural and built characteristics that contribute to the character of the local area and its sense of place (CS2 of the Core Strategy 2011).
- g) Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011).

- h) Ensures safe, convenient , attractive access for pedestrians, cyclists, public transport users and for disabled people (CS2 of the Core Strategy 2011)
- i) Is in accordance with the hierarchy of suitable areas for local shops and services (Policy CS9 of the Saved Local Plan)

RESULTS OF TECHNICAL CONSULTATION

- 12. The Council's Highway Engineer has been consulted on the application and has recommended refusal on the grounds of residential amenity.
- 13. The Council's Environmental Health Department has been consulted on the application and have raised no objections.
- 14. The Architectural Liason Officer has not commented
- 15. Darlington Association on Disability has been consulted on the application and has raised no objection.
- 16. The Parish Council have been consulted on the application and have raised no objection to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

- 17. The application has been publicised by way of a site notice and neighbour letters.
- 18. 3 letters of objection have been received with the following concerns (Summarised):
 - Residential amenity -noise impacts
 - Opening times
 - Odour impacts
 - Privacy
 - Parking
 - Traffic/parking disrupting back lane
 - Visual amenity as a result of mural
 - Anti social behaviour
 - Litter
 - Vermin
 - Support for application is coming from those who don't live nearby
 - Training classes
 - Motor Cycle parking bay to rear of premises – fire hazard
 - Proposed mural encouraging obesity
 - Lack of need for the use
- 19. 30 letters of support have been received with the following comments (Summarised):

- Would be an asset to village
- Would support local community
- Would benefit local economy
- Positive visual amenity impact
- Would not cause disruption
- Current shop is run down
- Creates jobs
- Ideal location
- Reflects heritage of area
- Benefits new housing development

PLANNING ISSUES/ANALYSIS

(a) Planning Policy

20. The proposed application site is located within development limits in accordance with Policy E2 of the Saved Local Plan and is located in a sustainable location in accordance with Policy CS1 of Darlington's Core Strategy.
21. The application for a change of use from ground floor shop with living accommodation above to ground and first floor shop/café (Use Class E) is considered acceptable in principle in accordance with Policy CS9 of the local plan which sets out that individual local shops, leisure uses and services which meet day to day needs of nearby residents will be protected and promoted where the floor space is limited to 100sqm. The proposed floor space to be used by customers would be less than 100sqm and therefore it is considered that the proposal would be in accordance with Policy CS9. The proposal is also in accordance with Policy E43 of the Saved Local Plan in bringing an upper floor of a commercial property back into use.
22. It is considered that a change of use of the ground floor shop (Use Class E) to a café (Use Class E) could take place under permitted development.
23. Overall it is considered the proposed change of use in the proposed location is considered to be acceptable in principle subject to material considerations.

(a) Visual Amenity

24. Policy E38 of Darlington's Saved Local Plan sets out that alterations to retail and business premises including the installation of shop fronts and signing will be permitted if there would be no material adverse effect on the character and appearance of the building or of the streetscene in which the building is located.
25. The proposal includes a replacement shop front to match the existing shop front. The proposal also includes the installation of two sets of ground floor windows and door in the side elevation which are similar in appearance to the ground floor windows to the

front. It is not considered that the proposed replacement shop front and ground floor windows to the side of the premises would detract from the character and appearance of the existing shop and surrounding streetscene. Overall it is considered the proposal would not have a material adverse effect on the character and appearance of the building or streetscene and is therefore in accordance with Policy E38 of the Saved Local Plan 2011.

26. The proposal includes a painted mural to the north western side elevation, adjacent to Healthfield Park. It is considered that the mural is classed as an advertisement as it would partly be for the purposes of advertisement and attracting people to the premises and therefore is considered to be subject to separate advertisement consent. It is further considered that the proposed mural and its potential size could also be a reason as to why advertisement consent would be required as set out under Class 5 of the advertisement consent guidance. It is understood that the cupcakes represented in the plans may not be the final design of the mural. Therefore it is considered reasonable to apply a condition for details of the mural to be submitted at a later date for the consideration by the local planning authority as well as requiring separate advertisement consent to be submitted if necessary.

(b) Residential Amenity

27. Policy CS16 of the Core Strategy states that new development (which includes proposals to change the usage of a building) should ensure that there is no detrimental impact on the environment, general amenity and the health and safety of the community.
28. The surrounding area is predominantly residential. Café's have the potential to cause disturbance to neighbours due to noise generated by the comings and goings of customers and the operation of equipment to deal with fumes and smells. This can be particularly so at times when neighbours might have a reasonable expectation of a quieter environment
29. The main product to be served from the shop would be personalised cakes which would be collected by customers. The shop is also to serve breakfast buns/light lunches/cakes/beverages. The café element will also run alongside the shop offering the opportunity to sit in to eat/drink the above offerings. There are proposed to be 5 tables of 4 people and therefore around 20 covers. Most of the tables are to be located on the ground floor with fewer tables to be available upstairs for a more private setting for small gatherings. The first floor also includes a kitchen area and a cake decorating area.
30. The proposed opening times for sales have been amended to 8am – 6pm Monday to Saturday and 10am – 4pm Sundays and Bank Holidays.
31. It is considered that a change of use from a shop (Use Class E) to a café (Use Class E) could take place on the ground floor under permitted development. Therefore consideration has been given to the impact of the change of use of the first floor above that of the ground floor. It is considered that due to the use closing at 6pm and 4pm in

the evening it is not considered that the proposed opening hours are at anti-social times or when nearby residents would reasonably expect a certain degree of peace and quiet. It is not considered that having a small number of customers on the first floor during these opening times would result in noise impacts which would cause significant disturbance to neighbouring properties, including No.14 Station Terrace, above that which could be generated from the existing living accommodation use.

32. The proposed use is to be closed to the public at 6pm and 4pm as set out above. It is proposed that cake decorating and training by the owner could occur outside of these times. It is not considered that noise impacts from these activities would be significantly above that which could be generated from the existing living space and therefore would not result in significant disturbance to neighbouring properties, including adjoining property No. 14 Station Terrace to warrant the refusal of this application.
33. The proposed plans include sound proofing measures along the adjoining wall next to No.14 Station Terrace and roof insulation. The proposal also includes extraction equipment and a flue which is to come through the existing chimney, for the purpose of controlling odours and fumes. The Council's Environmental Health Officer has been consulted on the application and have raised no objections to the proposal.
34. There have been concerns raised with regards to privacy impacts on neighbouring property No.14 Station Terrace in terms of overlooking from windows to the rear.
35. The existing ground floor south elevation of the off-shoot to the rear of the premises features a window and a door. The proposed ground floor south elevation features a high level window with a cill height of 1.5m and a replacement door. It is therefore considered that there would not be direct overlooking above that of the existing window. The existing first floor south elevation of the off-shoot to the rear features a window serving a bedroom and another window serving a bathroom. The proposal includes the blocking up of the bathroom window and a replacement window serving a cake decorating area. The proposed replacement window will be partially obscured and will have a maximum opening of 150mm. It is therefore considered that the proposed replacement window would not result in increased overlooking to the neighbouring property, No.14.
36. The existing rear east elevation features a window on the ground floor. The proposal includes the blocking up of this window. The existing rear east elevation features a bedroom window on the first floor. The proposal includes a replacement first floor high level window with a cill height of 1.65m. It is therefore considered that the proposal would not result in increased overlooking to neighbouring property No.14 Station Terrace.
37. It is considered that the comings and goings associated with the proposed café use would not be significantly above the potential of those of the existing shop use and would therefore not result in a significant increased impact on nearby residential amenity.

38. It is considered that the proposed shop/café use will attract some visitors who will arrive by car. It is proposed that a small number of off-street parking spaces are to be provided. However where overspill parking is generated in this location it is difficult to mitigate as little to no off-street parking is available nearby as there are no pay and display car parks or similar facilities nearby. Whilst there is likely to be some impact on neighbouring residential amenity through increased vehicle movements and extra demand for car parking spaces where residents are reliant upon on- street parking, it is considered that a change of use to a café could take place on the ground floor or a further shop could operate under permitted development and that the proposed use would not necessarily produce significantly more cars above these permitted uses in this location.
39. Owing to the proposed daytime opening hours set out above it is likely that people will park in nearby streets at times when they are less parked up due to people being out at work during the week. However there is likely to be more of a conflict in the evenings and on weekends. As set out it is considered that the proposed use would not result in further parking conflict above that which could exist for a ground floor shop/café use. Noise from vehicles coming and going is not considered to result in significant disturbance to neighbours due to the daytime opening hours not extending later into the evening when residents would expect a reasonable level of quiet. It is further considered that the proposed use is for a local facility which is primarily aimed at attracting visitors from the nearby village and therefore is likely to attract a good proportion of visitors arriving on foot.
40. It is therefore considered that, on balance, the impacts of increased vehicles on nearby residential amenity would not be so significant as to warrant refusal in this instance.
41. It is considered that by limiting the hours of use the proposed change of use would not materially harm the amenities of the neighbouring dwellings. The proposal, subject to appropriate conditions, would accord with Policy CS16 of the Core Strategy.

(c) Highway Safety

42. The surrounding area is residential in nature with on street parking available on Heathfield Park and along Station Terrace, although the demand from residents is high as terraced properties are reliant on on- street parking. It is considered that there is some existing conflict in terms of parking in the nearby area for residents. It is considered that the proposed shop/café use would not necessarily generate visitors above that which could be generated from a shop/café use on the ground floor and therefore whilst there is existing conflict, it is considered that the proposed use would not result in impacts which could not already potentially occur in this location.
43. Objections refer to problematic parking at the Station Road/Heathfield Park junction. The highways Authority do have the power to impose formal restrictions with double lines following appropriate consultation exercises with residents.

44. It is considered that a total provision of around 15 parking spaces would be required to accord with advised parking standards. Although there are existing parking conflicts, due to the nature of the surrounding area and existing premises it is difficult to provide suitable off street parking that would meet the advised parking standards. It is considered that bringing the premises back into use which would support the local community in terms of providing a local place to meet and supporting the local economy would be a public benefit in accordance with Paragraphs 92 and 93 of the NPPF 2021 which sets out that decisions should promote inclusive and safe places which promote social interaction, including opportunities for meetings between people. It is considered that although the premises has limited opportunity for off-street parking that this should not prevent the commercial premises from coming back into use in this instance. On balance it is considered that bringing the premises back into use to primarily serve the local community would outweigh the short fall of off-street parking in this location.
45. There have been amended plans submitted which show two off-street car parking spaces and further cycle spaces within the forecourt to the north of the proposed property. The Council's highways engineer has been consulted on the application and has set out that the proposed spaces do not make efficient use of available parking and offer poor intervisibility between vehicles exiting parking spaces and the adjacent rear lane. It is also set out that access would be tight and would require drivers to pass over 3rd party land. It is set out that it is generally a requirement that parking spaces should be located at 90 degrees to the adjacent road. A revised arrangement where parking is accessed directly from Heathfield Park, would be likely to enable 3 parking spaces to be created without having parking located on the junction radii. It is requested that the street name plate is relocated closer to the junction and a low form of barrier is provided to prevent vehicle trespass of the tactile paving and access/egress of the junction which is unsafe. It is therefore ensured by condition that amendments to the proposed parking spaces and the inclusion of a barrier are to be submitted and considered by the Local Planning Authority prior to the operation of the use.
46. It is set out by the Council's Highway's Engineer that whilst the proposals would not necessarily create any highway safety issues provided the parking arrangements are amended, they would still raise some concern over impacts on residential amenity in terms of insufficient parking. Subject to conditions being applied as set out above, and for the reasons set out above it is considered that the proposed change of use would not, on balance, warrant refusal under NPPF guidance which requires that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

(e) Disabled Access

47. Policy CS2 of the Core Strategy states that all developments should provide safe, convenient and attractive access for disabled people.

48. The proposals include level access to the premises and provides a wheelchair accessible toilet.
49. Darlington Association on Disability have been consulted on the application and have raised no objection to the proposals.
50. It is considered that the proposal is in accordance with Policy CS2.

Other Matters

51. There have been some concerns raised by nearby neighbouring properties regarding the proposed use attracting anti social behaviour. Whilst this is noted, there is no evidence to suggest that the proposed use will lead directly to an increase in anti-social behaviour, and this can be adequately dealt with by other powers and through the management of the premises.
52. The Council's Architectural Liaison Officer has been consulted on the application and has not commented.
53. Other objections have raised the issue of increase in litter and vermin. This is noted, however there is no evidence to suggest that this would be the case and therefore this determination cannot account for the behaviour of individuals, this can also be dealt with by other powers and through the management of the premises. Furthermore, it is considered that the ground floor use could come back into use as a shop/café without having to apply for further planning permission and therefore it is not considered that the impacts from the proposed use would be significantly worse than these uses.
54. An objection has raised concern over the potential for the proposed use and the mural leading to increased levels of obesity. There is currently no development plan policy which relates to shop/cafes within the Borough and their impact on health and wellbeing of an area and therefore limited weight can be attached to this as a material consideration in the determination of this application. As set out previously, it is further considered that a shop/café selling food could operate on the ground floor without further planning permission.

PUBLIC SECTOR EQUALITY DUTY

55. 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

1. The application property has an existing ground floor use as a shop (Use Class E) with living accommodation above. It is considered that activity levels associated with the proposed shop/café on the ground and first floor would not result in a significant adverse impact on the residential amenity of neighbouring properties above that of the existing uses and of a shop/café use on the ground floor which could be implemented without further planning permission and would therefore be in accordance with Policy CS16 of Darlington's Core Strategy.
2. It is considered that the proposed opening hours between 8pm -6pm Monday – Saturday and 10am-4pm Sundays and Bank Holidays are acceptable and would not result in adverse impacts on residential amenity later into the evening times when a reasonable level of quiet would be expected in accordance with Policy CS16 of the Core Strategy.
3. It is considered that the proposal, on balance, would not result in significant impacts on residential amenity in terms of parking that would warrant the refusal of the application in this instance. It is also considered that the use should planning permission be Granted, would provide a useful community use. Subject to conditions ensuring suitable off street parking and highway measures are implemented it is considered that the proposal does not raise concern in terms of highway safety in accordance with the NPPF 2021. The proposal raises no issues in terms of disabled access in accordance with Policy CS2.
4. For the above reasons the proposal is recommended for approval subject to the below conditions.

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 use hereby approved shall not open outside the hours 08:00am – 18:00pm Monday to Saturday and 10:00am – 16:00pm Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

3. The change of use shall not take place unless plan drawing 21.149 PD 06B (Amended Ground Floor Plan Proposed) hereby submitted is amended so that off-street parking spaces are provided within the forecourt to the north and accessed directly from Heathfield Park, the street name plate is relocated and a low form of barrier is erected to prevent vehicle trespass of the tactile paving and access/egress of the junction submitted and approved in writing by the Local Planning Authority, any such works

shall be implemented prior to the operation of the use in accordance with those approved details.

REASON: In the interests of Highway Safety.

4. Outdoor seating will not be permitted within the forecourt area located to the north of the application site as shown in plan drawing 21.149 PD 06B (Amended Ground Floor Plan Proposed) hereby submitted. The forecourt area shall be for the use of vehicle and cycle parking only.

REASON: To ensure additional seating is not provided without mitigating an increased parking shortfall in the interests of residential amenity.

5. Details of Mural

Prior to the installation of the proposed advertisement detailed in plan drawing 21.149 PD 09A (Amended Gable Elevation Proposed), details of the advertisement shall be submitted under a separate advertisement consent application.

REASON: In the interests of visual amenity.

6. The number of covers to be provided shall be limited to 20 covers at any one time.

REASON: In the interests of protecting residential amenity.

7. PL

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

- Location Plan
- 21.149 PD 07A Amended First Floor Plan Proposed
- 21.149 PD 08A Amended Front and Rear Elevations Proposed
- 21.149 PD 09A Amended Gable Elevation Proposed
- 21.149 PD 10A Amended Proposed Section and Return Boundary Elevation

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

Informatives

Environmental Health

The Environmental Health Team enforces food safety and health and safety legislation at this premises and the applicant is advised to contact this department prior to the undertaking of any work to ensure that all legislative requirements are met.

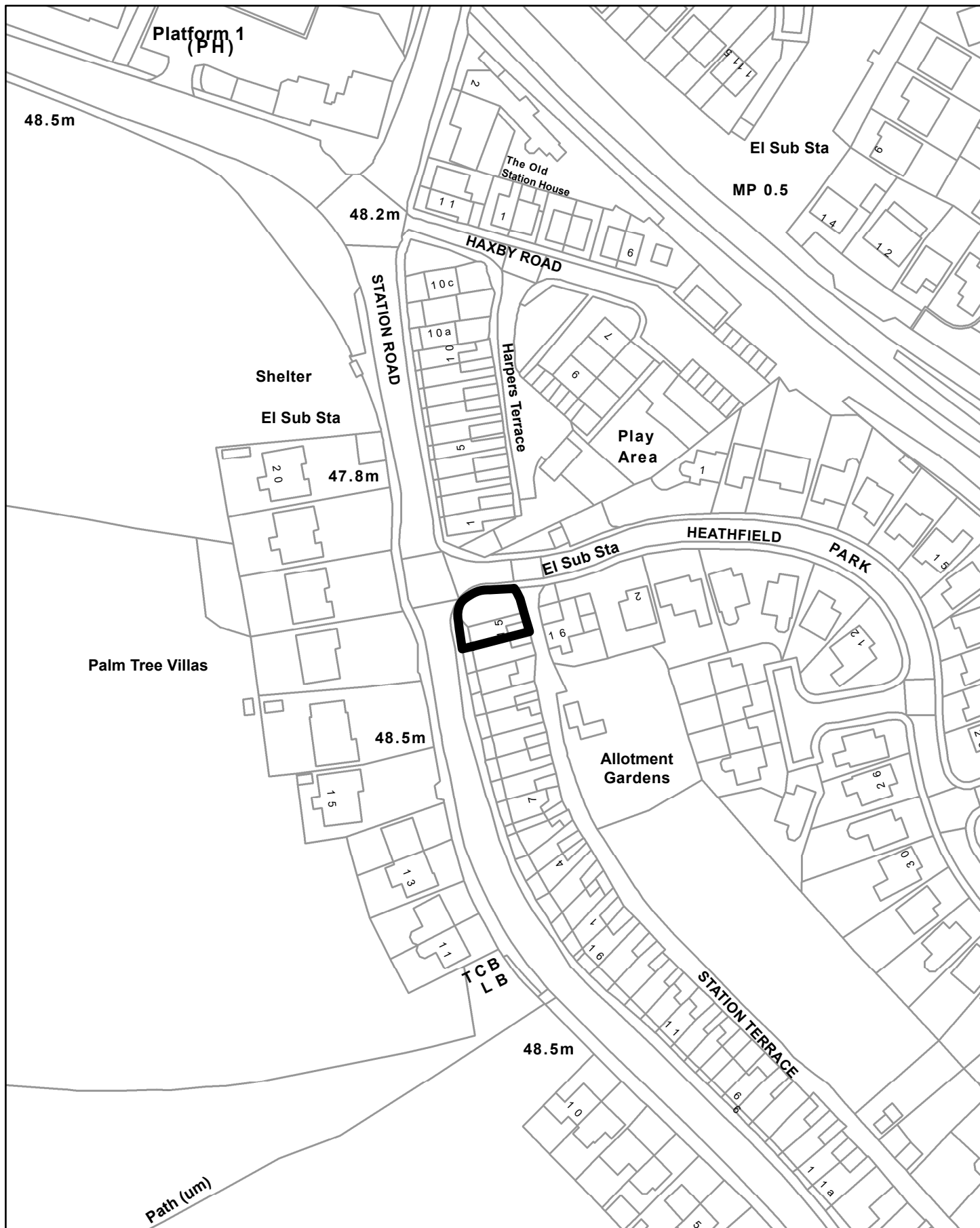
Licencing

The premises may require a Premises Licence under Licensing Act 2003 if alcohol is to be served or is to open after 23.00 and if this is the case the applicant should contact the Licensing Department for further advice.

Signage

The applicant is advised that any new advertisements (including the proposed mural) on the building may require the submission of a separate planning application for advertisement consent.

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Planning Ref No: 21/00922/FUL



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Appeal Decision

Site visit made on 21 September 2021

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 12th October 2021

Appeal Ref: APP/N1350/W/21/3271227

Land North of Burtree Lane, Darlington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Bellway Homes Limited and Lateral Investments Ltd against the decision of Darlington Borough Council.
- The application Ref 19/01072/OUT, dated 15 November 2019, was refused by notice dated 20 November 2020.
- The development proposed is Outline application with associated access for residential development up to 150 dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline form however the application form fails to specify which matters of detail are to be considered. The description given by the Council as set out on the decision notice refers to all matters being reserved for subsequent determination except for access, as does the appellant's statement, therefore I have dealt with the appeal on this basis.
3. Indicative plans have been submitted which show how the site might be developed for 150 dwellings together with areas of open space and landscaping, and I have taken these into account in my decision.
4. The appellant's statement of case includes a number of appendices which relate to a topographical survey of the highway which was carried out after the Council made its decision. The details provide additional information to assist in consideration of the third reason for refusal and do not comprise revisions to the proposed development within the appeal site therefore I am satisfied that the Wheatcroft¹ principles have not been prejudiced.
5. A revised version of the National Planning Policy Framework (the Framework) was published in July. I have referred to the relevant paragraphs from the revised Framework where necessary in my decision.
6. A signed and completed Section 106 Agreement (S106) has been submitted, including obligations relating to various social and infrastructure contributions. From the evidence before me I am satisfied that the obligations would accord with the three tests set out in paragraph 56 of the National Planning Policy

¹ Bernard Wheatcroft Ltd v.SSE (JPL 1982 P37)

Framework (the Framework) and Regulation 122 of the Community Infrastructure Regulations 2010 (as amended). I have had regard to the provisions of the S106 in the consideration of this appeal.

Main Issues

7. The main issues are:

- Whether the proposed development would be in a suitable location for development having regard to the development plan and national policy;
- The effects of the proposed development on the character and appearance of the surrounding area; and
- Whether the proposed development would be accessible, with particular regard to the provision of footway links for non-motorised users.

Reasons

Location

8. The appeal site is situated outside of the development limits of the town of Darlington as shown on the proposals map of the Borough of Darlington Local Plan 1997 (BDLP). It is therefore situated in the countryside for the purpose of planning policies. Policies E2 and H7 of the BDLP make provision for some development in the countryside on an exceptional basis. There is no suggestion that the appeal scheme would meet any of the exception criteria within the policies. Whilst the site is detached from the development limits, it is not isolated in the meaning of paragraph 80 of the Framework given that a small row of dwellings lies immediately adjacent to the site fronting Burtree Lane.
9. I acknowledge that the Council have already approved two large housing sites situated in close proximity to the appeal site contrary to their policies which seek to restrict development in the countryside. Site 003, south of Burtree Lane (also referred to in the evidence as the 'Theakston site')² and Site 008 (Berrymead Farm)³ would eventually bring the urban edge of Darlington closer to the appeal site.
10. I do not concur with the appellant that the approval of Sites 003 and 008 means that the appeal site must also meet the Council's sustainability criteria for building further houses in this location, nor should they necessarily set a precedent for further development. The Council's evidence indicates that both sites were determined in 2018, and that a strategic and pragmatic approach was taken in approving them. Their decision appears to have been influenced by the housing land supply situation at that time, and the inclusion of the sites as housing allocations in the emerging Darlington Local Plan.
11. The most recent five year housing land supply position statement (HLSPS), covering the period from 1 April 2020 to 31 March 2025 and based on the standard method, sets out a 15 year supply of deliverable housing land in the Borough. The Council indicate that whilst an updated HLSPS has not yet been published, the latest position as at 1 April 2021 indicates an even larger supply figure of 17 years.

² 15/01050/OUT

³ 15/00804/OUT

12. Information has been put to me relating to the recent Examination in Public of the emerging Darlington Local Plan, however there is no evidence before me regarding the sites which were discussed at the hearings including 'Elm Tree Farm'. Whilst it may well be the case that the Council's current five year housing land supply will differ against the proposed figures in the emerging plan, the plan is at such a stage where I cannot give it any significant weight in my decision. The 2020 HLSPS gives the current published supply figure which gives a comfortable margin above what would be needed to persuade me that the tilted balance would be engaged.
13. Windfall sites can provide a contribution to housing supply and this level of flexibility is recognised within the HLSPS. However, in this circumstance, in accordance with the adopted development plans, the appeal site is located outside development limits of Darlington and does not meet the exceptions of BDLP Policy E2.
14. I have considered whether the most important policies in the development plan are out of date for reasons other than five year housing land supply, including their age. I am mindful that paragraph 219 of the Framework indicates that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework.
15. In reviewing their degree of consistency with the Framework, I find that the policies are somewhat restrictive in their 'closed list' of the types of development that would be supported in the countryside. Nonetheless, they continue to serve their purpose in preventing uncontrolled urban sprawl into the countryside and broadly reflect the aims of the Framework. I have already established that the Council has a healthy housing land supply and therefore it is unnecessary to develop a greenfield site outside of the urban area for additional housing.
16. The proposed development, being located beyond the development limits, is contrary to Policies E2 and H7 of the BDLP which seek to restrict uncontrolled development in the countryside. It also conflicts with Policy CS1 of the Darlington Local Development Framework Core Strategy 2011 (CS) which gives priority to new development in accessible locations within the main urban area, and restricts it outside of development limits to that required to meet identified local needs. When read as a whole, they are broadly consistent with the Framework. These are the most important policies to which I give moderate weight, and notwithstanding the age of the plans, I do not consider them to be out-of-date and consequently the tilted balance is not triggered.

Character and Appearance

17. The appeal site comprises grassed pasture land. The site is undulating, sloping gently down towards the remains of a field hedge and overhead lines which lie broadly central within the site. It is relatively open in local views in particular from Burtree Lane. The presence of overhead power lines provide a reference point for the site in wider views, but notwithstanding these features it has an attractive open and semi-rural character. The site is typical of landscape character area 4 'Whessoe and Dene Beck' as defined in the 2015 Darlington Landscape Character Assessment.
18. The appeal site is not prominent in longer distance views, including from the nearby public right of way. This is largely due to its topography, being situated

in a dip of the valley. The site context photographs included in the submitted Landscape and Visual Impact Assessment (LVIA) indicate the extent of the site in a range of public views. It is evident from them that the proposed development would be viewed alongside and against a backdrop of the approved residential development on neighbouring Sites 003 and 008.

19. Undeveloped, the appeal site would provide a degree of visual relief to the edge of Darlington following build out of the neighbouring housing sites. Its development would undoubtedly result in further urbanisation and encroachment into open countryside. However ample open land would remain around the site and leading towards the surrounding road and public right of way network, providing visual relief within wider range views.
20. Layout, appearance, scale and landscaping are reserved for future consideration. Then, the visual effects of the dwellings including their height, bulk and design would be assessed in detail. From the submitted indicative layout plan it is evident that 150 dwellings could be comfortably accommodated within the site, and the illustrative landscape masterplan indicates that land to the edges of the appeal site would remain undeveloped with ample space for tree planting.
21. Over time, the planting could effectively screen the residential development in longer distance views and soften its impact in the street scene. The plan also shows the 'pylon corridor' to the centre of the site as an open landscaped area with trees and wetland/wildflower planting together with drainage attenuation basins. These landscaped areas would provide biodiversity as well as visual benefits. I acknowledge the layout and landscape plans are indicative only, but a condition could establish that the submitted plans provide a basis for future reserved matters submissions.
22. I conclude on this main issue that whilst there would be harm resulting from the urbanising effects on the landscape, this harm to character and appearance would not be significant and could be adequately mitigated through careful design and landscaping at reserved matters stage. Consequently I do not find conflict with CS Policy CS2 part b) which promotes high quality design which reflects the characteristics of the local area. The Policy is broadly consistent with section 12 of the Framework.

Accessibility

23. As I have previously set out, the site is located in the countryside, detached from the development limits of the town of Darlington. I noted on my site visit that whilst vehicular access to the A1(M) and towards the town centre is relatively straightforward, it is distanced from local services which could be accessed by non-motorised users. This section of Burtree Lane is a rural road devoid of footways except where it meets the frontage of a small number of adjacent dwellings. The development limit and urban boundary of the town is several minutes walk away, primarily via vegetated road verges.
24. This section of Burtree Lane is subject to the national speed limit and is a fast, curved road of restricted width. It has the appearance and nature of a rural lane until it reaches the mini-roundabout at Trevone Way. The road then takes on a more urban character with dwellings fronting it and footways to both sides. Nearby there are speed reduction features within the highway where the 30mph speed limit begins. The approved site layout plan for Site 003 indicates

- that a new roundabout would be constructed between here and the Trevone Way junction.
25. There is no dispute regarding the proposed roundabout access into the site nor the traffic levels the development would generate and I have no reason to disagree with this. The principal concerns lie with the accessibility of the site and the lack of safe links for pedestrians and cyclists (non-motorised users).
 26. The Chartered Institution of Highways and Transportation (CIHT) document 'Providing for Journeys on Foot' includes at table 4.1 suggested acceptable walking distances. The document sets out that walking distances for commuting and school of 500m are desirable, with 1km being acceptable and 2km the preferred maximum. For other services including shops and leisure facilities, 400m is desirable, 800m is acceptable, and 1.2km is the preferred maximum. Whilst accepting this is guidance and that the propensity to walk is influenced not only by distance but by the quality of the walking experience amongst other factors, it provides a useful tool for assessing the accessibility of a development.
 27. Appendix A of the Transport Assessment (TA) details walking isochrones of 1km and 2km, and the document sets out the distances of a number of services including bus stops, employment areas, schools, leisure facilities, healthcare and shops. Unfortunately, the TA does not detail which pedestrian/cycle routes were used in the calculation of the stated distances and whether they reflect existing routes, or if they assume completed routes via the approved residential developments on Sites 003 and 008.
 28. The nearest primary and secondary schools are some distance away but within the preferred maximum walking distance. Proposals for Site 008 at Berrymead Farm include a new primary school. However I note that no reserved matters application has been submitted for the site and timescales are unknown, therefore I give little weight to it. In terms of employment areas, the TA indicates that Faverdale and North Road industrial estates are around 2km away, at or above the preferred maximum walking distance. The nearest doctors surgery is indicated as over 2km away. There are very few shops within reasonable walking distance, the nearest being a small convenience store with post office facilities on North Road over 1km away. The town centre of Darlington is around 3km away.
 29. The nearest existing bus stop is on Camborne Drive, and service 3A operates relatively frequently to a range of destinations including the town centre. The completed S106 includes a contribution to extending the bus service and I acknowledge that Site 003 also provides for an extended bus route. I am satisfied that the obligation meets the tests set out in the CIL Regulations. Furthermore, there is a feasible proposal to provide bus stops next to the roundabout access into the proposed development, which would result in a shorter walk from the appeal site to access public transport services.
 30. Presently, Burtree Lane is not a safe environment for non-motorised users, and the site is distanced from local services. I also noted on my site visit that there are few cycle lanes in the wider area. In view of the above, I conclude that the appeal site is not in a suitably accessible location for non-motorised users. Whilst there are a good range of services available in the town, the vast majority are over the acceptable walking distances recommended in the CIHT document.

31. Improvements are required to the highway so that it is both safer and more attractive to non-motorised users. Without them, the majority of residents are highly likely to use the private car over any other mode of transport, contrary to social and environmental objectives of achieving sustainable development, and paragraphs 8, 92, 110 and 112 of the Framework.
32. I have considered whether the site could be made more accessible, through limiting the need to travel and offering a genuine choice of transport modes as sought by paragraph 105 of the Framework, and whether the required improvements could be feasibly delivered as part of the proposed development.
33. I acknowledge that reserved matters have been granted for Site 003, including a range of pedestrian links. The housebuilder anticipates construction to commence in the first quarter of 2022. Be that as it may, the proposed development on the opposite side of the road is of a significant scale (380 dwellings), and its phasing arrangements are not before me. Given the lack of detail and assurances on timescales for its build-out, I agree with the Council that the proposed development needs to be able to be accessed independently without the reliance on the build-out of Site 003.
34. The appeal submission includes plans for a footway on Burtree Lane up to the existing footway near to Trevone Way, together with a new speed restraint feature. The provision of such measures, as well as the extended bus service, would significantly improve accessibility for non-motorised users as well as safety of Burtree Lane. However, the local highway authority is concerned that the proposed footway is a) not wide enough; and b) could not fit within the space available within the highway without use of third party land or narrowing the existing carriageway to an unacceptable degree. Furthermore, the Council have stated a preference for a 3m wide footway, which could accommodate a shared cycle/pedestrian path.
35. Following their topographical survey, the appellant considers that a minimum footway of 1.8m in width would be achievable. This relies on the carriageway narrowing in some locations together with a traffic calming feature.
36. However Manual for Streets recommends that a 2m wide footway is the minimum width which should generally be provided, as does the Government guidance 'Inclusive Mobility'. Furthermore, the CIHT guidance 'Designing for Walking' sets out an absolute minimum of 1.8m, with 2m being the desirable minimum width and 2.6m the preferred width.
37. The aforementioned documents, and the evidence provided by the Council, all point towards a width of 1.8m being unsatisfactory. This is compounded by the road conditions where the highway is already constrained in width, and it would need to be further narrowed in places. Furthermore, the existing verges are constrained by vegetation, telegraph poles and street lighting columns. The removal/re-location of such features is unclear in the submission. A cycle lane or shared cycleway/footpath appears to be unachievable. I am unconvinced by the appellant's justification for a narrower path, which is inappropriate for a housing development of this scale in this location.
38. The imposition of a pre-occupation condition along the lines of suggested condition 12 is not a satisfactory way of dealing with the matter, given the uncertainty over whether safe footpath and cycleway links can be delivered. Additional land outside the existing highway may be needed to achieve the

required widths, potentially requiring a separate planning application as well as the relevant consents off the affected landowners.

39. In conclusion on this main issue I am not satisfied that a safe route for non-motorised users could be accommodated as part of the proposed development. Satisfactory and achievable improvements to Burtree Lane are necessary to ensure that the proposed development can be made accessible in a safe manner suitable for all users. The proposed development fails to accord with Policy E2 of the BDLP which seeks for new development to be concentrated in sustainable locations where there is actual or potential good accessibility for everybody, and Policy CS2 (d) which requires proposals to support inclusive communities by providing links to existing networks to ensure safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people.
40. The proposals also fail to meet Paragraphs 105 and 110 to 112 of the Framework, in particular part a) of paragraph 112 which sets out that applications for development should give priority first to pedestrians and cycle movements; part b) in failing to address the needs of people with disabilities and reduced mobility; and c) in failing to minimise the scope for conflicts between pedestrians, cyclists and vehicles.
41. BDLP Policy H7 and CS Policy CS1 are cited in the reason for refusal but I do not consider them to be of direct relevance to matters of accessibility.

Other Matters

42. A signed and completed Section 106 Agreement (S106) has been submitted, including obligations relating to various social and infrastructure contributions. These include an extension to the bus service, a sustainable transport contribution, highway improvements contribution to works elsewhere in the town, a scheme for open space maintenance and transfer, an education contribution, and a sport and recreation contribution. The S106 has been agreed by the Council and the obligations reflect the relevant consultation responses; I have no reason to disagree that it would not meet the tests set out in the CIL Regulations. However none of the obligations persuade me that the conflict with the development plan could be overridden.
43. A number of appeal decisions have been put to me. They have limited bearing on my decision given that they are for varying levels of development in different locations, and the details are not before me.
44. A number of other matters have been raised by local residents. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed these matters further.

Conclusion

45. For the reasons given above I conclude that the appeal should be dismissed.

Susan Hunt

INSPECTOR

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