



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm

Wednesday, 19 January 2022

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 24 November 2021 (Pages 5 - 10)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 11 - 12)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 13 - 14)
 - (a) 24 Woodland Terrace, Darlington (Pages 15 - 24)
 - (b) Former Farmers Cattle Market, Clifton Road, Darlington (Pages 25 - 42)
 - (c) Reservoir (Disused), Darlington Road, Sadberge (Pages 43 - 58)
 - (d) Land South Of Neasham Road, Neasham Road, Middleton St George (Pages 59 - 76)
6. Childhood Obesity Planning Options in relation to Hot Food Takeaways (Pages 77 - 98)
7. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are

of an urgent nature and can be discussed at this meeting

8. Questions

PART II

9. Notification of Decision on Appeals –

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

Dismissed the appeal by Ms Barbara Dewing against this Authority's decision to refuse permission for the erection of 1 no. residential dwelling with car parking spaces and associated amenity space (20/01231/FUL) (Copy of Inspector's decision letter enclosed)

Recommended – That the report be received.
(Pages 99 - 104)

10. Notification of Appeals –

The Chief Executive will report that: -

CGX have appealed against this Authority's decision to refuse permission for the installation of 2 no. external security roller shutters to existing shopfront (Retrospective) at 65- 67 Northgate, Darlington, Durham, DL1 1TR (21/00649/FUL)

Recommended – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

11. 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.

12. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 7 January 2022 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 105 - 116)

13. 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

14. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 11 January 2022

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

This page is intentionally left blank

PLANNING APPLICATIONS COMMITTEE

Wednesday, 24 November 2021

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

APOLOGIES – Councillors Allen and Sowerby.

ABSENT – Councillors Lee, Lister and Wallis.

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

PA66 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA67 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 27 OCTOBER 2021

RESOLVED – That the Minutes of this Committee held on 27 October 2021 be approved as a correct record.

PA68 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
----	--

PA69 OUTBUILDINGS 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 original report, a statement from one of the Ward Councillors which was read to the Committee by the Chair, and the views of two objectors, whom the Committee heard).

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

1. A3 – Implementation Limit (Three Years)

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

- a. 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.

PA70 EDEN COTTAGE RESIDENTIAL HOME, 37 COBDEN STREET

21/01072/FUL – 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.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four letters of objection received, and the views of the applicants,

whom the Committee heard).

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

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

PA71 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that, Inspectors, appointed by the Secretary of State for the Environment, had dismissed the appeal by Mr 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).

RESOLVED – That the report be received.

PA72 NOTIFICATION OF APPEALS

The Chief Executive reported 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 Houghton 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).

RESOLVED – That the report be received.

PA73 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.

PA74 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 12 NOVEMBER 2021 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA65/Oct/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 12 November 2021.

RESOLVED - That the report be noted.

This page is intentionally left blank

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.

This page is intentionally left blank

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 19 January 2022

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

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

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

Address/Site Location	Reference Number
24 Woodland Terrace, Darlington	21/00644/FUL
Former Farmers Cattle Market, Clifton Road, Darlington	21/01244/DC
Reservoir (Disused), Darlington Road, Sadberge	21/00915/RM1
Land South Of Neasham Road, Neasham Road, Middleton St George	21/00405/FUL

This page is intentionally left blank

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 January 2022

APPLICATION REF. NO:	21/00644/FUL
STATUTORY DECISION DATE:	22 July 2021
WARD/PARISH:	COLLEGE
LOCATION:	24 Woodland Terrace, Darlington
DESCRIPTION:	Erection of two storey rear extension and associated alterations to facilitate change of use from a former shop (Use Class E) to a dwelling (Use Class C3)
APPLICANT:	Mr Matthew Turnbull, POD Architects

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

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QTR8V6FPLN400>

APPLICATION AND SITE DESCRIPTION

1. Planning permission is sought for the erection of first floor extensions, a two-storey rear extension and associated alterations to facilitate the change of use of this former shop to a dwelling. The existing property is a vacant, single storey brick building with a shallow mono-pitched roof which adjoins the eastern end of 26 Woodland Terrace, at the end of a terrace of Victorian properties. In recent years the building has fallen into a state of disrepair although the existing shop front and roller shutter remains in situ.
2. The surrounding area is residential in character, with Victorian terraced properties being the predominant built form to the south and east of the application property. Immediately to the north of the property are post-war and 1970s semi-detached properties. The West End Conservation Area bisects Barlow Street approximately 75

metres to the north, although the application site is located outside of the Conservation Area boundary. The property backs onto a rear lane between Woodland Terrace and Pierremont Crescent beyond which lie further residential properties.

3. It is proposed to erect a contemporary-style flat roofed extension above the existing property and a further flat roofed two-storey extension to the rear to create a two-bedroom dwelling. In order to protect existing windows in the side elevations of the neighbouring and adjoining properties at 22 and 26 Woodland Terrace respectively, there will be a 'no-build' area between the two flat roofed extensions above the existing shop. The submitted plans show a bedroom, wet room and kitchen/dining area on the ground floor with a sitting room, office and master bedroom above in a split-level living arrangement. The proposed two-storey extension to the rear will accommodate a dining area at ground floor with an en-suite bedroom above. The extensions are to be finished with black treated timber cladding. The northern wall of the existing building will need to be demolished and re-built as part of the proposals. A small external yard would be retained to the rear, with access off the rear lane. Parking for the property would be provided on-street.
4. The proposed extensions above the existing shop will measure approximately 4.5 metres wide with a height of 1.5 metres, with a resultant overall height of 5.8 metres, incorporating the 'no-build' area in between. The extension to the front of the building will be set back behind a newly formed brick parapet and will incorporate first floor windows behind timber louvres. The existing timber shopfront is to be reinstated as part of the proposal and will provide the main entrance to the property at ground floor and a window into the ground floor bedroom. A timber planter is to be constructed beneath the shopfront.
5. The two-storey extension is to measure approximately 2 metres wide by a maximum of 2.4 metres deep, with an overall height of 5.8 metres. Windows are proposed in the rear elevation of the property serving the kitchen/dining area at ground floor and the master bedroom above. A window serving the en-suite bathroom is also proposed in the side elevation of the 2-storey rear extension. No windows are proposed in the east side elevation of the property.

MAIN PLANNING ISSUES

6. The main planning issues are whether the proposed development is acceptable in terms of its impact on:
 - (a) Principle of Development
 - (b) Visual and Residential Amenity
 - (c) Highway Safety
 - (d) Other Matters

PLANNING POLICIES

7. Relevant development plan policies include those which seek to ensure that new development:
 - Is located inside defined development limits (Saved Local Plan Policy E2 and Core Strategy Policy CS1)
 - New housing is in accordance with the locational strategy set out in Policy CS1 (CS1 and CS10)
 - Makes efficient use of land, buildings, and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2)
 - Is within a sustainable location and accessible by various modes of transport and provides safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (Policy CS2)

RESULTS OF TECHNICAL CONSULTATION

8. The Highway Engineer raises no highway objection.

RESULTS OF PUBLICITY AND NOTIFICATION

9. A total of 4 letters of objection have been received which raise the following issues:
 - Restrict access to garage in rear lane
 - Replacement walls will need to adhere to property line
 - Inconvenience during building works
 - Loss of light to property
 - Loss of access to maintain property
 - Loss of outlook and privacy to rear yard/garden areas
 - No agreement to work to party wall
 - Proposal not in keeping with Victorian terraces
 - No details of foul or surface water drainage
 - Traffic generation and lack of parking
 - Conservation area boundary should be extended to prevent ill-considered applications
 - Plans based on inaccurate measurements
 - No provision for storage or wheelie bins
 - Noise transmission to adjoining rooms
10. One letter of representation has been received which raises the following issues:
 - Existing building is derelict eyesore and detracts from visual appeal of street
 - Mix of different styles of properties; Victorian, post-war 1950s and 1970s houses, design will compliment mix of variety well
 - Retention of shop façade nice feature
 - Existing shuttered building has attracted anti-social behaviour

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) also comprises up to date national planning policy and is a material consideration in planning decisions.
12. The application property is located within development limits for the main urban area of Darlington as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997. Saved Local Plan Policy E2 (Development Limits) states that most new development will be located inside development limits. The application site would involve the re-use of an existing building, is in a sustainable location near local shops and services, served by public transport and would comply with the locational requirements for new housing development as set out in Policies CS1 and CS10, subject to consideration of the following matters of development management.

(b) Visual and Residential Amenity

13. The existing building is anomalous in the streetscene, being a single storey building of diminutive form located in another wise continuous frontage of Victorian terraced properties of 2 or 2.5 storey form, with semi-detached properties of a later period located immediately to the north. In its current, vacant state the building has a neglected appearance and contributes little to the character and appearance of the streetscene. The proposal will result in the re-use and reinstatement of this existing building, with some extension and alteration.
14. The Design and Access Statement submitted with the application advises that the scheme has been designed to respond to the particular constraints of the site, being a confined site with existing residential properties close by, and the need to maintain the amenities of these properties. The scale, design and massing of the extensions above and to the rear of the building have been designed to reflect its diminutive form and the confined nature of the site. Given the particular constraints of the site it would not be possible or necessarily appropriate to replicate the more traditional form and design of the historic terraced properties surrounding the site. A contemporary design response in this instance is considered to be appropriate, particularly given the variation in house types and styles immediately to the north of the application site.
15. To the front elevation the existing timber shopfront at ground floor is to be reinstated and the external brick skin retained with a brick parapet introduced above, behind which will sit the timber clad extension. The extension is of limited height and in view of its position set back behind the brick parapet will be of a form subservient to the main building, thereby reducing its prominence in the streetscene. The use of timber cladding

is considered to be acceptable in the context of a contemporary approach to the design of the building and will give a lightweight appearance to the extensions above whilst maintaining the overall form of the building below. The use of black staining reflects the reinstated shopfront at ground floor level. The break in the upper floor section will be less visible from the streetscene and similarly the proposed two storey rear extension will only be visible from the rear lane. On this basis, the proposed extensions and alterations to the building are considered to be acceptable both in the context of the existing building and the character and appearance of the surrounding area and complies with Policy CS2 in this regard.

16. The proposed building is closely related to neighbouring residential properties either side, particularly 26 Woodland Terrace to which it is adjoined. There are windows in the side elevations of both neighbouring properties at 22 and 26 Woodland Terrace at first floor level also dormer windows in the hipped gable ends of both properties. The 'no-build' area between the two first floor extensions has been designed to maintain light to and outlook from the existing first floor windows in the gable end of both properties which serve landing areas. While the building adjoins the east side of 26 Woodland Terrace it is detached from 22 Woodland Terrace and there is a separation distance of approximately 1.5 metres between the two properties at this point.
17. While there will be some impact to both first floor side windows which currently look over the existing single storey building, given these windows both serve non-habitable rooms it is not considered that any such impact would be so unacceptable as to warrant refusal of the application on this basis. A sectional drawing through the proposed building shows that at its greatest point it will sit level with the eaves height of 22 Woodland Terrace and beneath that of 26 Woodland Terrace and as such will maintain light to and outlook from the dormer windows in the gable ends of both properties.
18. The proposed rear extension has been amended since the application was submitted in response to concerns regarding its impact on the amenities of the adjoining property, 26 Woodland Terrace. The depth of the extension has been reduced to lessen the impact on 26 Woodland Terrace and is now L-shaped in form, projecting approximately 2.1 metres adjacent to the common boundary with this property, and 3.7 metres adjacent to the common boundary with 22 Woodland Terrace. Owing to the separation distance between the application property and 22 Woodland Terrace the proposed extension would comply with the 45-degree code in respect of this property. The proposal in its amended form also meets the 45-degree code in respect of the nearest ground and first floor windows in the rear elevation of 26 Woodland Terrace and is not therefore considered to have any unacceptable impact on the amenities of either properties or their rear yard or garden areas in terms of loss of light or outlook.
19. There will be no unacceptable loss of privacy arising from the proposed ground and first floor windows in the rear elevation of the proposed extension, however a condition is attached requiring the first floor window serving the en-suite bathroom in the side elevation of the rear extension to be obscure glazed. The issue of noise transmission between properties has been raised by objection. This is a matter that would be

considered under the Building Regulations, however the submitted plans do show that at ground floor level an entrance to the property would run nearly the full length of the building adjacent to 26 Woodland Terrace, before leading to the kitchen/diner at the rear. On the first floor, void areas also would run adjacent to the shared boundary before leading to the master bedroom towards the rear of the property.

20. Subject to this condition, the proposal is not considered to give rise to any unacceptable impacts relating to residential amenity that would warrant refusal of the application.

(c) Highway Safety

21. The principle of the development is acceptable in highway terms as the conversion of the property to a dwelling is likely to generate significantly fewer vehicle movements than the previous use as a shop which would attract a higher turnover of short duration parking, require staff parking and deliveries. Whilst no in curtilage parking is proposed, this is typical of many neighbouring properties which either have a single, inconveniently located garage off a rear lane, or no parking at all. Given that the dwelling is located in a sustainable town centre location, where alternative means of travel are viable options, the lack of car parking is acceptable and considered to have less impact over the extant use class. Refuse is collected from the rear lane and this can also be accommodated for the proposed dwelling with bin storage provided within the rear curtilage.
22. The proposal does not give rise to any unacceptable impacts relating to highway safety and therefore complies with Policy CS2.

(d) Other Matters

23. The accuracy of the submitted plans has been raised by objectors to the scheme. This matter has been raised with the agent and discrepancies rectified as a result.
24. The issue of access for the rebuilding of the northern wall and also for works to the party wall between the application property and 26 Woodland Terrace have been raised. This is however a civil matter and would need to be the subject of an agreement under the Party Wall Act and is not a matter for consideration as part of this application.

THE PUBLIC SECTOR EQUALITY DUTY

25. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

CONCLUSION AND RECOMMENDATION

26. The proposed development would result in the change of use, alteration and extension of an existing, vacant building to provide a single dwelling in a sustainable location close to the town centre and as such meets the locational requirements for new housing development in accordance with Saved Local Plan Policy E2 and Core Strategy Policies CS1 and CS10. A contemporary design is proposed in response to the particular constraints of the site and as has been set out in the report, this is not considered to have any unacceptable impact on the character and appearance of the application property or that of the surrounding area, nor will it result in any unacceptable impacts relating to residential amenity or highway safety. The proposal is therefore considered to comply with Policy CS2. Accordingly, it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - (a) Proposed site plan, drawing number SD-10.02 Revision A
 - (b) Proposed floor plans, drawing number SD-20.02 Revision D
 - (c) Proposed elevations, drawing number SD-30.02 Revision A

REASON – To define the consent

3. No building works shall continue above damp proof course until precise details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of visual amenity

4. The first floor window serving the en-suite bathroom formed in the south elevation of the two storey rear extension hereby approved shall be fitted only with obscure glazing and shall not be repaired or replaced other than with obscure glazing.

REASON – In the interest of residential amenity

This page is intentionally left blank



© Crown copyright. All Rights Reserved. Licence Number 10023728. 2022

Planning Ref No: 21/00644/FUL

DARLINGTON BOROUGH COUNCIL

Page 23



SCALE 1:750

This page is intentionally left blank

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 January 2022

APPLICATION REF. NO:	21/01244/DC
STATUTORY DECISION DATE:	27 January 2022
WARD/PARISH:	PARK EAST
LOCATION:	Former Farmers Cattle Market, Clifton Road, Darlington
DESCRIPTION:	Construction of a temporary car park and associated works (additional tree works information received 8 December 2021, amended car park layout plans, additional heritage statement and response to consultation comments received 10 December 2021, further response to consultation comments received 17 December 2021 and amended flood risk assessment and drainage strategy received 23 December 2021)
APPLICANT:	Mr Dave Winstanley

RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992 AND SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R1OYL7FP0C200>

APPLICATION AND SITE DESCRIPTION

1. This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the construction of a temporary car park and associated works on the site of the former cattle market on Clifton Road. Planning permission was granted

for the erection of a new 672 space multi-storey car park (MSCP), transport hub, station entrance and concourse (21/00688/DC) on the site of the existing station car park at Garbutt Square and long stay car park off Albert Street 'Station Gateway East' in September 2021, as part of a wider package of proposals set out in the Bank Top Station Masterplan. Planning permission and listed building consent were also granted for public realm improvements, including the pedestrianisation of the highway, to the west side of the station 'Station Gateway West' in October 2021 (21/00691/DC, 21/00750/DCLB) also as part of the wider Masterplan.

2. Whilst the new station entrance and MSCP are under construction there will be a short term loss of a total of 396 parking spaces between the respective sites. The proposed temporary car park is therefore required to mitigate against the loss of the car parking and access to the station whilst these works are underway. The car park will be operated by LNER for a temporary period from summer 2022 until 31st December 2024.
3. The proposed car park would provide a total of 455 spaces, including 22 accessible spaces and five covered motorcycle parking spaces, and will operate as a pay on foot system. The site will be resurfaced to provide a level surface with drainage, lighting and markings for the parking bays. Access to the proposed car park will be from an existing junction on Clifton Road and a height restriction feature is to be installed at the entrance to prevent access to vehicles greater than 2.2 metres in height.
4. The existing boundary wall and railings is to be retained and supplemented with a fence to the south western corner (on the Clifton Road frontage) to prevent unauthorised entry/exit to the car park. An internal pedestrian route is proposed along the northern edge of the car park with connections to Clifton Road and Park Lane where dropped kerbs will be provided. A proposed pedestrian access point onto Waverley Terrace has been omitted from the application. The car park is to operate for a 24/7 period and cars will be able to be left overnight. Street lighting is proposed in the form of 26 no. 6 metre high lighting columns with CCTV around the site. Paystations are also to be erected within the proposed car park.
5. The application site is the site of the former cattle market on Clifton Road, which was demolished, and the site cleared following its closure and relocation to Humbleton Farm in 2020. An existing long stay car park on Park Lane is located immediately to the east, but outwith the application site. The site extends to approximately 1.74 hectares and is bound by Clifton Road to the west and Park Lane to the east, beyond which lies the Grade II* listed Bank Top Station. The site is bound by Waverley Terrace to the north and by the rear of terraced properties on Nelson Terrace, Belvedere Terrace and Grainger Street to the south. The site is surrounded by terraced properties to the north, south and west. Trees immediately adjacent to the northern boundary on Waverley Terrace are protected by Tree Preservation Order (No. 6) 1990. Various pruning works are proposed as part of the application.
6. A pre-application consultation exercise was carried out by the applicant with local residents in accordance with the Council's adopted 'Statement of Community

Involvement (Part 2) Community Involvement in Planning Applications' (August 2018) in May 2021. The outcome of this consultation exercise, and the response to these comments, has been submitted with the application.

MAIN PLANNING ISSUES

7. The main planning issues are whether the proposed development of the site is acceptable in terms of its impact on:
 - (a) Planning Policy
 - (b) Heritage Assets and Visual Amenity
 - (c) Residential Amenity
 - (d) Anti-Social Behaviour
 - (e) Highway Safety and Sustainable Transport
 - (f) Land Contamination
 - (g) Flood Risk and Drainage
 - (h) Trees
 - (i) Other Matters

PLANNING POLICIES

8. Relevant development plan policies include those which seek to ensure that new development:
 - Is located inside defined development limits (Saved Local Plan Policy E2 and Core Strategy Policy CS1).
 - Provides vehicular access and parking suitable for its use and location (Policy CS2)
 - Is within a sustainable location and accessible by various modes of transport and provides safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (Policy CS2)
 - 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 (Policy CS2)
 - Protects buildings, their settings and features of archaeological interest (Policy CS14)
 - Protects, enhances, and promotes the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local importance in conservation areas, buildings and features that reflect Darlington's railway heritage (Policy CS14)
 - 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)
 - Has regard to existing trees and incorporates trees into the proposed layout wherever possible. Any proposals to fell or carry out works to trees protected by Tree

Preservation Order will take into account the health and stability of the trees, their likely future lifespan and their public amenity value (Saved Policies E12 and E13)

- Is focussed on areas of low flood risk (Flood Zone 1) and complies with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16)
- Complies with statutory standards relating to contaminated land (Policy CS16)
- Improves transport infrastructure and creates a sustainable transport network (Policy CS19)

RESULTS OF TECHNICAL CONSULTATION

9. No objections in principle have been raised by the Council's Highway Engineer, Transport Policy Officer, Conservation Officer or Environmental Health Officer. The Lead Local Flood Authority recommend conditional approval. British Transport Policy support the application in principle but raise a number of comments for consideration. Network Rail confirm they have no observations to make.

RESULTS OF PUBLICITY AND NOTIFICATION

10. A total of 3 letters of objection have been received which raise the following issues:
 - Air pollution
 - Works to trees
 - Poor quality on street parking
 - Pedestrian access onto Waverley Terrace
 - Illegal access/anti-social behaviour
 - Light pollution
 - Noise pollution from vehicles and pedestrians
 - Litter
 - Surface water/blocked drains
 - Boundary treatment
 - Retention of protected trees
 - Policing of on street parking on Waverley Terrace
11. One letter of representation has been received which raises the following issues:
 - Need for larger temporary car park
 - Encourage alternative means of accessing the station other than the car
 - Increase in business rates

PLANNING ISSUES/ANALYSIS

(a) Planning Policy

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National

Planning Policy Framework, 2021(NPPF) supports the plan led system providing that planning decisions should be 'genuinely plan-led' (para. 15). This NPPF also comprises up to date national planning policy and is a material consideration in planning decisions.

13. The application site is located within development limits for the main urban area of Darlington as defined by the Proposals Map of the Borough of Darlington Local Plan, 1997, and the principle of development accords with the locational requirements of Saved Local Plan Policy E2 and Core Strategy Policy CS1.
14. Policy CS19 also states that the Council and its partners will work together to make the best use of and improve existing transport infrastructure within and connecting to the Borough, having considered first solutions to transport problems that are based on better management and the provision and promotion of sustainable travel. For the rail based transport network this will be provided in the short term by providing new stopping facilities to the east of Bank Top Railway Station and to integrate rail with all other transport modes. The proposal is required to facilitate the provision of a wider package of works centred around the east and west sides of the Station set out in the Bank Top Station Masterplan. As such, the principle of development is considered to comply with Policy CS19, subject to consideration of the following issues of development management.

(b) Heritage Assets and Visual Amenity

15. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty to treat a finding of harm to a listed building and its setting as a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise and subsequent case law has stated that it is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgement.
16. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (para. 197 of the NPPF, 2021).
17. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para. 199 of the NPPF, 2021).
18. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a

positive contribution to the asset (or which better reveal its significance) should be treated favourably (para. 206 of the NPPF, 2021).

19. The application has been supported by a Heritage Statement (HS) which assesses the impact of the proposal on the setting of the adjacent Grade II* listed Bank Top Station. The HS complies with the requirements of paragraph 194 of the NPPF, 2021. The application site is in a highly significant location, within the immediate setting of the Grade II* listed Bank Top Station. Bank Top was constructed in 1887, designed by William Bell and engineer Thomas Harrison. The building is the third phase of development of the station building. It is highly ornate and has a feel of renaissance design. The station was designed with a more public focus to the west of the site, where there is more architectural detail. The elevation along the eastern elevation of the building is more modest in design. This is however in part due to the phase 3 works retaining sections of the second phase of development under Thomas Prosser.
20. The application site is located to the west and south west of the station building and its associated curtilage buildings of the station. In 2017, a Statement of Significance was produced by the North of England Civic Trust for the station building and its setting. The 2017 report identified the site, forming the location of the historic cattle market, as being of considerable contribution to the setting of Bank Top Station. The Cattle Market was present on the site from 1878 and is first shown on the 1890 OS mapping. The configuration of the Cattle Market has been altered over time; however, the historic use has remained the same. The Cattle Market was relocated out of town in 2020 and the site became redundant. While the site has since been cleared, the historic boundary treatment for the site has been retained. The boundary comprises sections of low level wall, finished with stone capping and raised brick pillars. Between the pillars are the original cast iron railings mounted into the stonework with lead.
21. The proposed temporary car park will involve the resurfacing of the existing site to provide a level car park, the installation of a height restriction barrier at the western end of the site, approximately 200 metres from Bank Top Station, paystations, and the erection of 26 no. 6 metre high lighting and CCTV columns across the site. The existing boundary wall is to be retained with some localised repairs and alterations. The HS concludes that due to the temporary nature of the proposed works, the distance of some of these works from Bank Top Station (height restriction barrier) and the presence of other similar structures within the adjacent Park Lane car park (lighting columns, paystations) in closer proximity to the station, the proposal will have no material impact on the setting of Bank Top Station.
22. The Council's Conservation Officer considers that while the proposals will see a change to the use of the space, the proposed development proposals are more minor. In the context of an existing cleared site and given the retention of the existing boundary treatment, the proposed temporary use will have a lesser degree of impact and will not have a detrimental impact on the setting of the adjacent Grade II* listed Bank Top Station. Overall, the proposal is considered to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework 2021 and

Policy CS14 of the Core Strategy, 2011. For the reasons already set out in this section of the report these above ground features will have little discernible impact on the character and appearance of the surrounding area beyond the immediate setting of Bank Top Station and the proposal also complies with Policy CS2 in this regard.

(c) Residential Amenity

23. There are residential properties located to the north, south and west of the application site on Waverley Terrace, Nelson Terrace, Belvedere Terrace, Grainger Street, Park Lane and Clifton Road respectively. The proposed development has the potential to impact upon these properties both during the construction and operational phases of the development. Construction impacts can be managed by the submission of a Construction Management Plan, alongside measures for controlling noise, dust and vibration. It is also considered appropriate to limit the hours of demolition and construction activities to protect residential amenity. These matters are the subject of appropriate planning conditions.
24. Impacts during the operational phase of the development are likely to arise from the 24-hour operation of the car park, from noise from the comings and goings of vehicles and pedestrians, and light pollution. The issue of noise arising from potential anti-social behaviour has also been raised and will be considered in the next section of this report.
25. The Council's Environmental Health Officer has advised that neither a noise assessment nor an air quality assessment are necessary as part of this application. While the proposed car park is to operate on a 24-hour basis, the proposed use is considered to create significantly less noise than the previous use of the site as a livestock market and in the context of this previous use no further conditions relating to noise mitigation are required as part of any approval.
26. Lighting information submitted with the application demonstrates that the proposed lighting columns are similar in terms of their height and light output to existing neighbourhood street lighting and should not cause a nuisance to nearby residents. Similarly, the Environmental Health Officer does not consider any further conditions relating to lighting to be required.
27. An existing junction on Clifton Road is to be utilised to provide vehicular access to the site and two pedestrian accesses are to be created on Park Lane to the east and Clifton Road to the west providing pedestrian links both to the station and to the town centre. These pedestrian access points have been positioned so as not to be directly adjacent to any residential properties. A new pedestrian access onto Waverley Terrace has however been omitted from the application in response to comments received during the consultation exercise.
28. Overall, the proposal is not considered to have an unacceptable impact on the amenities of nearby residential properties in terms of noise and light pollution and is therefore considered to comply with Core Strategy Policy CS16 in this regard.

(d) Anti-Social Behaviour

29. Concerns regarding the potential for anti-social behaviour have been raised by objectors. The British Transport Police, while supportive of the application in principle, also raise a number of matters to be incorporated into the scheme to reduce the potential for anti-social behaviour through 'Designing out Crime'. These comments include the need for the site boundaries to be defined and to act as an access control measure to prevent access from any areas other than the authorised entry/exit points; the use of surface markings to define parking bays; the installation of a vehicle height restrictor to prevent high sided vehicles from entering the car park; secure cycle/motorcycle parking; CCTV coverage and lighting; and the need to trim foliage back to avoid obscuring CCTV images. The proposed scheme includes many of these features as has been set out elsewhere in this report and are considered appropriate to assist in limiting anti-social behaviour and resultant noise impacts on the site. The agent has also confirmed that the placing of litter bins around the site will also be considered as part of the final scheme design. The proposal is therefore considered to comply with Policy CS2 in this regard.

(e) Highway Safety and Sustainable Transport

30. As previously described, the proposed temporary car park is required to mitigate for the loss of existing station car parking at Garbutt Square (353 spaces) and Albert Street (43 spaces) whilst the new station entrance and multi-storey car park (MSCP) at the eastern side of the station are under construction. The temporary car park will operate until the new 672 space MSCP is complete, however whilst the MSCP is under construction it will be necessary to provide alternative parking provision.
31. Although intended as a temporary replacement for the LNER operated car park at Garbutt Square, it may also be utilised by people visiting Darlington town centre or amenities and attractions in the vicinity of Victoria Road, although it is acknowledged that there are car parks located closer to the town centre including Park Place West car park. A signal controlled pedestrian crossing is present on Victoria Road, adjacent to Clifton Road, and a zebra crossing is located approximately 125m to the west, in the direction of the town centre. Further west, signal controlled crossings are provided to aid movements across the A167 St Cuthbert's Way. As such there are good pedestrian routes to the town centre with safe crossing points and it is considered that the existing pedestrian infrastructure will be sufficient to accommodate the volume of pedestrian movement generated by the proposed temporary car park.
32. A Transport Assessment (TA) has been provided with the application. The predicted vehicular trip generation sets out the proposed temporary car park (based on 450 spaces) is likely to generate in the order of 91 trips (two-way) in the AM peak, 76 trips (two-way) in the PM peak and 91 trips in the Saturday peak period. This trip generation is however predominantly 'transferred' trips which would otherwise be accessing the Garbutt Square car park via Neasham Road rather than new trips on the local highway network.

33. It is estimated that approximately 25% of the traffic would travel south along Clifton Road and approximately 75% would pass through the Victoria Road/Clifton Road junction, utilising Victoria Road west. Junction capacity modelling has been carried out at the Victoria Road/Clifton Road/Park Place crossroads junction. As part of the Darlington Borough Council improvement scheme for Victoria Road, this junction is now signalised. The capacity modelling assessment undertaken demonstrates that the degree of saturation in all scenarios is below 90% and that the junction retains 10% spare capacity. As such it is considered that the addition of the temporary car park traffic would not have an unduly adverse impact on the operation of the junction.
34. As part of the TA, road traffic collision data has been obtained, with a total of 15 accidents being recorded within the vicinity of the application site in the most recent 5 year period. The alterations being made to Victoria Road as part of the Council's scheme will improve the road for all users, particularly pedestrians and cyclists. Although the greatest concentration of incidents occurred at the junction of Victoria Road and Clifton Road, the recently completed signalisation of the junction will reduce the likelihood of incidents occurring in this location. Overall, it is not considered that there are any incidents or trends that would cause concern with regard to the proposals for the temporary car park.
35. Vehicular access is proposed to be taken from the newly formed junction on Clifton Road with required visibility splays being demonstrated on plan. As part of forming the new access it is proposed to reinstate the footway to the north and south of the access. An internal pedestrian route is proposed along the northern edge of the car park with connections to Park Lane and Clifton Road with dropped kerbs and tactile paving. A total of 22 disabled car parking spaces are proposed which meets the guidance set out in the Tees Valley Design Guide and Specification (TVDG). Garbutt Square car park does not have any disabled parking provision and the route to the station platform crosses a footbridge with steps. The temporary car park is considered to be a significant improvement in this regard, benefitting from accessible spaces located as close as possible to the station entrance, and having a route with dropped kerbs and tactile paving. While the distance from the temporary car park to the station portico entrance may not be attractive for disabled persons to use, overall, the proposed car park is considered to be more readily accessible than the existing Garbutt Square car park until the completion of the new, accessible MSCP.
36. Car parking bays meet the necessary space standards, and five covered motorcycle spaces are also proposed, also in line with TVDG standards. No electric vehicle charging points are proposed however given the temporary nature of the proposal the expense of providing such infrastructure would not be reasonable for such a short time period.
37. Various minor works are required within the highway, including the reinstatement of the footway and amendments to the vehicular access point on Clifton Road; numerous pedestrian crossing points with dropped kerbs and tactile paving; and the temporary raised table pedestrian crossing/traffic calming feature on Park Lane. Revisions are also needed to Traffic Regulation Orders (TROs) where the 20mph speed limit is to be

extended to incorporate the pedestrian raised table on Park Lane and amended parking/waiting restrictions in the vicinity of the car park entrance on Clifton Road. These works would form part of a Section 184/278 Legal Agreement and works should be completed on site prior to the car park opening to the public, in order to ensure a safe means of vehicle and pedestrian access is available prior to opening. This would be secured by a suitable planning condition. The Highway Engineer has also requested a condition requiring the submission of a construction management plan.

38. The Planning Obligations Supplementary Planning Document (SPD) usually requires a sustainable transport contribution for car parking spaces, calculated at a rate of £200 per car parking space. As this car park is to replace the number of car parking spaces being lost on the east side of the station whilst the new MSCP is being constructed, a contribution is not being sought in this case. On this basis, it is appropriate to grant planning permission only for a temporary period and the applicant is agreeable to a condition granting planning permission until 31st December 2024.
39. Subject to the conditions set out above, the proposal is considered to comply with Policies CS2 and CS19.

(f) Land Contamination

40. Given that hardstanding will be created across the site to facilitate the use as a car park, future users of the site are unlikely to come into contact with underlying ground conditions. It is not therefore considered necessary to add conditions relating to contaminated land to any approval. The requirement will need to be revisited for any future redevelopment of the site once the temporary car park ceases to be operational. The proposal does not therefore give rise to any unacceptable issues relating to land contamination and therefore complies with Policy CS16 in this regard.

(g) Flood Risk and Drainage

41. The application site is located within Flood Zone 1 and as such is at low risk of flooding. As the site area exceeds 1 ha a Flood Risk Assessment (FRA) and Drainage Strategy (DS) have been submitted in support of the application which assesses how surface water drainage from the proposed development will be dealt with. There will be no foul drainage flows associated with the proposed development. The DS sets out that the site should be graded to encourage surface water away from the main entrances and towards positive drainage infrastructure to mitigate against the residual risk posed by surface water and sewer flooding.
42. It is proposed that surface water will be discharged into a NWL sewer (2011) on Victoria Road to the north, utilising existing connections where feasible, restricted to a maximum rate of 52.5 l/sec. While this is above the recommended greenfield runoff rate of 10.6 l/sec, it is still a reduction from the previous runoff rate of 113.0 l/sec. An attenuation tank is to be provided for storage and to allow a restriction to surface water rates. An oil separator has also been proposed to allow for treatment of surface water prior to

discharging onto NWL sewers. The FRA/DS concludes that the development is appropriate for the site and there will be no increase in flood risk to the site or surrounding area as a result of the development. The LLFA raises no objection to the application subject to the imposition of planning conditions to secure the details of a sustainable surface water drainage scheme. Policy CS16 is satisfied in this regard.

(h) Trees

43. The application proposes the pruning of those protected trees (No. 6, 1990) overhanging the northern boundary of the application site on Waverley Terrace to give a clearance of 2.5 metres headroom over the proposed car park, together with the removal of deadwood. The trees are identified as being in either reasonable or poor form and condition and are categorised as either Category B2 (trees of moderate quality with an estimated remaining lifespan of at least 20 years, present in groups or woodlands) or C2 (trees of low quality with an estimated remaining life expectancy of at least 10 years, being present in groups or woodlands) trees accordingly. The Arboricultural Impact Assessment (AIA) also indicates the removal of 1 no. protected tree on the corner of Waverley Terrace and Park Lane, for which permission was granted as part of the public realm improvement works at Station Gateway West (21/00691/DC), and also the removal of a single category C tree within the existing Park Lane car park which does not form part of this application. A Tree Protection Plan also shows how these trees will be protected during the construction phase of the development by the erection of protective fencing to protect the root protection areas (RPAs) of the trees.
44. Saved Local Plan Policy E12 requires development proposals to take full account of trees on and adjacent to a site, and the layout and design of the development should wherever possible avoid the need to remove trees and provide for their successful retention. Where removal is unavoidable, any required landscape works should be so designed to compensate for the loss of the tree(s). Saved Policy E13 states that when determining applications to carry out works to or fell trees subject to tree preservation orders, consideration will be given to the health and stability of the trees, their likely future lifespan and their public amenity value.
45. The removal of deadwood from the protected trees is good arboreal practice and does not require consent. The pruning of those trees as necessary to create a clearance of 2.5 metres above the proposed car park is considered to be acceptable to avoid future damage to these trees from vehicles using the car park, and can be undertaken without significantly impacting upon the amenity value of the trees. Subject to a condition to secure the protection of these trees during the construction phase of the development in accordance with the details provided on the Tree Protection Plan, the proposal is considered to comply with Saved Policies E12 and E13.

(i) Other Matters

46. One matter raised by objection is the rateable value of the proposed car park site, however this is not a material planning consideration and does not fall to be considered as part of this application.
47. The issue of the policing of parking on Waverley Terrace has also been raised by objection. As this relates to an area outside of the application site boundary it is not a matter for consideration at this stage.

THE PUBLIC SECTOR EQUALITY DUTY

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

CONCLUSION AND RECOMMENDATION

49. The proposed car park is required for a temporary period to mitigate against the loss of the existing station parking at Garbutt Square and long stay parking at Albert Street whilst the new station entrance and 672 space multi-storey car park is being constructed at 'Station Gateway East'. The application site is an existing vacant site within close proximity to the west side of Bank Top Station, in a sustainable location within the main urban area, and will provide a total of 455 car parking spaces, including 22 accessible parking spaces and 5 covered motorcycle parking spaces for this temporary period.
50. The impact of the proposal on the setting of the adjacent Grade II* listed Bank Top Station has been assessed as part of the application and in view of the retention of the existing boundary wall, the limited extent of proposed above ground works and the temporary nature of the proposal, the Heritage Statement concludes that this will have little material impact on the setting of Bank Top Station. The Council's Conservation Officer concurs with this view and the proposal would accord with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, along with the considerations set out within the National Planning Policy Framework, 2021 and Policy CS14 of the Core Strategy, 2011.
51. Consideration has also been given to the impacts of the proposed development on the amenities of nearby residential properties. In view of the nature of the proposed use and associated development and in the context of the former use of the site as a cattle market, the proposed use is not considered to give rise to any unacceptable impacts on residential amenity in terms of noise, light pollution or anti-social behaviour. Technical matters relating to highways, sustainable transport, tree protection measures and drainage can be dealt with by appropriate planning conditions, thereby complying with relevant planning policies on such matters. Accordingly, it is recommended that:

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

1. This consent is granted for a temporary period expiring on 31st December 2024 when the use of the site shall cease, and the above ground structures hereby approved shall be removed and the land restored to its former condition in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in full within 6 months of approval of those details.

REASON – The proposed car park is required on a temporary basis to mitigate for the loss of existing station car parking which will be reinstated following the completion of a replacement multi-storey car park. The temporary car park is not therefore required in the long term.

2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - (a) Proposed car park layout, drawing number 300267-001 Revision E, dated July 2021
 - (b) Proposed works to wall, drawing number 300267-004 Revision B, dated December 2021
 - (c) Proposed car park lighting systems, drawing number 01 Revision PO1 dated October 2021
 - (d) Lighting general arrangement, drawing number TBI/FP/TH2 RANGE dated 9.2.21

REASON – To define the consent.

3. Prior to any works to the boundary walls as shown on Proposed works to wall, drawing number 300267-004 Revision B, dated December 2021 taking place, details of the external materials to be used in the carrying out of these works, including samples, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out in accordance with the details as approved.

REASON – In the interest of visual amenity.

4. Prior to the commencement of the development, or at a time agreed in writing by the Local Planning Authority, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirements specifically and in writing:
 - a) Dust assessment report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The dust assessment report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228" Code of Practice for noise and vibration control on construction and open sites"
- c) Construction traffic routes, including parking areas for staff and visitors
- d) Details of wheel washing
- e) Road Maintenance
- f) Warning signage

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

REASON – In the interests of highway safety and residential amenity

- 5. 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 interest of residential amenity

- 6. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing the following details:
 - i. Detailed design of the surface water management system
 - ii. A build program and timetable for the provision of the critical surface water drainage infrastructure
 - iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase
 - iv. Details of adoption responsibilities

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

- 7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy (DS) Rev. 2 dated 22nd December 2021 and the following mitigation measures detailed within the FRA.
 - Discharge to NWL Surface Water Sewer Ref: 2011 Restricted to 52.5 l/sec (temporary until 31st December 2024)

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

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

8. The developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278/183 agreement before commencement of the works on site. Thereafter the agreed off-site highway works shall be completed in full prior to the car park hereby approved first being brought into use.

REASON – In the interest of highway safety.

9. The development hereby permitted shall be carried out in strict accordance with the tree protection measures set out in the Barnes Associates Arboricultural Impact Assessment, drawing number BA11064TPP, Revision A, dated 4.10.2021. Such measures shall remain in situ for the duration of the construction period.

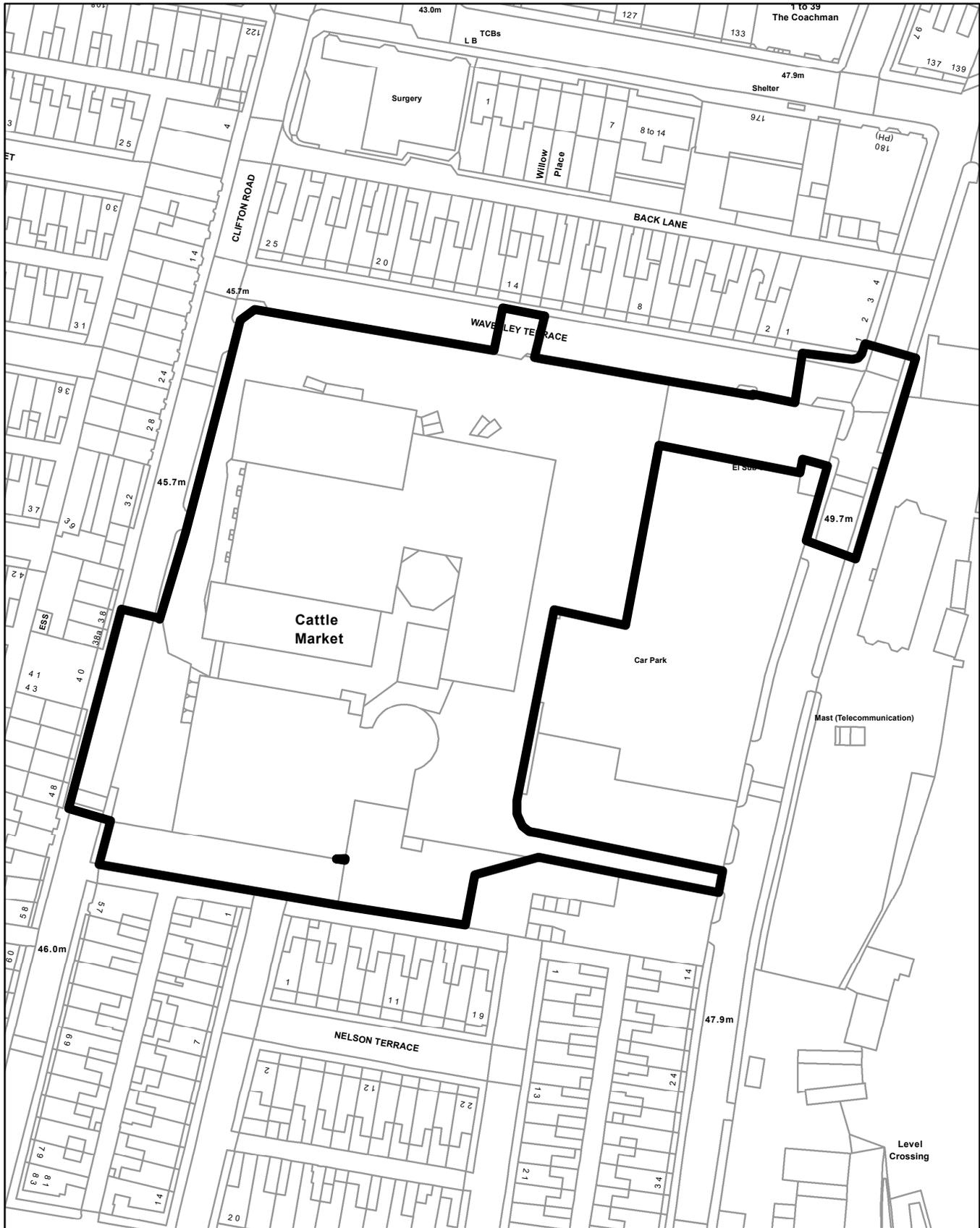
REASON – To ensure a maximum level of protection in order to safeguard the wellbeing of trees on the site and in the interest of the visual amenities of the area.

INFORMATIVES

The applicant is advised that contact be made with the Assistant Director – Highways, Design and Projects (contact Mr S Pryke 01325 406663) to discuss the off-site highway works and the Section 278/184 Agreement.

The applicant is advised that contact be made with the Assistant Director – Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the amended 30mph limit and the introduction of Traffic Regulation Orders in connection to a 20mph zone and revised parking restrictions on Clifton Road.

This page is intentionally left blank

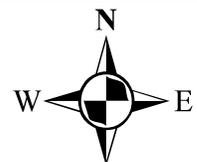


© Crown copyright. All Rights Reserved. Licence Number 10023728. 2022

Planning Ref No: 21/01244/DC

DARLINGTON BOROUGH COUNCIL

Page 41



SCALE 1:1250

This page is intentionally left blank

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 January 2022

APPLICATION REF. NO:	21/00915/RM1
STATUTORY DECISION DATE:	3 November 2021 (Extension of time agreed until 21 January 2022)
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Reservoir (Disused), Darlington Road, Sadberge
DESCRIPTION:	Application for reserved matters approval relating to access, appearance, landscaping, layout and scale for the erection of 46 no. dwellings and associated works pursuant to planning permission 19/00339/OUT dated 06 Feb 2020 (Outline planning permission for redevelopment of former reservoir site for residential purposes of up to 46 dwellings with all matters reserved apart from access) (amended site plan and additional boundary treatment and hard surfacing details, site sections, landscape management scheme, drainage information and reservoir wall information received 9 December 2021, additional pumping station information received 10 December 2021 and amended landscape management scheme received 21 December 2021)
APPLICANT:	Mr Craig Peterson, Homes by Carlton

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QX0HRWFPHK600>

APPLICATION AND SITE DESCRIPTION

1. Outline planning permission (19/00339/OUT) was granted for the redevelopment of the former reservoir site for residential purposes for up to 46 dwellings, with all matters reserved except access, by the Planning Applications Committee in December 2019. Outline permission was granted subject to a Section 106 Agreement which secured a financial contribution of £46,800 towards public transport and £15,000 towards the improvement of the existing play area in Sadberge. Affordable housing provision of 20% across the site was also secured by planning condition. Planning permission was issued in February 2020 once the Section 106 Agreement had been signed.
2. This is a reserved matters application which provides details of the appearance, landscaping, layout and scale relating to the erection of 46 no. dwellings on the site for consideration. Access was dealt with at the outline stage and the site would be served by an access from Darlington Road in the south west corner of the site in accordance with the outline permission.
3. The proposed development comprises:
 - 46 no. 3, 4 and 5 bedroom detached and semi-detached dwellings
 - Open space at the entrance to the site and landscaped area to the side and rear within the retained reservoir embankments
 - Pumping station in north east corner of the site
4. The application site is a former Northumbrian Water Limited (NWL) reservoir located at the south western edge of Sadberge, within the Sadberge Conservation Area. The former reservoir has been redundant since approximately 1985 and was deemed surplus to operational requirements prior to the outline application being submitted. The site extends to approximately 1.74 hectares and comprises the reservoir, a concrete lined tank with brick walls surrounded by earth embankments on all sides, and a disused stone tower on the embankments to the south of the reservoir. The proposed dwellings would be built on the site of the former reservoir basin, which is to be removed and reprofiled, leaving the south and western embankments in situ which would be retained as a landscaped area with an area of open space at the entrance to the site.
5. The site is bound by existing residential properties at Beacon Grange Park to the east, by Darlington Road to the north and by open countryside to the south and west. The A66(T) is located approximately 100 metres to the south.
6. The following information has been submitted in support of this reserved matters application:
 - Design and Access Statement
 - Heritage Statement
 - Landscape Management Strategy

MAIN PLANNING ISSUES

7. The principle of developing this site for residential purposes, together with the point of access, has been established by the granting of the outline planning permission (19/00339/OUT). The principle of development therefore not for consideration as part of this application. Technical matters relating to drainage, land contamination, noise attenuation, tree protection, archaeology and affordable housing are the subject of conditions attached to the outline permission which will need to be discharged at the appropriate time. The main issues to be considered as part of this reserved matters application are whether the proposed details of the development are acceptable in terms of their impact on the following matters:
- (a) Heritage Assets and Visual Amenity
 - (b) Residential Amenity
 - (c) Highway Safety
 - (d) Landscaping
 - (e) Other Matters

PLANNING POLICIES

8. Relevant planning policies include those which seek to ensure that new development:
- Provides vehicular access and parking suitable for its use and location (Policy CS2)
 - Is within a sustainable location and accessible by various modes of transport and provides safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (Policy CS2)
 - 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 (Policy CS2)
 - Protects buildings, their settings and features of archaeological interest (Policy CS14)
 - Protects, enhances, and promotes the quality and integrity of Darlington's distinctive designated national or nationally significant built heritage and archaeology including buildings, their settings and features of historic and archaeological local importance in conservation areas, buildings and features that reflect Darlington's railway heritage (Policy CS14)
 - 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)
 - Has regard to existing trees and incorporates trees into the proposed layout wherever possible (Saved Policy E12)
 - Includes hard and soft landscaping which has regard to its form, setting and design (Saved Policy E14)

- Is focussed on areas of low flood risk (Flood Zone 1) and complies with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16)
- Complies with statutory standards relating to contaminated land (Policy CS16)

Other relevant documents

- National Planning Policy Framework, 2021
- Revised Design of New Development Supplementary Planning Document, 2011

RESULTS OF TECHNICAL CONSULTATION

9. The Council's Highway Engineer, Transport Policy Officer, Environmental Health Officer and Ecology Consultant raise no objection in principle. The Conservation Officer raises some concern regarding the design detailing, use of some materials and the suitability of 2.5 storey dwellings within the proposed scheme. Neither Historic England nor National Highways (formerly Highways England) wish to comment on the application. Northumbrian Water Limited have no comments to make. Sadberge Parish Council agree with the application but have a reservation regarding the lack of affordable housing and questioned the use of materials for the infilling of the old reservoir.

RESULTS OF PUBLICITY AND NOTIFICATION

10. A total of 8 letters of objection have been received which raise the following issues:
- Loss of privacy due to overlooking from proposed dwellings
 - Noise and odour from the pumping station
 - Security and maintenance of pumping station and exclusion zone
 - Details of means of enclosure not provided
 - Traffic and congestion caused by additional vehicle movements
 - Concerns regarding road safety
 - Foul and surface water drainage
 - Overdevelopment of the village
 - Detrimental impact on wildlife, flora and fauna
 - Impact on school places
 - No amenities in village to support residential development
 - Lower density development required
 - Air quality
 - More visitor parking required
 - Other unfinished development in the village
11. A further 3 letters of objection have been received in response to reconsultation on amended and additional information provided which raise the following further issues:
- Affordable housing not shown
 - Village not big enough to accommodate another development
 - Lack of privacy and separation between dwellings

PLANNING ISSUES/ANALYSIS

(a) Heritage Assets and Visual Amenity

12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance of conservation areas. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty to treat a finding of harm to a listed building and its setting as a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise and subsequent case law has stated that it is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgement.
13. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness (para. 197 of the NPPF, 2021).
14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para. 199 of the NPPF, 2021).
15. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para. 200 of the NPPF, 2021) and the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para. 203 of the NPPF, 2021).
16. Local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (para. 206 of the NPPF, 2021).
17. The impact of developing the site for residential purposes upon the character and appearance of the surrounding area, including the Sadberge Conservation Area, was considered at the outline planning application stage. Although no details of the proposed dwellings were provided and considered at that stage, an indicative site layout plan and parameters plan were provided which indicated how the site could be developed. These plans informed both the Heritage Statement and Design and Access Statement submitted

- with the outline planning application, and showed the proposed houses being built on the site of the former reservoir basin, with the south and western embankments and water tower retained, to help mitigate the impact of the proposed development when viewed from the south and west.
18. The Council's Conservation Officer at the time considered that while the redevelopment of the reservoir site would impact upon its historic form and the 'monumentality' of the embanked reservoir, due to the relatively minor architectural interest of the former reservoir site, the overall impact of the proposals on the significance of the Sadberge Conservation Area would be only negligible or neutral. It would therefore preserve the significance of the heritage asset by leaving it substantially unharmed rather than entirely unchanged, and no objection was raised to the proposed development on this basis.
 19. It was established at the outline stage that there was no in principle objection to the removal and remodelling of the former reservoir, but that the proposal would result in the extension of the built form of the village into the former reservoir site. It was considered that the impact of the development of the site from wider ranging views from the south west and from the A66 would be limited due to the retention of the embankments, the most significant impact would be from closer ranging views from Darlington Road to the north. The removal of the northern embankment almost in its entirety to allow access to the site, thereby opening up the site most considerably from this aspect, would result in the built form of the village extending westwards into the open countryside.
 20. This impact was weighed against the benefits of removing this anomalous site from the Sadberge Conservation Area and the reclamation of this degraded site which has been a long held aspiration of Saved Local Plan Policy E17. Given that the proposal was considered to preserve the significance of the Sadberge Conservation Area, the impact of the proposal on the character and appearance of both the conservation area and that of the surrounding area was considered, on balance, to be acceptable complying with Saved Local Plan Policies E2 and E17 and Core Strategy Policies CS2 and CS14.
 21. The impact of the proposed development on the significance of the Sadberge Conservation Area and on the character and appearance of the surrounding area falls to be considered once more at the reserved matters stage, having regard to the detailed proposals submitted at this stage. The principle of the removal of the reservoir basin and its remodelling to facilitate the redevelopment of the site for residential purposes having been established at the outline stage.
 22. A Heritage Statement (HS) has been submitted with the reserved matters application which assesses the impact of the proposed development on the significance of the Sadberge Conservation Area and on the former reservoir and associated water tower which are non-designated heritage assets. The loss of the former reservoir has however been considered in detail at the outline stage as set out in previous sections of this report.

23. The scheme proposes the erection of 46 no. detached and semi-detached dwellings located on the site of the former reservoir basin following its removal and re-profiling. The dwellings will consist of a mix of three, four and five bedroom dwellings, constructed of a limited palette of red and buff bricks, with some render features, to compliment the existing materials surrounding the site together with a selection of contrasting red and grey roof tiles. The majority of dwellings are to be 2-storey in height, although a small number of 2.5 storey dwellings are proposed along the site frontage being the lowest point of the site. The 2.5 storey dwellings have been designed to contain a habitable room in the roofspace with the use of rooflights and enlarged gable features to the front of the dwelling, so they retain the appearance of a 2 storey dwelling but create variation in the street scene. Additionally, a sectional drawing of the streetscene elevation onto Darlington Road shows the height of the 2.5 storey dwellings only marginally higher than the adjacent 2 storey dwellings and no higher than the dwellings proposed towards the rear (south of the site).
24. The existing brick retaining wall to the front of the site is to be retained and made good where necessary, although it will be necessary to remove a section of this to accommodate the site entrance. The properties to the front of the site facing Darlington Road are to be 'double fronted' to ensure an active frontage onto the main road. Elsewhere the dwellings will face into the site in response to site constraints. There are a variety of well designed, high quality house types throughout the development, with the larger detached properties located to the front of the site in a less dense layout where the site is more open and more sensitive to change. The rear of the site is more densely developed where the landscape buffer and retained tree planting provide a high degree of screening of the site from wider ranging views. Sectional drawings submitted with the application show that the proposed dwellings will be set slightly lower than the existing dwellings to the east on Beacon Grange Park and that they will not encroach above the existing tree belt along the south of the site so as to maintain views of the former reservoir site from the south.
25. The scheme also includes some dual aspect, corner turning houses at junctions in the cul-de-sacs to create an attractive streetscene, and within the site there are pockets of open space with specimen tree planting to break up the development pattern, performing both a functional and social role within the development, including at the site entrance which also serves to soften the appearance of the development when approaching Sadberge from the west. The design of the proposed dwellings attempts to introduce architectural detailing such as stone effect head and cill details, canopies over doors and each dwelling has been designed their own private driveway to the front or side, with off-street parking for a minimum of two vehicles, with private garden space to the rear.
26. The site would be accessed via a single access off Darlington Road in the north west corner of the site and the dwellings arranged around two cul-de-sacs. The layout of the site is generally in accordance with the indicative site layout submitted with the outline planning permission. Pedestrian links are to be provided along the frontage of the site together with crossing points on Darlington Road to link up with the existing footway network on the opposite side of the road.

27. Overall, the appearance and layout of the scheme, together with the scale of the proposed development, has been designed to provide a mix of housing interspersed with pockets of open space at a density (16 dwellings per hectare) which responds to the constraints of the site.
28. The Council's Conservation Officer raises some concern regarding the design detailing, use of some materials and the suitability of 2.5 storey dwellings within the proposed scheme. However as has been set out in the report, the overall appearance and layout of the proposed development is considered to respond well to the constraints of the site. The use of high quality UPVc windows and doors and rainwater goods, as proposed, in an otherwise acceptable scheme should not unduly detract from the character and appearance of the site. Elevational and sectional drawings have demonstrated that the 2.5 storey dwellings can be accommodated on the site without appearing at odds with the predominant 2 storey form of existing and proposed dwellings on this part of the site. Furthermore, these 2.5 storey dwellings will not adversely affect skyline views of the development when viewed from the south as sectional drawings through this part of the site show that the height of the development overall will not encroach above the existing tree belt which will continue to provide a visual buffer of the site along its southern boundary. As such, there will be little change from this aspect.
29. The submitted Heritage Statement sets out the details of the scheme submitted at the reserved matters stage has been developed on the basis of the indicative scheme upon which the outline application was based. The detailed proposals are largely based on this indicative scheme in terms of the amount of development (46 no. dwellings) of predominantly 2 storey scale and has been designed to reflect the context of the surrounding area which is predominantly characterised by modern housing development. The layout of the proposal also complies with the parameters plan which limited development to the former reservoir basin with the retained embankments to the south and west sides being identified as non-developable areas to be retained primarily as a landscape buffer, but also acting as public open space, supplemented with pockets of landscaping within the development area. The scheme also accounts for the retention of the water tower within this non-developable area within its current landscape setting.
30. The HS concludes that the reserved matters application has followed the principles of the indicative material and parameters plan submitted with the outline planning application and upon which the decision to grant planning permission was made. An assessment of the impact of the significance of identified heritage assets was undertaken as part of the outline planning application and it was concluded that the overall impact of the proposal would be negligible or neutral. The detailed proposals submitted with the reserved matters application result in no additional harm to the significance or setting of the heritage assets, being the Sadberge Conservation Area or the non-designated reservoir and water tower. Officers would concur with the conclusions of the HS.

31. Overall, the proposal is considered to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework, 2021 and Core Strategy Policies CS2 and CS14.

(b) Residential Amenity

32. The submitted layout plan shows that the appropriate separation distances as set out in the Design SPD can be achieved between the proposed dwellings. The eastern side of the proposed site is in close proximity to existing dwellings on Beacon Grange Park, separated by existing trees, shrubs and hedgerow. The majority of properties on the eastern side of the site, Plots 8 – 12 and 28 – 31 will have a back to back relationship with those existing properties located on the west side of Beacon Grange Park. Sectional drawings through this part of the site show a slight level difference between the existing and proposed dwellings, with the proposed dwellings on the reservoir site being set approximately 1.5 metres than the existing dwellings to the east. The properties would be separated by a 1.8 metre high close boarded timber fence and a separation distance of between 21 and 24 metres achieved between the existing and proposed dwellings. Accounting for the slight level difference between the two sites, this distance is considered to be acceptable in order to maintain appropriate standards of residential amenity.
33. An objection has been received regarding the close spatial relationship between 7 Beacon Grange Park and Plot 32 located in the south eastern corner of the site. There is a distance of approximately 9 metres between these two properties, however there is a side by side relationship between the two properties and this distance is similar to the existing side by side relationship between existing properties on Beacon Grange Park and greater than the distances between proposed properties on the southern side of the reservoir site. At this distance and due to the positioning of the dwelling at Plot 32 relative to the objector's property, the proposed dwelling is unlikely to give rise to any unacceptable impacts relating to loss of light or outlook. Any overlooking of the front or rear garden of this property from windows serving habitable rooms in the front and rear elevations of Plot 32 would be oblique and no different the existing relationship elsewhere on Beacon Grange Park.
34. The objection also refers to the potential for overlooking into a landing window in the west side of 7 Beacon Grange Park their property. The internal layout of the proposed dwelling at Plot 32 is such that there would be a landing window in the east elevation of this property although there would be no windows serving habitable rooms in this elevation. While there may be a degree of intervisibility, this again would be oblique and given that neither window would serve a habitable room would not result in any unacceptable loss of privacy between the two properties. The proposal is therefore considered to comply with the requirements of Policy CS2 and the Design SPD.
35. Other matters raised by objection relate to the potential for noise and odour arising from the proposed pumping station located in the north east corner of the application site. The pumping station is to be located with a 15 metre buffer zone from adjacent

properties and as such it has been demonstrated that the nearest properties at West View Cottage to the east and the nearest proposed dwellings on the reservoir site to the south and west respectively fall outside of this buffer zone. It is intended that the pumping station will be adopted by Northumbrian Water Ltd (NWL), and they require the pumping station to be designed to meet the necessary standards set out in the 'Design and Construction Guidance for foul and surface water sewers offered for adoption – Code for Adoption' to minimise the risk of odour, noise and nuisance. The 15 metre buffer zone is the minimum distance for the type of pumping station proposed. On this basis, the Environmental Health Officer raises no objection to the application and the proposal complies with the requirements of Policy CS16 in this regard.

(c) Landscaping

36. The south and west reservoir embankments which include existing tree and shrub planting within and around the perimeter of the site are to be retained as part of the proposal. This area formed part of the application site but outside of the developable area and defined by the parameters plan and serves an important function in terms of mitigating the impact of the development from views from the south and west. This area is to provide public open space to serve the development. The water tower to the south of the proposed houses will also be retained as part of the landscaping proposals.
37. Within the site existing trees, shrubs and hedgerow is to be retained along the eastern and northern boundaries and supplemented by the planting of specimen trees within the grassed areas within and to the front of the site. A plan showing the location of these trees has been provided, although no details of species has been submitted however this information can be secured by planning condition. A Landscape Management Specification has been submitted with the application which sets out how the public open space and landscaped areas within the development are to be managed and maintained. This document has been amended to include the recommendations of the Council's Ecology advisor to include a management plan for the retained grassland and scrub area within the public open space to the south and west of the site to ensure that biodiversity is enhanced as part of the development proposals. As recommended by the Ecology advisor, the amended management plan proposes an annual cut of the retained grasslands and long rotational coppicing of the scrub habitats on site. On the basis of the amended management plan, he raises no objection to the application.
38. A Preliminary Ecological Appraisal submitted with the outline planning application considered the impact of the proposed development on the loss of biodiversity from the site and set out a series of ecological enhancement and mitigation measures which has been secured by a planning condition. This condition will need to be discharged at the appropriate time. These enhancement and mitigation measures, together with the retention of existing trees, shrubs and hedgerows on the site and the planting of additional specimen trees will ensure there is no net loss of biodiversity as a result of the proposed development. Tree protection measures to ensure the protection of existing trees to be retained on the site during the construction period were also secured by condition at the outline stage. On this basis, the proposal is therefore considered to

comply with Policies CS2 and CS15 and Saved Local Plan Policies E12 and E14 in this regard.

(d) Highway Safety

39. The principle of the development was considered in detail and deemed to be acceptable as part of the extant outline permission. This considered matters such as traffic generation and highway impact in detail and as such these factors are not considered as part of this reserved matters application. Whilst traffic impact is referred to in some objection letters, the magnitude of development is in line with the outline consent of 46 no. dwellings, and as such no additional traffic impact beyond this extant permission is demonstrated.
40. The outline permission secured a package of on and off-site highway works by condition to include details of the internal highways layout and site access junction; the provision of a new footway along the frontage of the site and associated crossings on Darlington Road; in-curtilage car parking details; secure cycle parking and storage; and swept path analysis to support the movement framework for emergency vehicles, refuse and service vehicles for the internal network, and also in respect of those off-site highway works where necessary. Although these details are to be dealt with at the discharge of condition stage, the site layout needs to demonstrate that the proposed on-site highway works can be accommodated on the site.
41. Following some amendments to the internal highway network in response to the Highway Engineer's initial comments, he now finds the internal highway layout, including pedestrian linkages, site access junction, visibility splays and parking standards as shown on the submitted site layout plan to be satisfactory. Whilst no swept path analysis has been undertaken to support the internal highway layout, this is subject to a condition attached to the outline planning application to be discharged at the appropriate stage. On this basis, the Highway Engineer raises no highway objection.
42. The Transport Policy Officer has made a number of comments regarding matters that have been addressed at the outline stage and secured either by planning condition or by Section 106 agreement, including a contribution towards bus services, cycle parking and footpath linkages. The comments also include further requests for the provision of electric vehicle charging points and a Travel Plan, albeit the scale of development falls below the threshold for requiring a Travel Plan. The submitted details do not include any provision for electric vehicle charging points and while there is currently no policy requirement to provide such facilities, these matters would need to have been addressed at the outline stage.
43. Taking account of the comments of the Highway Engineer with regard to the internal highway layout and matters relating to Transport Policy as set out above, the proposed details are not considered to give rise to any issues of highway safety and the proposal complies with CS2 in this regard.

(e) Other Matters

44. Details of the proposed pumping station and location of the underground attenuation tanks have been provided in the proposed layout. The final surface water drainage scheme is however the subject of a planning condition to be discharged prior to the commencement of development is not a matter for consideration at this stage.
45. The issue of affordable housing has been raised by objection to the application. There is a requirement for a total of 20% affordable housing to be provided on site, secured by a planning condition attached to the outline permission. This condition requires that details of the affordable housing, including identifying the location of the affordable properties on the site, their tenure, details of the occupancy criteria, and details for the transfer to a registered provider to ensure the houses remain as affordable housing in perpetuity. Although no details of the proposed affordable housing have been provided with this application, this condition will need to be discharged prior to any work commencing on the site.
46. Matters relating to the sustainability of the site, impact on school places, and a lack of amenities within the village were considered at the outline application and are not matters for further consideration as part of this reserved matters application. As set out at the beginning of the report however, financial contributions towards public transport and improvements to the existing play area within the village were secured by Section 106 agreement attached to the outline permission, which will be made in staged payments during the construction of the development.
47. The Parish Council has requested details of the materials to be used in the infilling of the former reservoir site and how this will be monitored. This was considered at the outline stage and a number of land contamination conditions attached to the outline permission which require an intrusive site investigation to be carried out to ascertain the likelihood of any made or contaminated land on the site and to inform a remediation strategy. The conditions also require the submission of a validation report once the reclamation of the site has been completed. These conditions are to be discharged at the appropriate stages of the development.

THE PUBLIC SECTOR EQUALITY DUTY

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

CONCLUSION AND RECOMMENDATION

49. This is a reserved matters application following the granting of outline planning permission for the development of the site for 46 no. dwellings in February 2020. The principle of housing development on this site has therefore already been established and is not for consideration here. Traffic generation and highway safety impacts, visual impacts including the impact on the Sadberge Conservation Area, together with consideration of various technical matters relating to drainage, land contamination, noise attenuation, tree protection, archaeology and affordable housing were considered and agreed at outline stage. The outline permission is also subject to a Section 106 agreement to secure financial contributions towards public transport and improvements to the village play area.
50. The submitted details relating to appearance, landscaping, layout, and scale are considered to be acceptable in and do not give rise to any unacceptable impacts in terms of visual and residential amenity or highway safety. An assessment of the impact of the significance of heritage assets undertaken as part of the outline planning application concluded that the overall impact of the proposal would be negligible or neutral. A further assessment of the detailed proposals on the significance of heritage assets, concludes that detailed proposals submitted with the reserved matters application result in no additional harm to the significance or setting of the heritage assets. Accordingly, it is recommended:

THAT DETAILS BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

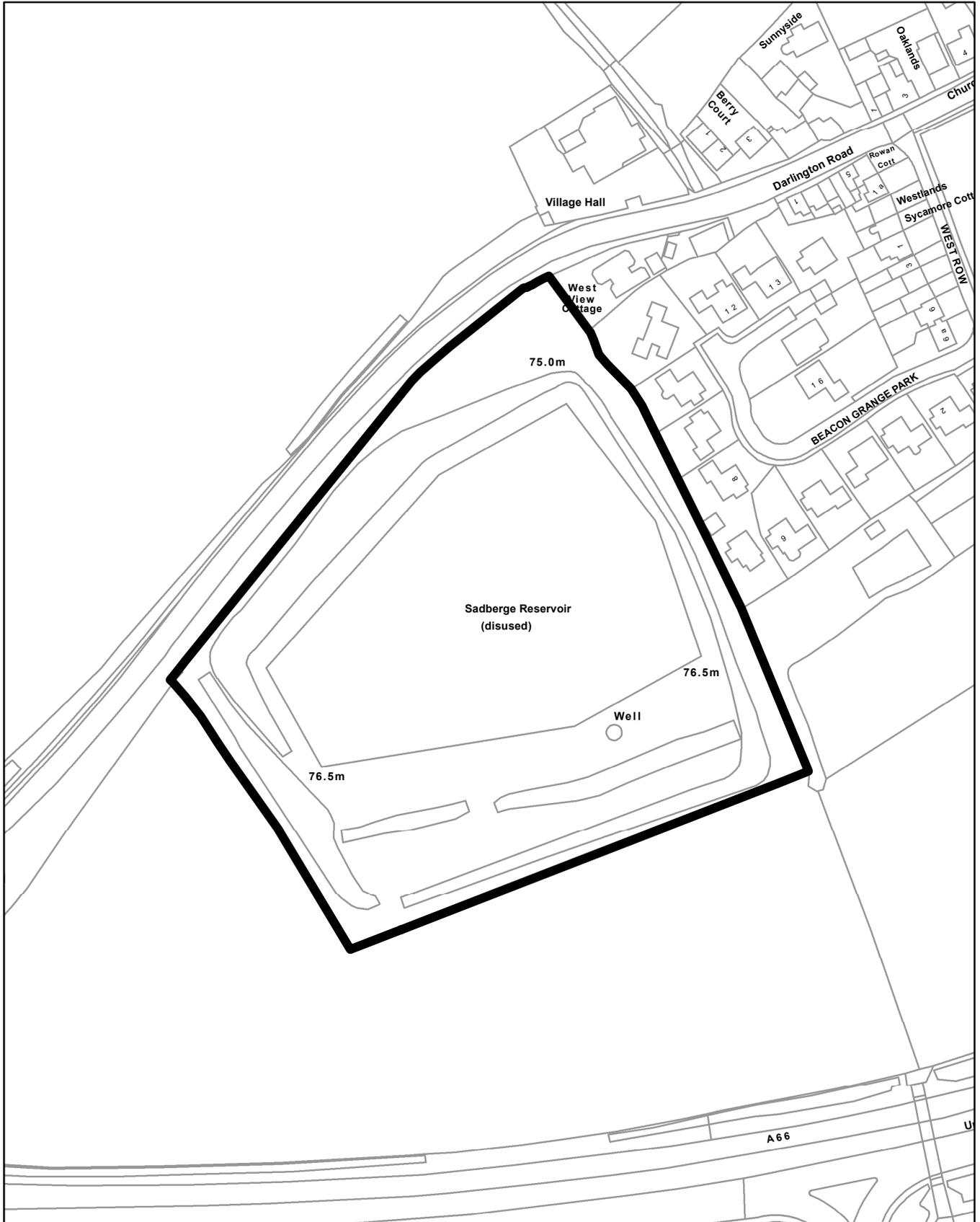
1. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - (a) Proposed site plan, drawing number 692-003 Revision C, November 2020
 - (b) Proposed boundary treatment and external hard landscaping, drawing number 692-004 Revision A, June 2021
 - (c) Site sections, drawing number 692-PL006 Revision A, November 2021
 - (d) Coniston GA Plans & Elevations, Drawing number 692 CO-01 Revision A, June 2021
 - (e) Croft GA Plans & Elevations, Drawing number 692 CR-01 Revision A, June 2021
 - (f) CT1 GA Plans & Elevations, Drawing number 692 CT101 Revision A, June 2021
 - (g) CT2 (Brick) GA Plans & Elevations, Drawing number 692 CT2B01 Revision A, June 2021
 - (h) CT2 (Render) GA Plans & Elevations, Drawing number 692 CT2R01 Revision A, June 2021
 - (i) CT3 GA Plans & Elevations, Drawing number 692 CT301 Revision A, June 2021
 - (j) Ergo 1 (Brick) GA Plans & Elevations, Drawing number 692 E1B01 Revision A, June 2021
 - (k) Ergo 1 (Render) GA Plans & Elevations, Drawing number 692 E1R01 Revision A, June 2021
 - (l) Ergo 2 GA Plans & Elevations, Drawing number 692 E201 Revision A, June 2021
 - (m) Epsom GA Plans & Elevations, Drawing number 692 EP01 Revision A, June 2021
 - (n) Type 1 GA Plans & Elevations, Drawing number 692 T101 Revision A, June 2021

- (o) Type 2 GA Plans & Elevations, Drawing number 692 T201 Revision A, June 2021
- (p) Type 3 GA Plans & Elevations, Drawing number 692 T301, June 2021
- (q) Amended 'Landscape Management Specification, Darlington Road, Sadberge for Homes by Carlton' prepared by Rosetta Landscape Design received 21 December 2021.

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

2. Details of a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the dwellings hereby approved being constructed above damp proof course level. Upon approval of the scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

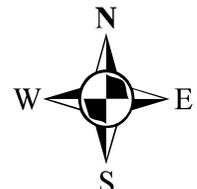


© Crown copyright. All Rights Reserved. Licence Number 100023728. 2022

Planning Ref No: 21/00915/RM1

DARLINGTON BOROUGH COUNCIL

Page 57



SCALE 1:1750

This page is intentionally left blank

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19th January 2022

APPLICATION REF. NO:	21/00405/FUL
STATUTORY DECISION DATE:	8 th June 2021 (EOT 21 st January 2022)
WARD/PARISH:	SADBERGE AND MIDDLETON ST GEORGE
LOCATION:	Land South Of Neasham Road Neasham Road MIDDLETON ST GEORGE DARLINGTON
DESCRIPTION:	Erection of 2 no. detached dwellings (Additional information received 24th August & 13th October 2021)
APPLICANT:	Mr John McArdle

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

APPLICATION AND SITE DESCRIPTION

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QRICF1FPJ0F00>

1. The application site, which is situated within the Middleton One Row Conservation Area, is located to the west of Middleton Lane in Middleton St. George, and comprises part of a residential development of 27 no dwellings (previously approved under reference number 16/00972/FUL) and part of an adjoining garden. This approved development includes four and five bedroomed detached dwellings and six two bedroomed bungalows, all with associated car parking. In addition, the site features landscaping and tree planting with brick boundary walls, timber fences and hedging.

2. Planning permission is sought for the erection of two additional two-storey dwellings within the site (both two storey, one five bedrooms, and one six bedrooms). One of the dwellings would be within the confines of the approved site, and the other dwelling would involve a small extension to the site by including a strip of the rear garden of Brake House, 72 Middleton Lane. This area was formerly used as a grass tennis court before being converted back into a small part of the substantial grounds of Brake House.

MAIN PLANNING ISSUES

3. The main issues for consideration are:
 - (a) Principle of the proposed development;
 - (b) Impact on Heritage Assets;
 - (c) Impact on visual amenity and residential amenity;
 - (d) Impact on trees;
 - (e) Contaminated land;
 - (f) Highway Safety;
 - (g) Flooding and Drainage;
 - (h) Ecology;
 - (i) Other matters.

PLANNING POLICIES

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

RESULTS OF TECHNICAL CONSULTATION

5. No objections in principle have been raised by the Council's Highways Engineer or Environmental Health Officer, subject to conditions. The Conservation Officer has raised some concerns regarding impact on the Conservation Area. No objections have

been raised by the Historic Environment Record Officer, the Local Lead Flood Authority or Northumbrian Water.

RESULTS OF PUBLICITY AND NOTIFICATION

6. Two letters have been received by residents. The main issues raised relevant to this application are:
 - Loss of privacy;
 - Loss of light;
 - Impact on trees, vegetation, and nature;
 - Impact on Conservation Area;
 - Risk of creating a precedent in the Conservation Area;
 - Negative impact on the visual amenities of the locality;
 - Potential raising of ground levels;
 - Increase in surface water flooding;

7. An objection has also been received from Middleton St George Parish Council, raising the following concerns:
 - The proposed development is outside the Development Limits and there is a proven 5 Year Housing Supply ;
 - The development will have an adverse impact on the Conservation Area;
 - The proposal would involve the loss of trees;
 - The Proposal would constitute back land development (intensification) ;
 - There has been no regard to the emerging Neighbourhood Plan
 - - Extra housing of the type proposed not appropriate (ref. MSG Neighbourhood Plan, and its accompanying Housing Needs Assessment and Design Guide)

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

8. An application for the development of the wider site for 27 dwellings, bounding Middleton Lane to the east and Neasham Road to the west, was approved in January 2017 (16/00972/FUL). Since then, there have been several variations of the proposed scheme, with the same number of dwellings. Whilst it is noted that the site remains outside of the development limits of the existing Local Plan, the principle of residential development has been established. In addition, the Emerging Local Plan includes the site as an allocation and within development limits. The remainder of the site, which forms part of the garden of Brake House, would remain outside of development limits and therefore is located outside of, but adjacent to, the development limits for Middleton St George as set out in the proposals map accompanying the Borough of Darlington Local Plan. As the application site is located beyond the limits to development, the proposal would be contrary to Saved Policy E2, and also contrary to Policy CS1 and Saved Policy H7.

9. The reasoned justification to Saved Policy E2 explains that the limits to development are intended to maintain well-defined settlement boundaries and to safeguard the character and appearance of the countryside, and that outside of development limits development will be strictly controlled.
10. Section 38(6) requires, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. While the proposal would be contrary to those policies set out in paragraph 8 above, there are other material considerations to be considered as part of the planning balance.
11. Planning permission exists for the residential development of the adjacent site (16/00972/FUL) which is currently under construction. The extension to the application site is a small gap site between the existing development site and an existing residential boundary and is of no particular visual merit in amenity terms being of limited size, being situated to the rear of an existing dwelling in substantial grounds and having no road frontage.
12. While Saved Policy E2 seeks to protect the character and appearance of the countryside and is still relevant and should be considered in the planning balance, in the context of the on-going development of adjacent site and the limited impact the application site has in the locality, it is not considered that development on this site would have such a harmful impact on the character and appearance of the countryside so as to warrant refusal of planning permission on this basis. Had this part of the site been included within the wider site when the original approval was granted in 2017, this would not have raised any significant issues and would have been a logical part of the wider site.
13. Despite the conflict with development plan policies, significant weight can be attributed to the limited impact of the proposed additional dwellings in this location on the character and appearance of the surrounding countryside.
14. To conclude, whilst it is noted that the wider site covered by 16/00972/FUL remains outside of the development limits of the existing Local Plan, the principle of residential development has been established. In addition, the Emerging Local Plan includes the wider site as an allocation and within development limits, and the inclusion of a portion of the garden of an existing dwelling at No. 72 Middleton Lane, whilst that part would remain outside of development limits, to accommodate one of the additional dwellings as part of the wider site, would not be considered to raise any significant issues subject to complying with other relevant plan policies. The principle of development in this instance is therefore considered to be acceptable, subject to consideration of the other matters as set out in para. 3 of this report.

b) Impact on Heritage Assets

15. The site is within the Middleton One Row Conservation Area and the Conservation Officer has made the following comments:

'Middleton One Row Conservation Area is designated for its high quality, intact rural qualities. Greenspace is a key feature, as is the River Tees. Historic development is primarily in the form of Georgian and Victorian residential and villa development, but also includes a Medieval Tower Motte Castle Scheduled Monument and a Victorian church, by local architect J.P. Pritchett (junior).

The older elements of Middleton One Row began around the now demolished Pountey's Bridge across the River Tees and the Norman Motte, a Scheduled Monument, off Church Lane. Development continued along The Front with elegant Georgian properties and their commanding view over the village green, the River Tees and onto North Yorkshire countryside. Victorian development spread north along Middleton Lane (primarily in villa form) but there remains separation between it and the Victorian development (primarily in terraced form) that spread south from the current village of Middleton St George, related to the railways.

While the submitted stated is out of date and pays no specific focus the additional development I agree with the findings in the Heritage Statement that the site is not in close proximity to any statutorily protected assets, specifically the Scheduled Monument and listed buildings to harm these heritage assets. Also, although the sites west boundary is close to the route of the Roman Road, it would not encroach upon it. In respect of these heritage assets, I agree that the impact would be neutral, and no harm would be caused.

As has been previously set out the proposed development would have a detrimentally harmful impact to the Conservation Area. The Statement from the previous scheme stated correctly that the green space is enhanced by extensive tree coverage, most notably to the boundaries to the roads, fields, and properties. It is proposed to retain some of this mature landscaping with enhancement in areas. Also, the traditional boundary treatment to Brake House, on the south boundary, would not be affected. With the new proposed 2 dwellings this would impact upon the boundary of Brake House. An area which was previously given some buffer would now be directly impact upon. With the additional development it would have a further impact upon the setting of a non-designated heritage asset, Brake House.

The Character Appraisal clearly refers to the pressure for infill development within the Conservation Area and where valuable green space still exists (the application site) this should be resisted. New development, where suitable, should be guided by the 'best development' in the Conservation Area. The exemplar / best form of development is defined as 'front facing' onto the road with individual entrances to properties. The submitted Heritage Statement (4.17) acknowledges that the 'later 20th century development has mainly been in the form of semi-detached housing within cul-de-sac developments off Middleton Lane, which has affected the character of the Conservation Area.'

The additional development would create a further intensification of the space and set further precedent for additional development in the areas, of which would be entirely unacceptable'.

16. Whilst the concerns raised by the Conservation Officer are noted and have been carefully considered, given the limited visibility of the site itself, and the nature of the site which forms part of an existing spacious development site and part of the garden of an existing dwelling, both of which the development would be seen in the context of, it is not considered that the proposal would have a harmful impact on heritage assets. The proposed dwellings are similar in scale, design, and appearance to those already approved as part of the existing permission. Impact on trees in the above context is considered further below.
17. Overall, the proposal would not be considered harmful to heritage assets and complies with Policy CS14 in this regard.

c) Impact on visual and residential amenity

18. The proposed additional dwellings are considered to be acceptable in terms of their layout, scale, and design in the context of the existing approved dwellings and raise no issues in terms of their impact on the visual amenities of the locality both at site level and in the wider context.
19. Whilst the concerns raised regarding impact on amenity of existing plot 5 are noted, it should be noted that the nearest element of the proposed dwelling to this plot would be single storey in scale (the garage element) and as such, this limits the impact on loss of light or overshadowing. Similarly, there are no overlooking issues between plot 5 and the nearest new dwelling to the east.
20. In terms of the relationship between the new dwellings, they are considered to be sufficiently separated, in accord with the Design SPD and on such spacious plots, that they raise no significant amenity issues, and the design and layout achieves appropriate standards of residential amenity.
21. Details of boundary treatment, external materials, finished floor levels and landscaping would be required by planning condition.
22. It is recommended, due to the sites position within a residential area, that a planning condition requiring submission and agreement of a Construction Management Plan, together with the standard restriction on construction working hours, be attached to any approval.
23. In view of the above, there is considered to be no conflict with policy CS2, CS14, CS16, or the Design SPD and the proposal is therefore considered acceptable in this regard

d) Impact on trees

24. A recently planted Leylandii hedge follows the north and western boundary. There are six Horse Chestnut trees and one Ash tree along the northern and western boundaries, none of which are protected by TPO's. As such, an Arboricultural Impact Assessment (Claire Raw, March 2021) was submitted in support of the application.
25. There were seven individual trees surveyed. Five the trees have been given a C category rating(2 C1, 1 C2, 2 C3) and two of the trees have been given a U category rating (unsuitable to retain). In addition to the individual trees, one group and one hedge were surveyed.
26. The report concludes that Trees one-four and hedge one is in conflict with the proposed scheme and will therefore need to be removed to facilitate the development. Tree five should be removed due to its poor condition, tree one should also be removed due to its condition.
27. Trees 1-6 all have signs of bleeding canker at various stages and therefore have limited life expectancies. Bark cracking is evident on all trees and some have areas of decay and significant die back.
28. Whilst the development involves the removal of several trees, it has been demonstrated that these are not worthy of retention or are failing, and as such, it is considered appropriate to require compensatory planting as part of a landscaping scheme. Details of protection measures for retained trees are set out in the report, and subject to a condition to require compliance with this, the proposal is considered acceptable in respect of its impact on trees and complies with policy CS2 and CS14 in this regard.

e) Contaminated land

29. The application has been submitted with a Phase 1 Geo-Environmental Desk Study by MD2 Consulting Ltd dated 30 March 2021. While the site itself has not been used for any potentially contaminative historic uses, the Phase 1 refers to previous land contamination reports for the wider site which identify the presence of mounds of made ground in the south west of the site. In terms of the planning applications associated with the wider development referred to the land contamination conditions were attached and have since been discharged up to the point of needing to submit and agree a Remediation and Verification Strategy.
30. From a consistency point of view and to ensure any made ground is appropriately dealt with as part of this application too, the Environmental Health Officer has recommended that planning conditions CL4 (Phase 3 Remediation and Verification Strategy), CL5 (Construction / Remediation Works) and CL6 (Implementation of Phase 3 Remediation Strategy and Phase 4 Verification and Completion Report) are attached to any permission granted. Subject to these conditions, the proposal does not conflict with Policy CS16 in this regard.

f) Highway safety

31. The site is located off Middleton Lane in Middleton St, George; and sits within a residential development of 27 no dwellings which is currently under construction (REF16/00972/FUL). 21 no. of the 27 approved units are accessed via Middleton Lane and the remaining six from Neasham Road. This is acceptable from a highway perspective, where both additional units are proposed to be served from Middleton Lane via the main estate access road, which is in accordance with current design guide standards for adoptable highways.
32. The two additional dwellings are a very minor intensification of use of the approved internal road layout and site access, which is constructed to a standard which would permit a maximum of 300 dwellings from a single access. As such the additional two dwellings are not considered to have any material impact on the highway in terms of road safety or traffic impact. A review of the past five years of recorded Police Personal Injury Collision (PIC) records, demonstrate that there are no recorded incidents within close proximity of the site, as such there are no inherent road safety concerns within the site or local to the point of access.
33. The dwellings have parking provision which satisfies current design guide standards, house type F being a five-bed dwelling and house type AHT a four-bed dwelling, each require a minimum of three parking spaces which is easily demonstrated between the integral garages and driveways. Given that both dwellings are located next to a turning head, the generous parking provision is welcomed and should fully mitigate the risk of any overspill parking within the turning facility. The internal driveways are sufficient to enable averaged sized cars to enter and exit within a forward gear, which is welcomed in the interest of highway safety.
34. In the above context, the Highways Engineer has raised no objections and the proposal is in accord with policy CS2 in this regard.

g) Flooding and Drainage

35. The Local Lead Flood Authority requested information on the management of surface water run-off from the proposed development. Whilst the site is in Flood Zone one and is of a minor nature, the proposal involves more development on a site that was previously assessed as satisfactory in terms of surface water management, and there was a requirement to ensure that this is still the case.
36. As a result, the agent has submitted a drainage plan, which has satisfied the Local Lead Flood Authority that a surface water runoff solution can be achieved without increasing existing flood risk to the site or the surrounding area. As such, the proposal complies with Policy CS16 in this regard.

h) Ecology

37. Several objections have raised concerns regarding impact of the proposal on ecology within the site. A Preliminary Ecological Appraisal (OS Ecology, April 2021) was submitted in support of the application.

38. The report concluded the following:

- The overall habitat value of the site is considered to be low;
- The site has low suitability for supporting roosting bats, however the site is sheltered and may provide some foraging opportunities for roosting bats in the local area (however the size of the site limits the value of the area);
- No birds were recorded on site at the time of survey. Given the small size of the site and the garden habitats present, it is likely that locally common species may use the site, but that the value of the site is of no more than low significance.
- No evidence of badger was recorded on site and given the small size of the site, the value to the local population, if used on occasion, is considered to be low.
- There are two ponds within the adjacent garden, one of which has the potential for use by great crested newts. The second pond, which is further from the development area is stocked with goldfish and as such the presence of great crested newts is considered unlikely. The closer pond is within the walled garden, is severed from the site to the north and west but is open to the south and there is the potential for newts to move into the site should they be present.
- No evidence of reptiles was recorded on site however there is a low risk that species such as slow worm are present within the site using the compost heap and other vegetation.
- There is the potential for the site to support small numbers of hedgehog and common toad due to the nature of the habitats present within and around the site.
- The site is within the Impact Risk Zone for Neasham Fen SSSI, however due to the small-scale nature of the proposals, there is not considered to be a significant risk to this site.

39. The report goes on to make several avoidance recommendations including:

- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low level, avoiding use of high intensity security lighting.
- Vegetation clearance works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the recommendations in BS5837:2012.

- All works on site will take place to a detailed method statement taking account of the potential impacts of the development to amphibians (including newts), hedgehogs, and reptiles. This should also take account of the presence of Cotoneaster on the site.
- Landscape planting shall include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- Bat boxes and bird boxes should be erected on retained trees within the site in order to enhance the site for these species.

40. The report goes on to make several mitigation recommendations including:

- All works on site will take place to a detailed method statement taking account of the potential impacts of the development to amphibians, hedgehogs, and reptiles. This should also take account of the presence of Cotoneaster on the site.

41. The report goes on to make several compensation recommendations including:

- Landscape planting shall include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- Bat boxes and bird boxes should be erected on retained trees within the site in order to enhance the site for these species.

42. Due to the small-scale nature of the site, and the type of habitats present, which are all considered by the Ecologist to be artificial in nature, there is no requirement for a 10% net gain to be achieved, however the above compensation recommendations will provide some gain, which is a requirement of the NPPF. Subject to a condition requiring compliance with the ecology report, to include detailed method statements, and details of type, number and location of bat and bird boxes, the proposal is considered acceptable in the context of policy CS15 in this regard.

(I) Other matters

43. One matter raised by objection is the issue of precedent. Whilst this is noted, the unique nature of the site is not considered to raise concerns regarding precedent. The same situation could not be replicated along the remainder of the southern boundary of the site and as set out in section a of this report, the particularities of this site lend themselves to the proposed development, and do not prejudice development plan policy regarding development outside of the development limits. Any other proposals in other parts of the Conservation Area would also be subject to the same rigorous exercise and would be considered on their individual merits.

44. Darlington Borough Council has received a proposed neighbourhood development plan, along with accompanying supporting information, from Middleton St. George Parish Council. The proposed neighbourhood development plan has undergone a statutory check under Schedule 4B of the Town and Country Planning Act 1990 prior to and publicised under Regulation 16 of the Neighbourhood Planning (General) Regulations

2012 with a view to then making the neighbourhood plan available for independent examination. The regulation 16 consultation has been completed and the LPA is now waiting for an examiner to be appointed to examine the neighbourhood plan.

45. The guidance in the NPPG sets out that [Section 70\(2\) of the Town and Country Planning Act 1990 \(as amended\)](#) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF.
46. Given the above the policies in the neighbourhood plan can only be given very limited weight as it is still to be examined and needs to go through referendum.

CONCLUSION AND RECOMMENDATION

47. The proposed development is considered acceptable in the context of the relevant policies in the development plan. Subject to the proposed conditions the development would be acceptable in respect of impact on heritage assets, highway safety, residential and visual amenity, trees, drainage, and ecology.

PUBLIC SECTOR EQUALITY DUTY

48. 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.
49. Accordingly it is recommended **THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**
1. A3 Implementation Limit 3 years
 2. PL (Accordance with Plan)
 3. B4 External materials
 4. A landscaping scheme, which shall include the type and location of replacement trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously

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

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

5. The development shall be carried out in full accordance with the recommendations including the scheme to protect the existing trees to be retained, as set out in the Arboricultural Impact Assessment (C. Raw, April 2021) unless otherwise agreed in writing by the Local Planning Authority.

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

6. Prior to the commencement of the development hereby approved, details of measures (type and location) to secure biodiversity net gains, relating to enhancements and opportunities for birds and bats, 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.

7. The development shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal (Land at Brake House, Middleton St George, OS Ecology Limited, April 2021) including detailed method statements undertaken by a qualified Ecologist, unless otherwise agreed in writing by the Local Planning Authority.

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.

8. 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.

9. 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.

10. 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 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.

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

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

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

REASON – In the interests of residential amenity and highway safety.

12. No construction 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.

13. 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.

14. 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.

15. 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.

INFORMATIVES

Northumbrian Water

We can inform you that two public sewers cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

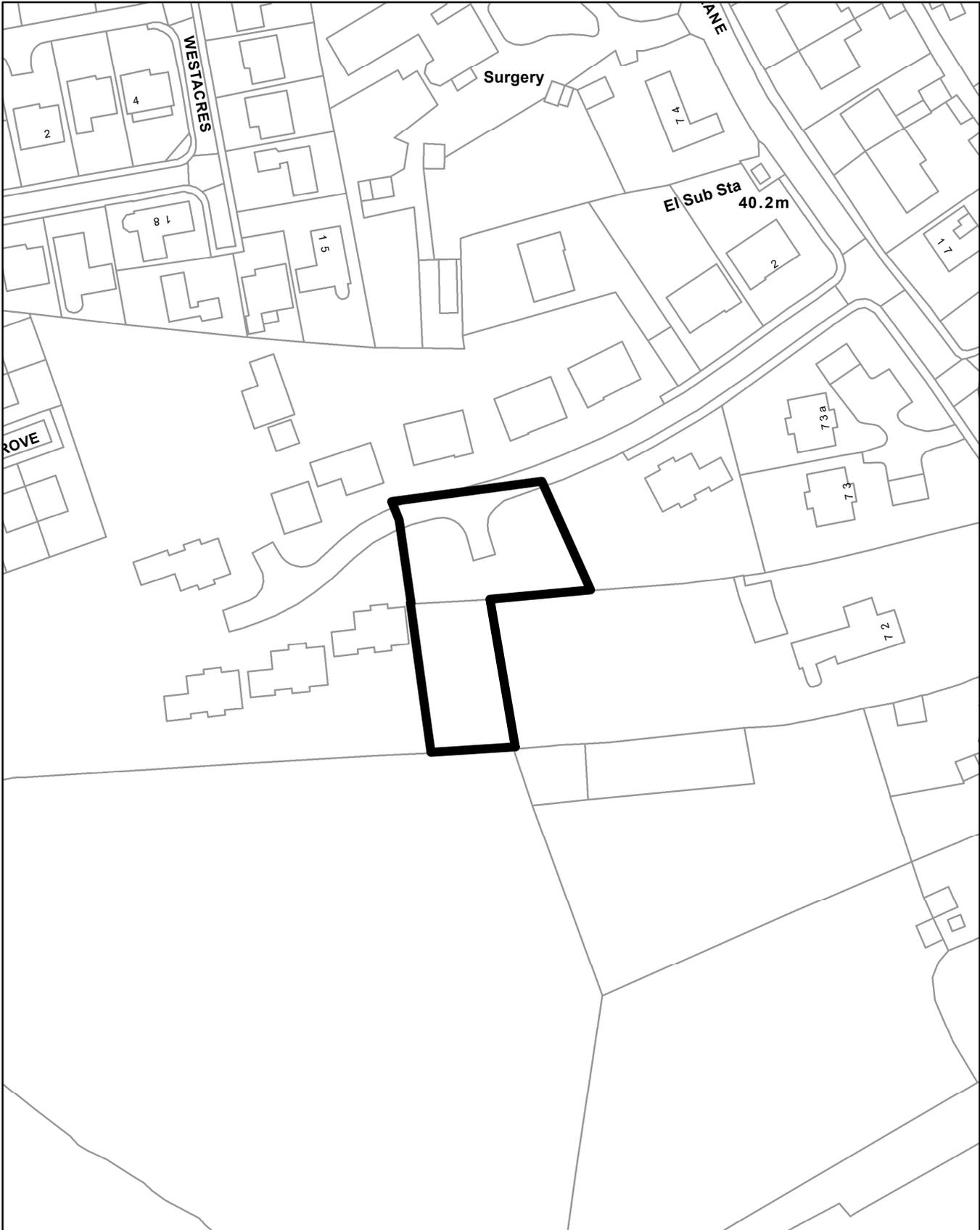
Section 184 Crossover

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

Street Naming

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director : Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.
would raise no highway objection to the proposal.

This page is intentionally left blank



© Crown copyright. All Rights Reserved. Licence Number 100023728. 2022

Planning Ref No: 21/00405/FUL

DARLINGTON BOROUGH COUNCIL

Page 75



SCALE 1:1250

This page is intentionally left blank



DARLINGTON
Borough Council

Childhood Obesity Planning Options in relation to Hot Food Takeaways

Clare Iley-Christie
Policy Research Officer

Ken Ross
Public Health Principal

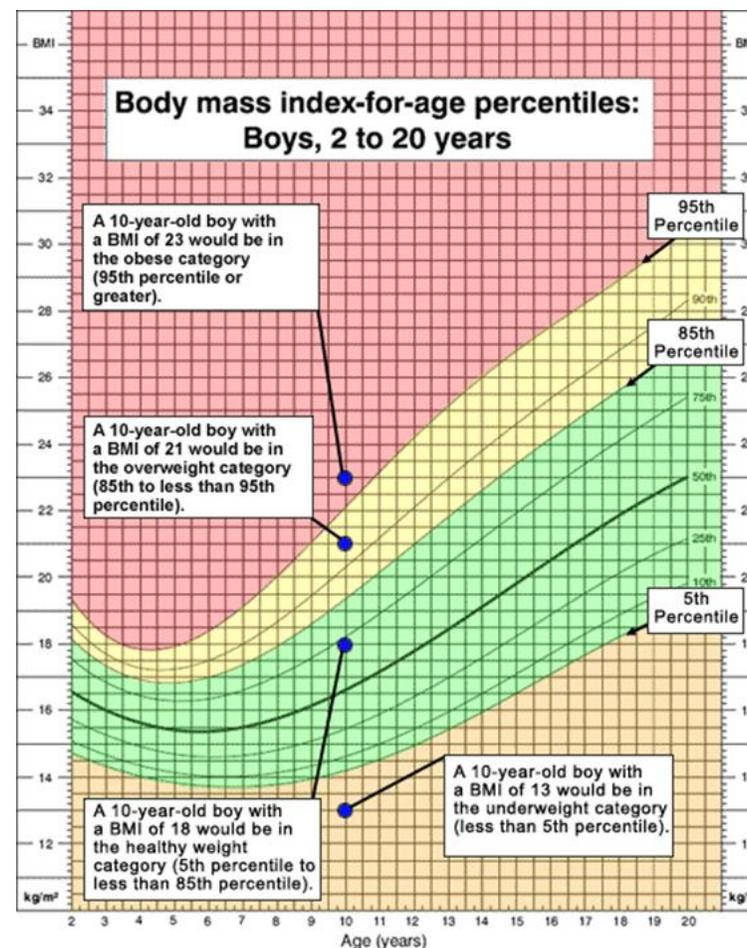
David Nelson
Principal Planning Officer

Health and Wellbeing Board
16th September 2021

Defining Overweight and Obesity In Children

Page 78

- Defining children as overweight or obese is a complex process, given that children of different ages and sexes grow and develop at different rates.
- This means that a different method is used for children than for adults.
- BMI is calculated by dividing their weight (in kilograms) by the square of their height (in metres), and for children, this is then compared to a reference sample of measurements gathered in 1990, which takes age and sex into account.



Causes of Obesity

- There is no single cause of overweight and obesity, it is down to a multitude of factors, including (but not limited to):
 - access to healthy food;
 - proximity to fast food outlets;
 - advertising and marketing of unhealthy, calorie dense food and drink
 - opportunities for physical activity.
- Therefore, healthy weight needs to be ‘everybody’s business’, everyone have a role to play. Having strong support across the system can help to drive change, ensuring that healthy weight is considered in all policies and practice.



Burden of Disease in Children

This document was classified as: OFFICIAL

Child obesity in Darlington

Prevalence of obesity by age, 2019/20

Reception (aged 4-5 years) and Year 6 (aged 10-11 years)

Over 1 in 10 children (12.0%) in Reception were living with obesity



Over 1 in 5 children (22.5%) in Year 6 were living with obesity



Source: National Child Measurement Programme 2019/20



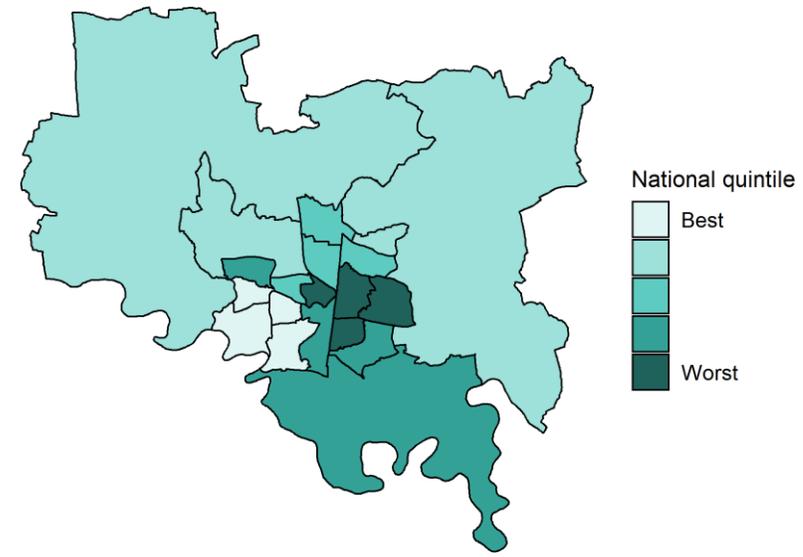
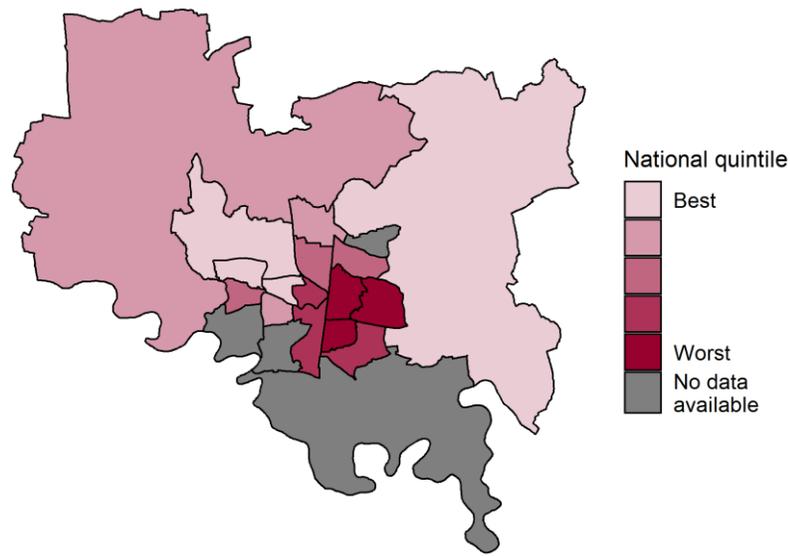
Child Obesity In Darlington

Prevalence of obesity by age 2017/18-2019/20

Darlington Wards

Children in Reception (aged 4-5 years)

Children in Year 6 (aged 10-11 years)



Contains Ordnance Survey data © Crown copyright and database right 2021.
Contains National Statistics data © Crown copyright and database right 2021.

Contains Ordnance Survey data © Crown copyright and database right 2021.
Contains National Statistics data © Crown copyright and database right 2021.

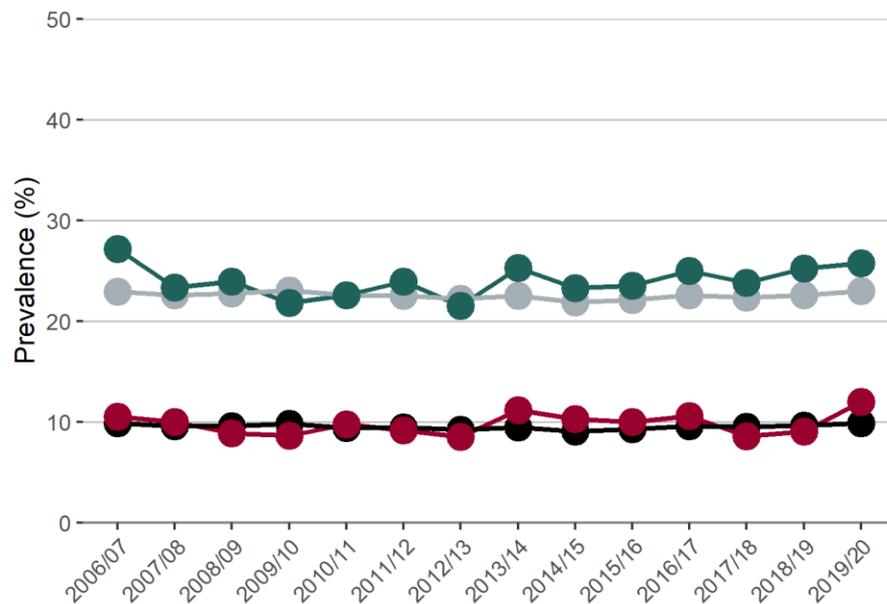
Source: National Child Measurement Programme 2017/18-2019/20

Data combined 3-years,

Child Obesity In Darlington

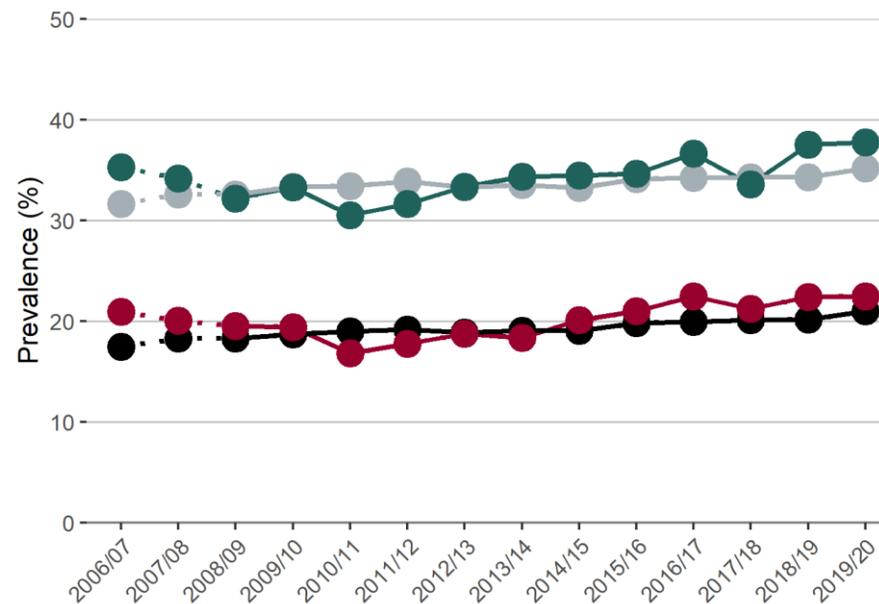
Trend in the prevalence of obesity and excess weight by age

Children in Reception (aged 4-5 years)



● obesity ● obesity – England
● excess weight ● excess weight – England

Children in Year 6 (aged 10-11 years)



● obesity ● obesity – England
● excess weight ● excess weight – England

Source: National Child Measurement Programme

Note: for Year 6, comparisons are not possible with the first years of the NCMP (2006/07 to 2008/09) as low participation levels led to underestimation of obesity prevalence

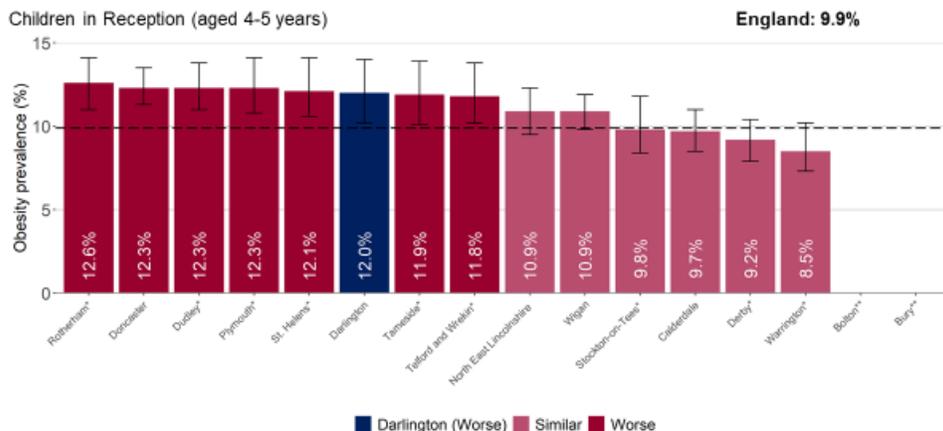
How Do We compare?



Child obesity in Darlington

Prevalence of obesity, 2019/20

Darlington compared to its statistical nearest neighbours, CIPFA 2019



95% confidence intervals are shown
 Local authorities are compared to England value shown as a dashed line on the chart
 Source: National Child Measurement Programme 2019/20
 *Interpret with caution: see notes on slide 3 for more information and download [Excel file for LA data](#)
 **Data value suppressed

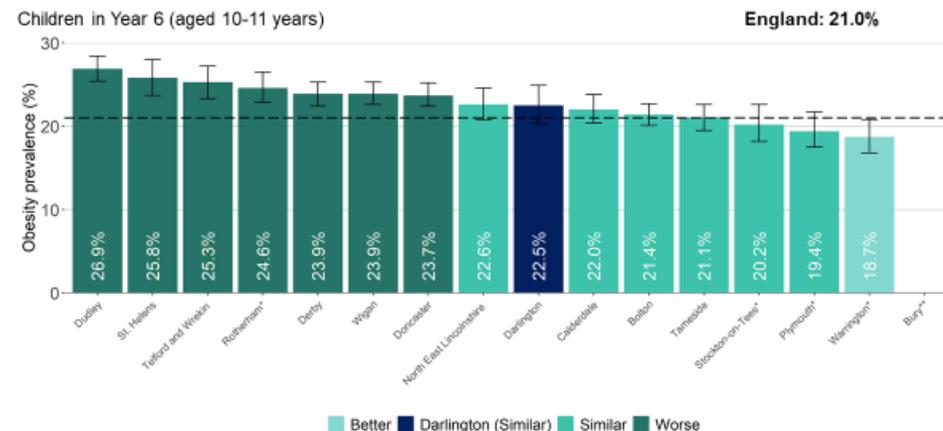
10 Patterns and trends in child obesity in Darlington



Child obesity in Darlington

Prevalence of obesity, 2019/20

Darlington compared to its statistical nearest neighbours, CIPFA 2019



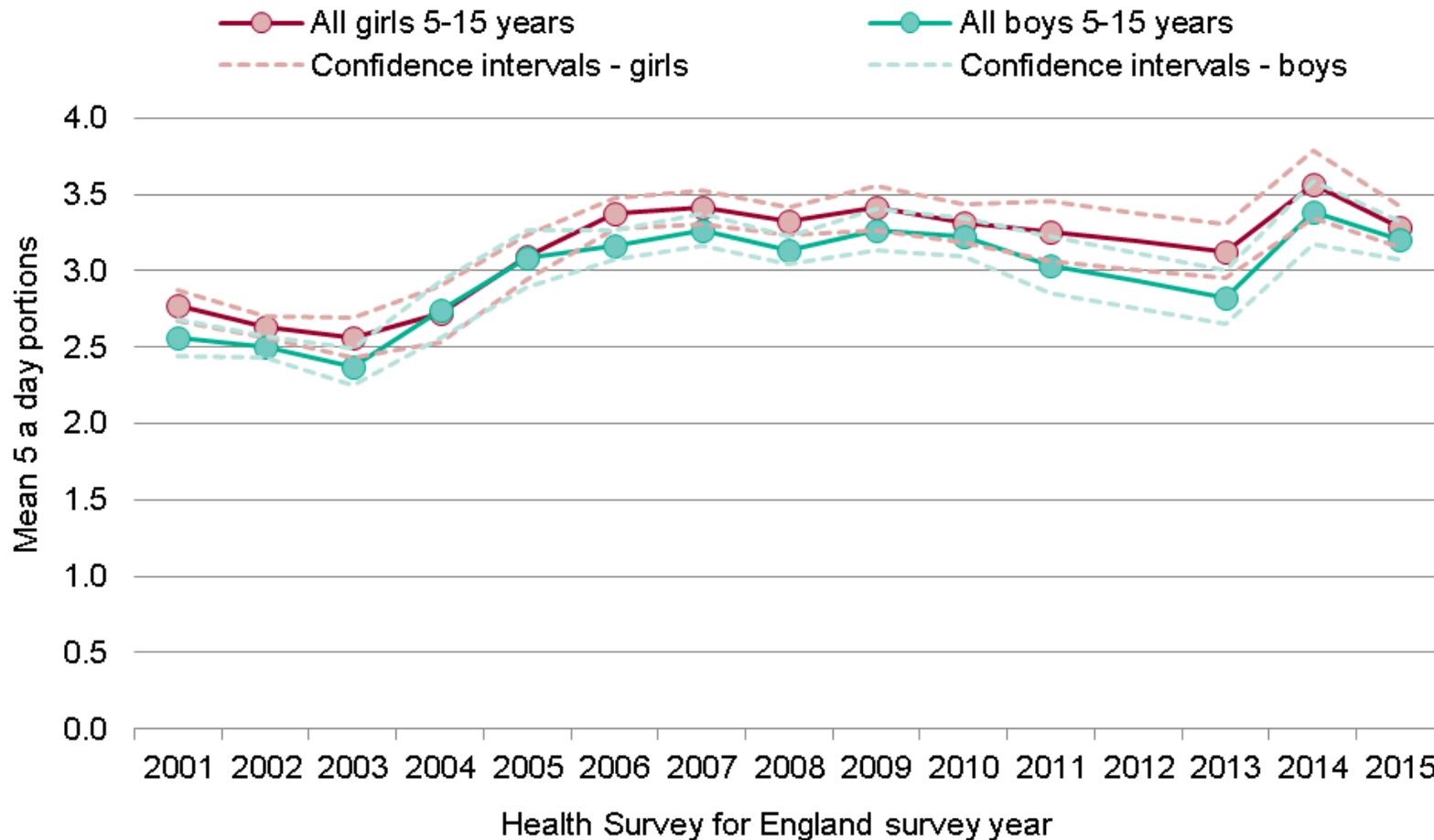
95% confidence intervals are shown
 Local authorities are compared to England value shown as a dashed line on the chart
 Source: National Child Measurement Programme 2019/20
 *Interpret with caution: see notes on slide 3 for more information and download [Excel file for LA data](#)
 **Data value suppressed

11 Patterns and trends in child obesity in Darlington

Contributory Factors

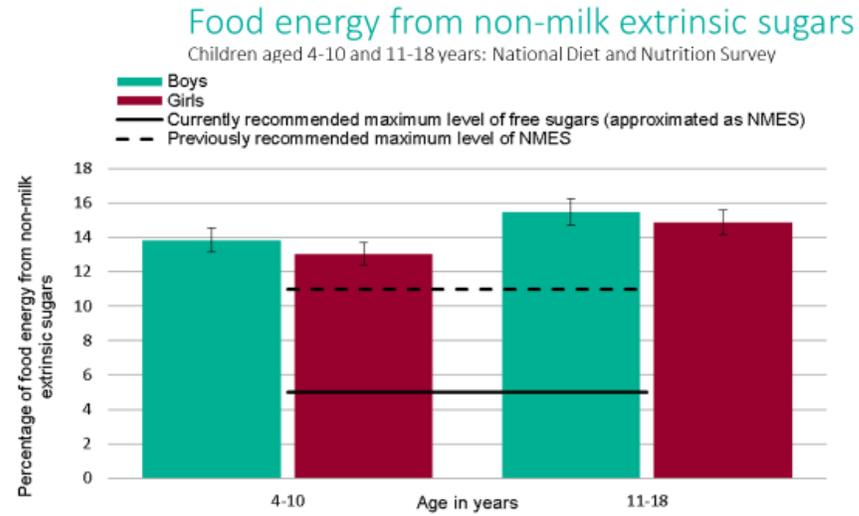
Trend in fruit and vegetable intake

Boys and girls aged 5-15 years: Health Survey for England 2001 to 2015



Contributory Factors

This document was classified as: OFFICIAL

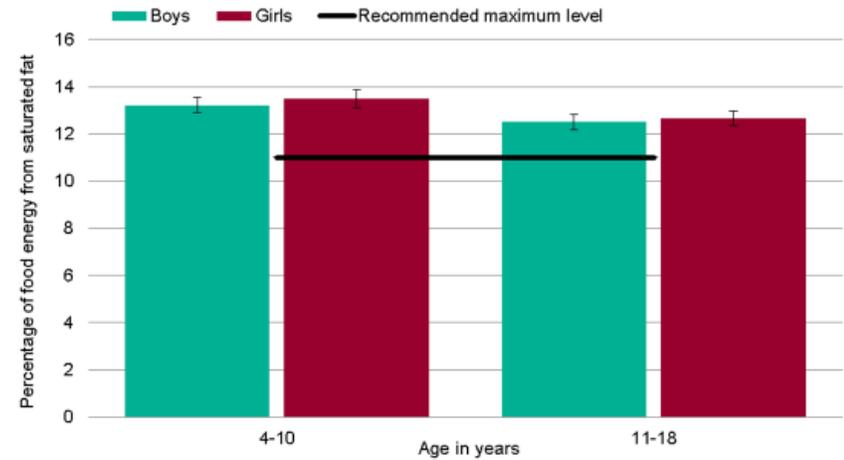


10

This document was classified as: OFFICIAL

Food energy from saturated fat

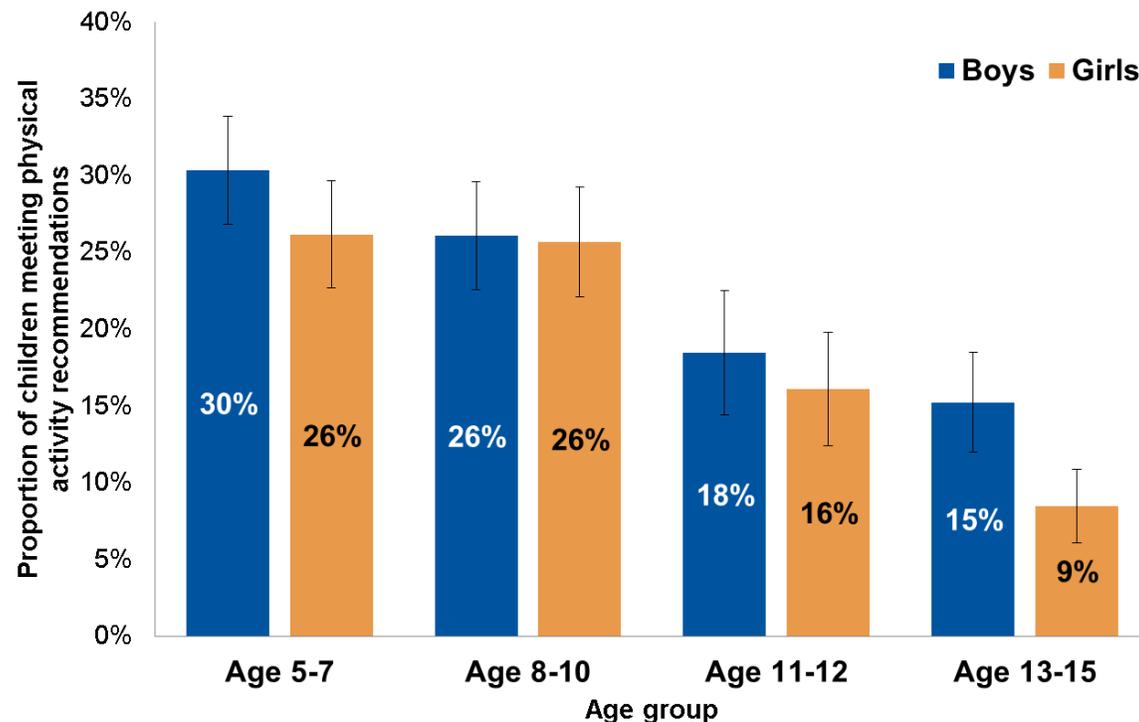
Children aged 4-10 and 11-18 years: National Diet and Nutrition Survey (2012/13 to 2013/14)



11

Physical Activity In Children By Age

Proportion of children aged 5 to 15 meeting physical activity recommendations (excluding activities in school lessons), by age and sex, 2015



Source: Health Survey for England 2015, NHS Digital <http://www.content.digital.nhs.uk/catalogue/PUB22610>

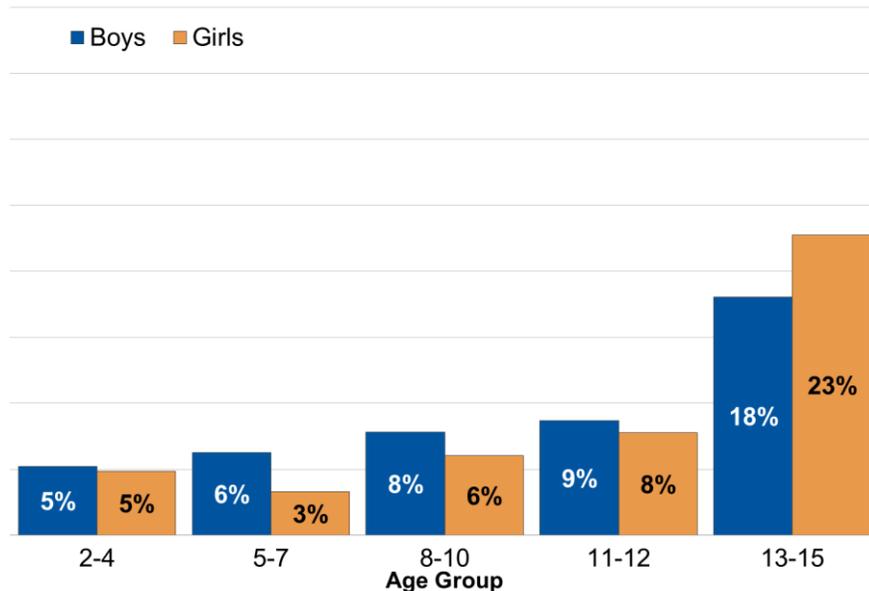
Meets
recommendations

At least 60 minutes (1 hour) of moderate to vigorous physical activity (MVPA) on all 7 days in the last week.

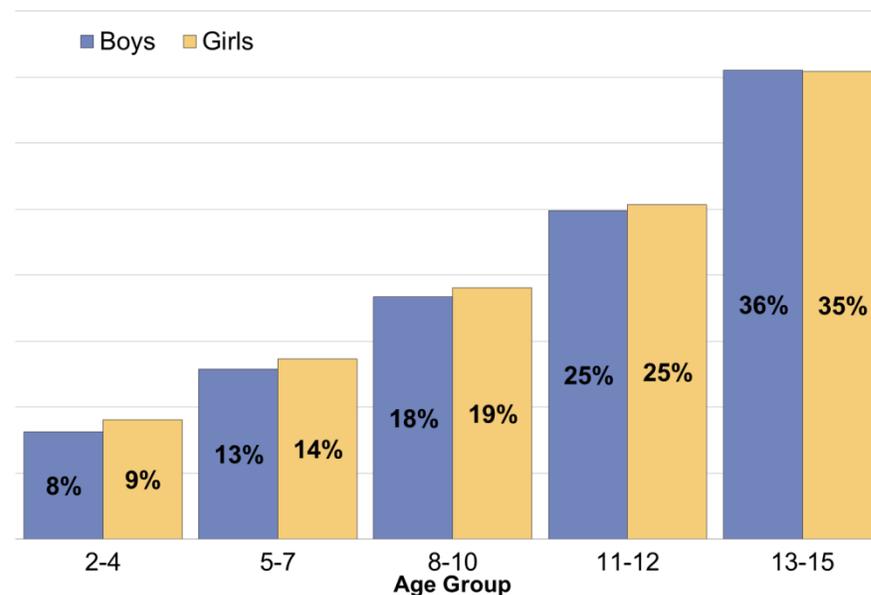
Time Spent Sedentary In Leisure Time

Proportion of children aged 2 to 15 who were sedentary for 6 or more hours per day on weekdays and weekend days, by age and sex, 2015

Weekdays



Weekends



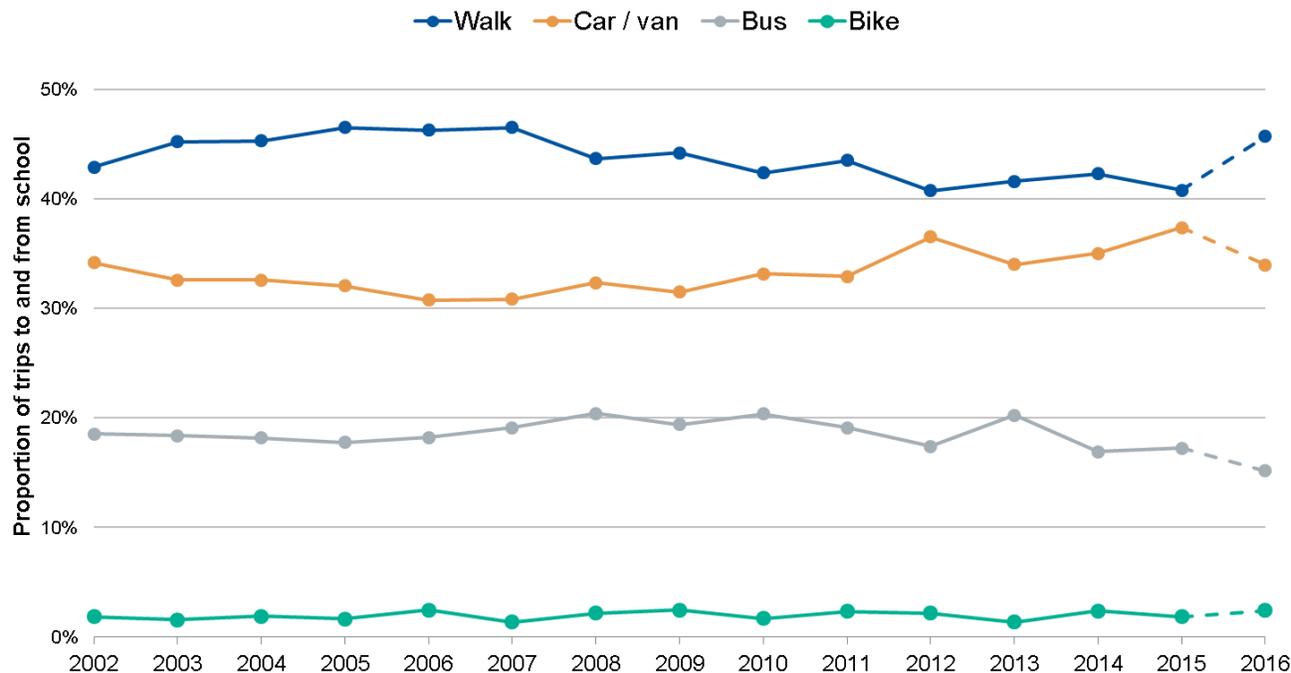
Source: Health Survey for England 2015, NHS Digital <http://www.content.digital.nhs.uk/catalogue/PUB22610>

Sedentary time

Average time children spend watching TV or sitting down doing any other activity. For example, reading, doing homework, using a computer, or playing video games. Sedentary time excludes time at school.

Trends In Travel to School

Proportion of trips to and from school for children (aged 5–16 years) by main mode of transport, 2002 to 2016^a

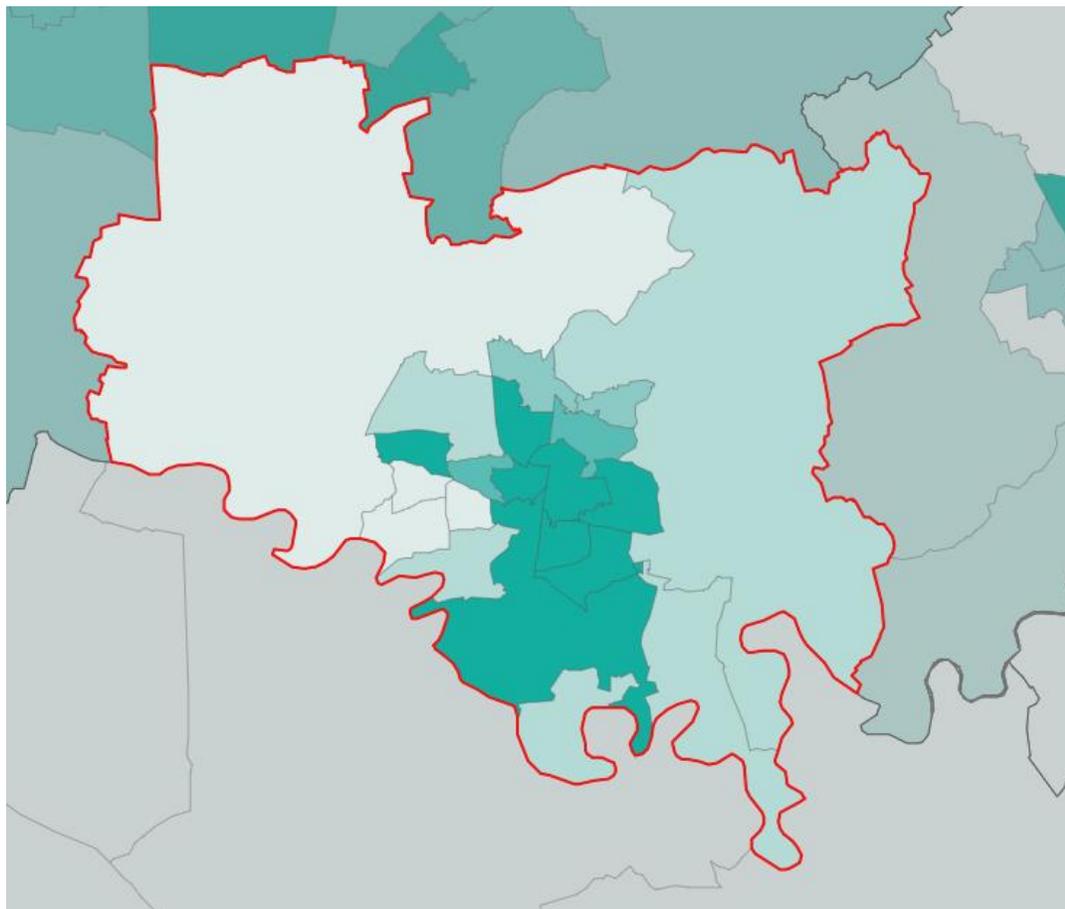


Source: National Travel Survey 2016, Department for Transport <https://www.gov.uk/government/statistics/national-travel-survey-2016>

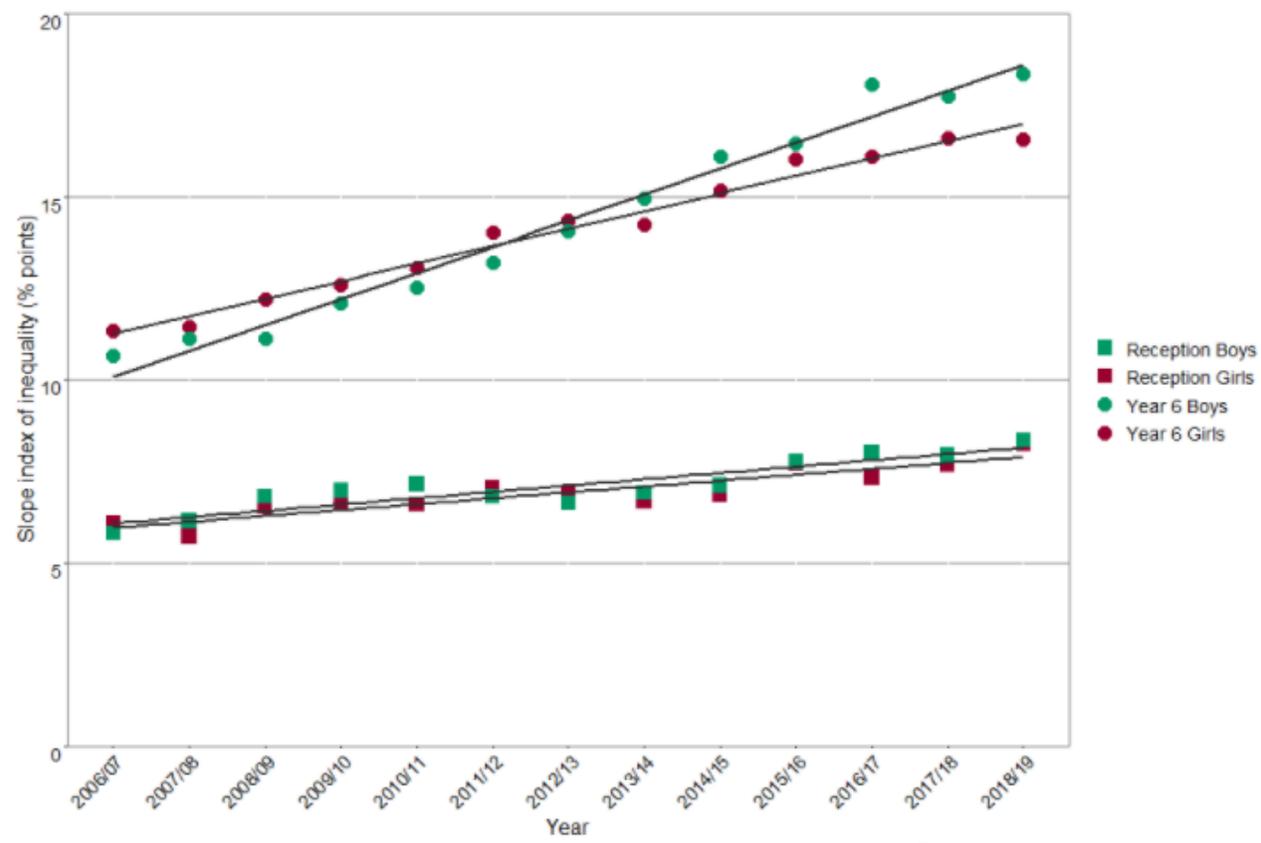
^a In 2016 short walks (of less than a mile in length or less than 20 minutes duration) were recorded on day one for half the sample, and day 7 for the other half of the sample. In previous years, short walks have only been recorded on day 7 of the travel diary. Collecting data on short walks on day one of the travel week has increased the number of short walks reported, which means a break in the time series between 2016 and earlier years.

Contributory Factors Deprivation

Deprivation by Ward Darlington



Trend in Slope Index of Inequality for obesity, by school year and sex



Policy and Guidance

- **National Planning Policy Framework (NPPF)** - sets out explicit policy requirements pertinent to promoting healthy weight environments
- **Planning Practice Guidance (PPG)** support planners with ways to apply the policy in the NPPF. This includes promoting active travel and physical activity, as well as access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation.
- **NICE, Cardiovascular disease prevention, Public Health Guideline [PH25]**. June 2010 - recommends actions for local planning authorities to help prevent Cardiovascular disease in their local population.
- **Using the planning system to promote healthy weight environments PHE 2020** - provide practical support for local authorities that wish to use the planning system to achieve important public health outcomes around diet, obesity and physical activity. It

Guidance

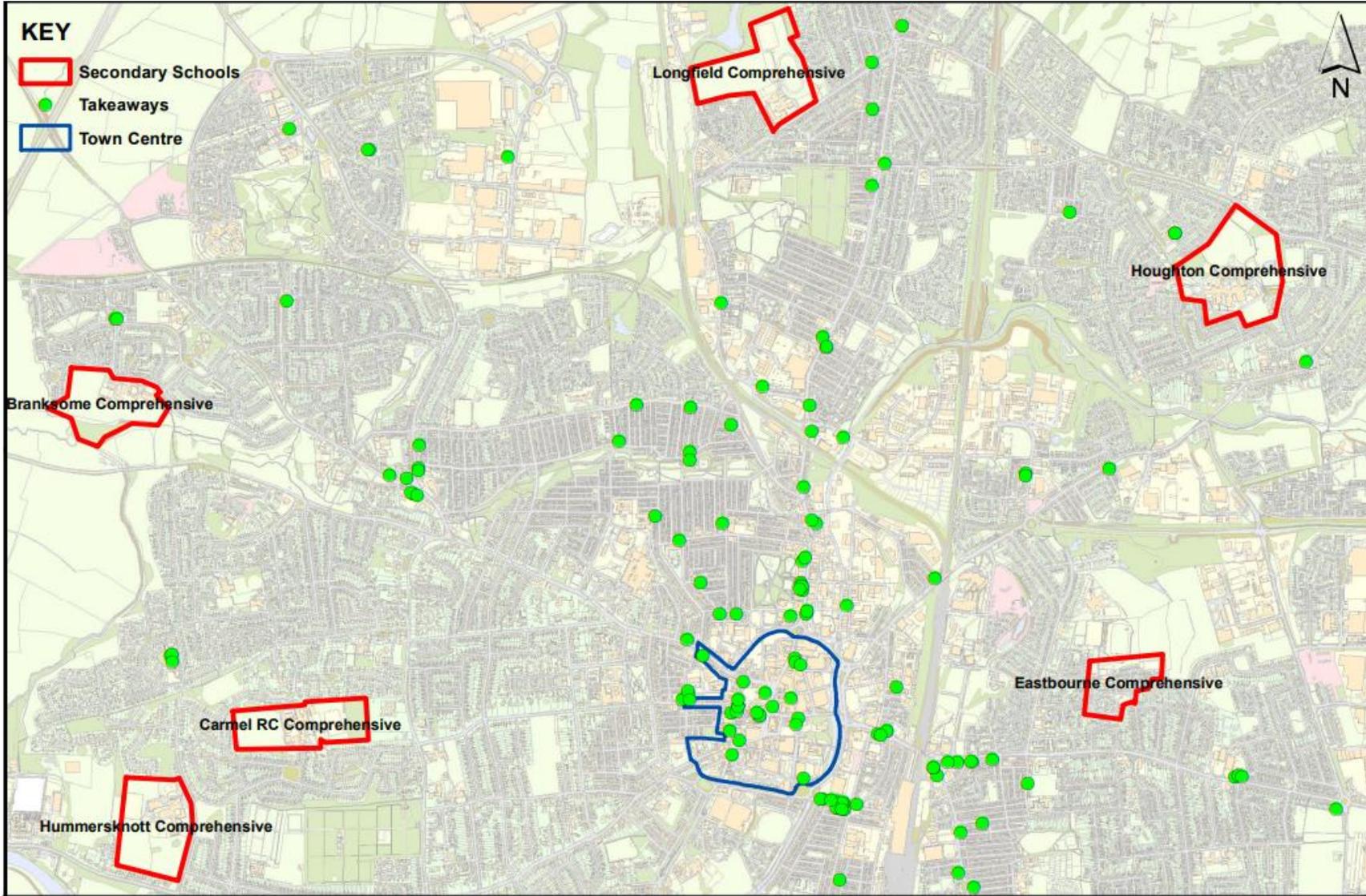
The Town and Country Planning Association (TCPA) and PHE have set out 6 elements to help achieve healthy weight environments through planning in the 2014 publication '**Planning Healthy Weight Environments**'.

These are:

- movement and access - promoting active travel and physical activity
- open spaces, recreation and play - providing informal and formal spaces and spaces necessary for leisure, recreation and play Using the planning system to promote healthy weight environments
- food - improving the food environment for both consumption and production of healthier food options
- neighbourhood spaces - improving public realm and provision of community facilities to run local programmes such as for weight reduction
- building design - improving the internal design and quality of homes and building to promote living healthier lifestyles
- local economy - supporting people into local employment in accessible and healthy town centres or high streets

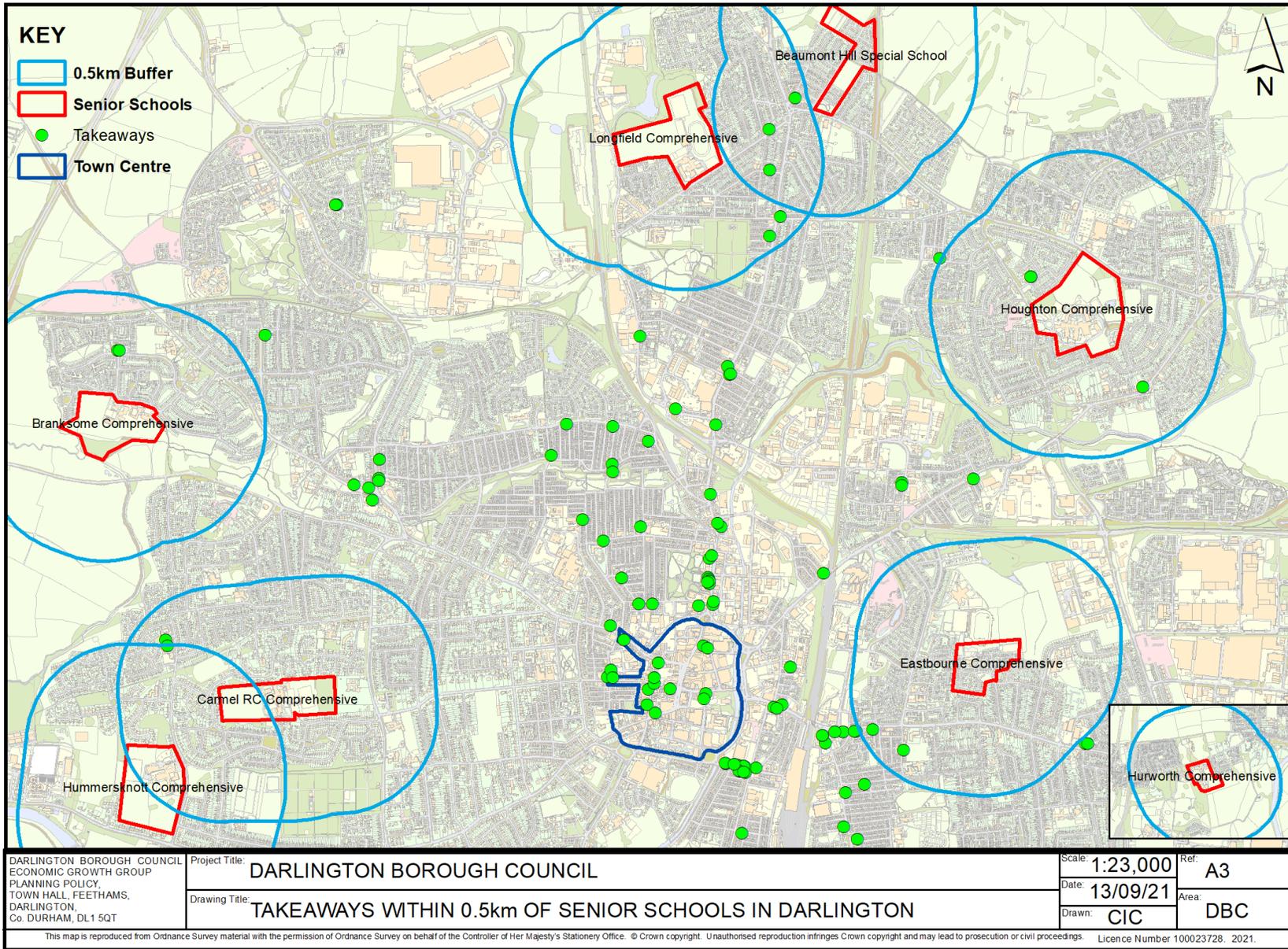
Exclusion Zones

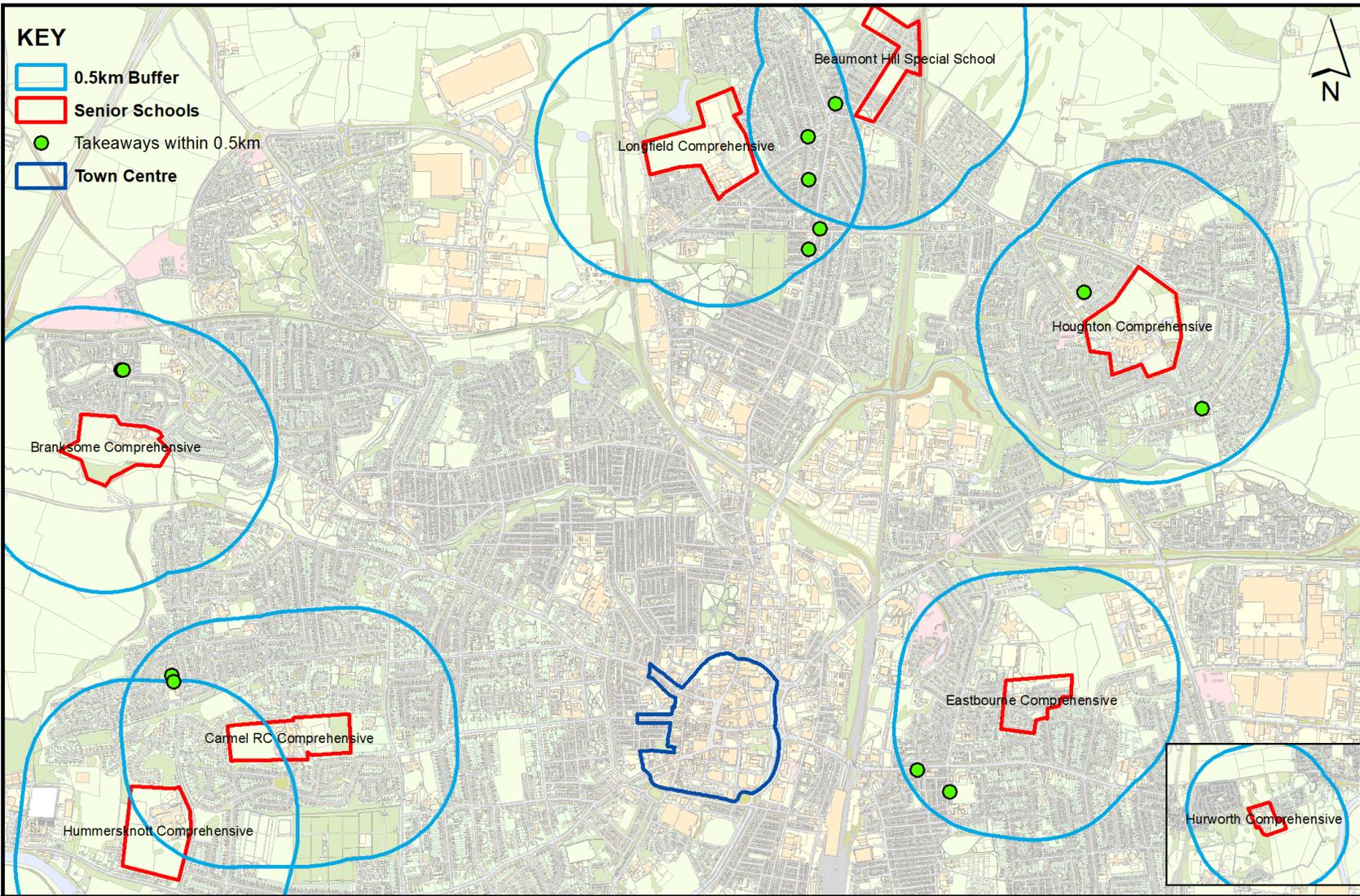
- Evidence for planning restrictions on fast food takeaways The NICE Public Health Guideline on Cardiovascular disease prevention recommends action to encourage local planning authorities to restrict planning permission for takeaways and other food retail outlets in specific areas ,for example, within walking distance of schools.
- The single most common planning policy adopted to promote health has been the introduction of takeaway food outlet exclusion zones around locations often frequented by children and families such as schools.
- Exclusion zone buffer sizes are often 400 metres, which has been considered a reasonable 5-minute walk. The 400-metre distance is outlined within the Urban Design Compendium and the guidelines for providing journeys on foot as a reasonable walking distance



DARLINGTON BOROUGH COUNCIL ECONOMIC GROWTH GROUP PLANNING POLICY, TOWN HALL, FEETHAMS, DARLINGTON, Co. DURHAM, DL1 5QT	Project Title:	DARLINGTON BOROUGH COUNCIL	Scale:	1:21,000	Ref:	A3
	Drawing Title:	TAKEAWAYS PROXIMITY TO SECONDARY SCHOOLS (Map 1 of 3)	Date:	02/09/21	Area:	DBC
			Drawn:	CIC		

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023728. 2021.





DARLINGTON BOROUGH COUNCIL ECONOMIC GROWTH GROUP PLANNING POLICY, TOWN HALL, FEETHAMS, DARLINGTON, Co. DURHAM, DL1 5QT	Project Title:	DARLINGTON BOROUGH COUNCIL	Scale:	1:23,000	Ref:	A3
	Drawing Title:	TAKEAWAYS WITHIN 0.5km OF SENIOR SCHOOLS IN DARLINGTON	Date:	13/09/21	Area:	DBC
			Drawn:	CIC		

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023728. 2021.

Healthier Food Environments

- Although planning cannot directly control the type of food being sold, it is appropriate to highlight the issue to food operators during the planning process.
- Improving the quality of the food environment around schools has the potential to influence children's behaviour through their food and drink purchasing habits. It is important to note that taking action on hot food takeaways is only part of the solution, as it does not address confectionery and other food and drinks that children can buy in shops near or on the way to and from schools
- A council can demonstrate how it is working as part of a whole system approach, where planning forms part of a wider approach to addressing obesity.

Childhood Healthy Weight Plan for Darlington 2019 – 2024

Page 97



Childhood Healthy Weight Plan for Darlington 2019 – 2024

Objectives and Actions

Objectives

- **To transform the environment so that:**
 - it supports healthy lifestyles by increasing and maintaining use of green space for play and recreation.
 - that healthier choices are available in the provision of out of home food.
 - by supporting the public sector to lead by example with food choices.
- **Increase making healthier choices easier by:**
 - providing information and practical support on active travel.
 - by delivering an awareness raising campaign.
- **To support the services needed to tackle excess weight:**
 - by increasing breastfeeding rates.
 - by Making Every Contact Count (MECC).

Action Planning

- Understanding and Adapting the Obesogenic Environment
- Out of Home Food Provision
- Access to Green Space
- Active Travel



Appeal Decision

Site visit made on 9 November 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th November 2021

Appeal Ref: APP/N1350/W/21/3280869

Land to rear of 1 and 1a Stockton Road, Darlington DL1 2RZ

- 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 Ms Barbara Dewing against the decision of Darlington Borough Council.
 - The application Ref 20/01231/FUL, dated 26 January 2021, was refused by notice dated 14 May 2021.
 - The development proposed is erection of 1 no. residential dwelling with car parking spaces and associated amenity space.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted prior to the determination of the application by the Council showing the pedestrian access onto Stockton Road via a shared garden and alleyway between numbers 1 and 3/3A Stockton Road. I have considered the appeal on the same basis.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the setting of No 53 Haughton Green, a grade II listed building and the character and appearance of the Haughton-Le-Skerne Conservation Area and the surrounding area.
 - The effect of the proposal on highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site comprises an area of unused garden land situated to the rear of numbers 1 and 1A Stockton Road. The land is overgrown and has been subject to fly tipping in the past. The site is situated within the Haughton-le-Skerne Conservation Area (CA). The rear garden of No 53 Haughton Green, a Grade II listed building is situated to the west, separated by an area of garden land. The surrounding area is predominately residential with some commercial uses on Haughton Green and Stockton Road.

5. The Haughton-Le-Skerne CA was designated in recognition of it being an attractive linear village with a long, narrow village green following the tree lined road. The CA was subsequently extended to include the physical and visual setting of the village where it contributes to the character and appearance of the area, including the appeal site.
6. Haughton-le-Skerne Conservation Area Character Appraisal and Management Plan (CAMP) (2014) defines the special interest of the CA as its "high rural village qualities, its village green and close links to the River Skerne and surrounding green landscape". It identifies the contrast between the tightly packed small, terraced properties on the eastern side of the village and the larger more spacious properties on the western side as contributing to the significance.
7. The CAMP highlights that many of the older properties on the northern side of Haughton Green have long, narrow gardens and small front gardens. It identifies that the loss of garden land to the north of Haughton Green has already caused some harm to the character of the Conservation Area, although enough remain to evidence original Burgage plots. It identifies that the remaining garden land may come under pressure for garden land development and that further loss will be resisted through the planning process.
8. There is disagreement as to whether this section of Stockton Road and the rear gardens form part of the original medieval Burgage plots. The appellant considers that Stockton Road extends north away from the village and does not form part of the village green and that as Stockton Road was not developed until the 1890's it is clearly not medieval. However, I note that the public house immediately opposite the appeal site is known as No 88 Haughton Green and has the characteristic grass verge. Indeed, the pattern of long gardens to the rear of Haughton Green continue along this section of Stockton Road.
9. However, whilst there may be some uncertainty as to whether the appeal site forms part of the medieval Burgage plots; the CA boundary was, nevertheless, extended to include this garden land. Furthermore, the gardens provide an important sense of permeability to the CA when viewed from Rose Lane and in glimpses from along Stockton Road. The gardens also form an important part of the 19th century development and the physical and visual setting of the CA. Hence, they make an important contribution to the character and appearance of the CA.
10. The appeal site is over-grown, and a breeze block wall has been erected onto Rose Lane to prevent fly-tipping. This section of Rose Lane is a single width, unmade road which is characterised by the boundary treatment of the rear gardens backing onto it and a sense of openness by virtue of the gardens and vegetation within them. Outbuildings are situated within rear gardens, some of brick construction with corrugated sheet roofing and some of a less permanent structure.
11. Whilst the site is over-grown the open, undeveloped nature of the garden contributes to the sense of space which is characteristic of the garden land in this location. Indeed, the openness of this area provides an important contrast to the tighter urban grain of the frontage development. Consequently, despite its overgrown nature, the appeal site contributes to the character and appearance of the CA and the surrounding area.

12. Situated perpendicular to Rose Lane, the dwelling would be 1.5 storeys with its own private amenity space and two off-street parking spaces. The appellant considers that due to the scale of the building and as only the gable end of the building would be visible from Stockton Road that the dwelling would have a subservient, outbuilding appearance.
13. However, at 1.5 storeys the proposal would be higher than most of the outbuildings along Rose Lane. Furthermore, the large, almost ground to eaves windows on the front elevation, vertical windows on the side elevation and the roof lights would result in a building of a clearly residential nature. Moreover, due to the layout in a separate plot with parking and domestic paraphernalia, the proposal would appear as a detached and self-contained dwelling as opposed to an outbuilding. The proposal would be a departure from the prevailing, traditional pattern of frontage development in the CA.
14. The proposal would be visible in glimpses from Stockton Road, from the car park to the rear of No 61 Haughton Green and from the rear windows of properties along Stockton Road. The proposed access would also open up views of the dwelling from Rose Lane. Whilst there has been some development to the rear of Haughton Green, such as Rymer's Court, this does not mean that the remaining open space should be developed.
15. Overall, I consider that the loss of the characteristic garden land combined with the incongruous nature of the proposal at odds with the traditional pattern of development would harm the character and appearance of the CA and the surrounding area. This harm would be less than substantial.
16. No 53 Haughton Green, a Grade II listed building is situated to the south west of the appeal site. The listing description identifies the house as being of two builds, the left part being late 18th Century and the right part probably earlier. The front of the building is enclosed by a very small garden and low wall abutting the pavement. The long garden to the rear creates a sense of openness which contrasts with the formal appearance of the front elevation. The long, rear garden, therefore, makes a positive contribution to the setting of the listed building.
17. The garden is situated around 10m to the west of the appeal site separated by another section of overgrown land. I acknowledge that there are outbuildings to the rear of No 53 which would limit views of the proposal from the windows in the rear elevation of No 53. However, the setting of the listed building is defined as the surroundings in which a heritage asset is experienced and the open land to the rear of Haughton Green and Stockton Road would have formed part of the wider setting of No 53 at the time it was built. Despite the recently constructed fencing to the garden of No 53, there would be a degree of intervisibility between the garden and the appeal site. The proposal would undermine the openness of the rear gardens and detract from the setting of No 53, although I accept that this harm would be limited and less than substantial.
18. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or

- development within its setting. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
19. The appellant contends that the proposal would tidy up this area of overgrown land; however, the area could be improved by other means. It is also suggested that the proposal would provide an active frontage and surveillance to Rose Lane and reduce the opportunity for fly tipping. However, there is already a good degree of surveillance by virtue of the rear windows of dwellings which back onto both sides of Rose Lane. Furthermore, the lane is well used to access garages to the rear, people walking dogs and as a short-cut through to Welbeck Avenue.
 20. The proposal may make a contribution, albeit very limited, to housing supply in a sustainable location; however, the Council indicate that they have a five-year supply of housing. Collectively these benefits would not outweigh the permanent and irreversible harm to the character of the CA and the setting of No 53.
 21. Furthermore, there are a number of long gardens behind Haughton Green and Stockton Road which back onto Rose Lane. I acknowledge that any proposals for development in those gardens would be considered on their own merits and that No 53 is listed. Nevertheless, if the appeal were to be allowed it would make it difficult for the Council to resist similar developments in the locality and the cumulative impact would have a harmful impact on the CA.
 22. For the reasons stated, the proposal would fail to preserve or enhance the character and appearance of the CA and the setting of No 53 Haughton Green, the desirability of which I am required to have special regard and attention and to which the Courts judge I am required to give considerable importance and weight. Furthermore, the proposal would harm the character and appearance of the surrounding area.
 23. It would, therefore, be contrary to Policies CS2, CS14 of Council's Core Strategy 2011 and Policy H13 of the Local Plan (1997) which collectively seek to achieve high quality, sustainable design, promote local character and distinctiveness, protect and enhance buildings, their settings and features of historic and archaeological local importance in Conservation Areas and resist backland development which would conflict with the scale and character of the surrounding development.

Highway safety

24. Rose Lane is adopted only up to No 16 Rose Lane. Beyond this the road is a track with no pedestrian footway, drainage or street lighting. Whilst in poor condition it provides access to rear gardens and garage buildings to the rear of Haughton Green and Stockton Road. Under a previous application for No 1a Stockton Road the appeal site was supposed to provide off-street parking for 3 parking spaces; however, these do not appear to have been implemented.
25. In terms of vehicular access, I acknowledge that Rose Lane already serves existing garages on Rose Lane and that one additional dwelling would generate minimal traffic. I am also aware that planning permission was granted for this

to be a parking area associated with No 1A Stockton Road. Considering this, the proposal would not have a materially harmful impact in terms of vehicular highway safety.

26. However, the Council is concerned that the proposal would not provide a safe, convenient access for pedestrians, cyclists, public transport users or disabled persons as Rose Lane does not have a footway. The appellant has amended the plans to show a pedestrian link directly onto Stockton Road via a shared garden and alleyway between Nos 1 and 3/3A Stockton Road. There is no reason why this could not be utilised so long as the link is kept available for use by the occupants at all time. A condition to this effect could have been applied had I been minded to allow the appeal.
27. Furthermore, I noted on my site visit that Rose Lane is well utilised by residents of Stockton Road and Welbeck Lane to access garages, for dog walking and to use the pedestrian link through to Welbeck Lane. The proposal would not, therefore, have a materially harmful effect on pedestrians, cyclists, public transport users or disabled users.
28. For the reasons stated, I conclude that the proposal would not have a harmful effect on highway safety and would, therefore, accord with Policy CS2 of the Council's Core Strategy (2011).

Planning balance and conclusion

29. The Council has indicated that it has a five-year supply of housing land; a matter not disputed by the appellant. The proposal would make a contribution, albeit limited, to housing land supply. It would also have some economic benefits in the short term during the construction phases and in the longer term as residents may help to support local services. The proposal would also help to tidy up the site, although this could be achieved by other means.
30. I have concluded that the proposal would not harm highway safety; however, this is a neutral factor in this case. I also acknowledge that the proposal would have some benefits; however, these would not outweigh the significant harm which I have found in terms of the effect of the proposal on the character and appearance of the CA and surrounding area and on the setting of the Grade II listed building. There are no material considerations which would indicate a decision other than in accordance with the development plan.
31. For the reason stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank