



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 24 November 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 27 October 2021
(Pages 5 - 16)
4. Introduction to Procedure by the Assistant Director, Law and Governance's
Representative (Pages 17 - 18)
5. Applications for Planning Permission and Other Consents under the Town and Country
Planning Act and Associated Legislation
 - (a) Outbuildings to Rear of 496 Coniscliffe Road (Pages 19 - 30)
 - (b) Eden Cottage Residential Home, 37 Cobden Street (Pages 31 - 38)
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 Mr Paul Vickers, Enterpen Ltd, SJS Potts Ltd against this Authority's decision to refuse permission for the erection of 25.no. dwellings (amended site layout plan received 28th August 2019) (18/00994/FUL). (Copy of Inspector's decision letter enclosed)

RECOMMENDED – That the report be received.
(Pages 39 - 46)

9. Notification of Appeals –

The Chief Executive will report that :-

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)

V G Developments (NE) Limited have appealed against this Authority's decision to refuse consent for works for Erection of 1 no. dormer bungalow (amended and additional plans received 22 February 2021 and further amended site plan and e-mail received 23 March 2021) at 213-217 Haughton Road, Darlington, DL1 2LD (20/01181/FUL)

Mr Leigh Porter has appealed against this Authority's decision to refuse consent for works for Change of Use from shop (Use Class E) to hot food takeaway (Sui Generis) including replacement aluminium shop front with roller shutter doors, alterations to windows/doors on rear side elevation, installation of extraction flue to rear and associated internal alterations at 309 North Road, Darlington, DL1 2JR (21/00505/FUL)

Wynyard Homes have appealed against this Authority's decision to refuse consent for works for Erection of 25 no. dwellings with associated landscaping, hard surfacing, drainage and boundary treatment works at Newton Grange Farm, Stockton Road, Sadberge, Darlington, DL2 1SS (20/00891/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 12 November 2021 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 47 - 58)
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, 16 November 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, 27 October 2021

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

APOLOGIES – Councillors Cossins, Lister and Wallis.

ALSO IN ATTENDANCE – Councillor Johnson.

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

PA52 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA53 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 29 SEPTEMBER 2021

RESOLVED – That the Minutes of this Committee held on 29 September 2021, be approved as a correct record.

PA54 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A1	<p>The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development :-</p> <ul style="list-style-type: none"> (a) access (b) appearance (c) landscaping (d) layout (e) scale <p>Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.</p>
A2	<p>The development shall be begun two years from the final approval of the matters referred to in condition [1] or, in the case of approval on different dates the final approval of the last such matter to be approved.</p> <p>Reason - To accord with the provisions of Section 92[1] of the Town and Country Planning Act 1990.</p>
A3	Implementation Limit (Three Years)

	<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>
B4	<p>Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.</p> <p>Reason - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
E3	<p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p>Reason - In the interests of the visual amenities of the area.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p>Reason - To define the consent.</p>

PA55 3 MEADOWBANK CLOSE, HURWORTH PLACE

21/00780/CU - Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of the Council's Rights of Way Officer, the objections of the Stockton and Darlington Railway HAZ Project Manager, the objections of the Friends of Stockton and Darlington Railway, five letters of objection received, and the views of the Applicant whom the Committee heard).

RESOLVED – 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.

PA56 2 MEADOWBANK CLOSE, HURWORTH PLACE

21/00798/CU - Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property (Retrospective Application).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the objection of the Council's Rights of Way Officer, the objections of Hurworth Parish Council, the objections of the Stockton and Darlington Railway HAZ Project Manager, the objections of the Friends of the Stockton and Darlington Railway, and five letters of objection received).

RESOLVED – 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.

PA57 274 CARMEL ROAD NORTH

21/00964/FUL - 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).

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

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

1. A3 Implementation Limit (Three Years).

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

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

2. The development hereby permitted shall be constructed in accordance with the 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 and the window formed in the east elevation serving the shower room 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.

PA58 OUTBUILDING TO REAR OF 496 CONISCLIFFE ROAD

21/00861/FUL - Conversion, alteration and extension of outbuilding to form 1 no. 3 bed dwelling (amended plans received 5 October 2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), five letters of objection received, a representation received from a neighbouring resident, a further objection received following the submission of amended plans, a further objection received subsequent to the publication of the report, and the views of the Ward Councillor and an objector, whom the Committee heard).

RESOLVED – That this item be deferred to a future meeting following a site visit by Members.

REASON – To enable Members to obtain a better understanding of the site.

PA59 1 HALL VIEW GROVE

21/00789/FUL - 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).

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

RESOLVED – That Planning Permission be refused.

REASON - The repositioning of the fence to the western boundary of the site would result in the reduction of land which is public open space, which is of benefit to the community. This would set a unacceptable precedent for similar applications in the locality.

PA60 10 CHATSWORTH TERRACE, DARLINGTON

21/00797/OUT - Outline planning permission for residential development of up to 3 dwellings with all matters reserved.

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

RESOLVED – That 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.

PA61 15 STATION TERRACE, MIDDLETON ST GEORGE

21/00922/FUL - 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).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway's Engineer, three letters of objection received, thirty letters of support received, and the views of the Applicant, one objector and one supporter 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 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.

PA62 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 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).

RESOLVED – That the report be received.

PA63 NOTIFICATION OF APPEALS

The Chief Executive reported 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)

RESOLVED – That the report be received.

PA64 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.

PA65 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 15 OCTOBER 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA51/Sept/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 15 October 2021.

RESOLVED - That the report be noted.

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

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

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

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24 November 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=Q82CFLFPLCD00>

Members will recall that this application was deferred at the Planning Applications Committee on 27th October 2021 to enable Members to visit the site prior to determination. The report below is identical to the one that Members considered previously.

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

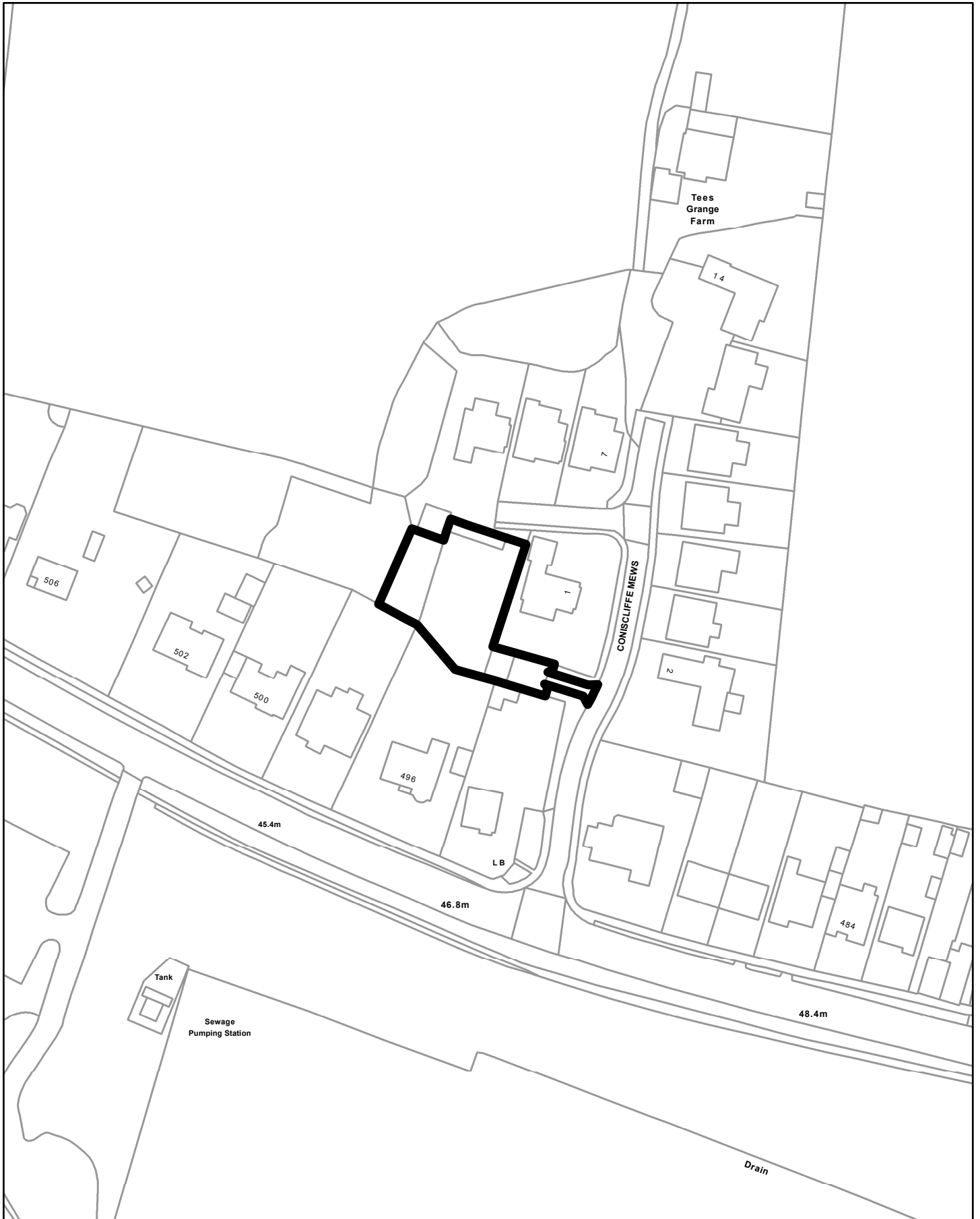
10. The bathroom windows shown on Drawing Number Drawing Number PR302 shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby properties.

INFORMATIVES

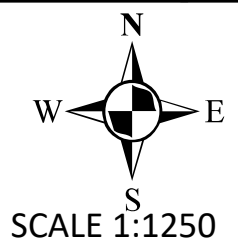
Highways

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



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24 November 2021

APPLICATION REF. NO:	21/01072/FUL
STATUTORY DECISION DATE:	30 November 2021
WARD/PARISH:	Bank Top and Lascelles
LOCATION:	Eden Cottage Residential Home, 37 Cobden Street
DESCRIPTION:	Erection of single storey extension to the rear(east) elevation to create additional 3 no. en suite bedrooms together with additional/replacement windows to the side elevations, construction of access ramp and minor reconfiguration of in-curtilage landscaping
APPLICANT:	Eden Cottage Care Home

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. Eden Cottage Care Home is a 24 hour residential care home for elderly people who require assistance with day-to-day tasks. This includes day care, respite and dementia care and they currently have 22 bedrooms, all with en-suite facilities. The site is accessed off Cobden Street and the building, which is single storey, is set behind Nos 33 to 47 Cobden Street. The building is set within its own grounds and eight car parking spaces are provided to the front of the site.
2. The building was originally a dwelling which was converted into a care home and brought into operation in 1989. Planning records reveal six separate planning

permissions have been granted between 1986 to 2008 to extend and enlarge the building.

3. Cobden Street is primarily in residential use and there are dwellings on Kensington Gardens located to the rear (east).
4. The proposal involves the erection of a single storey flat roof extension to the rear in order to provide three additional en suite bedrooms (25 in total). There would also be a ramped Fire Exit door within the extension and to facilitate the internal alterations within existing and proposed extension, two new bedroom windows would be inserted into the south elevation. Soft landscaping and block paving would be provided around the proposed extension and between the boundary fence with the dwellings to the rear.
5. The extension would have a pebble dash rendered finish to match the existing building. It would be L shaped due to the recess for the ramped Fire Exit door and it would measure 11.4m wide; 3m high and 8m at its longest point.
6. The applicant has advised that over the past year they have seen an increase in the demand for care provision in their service. As a result of this, they have accumulated a waiting list for beds, and they have decided to expand to accommodate the requests and ease some pressure on the social care sector.

MAIN PLANNING ISSUES

7. The main issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Impact on Residential Amenity
 - b) Impact on the Visual Appearance of the Building and Surrounding Area
 - c) Parking Provision and Highway Safety
 - d) Drainage and Flood Risk

PLANNING POLICIES

8. The relevant Local Plan policies include those seeking to ensure that the proposed development:
 - Is high quality, safe, sustainable and reflects Darlington's natural, built characteristics that positively contribute to the character of the local area and its sense of place (policy CS2 of the Core Strategy 2011)
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
 - Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards

relating to risk from surface water runoff, groundwater and sewer flooding
(Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

9. The Council's Highways Engineer has raised no objections

RESULTS OF PUBLICITY AND NOTIFICATION

10. Following the Council's notification exercise, four letters of objection have been received and the comments can be summarised as follows:

- *The proposal is not in keeping with the local environment which is open space between properties across neighbouring rear gardens*
- *Gardens will lose afternoon and evening sun*
- *Alternative locations for the extension to be built*
- *Eden Cottage is already over extended and consideration given to a new facility*
- *Water table issues*
- *Adverse impact on views from neighbouring houses*
- *There will be an increase in noise and disturbance which will impact on people using their own gardens especially in summer months*
- *Increase in overlooking and loss of privacy*
- *The extension will be over dominant and have a negative impact on neighbouring dwellings due its proximity to gardens*
- *Extension will be built on a flood plain and flood water will be diverted to neighbouring gardens*
- *A precedent will be set for allowing properties to be built right up to rear boundaries*

11. The objection letters also refer to potential impacts of the development upon the value of the existing dwellings and the motives of the applicant for applying for planning permission to extend the existing care home. These are not material planning considerations when determining this planning application.

PLANNING ISSUES/ANALYSIS

a) Impact on Residential Amenity

12. The proposed extension would not have any adverse impact on the amenities of the dwellings on Cobden Street as the extension is located to the rear of the building.
13. The means of enclosure between the rear gardens of the application site and the properties of Kensington Gardens is a 1.8m high close boarded fence on the east and south boundaries. The rear gardens of Nos 85 to 89 are quite shallow whilst the garden of No 83 extends alongside the south boundary. Nos 85 and 87, which would be directly behind the proposed extension have single storey conservatories to the rear and there appear to be detached outbuildings in the gardens of Nos 83, 85 and 89.

14. There is a row of hedging in the rear garden of No 87 which extends above the 1.8m high fence and there are some high trees/hedges in the garden of No 83 on the south boundary of the application site.
15. The overall width of the extension is 11.4m with a section measuring 7.5m within 1.8m of the eastern boundary fence before it recesses back to 4.3m for the final 3.9m where the Fire Exit door and access ramp are located. The extension would be 1.8m from the fencing on the southern boundary. The eaves of the proposed extension would be approximately 1.2m higher than the fence line. Having considered this site context, the extent of the extension which would be visible above the fence line would not have a significant adverse impact on outlook or sunlight to warrant a refusal of planning permission on such grounds. The existing fencing, the existing hedging and trees in neighbouring gardens; the use of a flat roof and the set back from the fence line are all factors which make the extension acceptable in amenity terms.
16. There are two window openings in the end elevation (east) of the extension, but these are both small ensuite bathroom windows which would be fitted with obscure glazing which can be conditioned. The two new bedroom windows in the south elevation would face onto the 1.8m high fencing and trees which are on this shared boundary and they will limit the extent of any potential overlooking of the neighbouring garden.
17. The Fire Exit door and ramped access should not raise any amenity issues as the exit would only be used in an emergency and would not be a general access into the extension.
18. It is considered that the proposed increase in the number of residents would not have an adverse impact on the local area in terms of noise and disturbance.
19. Overall, the proposed development would not have a significantly adverse impact on the neighbouring dwellings to justify a reason to refuse the planning application on such grounds and the proposal accords with policy CS16 in this regard.

b) Impact on the Visual Appearance of the Building and Surrounding Area

20. The care home is a single storey building with the access, parking, hardstanding and landscaping to the front. The original part of the building and two projecting extensions to the front have dual pitched roofs but the existing rear extensions are all flat roofed. The amenity space to the rear is subdivided by a fence. The northern section is a well maintained area comprising a hardstanding with outdoor seating; mown grass, footpaths, sheds, raised flower beds and a timber decking area.
21. The southern section is less well maintained with overgrown flower beds, an empty greenhouse and two storage sheds. The applicant has advised that this part of the rear garden is not well used and is the most appropriate location for the proposed extension as it would be a natural continuation of the existing internal layout of the care home; ensure that the room sizes, circulation spaces and indoor and outdoor communal area meet modern standards set out by the Quality Care Commission and to ensure that the

number of existing parking spaces to the front are not impacted upon. Whilst the home has been previously extended, there is a sufficient amount of open and useable amenity space retained both to the rear and within the overall curtilage of the site.

22. The proposed extension would be flat roofed to match the existing off shoot and it would be constructed from matching materials.
23. The proposed extension would not be visible from Cobden Street and therefore it would not have any impact on the appearance of the general street scene.
24. Overall, the proposed development is acceptable in design terms and would accord with policy CS2 of the Core Strategy 2011 in this regard.

c) Parking Provision and Highway Safety.

25. The proposals do not include any alterations to the existing access to the site from Cobden Street. There would be no increase to the existing on-site visitor parking provision of 8 spaces which is deemed sufficient by the applicant, based on regular monitoring of site activity by the owners. This level of provision is also in line with Tees Valley Design Guide standards for residential care homes. Given the minor increase in capacity, the proposed development would not be expected to create any highways impact or warrant refusal based on highway safety. The proposed development would accord with policy CS2 of the Core Strategy 2011 in this regard

d) Drainage and Flood Risk

26. The planning application site and surrounding properties are located within Flood Zone 1 which is in the 'very low' flood risk category. Surface water and foul water would both be disposed by the main sewers. The applicant is not aware of any localised flooding the 32 years that they have been operational, but such issues can be mitigated through appropriate drainage design and through Building Regulations. The proposed development would accord with policy CS16 of the Core Strategy 2011 in this regard

THE PUBLIC SECTOR EQUALITY DUTY

27. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The existing building is fully accessible, and these arrangements would not be altered as a result of the proposed development. The Fire Exit door within the proposed extension would also be accessible. The proposed development would accord with policy CS2 of the Core Strategy 2011 in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

28. 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

29. The proposed development would not raise any highway safety, parking or drainage concerns and its design is in keeping with existing extensions and additions at the rear of the care home. The proposed extension would not have such a significant impact on the amenities of the neighbouring dwellings in term of outlook and loss of sunlight to warrant a reason to refuse the planning application on such grounds and a planning condition has been recommended to ensure that the ensuite bathroom windows in the east elevation are obscured. Overall, the proposed development would accord with the local development plan.

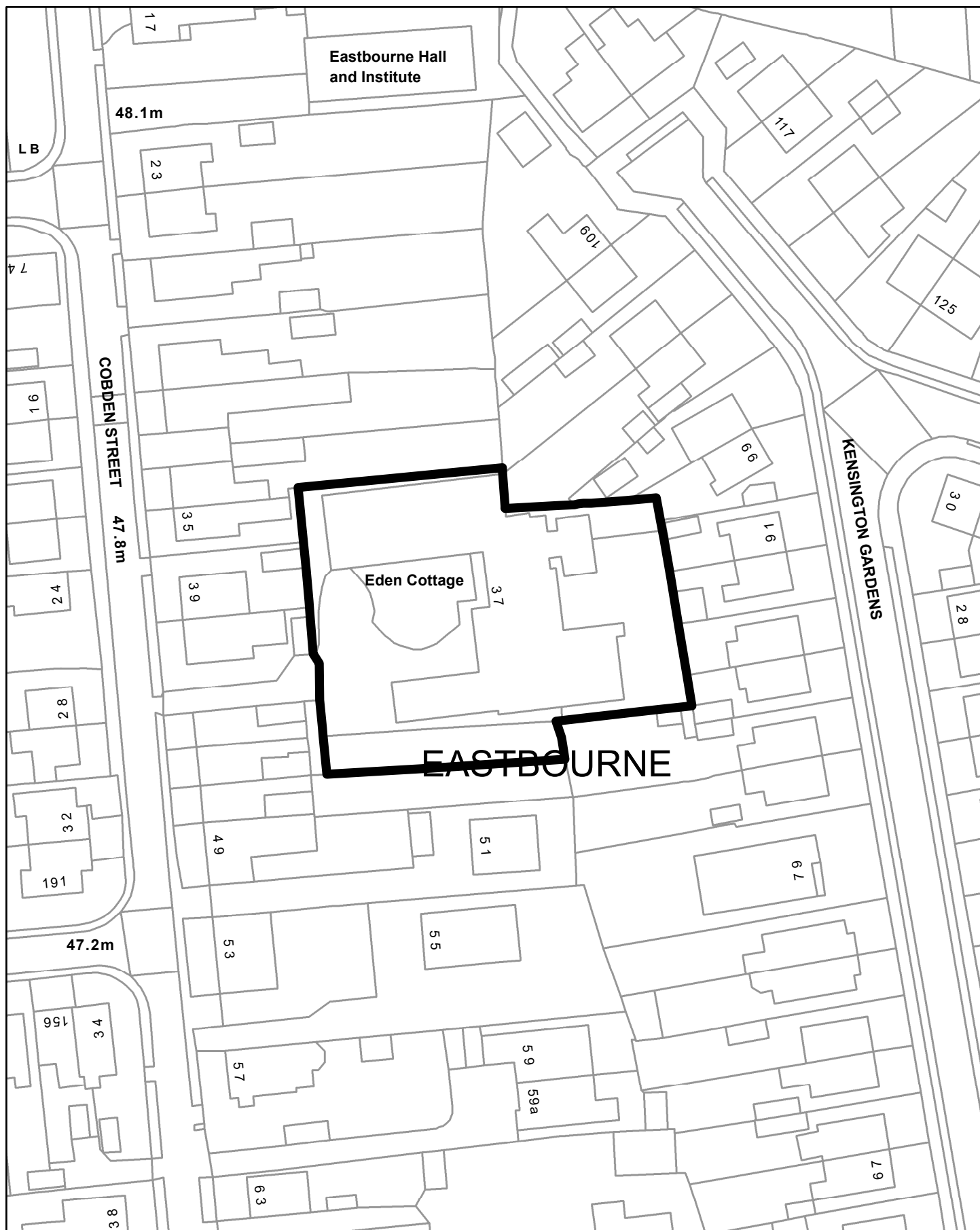
THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

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 202105/03 – Proposed Floor and Roof Plan
 - b. Drawing Number 202105/04 – Proposed Elevations
 - c. Drawing Number 202105/06 – Proposed Site Plan

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

3. The ensuite bathroom windows formed in the east elevation of the proposed extension shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the neighbouring property.

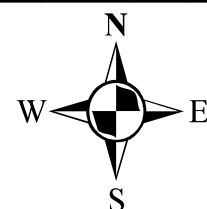


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Planning Ref No: 21/01072/FUL

DARLINGTON BOROUGH COUNCIL

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SCALE 1:750

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Appeal Decision

Site visit made on 28 January 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/N1350/W/19/3240897

Land north of Stockton Road, Sadberge DL2 1SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Paul Vickers, Enterpen Ltd, SJS Potts Ltd against the decision of Darlington Borough Council.
- The application Ref: 18/00994/FUL, dated 25 October 2018, was refused by notice dated 21 October 2019.
- The development proposed is the erection of 25 dwellings (including 3 affordable).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on highway safety; (ii) whether it would be in a suitable location for housing with regard to the effect on the character and appearance of the area; (iii) the effect on the setting of the Sadberge Conservation Area; (iv) the effect on the living conditions of the future occupiers of the proposal by way of outlook, light, privacy and noise; and (v) biodiversity considerations.

Reasons

Highway Safety

3. The proposal would be accessed via new junction onto Stockton Road. It would be intended that this part of Stockton Road would have its speed limit reduced to 50 miles per hour (mph) from the current 60 mph. The internal access road, with a short cul-de-sac and a turning head, would then serve all the proposed dwellings as regards vehicular access. Off-street car parking would be provided by way of a combination of driveway and garage spaces.
4. The 'site plan – as proposed' has been through a number of iterations in order to try to address the concerns that have been expressed by the Council's Highway Officer. The outstanding matters that are set out in the Planning Officer Report relate to an increased radius to the carriageway and a design that rationalises the 90-degree bend to the front of Plot 22 demonstrating the required forward visibility; and amendments to parking spaces and driveways to ensure that they meet the minimum accepted standards.

5. The bend to the front of Plot 22, as it is on a corner, would be tight in terms of vehicles attempting to pass one another. The swept path analysis shows that if a larger vehicle was attempting to get around that corner, there would be little room for a vehicle coming the other way. There would be the potential for conflict between vehicles.
6. Such issues with manoeuvrability would be exacerbated if vehicles attempt to park on the road, due to insufficient levels of parking spaces and driveways to the Council's usual standards. Parking part on footways would raise concerns for pedestrian safety. Nor is this a location where having lower levels of parking would be likely to have the benefit of promoting other modes of transport with the limited local services there are in Sadberge and the restricted public transport options.
7. I conclude that the effect of the proposal on highway safety would be unacceptable. As such, the proposal would not comply with Policies CS2 and CS19 of the CS where these concern providing vehicular access and parking suitable for its use and location, and making the best use of and improving transport infrastructure. It would also not accord with the National Planning Policy Framework (Framework) where it states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, amongst other considerations.

Character and Appearance

8. The appeal site consists of part of a field. The site boundary to Stockton Road is defined by a hedgerow. The boundaries to a track to the west of the site and a public open space area to the north are defined by low fencing, hedgerows and occasional trees. The remaining boundary with the rest of the field is undefined. There is a small pond on the site nearest the boundary with Stockton Road.
9. Beyond the adjacent track and public open space area lies the extent of the existing development in Sadberge. This consists of fairly modern housing which is found at a higher land level than the site. The remaining land in the vicinity of the site outside of Sadberge is mainly countryside, along with the A66 where it bypasses the village.
10. The site lies outside of the development limit of Sadberge under the Borough of Darlington Local Plan (1997) (LP) and so for the purposes of the LP it is in the countryside. Saved Policy E2 states that most new development will for the plan period be located inside the development limits defined on the Proposals Map. The supporting text goes on to say that the Council has defined development limits, within which most new development will be located, with the intention of maintaining these well-defined boundaries and safeguarding the character and appearance of the countryside.
11. Saved Policy H7 sets out where new housing development will be permitted in the countryside. The proposal does not conform to the types of residential development that are listed in the policy.
12. Policy CS1 of the Darlington Local Development Framework Core Strategy (2011) (CS) supports development within the limits of villages. Outside of the limits, development will be limited to that required to meet identified rural needs. Policies CS2 and CS14 of the CS concern high quality design, including

- positively contributing to the character of the local area and its sense of place, and promoting local character and distinctiveness.
13. The site's character is informed by the countryside, in particular as it is part of a larger field and with other farmland in its vicinity. It is, however, also located in close proximity to the existing development in Sadberge to both its western and northern sides. There is limited separation provided by the track and the public open space area. The proposal would, in effect, 'round off' development on this side of the village between the existing development and Stockton Road. Where the proposed dwellings would abut the rest of the field this would be softened by a planted buffer, as well as by the rear gardens of those properties.
 14. Taking these factors together, the effect on the character and appearance of the area as regards the countryside would be of a limited nature, when the proposed dwellings and the associated infrastructure are considered. As the site would be approached along Stockton Road from the east, the majority of the proposed dwellings would be set back and whilst they would be visible over the hedgerow this would be against the backdrop of the existing development in Sadberge. The design and layout would not be unacceptable in this regard.
 15. Accordingly, I conclude that the proposal would be in a suitable location for housing with regard to the effect on the character and appearance of the area. Hence, it would comply in this regard with Saved Policy E2 and Policies CS1, CS2 and CS14. Saved Policy E2 and Policy CS1 do not act as a moratorium to housing development of the type proposed in such a location, even though the proposal would be beyond the existing development limit.
 16. The proposal would not comply with Saved Policy H7 for the reason that I have set out. The Framework does not, though, take such a restrictive approach as regards the types of residential development that are permitted in the countryside. As such, Saved Policy H7 is not consistent with the Framework and so the conflict with the policy attracts limited weight in my decision.
 17. As the proposal would not have an unacceptable effect on the character and appearance of the countryside, it would also accord with paragraph 170 of the Framework, as well as because it would achieve well designed places. It would also comply with related guidance in the Council's Revised Design of New Development Supplementary Planning Document (2011) (SPD) concerning high standards of design.

Conservation Area

18. The boundary of the conservation area lies further up Stockton Road towards the village centre and includes part of a field that is on the opposite side of the road, which the main parties have referred to as the triangular field. The conservation area is focussed on a village green in the centre of the village and the arrangement of generally traditional buildings positioned around it, as well as a nearby church. The triangular field plays a constituent role in its significance, with its proximity to the centre. A particular feature of the conservation area is that it sits on a ridge with the land levels dropping on all sides which, in places, afford views of its generally rural hinterland.

19. The site is separated from the nearest part of the conservation area boundary by the rear gardens of more modern residential development. Both sides of Stockton Road up to the boundary also contain extensive planting.
20. There is limited inter-visibility between the site and the conservation area. As the site is approached from Stockton Road to the east, it can be viewed with the triangular field, but this is only really apparent some distance away, near to the A66. As such, the site does not perform a significant function as a gateway to the conservation area. Much of the more modern development on this side of Sadberge is also visible at this point. The proposal would be seen amidst this existing development, rather than with the triangular field. This would also satisfactorily lessen impacts arising from the materials, density, scale and massing of the proposed dwellings.
21. In addition, where there are views over the more rural aspects of the landscape from the centre of the village, this does not include the site because of the intervening buildings. The open agricultural land around the built form of the settlement is an important constituent in the significance of this ridge village. However, the contribution the site makes to the significance of the setting of the conservation area is of a minimal nature. I do not find harm would result from the proposal in this regard. Even if the statutory duty under Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applied to setting, it would preserve or enhance the character or appearance of the conservation area.
22. I conclude that the proposal would not have an unacceptable effect on the setting of the conservation area. As a consequence, it would comply with Policy CS14 where it concerns protecting, enhancing and promoting the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage. It would also accord with the Framework as regards the strong level of protection it affords designated heritage assets, including that great weight should be given to the asset's conservation.

Living Conditions

23. The SPD provides guidance on the minimum acceptable distances there should be between dwellings. The Council are concerned that the proposed layout falls short in several respects in relation to the effect on the living conditions of the future occupiers of the proposal, particularly in terms of distances between elevations containing habitable rooms. However, there is limited information before me on the plots where this would cause concern, or what particular aspect of living conditions would be affected. Nevertheless, I have considered outlook, light and privacy as the SPD makes particular reference to these matters. The SPD also acknowledges there is a need to analyse the site's context and its local character.
24. Most of the proposed dwellings would be set out in a fairly conventional manner, side by side and facing other dwellings on the opposite side of the roadways. This would not raise particular issues as regards outlook, light and privacy. There is a different arrangement on some of the corner plots and around the turning head where the main internal access route would terminate. Whilst this may result in the distances in the SPD not being strictly adhered to, it would not be to the extent that it would render the proposal unacceptable by way of outlook, light and privacy.

25. In relation to noise, the Council are concerned with the effect from road traffic on the use of the nearest proposed garden areas, in particular. It was apparent, though, from my site visit that as traffic on Stockton Road is relatively intermittent, so would the effect be from noise, even at the current speed limit.
26. The 'site plan as proposed' indicates there would also be an acoustic fence along this boundary. Its precise specification and siting, including allowing for the retention of the hedgerow, could be dealt with by way of the imposition of a planning condition, if I was minded to allow the appeal. Alternative potential layouts for the proposed dwellings are not for my consideration. I accept there is limited information on noise levels, but with the site circumstances and mitigation, it would not be unacceptable in this respect.
27. I conclude that the proposal would not have an unacceptable effect on the living conditions of the future occupiers of the proposal by way of outlook, light, privacy and noise. Therefore, it would comply with Policy CS2 in this regard and, as regards noise pollution, with Policy CS16. It would also accord with paragraph 127 of the Framework where it concerns a high standard of amenity for existing and future users. Although it would not technically comply with the separation distances, it would in overall terms comply with the SPD as far as its design would lead to reasonable living conditions.

Biodiversity

28. The dominant habitat on the site is improved grassland. Other biodiversity features include the pond, hedgerows and trees. The Preliminary Ecological Appraisal Report (Ecology Report) indicates that the most significant ecological impact would be the loss of hedgerows along Stockton Road to enable site access. The Council do not appear to take any particular issue with these findings.
29. The Ecology Report goes on to set out a number of mitigation options so as to avoid, reduce and compensate for the scale of the impact. These include planting both locally appropriate native species in areas of communal greenspace and broad structurally diverse, native, species-rich hedgerows with native trees along the site and plot boundaries, where feasible. Other measures include creating wildlife friendly garden habitats, bat roosts and bird nest sites, and pond related mitigation, amongst other options.
30. When these mitigation options are considered, the proposal would not result in a net overall loss of biodiversity and would have the potential to strengthen biodiversity and adequately demonstrate mitigation. In terms of the Council's concern that this approach is not specific enough, this could be achieved through a planning condition, if I was minded to allow the appeal.
31. I conclude that the effect on biodiversity interests would not be unacceptable. Hence, it would comply with Policy CS15 of the CS where it seeks to ensure that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping, amongst other considerations.
32. It would also comply with paragraphs 170 and 175 of the Framework in this regard, where they concern minimising impacts on and providing net gains for

biodiversity, and avoiding significant harm to biodiversity resulting from a development.

Planning Balance

33. The proposal would make a contribution towards the Government's objective of significantly boosting the supply of homes and it would provide for a housing mix. There would also be economic benefits during construction, and with the spend of the future occupiers and through receipts that the Council would receive. Public open space would be provided on site in association with the pond feature and residents would also have the benefit of using the public open space adjacent to the site. The proposal would also support local and community services. Biodiversity gain measures are also proposed.
34. What services there are in Sadberge, are of a restricted nature. With the limited bus service and the distance to the nearest train station, it is also not a location which readily permits access to larger settlements with a broader range of services that the future occupiers would need for their day to day needs, other than by the car. The appellant is proposing a contribution to the local bus service but, as with the play provision contribution that has been offered, the potential for this to be a benefit is tempered somewhat because there is not an effective mechanism for their delivery in the absence of an executed planning obligation.
35. It is also intended that a contribution would be made to the equivalent of 3 affordable housing units. The Council has stated this is below what would usually be expected from such a proposal. The viability evidence I have before me is of a limited nature to justify the provision. I see no substantive reason to depart from the Council's usual standards. Under the Framework, it is for the Council to set the appropriate level of provision and, based on the information before me, the proposal would not be in accordance in this respect. Again, there is not an effective mechanism before me for the delivery of affordable housing. I find that the affordable housing approach does not favour the proposal.
36. I have been referred to the Council's Housing and Employment Land Availability Assessment (March 2018) (HELAA). As the HELAA states, it is to inform local plan preparation and all planning applications will continue to be determined against the appropriate development plan and other relevant material considerations. In any event, I have found the site is in a suitable location for housing with regard to the effect on the character and appearance of the area.
37. Where I have not found harm, these matters attract neutral weight. The other developments that I have been referred to have a limited bearing on my decision, as each is to be considered on its own merits.
38. The proposal would also not accord with the presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, because policies referred to in the Council's refusal reasons may reasonably be referred to as those 'most important' for determining the application, including where I find there is conflict. The Framework is clear that policies should not be treated as out of date simply because of their age or because the development plan is time expired. Apart from 'Saved' Policy H7, the policies are not out of date as they are consistent with the Framework. In this regard,

I have considered the appeal decisions that both main parties have referred me to.

39. I have taken into account the relevant matters in relation to the economic, social and environmental objectives of the Framework, as set out above, notwithstanding these are not criteria against which every decision can or should be judged.
40. In relation to the harm that would arise, this relates to highway safety matters. There are also concerns over the proposed approach to the delivery of affordable housing, based on the information before me. These matters attract significant weight in my decision. Set against this would be the benefits that I have set out. The contribution to the supply of housing attracts moderate weight. All other benefits attract no more than limited weight. The harm that would arise would not be outweighed by the benefits.

Conclusion

41. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. The proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

Darren Hendley

INSPECTOR

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