



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 16 March 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 16 February 2022
(Pages 5 - 12)
4. Introduction to Procedure by the Assistant Director, Law and Governance's
Representative (Pages 13 - 14)
5. Applications for Planning Permission and Other Consents under the Town and Country
Planning Act and Associated Legislation (Pages 15 - 16)
 - (a) Land Off Bowman Street, Darlington (Pages 17 - 34)
 - (b) Units 4 And 5, Red Barnes Way, Darlington, DL1 2RR (Pages 35 - 44)
 - (c) 14 Woodvale Road, Darlington, DL3 8EZ (Pages 45 - 52)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are
of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Decision on Appeals –

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

Dismissed the appeal by V. G. Developments (NE) Limited against this Authority's decision to refuse permission for the Erection of 1 no. dormer bungalow at 213-217 Haughton Road, DARLINGTON, DL1 2LD (20/01181/FUL) (Copy of Inspector's decision letter enclosed)

The appeal is allowed and planning permission is granted for residential development comprising the erection of 4 no detached bungalows at land to the rear of 21 Barmpton Lane, Darlington, DL1 3HB in accordance with the terms of the application, Ref 21/01149/OUT, dated 1 October 2021, and the plans submitted with it (Location Plan 19004 L01 and Site Access Review JN2052-DWG-0001E), subject to the conditions set out in the attached schedule. (Copy of Inspector's decision letter enclosed)

RECOMMENDED – That the report be received.
(Pages 53 - 64)

PART III

EXCLUSION OF THE PUBLIC AND PRESS

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

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

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 4 March 2022 (Exclusion Paragraph No. 7) – Report of the Chief Executive (Pages 65 - 74)

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

12. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 8 March 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

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 16 February 2022

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

APOLOGIES – Councillors Clarke, Heslop, 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).

PA87 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA88 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 19 JANUARY 2022

RESOLVED – That the Minutes of this Committee held on 19 January 2022, be approved as a correct record.

PA89 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>
B4A	<p>The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.</p> <p>Reason - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy H12 of the Borough of Darlington Local Plan 1997.</p>
CL2	<p>Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate</p>

	<p>the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL3	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL4	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled</p>

	<p>and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
<p>CL5</p>	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
<p>CL6</p>	<p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p>Reason - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>

NOTE - The Chair varied the order of business to enable the application 8 The Lanes (21/01241/FUL) to be taken before the application Walworth Castle Birds of Prey (20/00806/FUL).

PA90 WALWORTH CASTLE BIRDS OF PREY

20/00806/FUL - Demolition of existing outbuildings, and change of use of land for the siting of 6 no. holiday pods and associated landscaping (amended plans and documents received

18th November 2021)

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), letters of objection received from three households to the original application, the request from Walworth Parish Council, three further objections to the amended proposals, and the views of one Objector, whom the Committee heard).

NOTE: During discussion Councillor Lee expressed a preference that the holiday pods be constructed of timber.

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 plan, as detailed below:
 - a) Drawing Number D230.L.102 – Demolition Plans
 - b) Drawing Number D230.P.104 Rev C – Planting Plan
 - c) Drawing Number D230.L.103 Rev C – General Arrangement Plan

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

3. For the avoidance of doubt the planning permission hereby granted relates to the siting of 6 No. holiday pods only.

REASON - In the interests of the general amenity of the area and the setting of the surrounding heritage assets

4. Prior to the commencement of the development, precise details of the 6 No holiday pods shall be submitted to and approved in writing by the Local Planning Authority. The details shall include design, materials, dimensions, internal layout, colour schemes, and information on accessibility arrangements. None of the details shall include any external paraphernalia including hot tubs. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of the visual appearance and amenity of the local area and the setting of the surrounding heritage assets

5. Prior to the commencement of the development, precise details of a scheme for the positioning of bat boxes and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of box and location within the application site. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - In the interests of biodiversity and protecting habitats

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

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework 2021.

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

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

8. CL2 - Phase 2 Site Investigation Strategy
9. CL3 – Phase 2 Investigation Works
10. CL4 - Phase 3 Remediation and Verification Strategy
11. CL5 - Construction/Remediation works
12. CL6 - Phase 4 Verification and Completion Report
13. Prior to the occupation of the development, precise details of secure cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development and shall be retained and available for use during its lifespan.

REASON - In the interests of encouraging the use of sustainable modes of transport

14. Prior to the occupation of the development, precise details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development and shall be retained and available for use during its lifespan.

REASON - In the interests of the amenity of the local area

15. The accommodation hereby approved shall not be used for any purpose other than as holiday accommodation associated to the owners/operators of Walworth Castle and shall not be occupied as a person(s) sole or main place of residence. Furthermore, the owners/operators of the site shall at all times maintain an up-to-date register of the names of all owners and occupiers of each individual holiday unit on the site together

with the addresses of their main place(s) of residence and shall make this information available on request at all reasonable times to the Local Planning Authority.

REASON - To ensure that the approved holiday accommodation is not used for permanent residential occupation which would be unacceptable in this location.

16. The landscaping scheme shown on Drawing Number D230.P.104 Rev C shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - In the interests of the visual amenities of the area.

17. In the event of the need to install external lighting, precise details of the lighting scheme shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The details shall be submitted prior to their installation and the development shall not be carried out otherwise than in accordance with the approved details. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

REASON - In the interests of the amenity of the surrounding area.

18. Notwithstanding Condition 17, any external lighting scheme shall also conform with the guidance set out in the submitted document entitled Preliminary Ecological Appraisal and Bat Roost Potential Survey Walworth Castle, Darlington" dated August 2020 and produced by Delta Simons.

REASON - In the interests of biodiversity and protecting habitats

19. Should site clearance occur within the bird breeding season (March to late August), an experienced ecologist shall be required to check the site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed development.

REASON - In the interests of biodiversity and protecting habitats.

PA91 8 THE LANES

21/01241/FUL - Erection of two storey extension to side elevation and construction of open porch to front elevation

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), four objections received and the views of one Objector, whom the

Committee heard).

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

1. A3 Implementation Limit (3 years)
2. B4a (Materials)
3. The new vehicular access drive shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.

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

4. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - EX01 – Existing Plans and Elevations
 - P01 – Proposed Plans and Elevations

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

PA92 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 Leigh Porter against this Authority's decision to refuse permission for the 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 (21/00505/FUL).

Allowed the appeal by Mrs Pauline Shannon against this Authority's decision to refuse permission for the retention of 2no. security shutters to the existing shop front (retrospective) at 65 - 67 North Gate, Darlington, Durham DL1 1TR (21/00649/FUL).

Allowed the appeal by Mr Tom Smith against this Authority's decision to serve an enforcement notice which alleged the failure to comply with condition 4 of planning permission reference number 10/00059/FUL dated 19 November 2010. The Inspector also awards costs against the Council.

RESOLVED – That the report be received.

PA93 NOTIFICATION OF APPEALS

The Chief Executive reported that :-

Mr Paul Furness had appealed against this Authority's decision to refuse permission for the erection of a two storey side extension to west elevation, re-location of 1.8m high side boundary fence, widening of existing drive to create extra off-street parking and the erection of a detached summerhouse in the rear garden at 1 Hall View Grove, Darlington, DL3 9DN (21/00789/FUL).

Mr Paul Million had appealed against this Authority's decision to refuse permission for Change of Use from dwelling house (Use Class C3) to 8 person large HMO (sui-generis) with replacement windows and door, removal of chimney stack and associated internal works at 12 Vane Terrace, Darlington, DL3 7AT (21/01217/FUL).

Mr George Murray had appealed against this Authority's decision to refuse permission for consent to carry out Works to 1 no. Willow tree(T1) protected under Tree Preservation Order (No.11) 2019 - crown reduce up to 2m and removal of deadwood at River View, Dinsdale Spa House, Church Lane, Middleton St. George, Darlington, DL2 1DJ (21/00303/TF).

RESOLVED – That the report be received.

PA94 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.

PA95 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 4 FEBRUARY 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA86/Jan/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 4 February 2022.

RESOLVED - That the report be noted.

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

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

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

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 16 March 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
Land Off Bowman Street Darlington	21/00869/FUL
Units 4 And 5, Red Barnes Way DARLINGTON DL1 2RR	22/00008/FUL
14 Woodvale Road DARLINGTON DL3 8EZ	21/01333/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 March 2022

APPLICATION REF. NO:	21/00869/FUL
STATUTORY DECISION DATE:	18 March 2022
WARD/PARISH:	Harrowgate Hill
LOCATION:	Land Off Bowman Street, Darlington
DESCRIPTION:	Erection of 4 no. three bed residential dwellings together with new access, car parking, boundary treatment, amenity space and associated works (amended plans received 11 January 2022 and 3 March 2022)
APPLICANT:	HGT Construction

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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

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

APPLICATION AND SITE DESCRIPTION

1. The planning application site is an area of vacant, private land enclosed by walls (north, east and west) and fencing (south and west). The site is bound to the north by No 91 Bowman Street (a single storey bungalow) and a lane which provides rear access for dwellings on Longfield Street and Lawson Street; to the east by two storey terraced dwelling in the opposite side of the Bowman Street; to the south by Harrowgate Hill Methodist Church and Church Hall and to the west by a Builders Yard.
2. There is a single storey Smithy/Workshop building within the site located to the rear of No 91 Bowman Street. The site has been cleared of trees and vegetation in the last few years and is now open and overgrown and the workshop building appears vacant.

3. The proposal involves the demolition of the workshop building and the redevelopment of the site for residential purposes comprising the erection of four terraced dwellings on the Bowman Street frontage with parking to the rear accessed off the lane. The rear of the site would be enclosed by a new fence, gates and wall alongside the lane and there would be a mix of hard and soft landscaping within the parking area. Each dwelling would have a small, enclosed front garden and a larger, enclosed garden to the rear. Each three bed dwelling is 2.5 storeys with one of the bedrooms within the roof space. Each dwelling would have rooflights and solar panels in the front facing roof slope and flat roofed dormer extensions to the rear.

MAIN PLANNING ISSUES

5. The main planning issues to be considered are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Highway Safety and Parking Provision
 - c) Residential Amenity
 - d) Design, Layout and Impact on the Character and Appearance of the Local Area
 - e) Contaminated Land
 - f) Ecology
 - g) Climate Change
 - h) Flood Risk and Drainage.

PLANNING POLICIES

6. The site is located within the development limits of the main urban area as identified by the Policies Map for the Darlington Borough Local Plan (2016 – 2036) The proposal accords with policy H3 of the Plan which seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies. The relevant local development plan policies are listed below:

Darlington Borough Local Plan (2016 – 2038)

- SD1: Presumption in Favour of Sustainable Development
- SH1: Settlement Hierarchy
- DC1: Sustainable Design Principles and Climate Change
- DC2: Flood Risk & Water Management
- DC3: Health & Wellbeing
- DC4: Safeguarding Amenity
- H1: Housing Requirement
- H3: Development Limits
- H4: Housing Mix
- ENV3: Local Landscape Character
- ENV7: Biodiversity & Geodiversity & Development
- ENV8: Assessing a Development's Impact on Biodiversity
- IN1: Delivering a Sustainable Transport Network

- IN2: Improving Access and Accessibility
 - IN4: Parking Provision including Electric Vehicle Charging
 - IN6: Utilities Infrastructure
7. The National Planning Policy Framework (2021) and the Council's adopted Supplementary Planning Document Design of New Development (2011) are also relevant

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Highways Engineer, Environmental Health Officer, Transport Policy Officer, Climate Change Officer and ecology consultant have raised no objections to the principle of the development.
9. Northern Powergrid and Northern Gas Networks have not objected to the planning application

RESULTS OF PUBLICITY AND NOTIFICATION

10. Following the Council's notification exercises on the original proposal, nine letters of objection were received. The comments related to the following matters:
- *Increase in traffic*
 - *Increase in parking problems*
 - *Increase in parking problems, noise, dust, rubbish during construction phase*
 - *Loss of natural light*
 - *Loss of privacy*
 - *Loss of view*
 - *Impact on wildlife*
 - *Loss of open space*
 - *Concerns over impact on boundary fencing with the Methodist Church*
 - *New houses will overlook nursery which operates from the Methodist Church*
11. Following the notification exercise on the amended plans, two objectors withdrew their comments but five residents have continued to object. Two of the original objectors did not withdraw previous comments or provide new ones. The five objections to the amended plans can be summarised as follows:
- *Loss of light, green space, wildlife to the area and property*
 - *The road safety and parking concerns*
 - *Increase in parking problems, noise, dust, rubbish during construction phase*
 - *Loss of natural light*
 - *Loss of privacy*
 - *Loss of View*
 - *Impact on health of residents due to loss of open space*
 - *Children play outside the Methodist Church and in the street*
 - *Increase in traffic*

- *Bowman Street is very busy at the moment, especially when Church and Community Centre are open. Concern over more parking problems*

12. Comments have also been made that the development would have an impact on property values and the site could be used for alternative uses. These are not material planning considerations and carry no weight in the determination of the planning application.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

13. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2021) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
14. The NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance. The Council has a recently adopted Local Plan and so the housing requirement in strategic policy H1 (Housing Requirement) is used as the starting point for calculating the five year land supply. At the 1st April 2021 the Local Plan demonstrated a 5.3 year supply of housing land. Consequently, relevant policies for the supply of housing should be considered up to date and the tilted balance in para 11 of the NPPF (2021) is not engaged
15. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. The proposal would be a small scale windfall development which would contribute towards the achievement of this requirement
16. Policy H4 sets out requirements for accessible, adaptable and wheelchair user dwellings for new residential development to ensure homes provide quality living environments for residents both now and in the future. The developer has agreed that 45% of the proposed new dwellings (two) will meet building regulations category M4(2) adaptable and accessible dwelling standards and amended floor plans have been submitted. The proposed development would comply with policy H4 of the Local Plan.

b) Highway Safety and Parking Provision

17. This site is in a good location in relation to public transport, being within 400m of bus stops on North Road and Longfield Road which have regular bus services. Bowman

Street forms part of the advisory cycle network and provides access to the Harrowgate Hill cycle route to the town centre as well as northwards to Newton Aycliffe.

18. The site has direct pedestrian access via the existing footways located across the site frontage on Bowman Street which is considered a safe and appropriate means of pedestrian access for the four terraced dwellings. A footway is located to the northern side of the development which enables convenient access to the rear car park area as well as enabling a convenient route for presenting bins for kerb-side collection. The proposal is considered to be acceptable in terms of pedestrian safety and permeability.
19. The proposed vehicle access route is now via the scoria surface back lane which offers access to the rear of properties off both Longfield Road and Lawson Street. The site layout plan shows visibility splays of 2.4x21m. Given the context of the rear lane where daily vehicle movements are few and actual traveling speeds are expected to be below 20mph, it is considered that this minor relaxation of the appropriate standard (2.4x25m) is acceptable. Manual For Streets (MFS) guidance advises that a 4.1m wide road is sufficient to enable two-way movements of cars and the rear lane is therefore considered acceptable for such a minor intensification of use. Notwithstanding this, a planning condition has been agreed to secure the precise extent of the visibility splays.
20. Works for the construction of the new access onto the lane will require the prior approval and consent of the Highways Authority under a Section 184 Agreement which gives lawful consent to make a vehicular access to the public highway. The proposed layby area will help accommodate two-way vehicle movement at the vicinity of the site access. Minor accommodation works will be needed within the public highway, for example, a kerbline installed to retain the existing blocked surface and demarcate the boundary of the highway and a 25mm upstand kerb-face to enable vehicle overrun and turning movements.
21. The scale of the proposed development falls significantly below the threshold to require any formal transport statement or assessment. Based on TRICs data for similar locations it is predicted that the development would generate approximately 2-3no, two way trips in the AM/PM peak hour, or roughly one additional vehicle movement every 20-30 minutes. The concerns related to traffic and vehicle movements by objectors are noted, however these concerns are primarily related to the existing baseline scenario, and traffic generated by the neighbouring Church meetings. The Council's Highways Engineer does not consider that the minor increase in vehicle movements is likely to have any material impact upon road safety or traffic congestion and would not warrant a recommendation for refusal based on the National Planning Policy Framework 2021 guidance which requires a 'Severe impact' when considering the negligible traffic generation expected.
22. The inclusion of EV charging within the development is welcomed and is in accordance with policy IN4 of the Local Plan and can be secured via a planning condition.

23. A review of 5 year recorded Police accident history demonstrates that there has been just 1 recorded 'minor' personal injury collision (PIC) at the junction of Bowman Street/Longfield Road. As such there is no evidence base to suggest any inherent road safety concerns, or that the local highway network is unsuitable for the minor additional increase in vehicle movements associated with this proposal. There is no evidence available within the Highway Authority database of accidents, but this will be reviewed once the next period of recorded incidents is made available to the Highway Engineer however this is only able to highlight incidents where personal injury is recorded.
24. The Tees Valley Design Guide (TVDG) advises that dwellings of up to and including 3 bedrooms are required to have 2 parking spaces per unit. The provision of parking numbers across the site is therefore in accordance with TVDG recommendations with a total of 8 parking spaces or 2 per dwelling included within the scheme.
25. Parking for the four proposed terraced dwellings is in the form of a private car park with bay sizes of 5.0m x2.5m, and this is deemed a suitable and appropriate arrangement given that the parking spaces are located within the context of a private car park and as such are not required to meet the larger MFS/TVDG standard of 6.0mx3.0m when located next to public highway. It has been recommended that some provision is made for allocated disabled accessible spaces that should be located as close to practicable to the dwelling entrances and this can be secured by a planning condition.
26. The parking facilities must be made available prior to occupation of the first dwelling in order to prevent overspill parking and issues with residential amenity and this can be secured by a planning condition. It is not anticipated that there will be any impact upon existing residents who are reliant upon on-street parking, given that current Design Guide standards are demonstrated. It is however acknowledged that there may be some increased parking across the site frontage, given that it may be considered more convenient to park on Bowman Street rather than parking located to the rear. As existing residential parking is generally on the eastern side of Bowman Street, parking opposite may be problematic, and as such the Highway Authority would seek to implement further parking restrictions across the site frontage to mitigate this. This would require a public consultation exercise and is a process separate to Planning Approval process. The applicant will be required to cover the financial costs incurred by the Highway Authority where this is needed to mitigate the impact of the development
27. The development includes shed for each property for cycle parking with a further 3 cycle racks in the courtyard area for occasional use by visitors. Each shed will be required to hold 3 bicycles to ensure that the development meets the standard as set out within DfT LTN1/20 and the visitor provision is welcomed but they should be covered bike racks to provide them with more security. The precise details of the cycle parking provision can be secured by a planning condition.
28. The Council's Highways Engineer and Transport Policy Officer have raised no objections to the planning application. Subject to the imposition of appropriate planning conditions, the proposed development is acceptable in highway safety and vehicle and

cycle parking terms and would accord with Policies DC1, DC3, IN1, IN2 and INV4 of the Local Plan in this regard.

c) Residential Amenity

29. The site is within a residential street with terraced dwellings on the opposite side of Bowman Street which would currently have views across an open site. It is acknowledged that the proposed development will have an impact on these dwellings in terms of outlook and overlooking and therefore a balanced judgement has to be made as to whether the impacts are significant enough to outweigh other material planning considerations and recommend refusal on such grounds.
30. The separation distance between the new and existing dwellings on Bowman Street would not comply with the guidance contained within the Council's Supplementary Planning Document – Design for New Development. The Design SPD states that an acceptable separation distance between two storey developments is 21m. The proposed dwellings would be positioned approximately 14.7m from the existing dwellings. However, it is not uncommon to find such a spatial relationship within traditional street patterns and it is important to assess this proposed spatial relationship within the context of the wider street scene. The proposed dwellings would be set in from the edge of the site by approximately 1.2m which gives the development an increased separation distance when compared to the relationships between existing dwellings at Nos 91 to 95 Bowman Street and the dwellings opposite, which are located further to the north of the application site. It is acknowledged that No 91 Bowman Street is a bungalow, but it also has habitable windows in the front elevation. Resiting the dwellings further back into the site to fully accord with the 21m proximity distance would result in a development which does not reflect the characteristics of the street scene and would significantly alter the external appearance of the development and possibly reduce the number of dwellings being proposed. An example of a new development which has been built where the street context had to be considered against fully complying with the proximity distances can be found in a housing scheme (Primary Close) on the corner of Bowman Street and Thompson Street West which has worked well. This is located at the southern end of Bowman Street.
31. It is considered that, on balance, the spatial relationship between the existing and proposed dwellings on Bowman Street still achieves an acceptable level of amenity for both existing and future occupants.
32. In terms of outlook from the dwellings on the opposite side of Bowman Street, it is fully acknowledged that the views from these dwellings will change from an open site to a row of dwellings. Sectional plans submitted in support of the application show that the new dwellings would be a similar height to the dwellings opposite. The planning system is not necessarily intended to protect an outlook that a resident may enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity. The proposed development would improve the visual appearance of the application site and would maintain an acceptable standard of amenity when viewed from across the street.

33. The proposed dwellings include a dormer extension within the rear roof space. The rear elevation of the dwelling houses would look across the car parking of the site and various outbuildings and garages within the long gardens to the rear of the dwellings on Longfield Road and Lawson Street. The neighbouring dwellings within these streets would not be directly overlooked and are of sufficient distance to have no amenity issues arising from this development.
34. The window openings in the end elevations of the terrace, at roofspace level, are both land windows and therefore not habitable openings.
35. No 91 Bowman Street is directly to the north of the application site. It is a bungalow with a modest rear garden. Whilst the proposed terrace of dwellings will have a visual impact on the property and rear garden of this property due to the scale and location of the new dwellings, this would be counterbalanced against the demolition of the Smithy building which is located on the west boundary of the No 91 Bowman Street. There are no adverse overlooking concerns in relation to this dwelling.
36. The south facing gable of the terrace would not have an unacceptable visual impact when viewed from the parking area to the front of the Methodist Church Hall and there would only be medium range oblique views across the Hall building and any associated outdoor areas.
37. The Environmental Health Officer had raised concerns about noise from air circulation fans at the Methodist Church Hall adjacent to the development impacting on the proposed houses and the future occupants. Following a site and a meeting with the church wardens, they have provided reassurances that these air circulation fans are very rarely (if ever) used. The developers have also now submitted a noise assessment which has looked at how potential noise sources from nearby road traffic and the Church Hall extraction system could impact on the development. The report has concluded that standard double glazed windows and trickle vents will be sufficient to protect the residents of the proposed homes from intrusive noise. The Environmental Health Officer would agree with this conclusion and is satisfied that the application can be recommended for approval without further conditions being attached relating to noise.
38. Planning conditions have been recommended for the submission of a Construction Management Plan and to control the hours of construction.
39. It is considered that the whilst the proposed development will have some impact on the amenities of the dwellings on the opposite side of Bowman Street, the extent of impact would not be so adverse to recommend refusal of the planning application. The application would follow the general principles set out in policy DC4 of the Local Plan.

d) Design, Layout and Impact on the Character and Appearance of the Local Area

40. The neighbouring dwellings are primarily two storey terraced dwellings with enclosed amenity areas to the front and private gardens to the rear. Under the provisions of the Council's adopted Design SPD, the site would be located within Character Zone 4 (Outer Suburbs) and new developments between one and 2.5 storeys would generally be permitted in this Zone.
41. The proposed terraced dwellings are 2.5 storeys with a bedroom within the roof space. A sectional plan submitted in support of the planning application shows that the overall height of the proposed dwellings would be very similar in height to the existing properties on the opposite side of the Bowman Street.
42. The properties would have an amenity area to the front enclosed by a low brick wall. They would be constructed from red facing brick with render at first floor level. Grey roof tiles, anthracite UPVC windows and composite doors complete the palette of materials.
43. The rear gardens would be enclosed by walls with railings above and a new means of enclosure (fence/gates and wall/railings) would run alongside the lane.
44. It is considered that the proposed development is well designed and responds positively to the street scene, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. The proposed development is of high quality design which would redevelop a piece of land of low landscape quality in the urban area, which will strengthen local character and distinctiveness, having regard to the Council's Design SPD. Overall, the proposed layout and dwellings would accord with the general principles set out in policies DC1, DC3 and ENV3 of the Local Plan in this regard.

e) Contaminated Land

45. The application has been submitted with a Phase 1 desk top study and site walkover which has identified, through a search of the available historical maps, the site's former use as a Smithy and possible contamination with PAH, TPH, asbestos and other contaminants. The majority of the site is currently overgrown with vegetation although there are obvious deposits of waste materials amongst this. The Council's Environmental Officer would agree with the conclusions of the report that a full site investigation is needed to determine whether the underlying ground conditions are suitable for the proposed residential end use. The site investigation should be designed around the proposed site layout submitted with the application and appropriate planning conditions can be imposed. The proposed development would accord with policy DC 1 of the Local Plan in this regard

f) Ecology

46. The site is private land and not an area of public open space. The site has previously contained trees, but they have now been removed leaving an open site with areas of overgrown vegetation. As the trees were not covered by a tree preservation order and the site is not in a conservation area, no formal consent from the local planning authority would have been required for the tree removal works

47. Due to the location of the site, the surrounding site context (surrounded by built development) and the nature of the existing building on the site (single storey, single skin construction), the Council's Ecology consultant has advised that the risk of roosting bats is not significant enough for the Local Planning Authority to request a bat risk assessment. It is also recommended that bird nest boxes are incorporated into the new dwellings/site to assist in meeting the National Planning Policy Framework 2021 requirements for biodiversity net gains which can be secured by a planning condition
48. Nesting birds may be an issue and the applicant would need to be made aware of this and take appropriate steps to avoid any impacts and this can be done via an Informative.
49. It is considered that, subject to the imposition of appropriate planning conditions, the proposed development would comply with policies EN7 and EN8 of the Local Plan in this regard.

g) Climate Change

50. The Design and Access Statement advises that the dwellings will be airtight and very well-insulated, including the window frames. Each dwelling will have cycle parking provision, including visitor provision. Although there are no directly southern facing roof planes, the Bowman Street elevation is slightly angled towards the south. As a result, the roof plane of the front elevation will be used to house, or at least have provisions for Solar PV panels. There would also be EV charging points within the parking area.
51. The Council's Climate Change Officer has advised that the design of the development has taken climate change/sustainability into consideration. The proposed development would follow the general principles of policies DC1 and IN 4 of the Local Plan.

h) Flood Risk and Drainage.

52. The application site is within Flood Zone 1 and so there is a low risk of flooding. The Design and Access Statement submitted in support of the planning application states that foul water would be sent directly into the mains sewerage system which would be located during the detailed design stages. The scheme would follow the SUDS drainage strategy, outlined below:
- 1) store rainwater for later use
 - 2) use infiltration techniques, such as porous surfaces in non-clay areas
 - 3) attenuate rainwater in ponds or open water features for gradual release
 - 4) attenuate rainwater by storing in tanks or sealed water features for gradual release
 - 5) discharge rainwater direct to a watercourse
 - 6) discharge rainwater to a surface water sewer/drain
 - 7) discharge rainwater to the combined sewer

53. If any flooding issues were to arise during further investigation the developer would look to maximise point (1) before skipping (2) (3) and attempting to locate point (4) before jumping to (6) and (7). This strategy has been chosen to avoid adding to any potential flood risk.

54. The strategy would follow the requirements set out in policies DC2 and DC3 of the Local Plan

THE PUBLIC SECTOR EQUALITY DUTY

55. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. Two of the dwellings would meet category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) in accordance with local development plan policy and a planning condition has been imposed to secure appropriate parking provision for people with mobility issues.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

56. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

57. The application site is within the development limits for the urban area and the proposals would redevelop a vacant site for residential purposes. The design and layout of the development is acceptable in highway safety, parking provision and street scene terms. The dwellings would be constructed to mitigate climate change and the overall development includes the provision of EV charging points and cycle parking provision. The internal layout of two of the dwellings has been amended to meet building regulations category M4(2) adaptable and accessible dwelling standards in compliance with local development plan policy. There will be an impact on the existing residential dwellings on the opposite side of Bowman Street in terms of outlook and overlooking and these impacts have been considered alongside other material planning considerations such as the impact of the development on the existing streetscape and street patterns and the amenity impacts are not considered adverse and sufficient to outweigh the benefits of this proposal. Overall, it is considered that the proposed development will accord with the general principles of the local development plan

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)

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

1. Drawing Number 001 C Ground and First Floor Block Plans Inc Images
2. Drawing Number 002 A Loft Floor and Roof Plan
3. Drawing Number 9 – 1 Existing and Proposed Site Plans, Site Location and Boundaries
4. Drawing Number 21 -1 Proposed Elevations
5. Drawing Number 90 -1 Site Section Across Bowman Street
6. Drawing Number 100 – 1 3D Imagery

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

3. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.
 - c) Construction Traffic Routes, including parking areas for staff and visitors.
 - d) Details of wheel washing.
 - e) Road Maintenance.
 - f) Warning signage.

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

REASON: In the interests of residential amenity and highway safety

4. CL2 - Phase 2 Site Investigation Strategy
5. CL3 – Phase 2 Investigation Works
6. CL4 - Phase 3 Remediation and Verification Strategy

7. CL5 - Construction/Remediation works
8. CL6 - Phase 4 Verification and Completion Report
9. Notwithstanding the details shown on the approved plans, a landscaping scheme 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.
10. Notwithstanding the details shown on the approved plans, precise details of the car parking arrangements for the development, including the provision of disabled parking spaces, 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 and the car parking spaces shall be fully implemented and available to use prior to the first occupation of the development
REASON: In the interests of providing adequate parking for people with mobility issues
11. Notwithstanding the details shown on the approved plans, precise details of the visibility splays at the vehicle access point onto the service lane shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include the means of enclosure and sliding gate on the boundary with the service lane and across the access point. The development shall not be carried out otherwise than in complete accordance with the approved plans
REASON: In the interests of highway safety
12. Notwithstanding the details shown on the approved plans, the approved development shall incorporate four bird boxes into the site layout or design of the dwellings. The details of the bird boxes shall be submitted to and approved in writing, by the Local Planning Authority prior to the commencement of the development and they shall be remain in place during the lifetime of the development
REASON: In the interests of the enhancing the ecological nature of the development and application site.
13. Prior to the commencement of the development, precise details of secure, covered, cycle parking provision for use by the occupants and visitors 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 which shall be fully implemented and available for use prior to the first occupation of the development. The agreed details shall remain in place for the lifetime of the development

REASON: In the interest of encouraging the use of sustainable modes of transport

14. The development hereby approved shall not be carried out otherwise than in complete accordance with the materials palette contained within Page 9 of the document entitled "Design and Access Statement. Land to the rear of Harrowgate Hill Methodist Church. Darlington" Version 2 dated December 2021 and produced by Phoenix Design Man

REASON: In the interests of the visual appearance of the development and the street scene

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

REASON: In the interests of residential amenity

16. The EV charging points shown on the approved plans shall be a minimum of a single phase 13 amp socket

REASON: To ensure that the proposed development accords with Policy IN4 of the Darlington Borough Local Plan (2016 – 2036)

INFORMATIVES

Section 184 Crossing

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

Street naming and numbering

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

Section 59

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

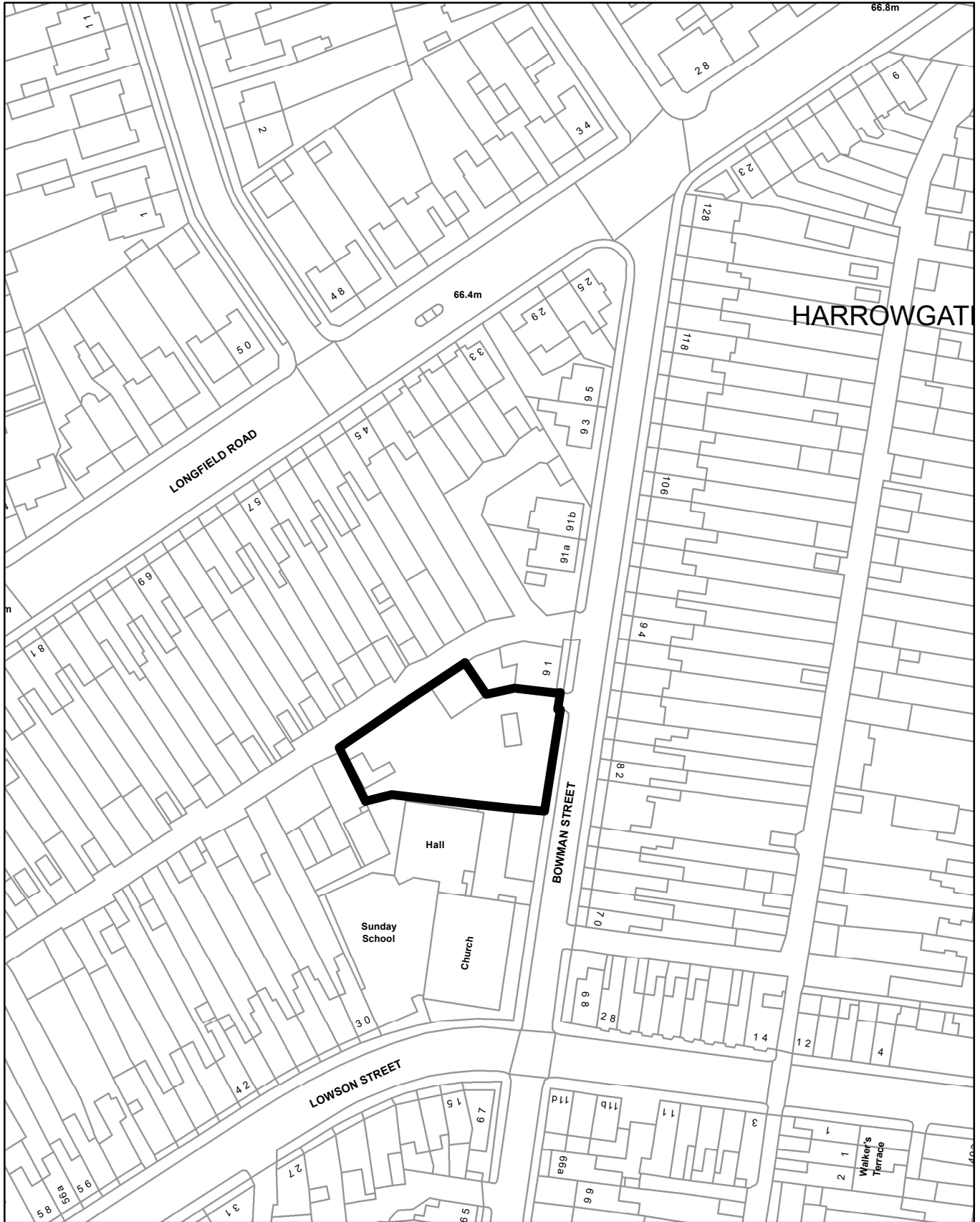
Additional Parking Restrictions

The applicant is advised that a scheme to implement 'No Parking' restrictions across the site frontage (Bowman Street) is considered necessary. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Chris Easby 01325 406707) to discuss this matter.

Nesting Birds

Any works, including demolition works and site clearance, should be carried out outside of bird nesting season. No work should be done to the existing building and site prior to an inspection for any nesting birds.

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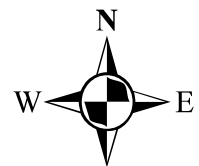


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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16th March 2022.

APPLICATION REF. NO:	22/00008/FUL.
STATUTORY DECISION DATE:	08 th March 2022.
WARD/PARISH:	STEPHENSON.
LOCATION:	Units 4 And 5 Red Barnes Way.
DESCRIPTION:	Change of Use from storage (unit 4) and former car valeting bay (unit 5) to car MOT station and repairs (sui generis), including demolition of dividing wall to create single unit and alterations to doors on northeast elevation.
APPLICANT:	Mr. Daniel Robson.

RECOMMENDATION: GRANT PERMISSION.

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

APPLICATION AND SITE DESCRIPTION:

Description of the Site and Surrounding Area.

1. The application site comprises of 2 no. industrial units located on the western side of Red Barnes Way. The application properties currently consist of 2 no. industrial units storage (unit 4) and former car valeting bay (unit 5) which are set away from a road, behind a grass verge and small area of car parking. The units are part of a row of approximately 12 no. individual industrial that are accessible from McMullen Road and are located within the Stephenson ward/electoral division of the town. The surrounding area is predominantly commercial in its character with the Red Hall Housing Estate located on the opposite side of McMullen Road.

The industrial units are not situated within a designated Conservation Area, the units are not classified as Listed Buildings, and they are no Preserved Trees within the curtilage of the application site.

THE PROPOSED DEVELOPMENT:

Planning Application Description.

2. The applicant seeks planning permission for the change of use and reconfiguration of the internal layout of 2 no. existing industrial units (unit 4-storage & unit 5- former car valeting bay) located on Red Barnes Way to car MOT station and repairs.

Parking;

Each unit has 2 no. dedicated car parking spaces and as such two parking spaces will be dedicated to staff parking and two parking spaces will be for customer parking.

Staffing;

Two full time staff members.

Opening hours;

Monday to Saturday - 08.00hrs to 18.00hrs.

Sunday and Bank Holidays - Closed.

RELEVANT PLANNING HISTORY:

3. The most relevant history is as follows:-

- 21/00767/PLU - Certificate of Lawfulness for proposed use from storage (unit 4) and former car valeting bay (unit 5) to car MOT station and repairs (sui generis), including demolition of dividing wall to create single unit and alterations to doors on northeast elevation - Refused.

MAIN PLANNING ISSUES

4. The main planning issues to be considered are:

- a. Planning Policy.
- b. The impact on the character of the area.
- c. The impact on the scale and character of the existing site.
- d. Amenity.
- e. Highway Safety and Parking.
- f. Environmental Health.

PLANNING POLICIES:

Darlington Local Plan (2016 – 2036)

- SD1: Presumption in Favour of Sustainable Development
- DC1: Sustainable Design Principles and Climate Change
- DC4: Safeguarding Amenity
- H3: Development Limits
- E1: Safeguarding Existing Employment Opportunities

RESULTS OF TECHNICAL CONSULTATION

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

RESULTS OF PUBLICITY AND NOTIFICATION

7. The application has been publicised by way of a site notice and neighbour letters in accordance with Article 15(5)(a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Response(s) Received.

8. Third party comments; 3 letters of representation have been received raising the following objections and concerns:-

i. There is not enough parking spaces at present for vehicles. Congestion is terrible every day and sometimes people resort to cutting over the grass instead of waiting to exit the units properly. This parking issue is hampering our business now so allowing an MOT Centre which will have numerous cars to test along with staff will no doubt take up more than 4 spaces which is the number of spaces allocated to two units.

ii. The change of use to MOT and repair premises are untenable with the current access and parking available for the unit, with only 4 spaces for private vehicles or 3 for commercial vehicles overspill onto adjoining, busy units parking bays is inevitable. There is a solution, a large area of private land extends in front of the 2 units, currently grass but this could be stoned and used for parking for vehicles using units 4 and 5.

iii. There is no way there is enough parking to withstand a mot station as the car parks are bad enough for parking as it is at the moment it's that bad I'm even having to pay someone to put bollards outside my shop so my customers can even get parked there is arguments going on a daily basis over parking spaces as each unit is only allocated 2 car park spots and if there is a garage going in they will need at least 8 spaces

PLANNING ISSUES/ANALYSIS

a. Planning Policy.

9. The application site has been used for a variety of uses, most recently as storage (unit 4) and a car valeting bay (unit 5).

10. As the Darlington Local Plan (2016 – 2036) has been adopted, the main policy relevant to this application is Policy E1 – Safeguarding Existing Employment Opportunities. This policy seeks to safeguard existing employment areas for economic investment. Within these areas, planning permission will be granted for the change of use of existing buildings or developed land in line with the 'suggested uses' of each site set out in the policy.

11. The proposed development is situated in Employment Site 348 – Red Barnes Way. The suggested uses given in Policy E1 for this location are B2, B8, E(g). Since the application is for a change to a sui generis use as an MOT Centre it falls outside the suggested uses. Proposals for other employment uses not falling within the 'suggested uses' in Policy E1 are acceptable but will only be permitted where the Borough Council is satisfied that they will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites.

12. In summary, the principle of the development for the use proposed is likely to be acceptable in this location since the proposed development is for an employment use, even though it is not one of the suggested uses for Site 348. This is provided that, as required by Policy E1: Safeguarding Existing Employment Opportunities, the proposed development will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties.

b. The impact on the character of the area.

13. The proposed scheme seeks no external alterations, and therefore it is considered that the development will not have any impact upon the character of the surrounding area.

c. The impact on the scale and character of the existing site.

14. The proposed scheme will see the parking of cars on 4. These spaces currently exist and will be available before the business commences operation and as such there will be no need for additional external parking spaces, consequently as there is currently sufficient external parking spaces they will be no need to create any further additional external parking spaces and as such the proposal will be detrimental to the character of the existing site.

d. Amenity.

15. The proposed scheme will not harm neighbouring amenity with regard to overshadowing, overlooking or outlook.

16. The external parts of the building and the site would remain unaltered and all details of signage would need to be pursued under different legislation. The development is set within a commercial setting close to a busy road. The closest residential properties are located approximately 92m to the east of the application site, separated by a grass verge and a highway. Due to these separation distances, along with the fact that the application building is a solid metal framed structure, it is considered that the proposed use would not result in harm, such as noise levels, of measurable significance to the occupants of residential properties. Additionally the proposed opening hours would be considered reasonable given the context of the site's character.

e. Highway Safety and Parking.

14. Whilst much of Red Barnes Way is adopted highway, the road serving the 12 no. industrial units is privately owned and operated. As such the Highways Authority has no control or jurisdiction over this. Any right of access or parking disputes would be a civil matter. Should overspill parking occur on the adopted extents of Red Barnes Way or McMullen Road then, the Highways Authority would be able to address this with additionally parking restrictions should they be necessary.

15. As automotive MOT and repair businesses operate predominantly on a basis of pre-booked appointments; the operators of the business will have a reasonable degree of certainty and control over how many vehicles will need to be accommodated on site on any given day. On this basis any impact on neighbouring businesses can potentially be minimized or mitigated by good management of bookings. The applicant has indicated that, MOT bookings are made at a rate of one vehicle per hour.

16. The application form states that two members of staff are proposed (full time), as such this would be a maximum of two staff cars parked at any one time. The Tees Valley Design Guide (TVDG) advises sufficient operational parking and area for manoeuvring within the site should be demonstrated and that parking should be provided at a rate of 3 spaces per service bay, plus one space per member of staff. This would equate to 8 parking spaces for the site, with operational space being considered to be accommodated internally within each unit. Whilst not referred to as part of the application, It is understood that 2 spaces will be provided per unit (total of 4 spaces) which is below the recommended level of provision, albeit vehicles could be stored within each unit whilst not open.

17. The Council's Highways Engineer has expressed some concern that overspill parking could create amenity and operational difficulties for adjacent occupiers within private land, although this is not considered a reason to justify refusal on highway grounds.

18. Three letters of objection relate to parking issues as previously stated whilst much of Red Barnes Way is adopted highway, the road serving the 12 no. industrial units is privately owned and operated. As such the Highways Authority has no control or jurisdiction over this, and any right of access or parking disputes would be a civil matter and something that the Council cannot control via the planning system.

19. The applicant has provided a written statement that clearly outlines that an MOT station of this size, at full capacity, can only accommodate a maximum of 8 MOT tests per day. The main prospective customer subcontracts an average of 4 no. MOT's per day & they do not leave vehicles at subcontract MOT stations all day.

20. At best, the applicant has indicated that there will be four retail MOT's per day. Customers will be encouraged to have MOT's completed on a while-u-wait basis.

21. In conclusion, whilst the objections have been taken into account, the proposal is considered to be acceptable in terms of highway safety and is in accordance with Policy IN4 (Parking Provision) of the Local Plan in the light of the very limited control the Council has on private land.

f. Environmental Health.

22. The Council's Environmental Health Officer has been consulted on the application and has raised no objections.

PUBLIC SECTOR EQUALITY DUTY:

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

SECTION 17 OF THE CRIME AND DISORDER ACT 1998:

24. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION:

25. It is considered that the proposed change of use is acceptable in general planning policy terms and it will not result in adverse amenity, highway or health and safety conditions. The loss of B8 (storage) & sui generis (car valeting bay) use is acceptable owing to the nature of the proposed MOT testing use.

26. The proposal is therefore considered to accord with Policy IN4 of the Darlington Local Plan (2016 – 2036).

RECOMMENDATION:

Grant Permission - subject to the following condition(s) and reason(s) :-

i. A3 Implementation Limit (Three Years)

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

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

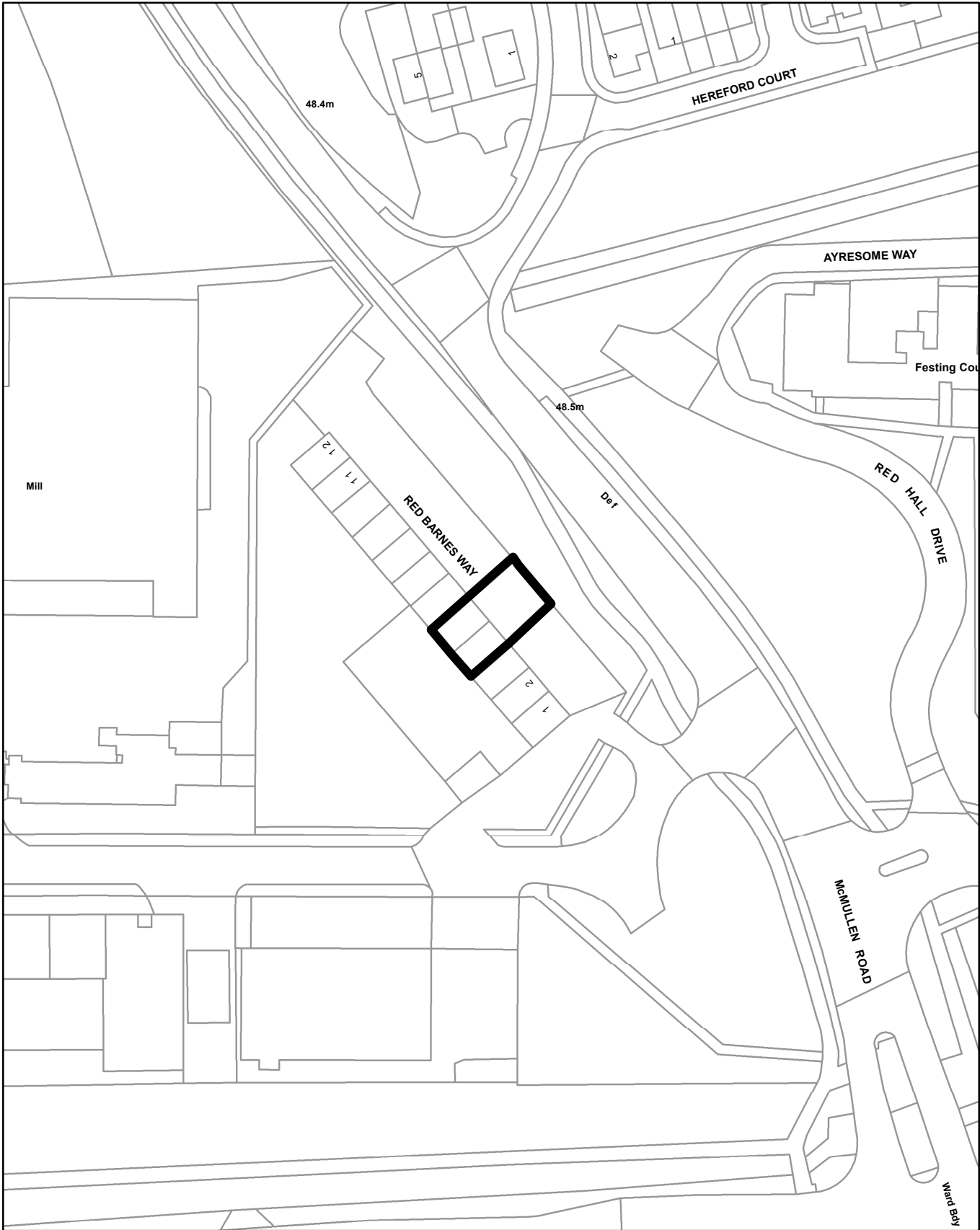
ii. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:-

Drawing Number:-

- 63/P100 - Existing Floor Plans
- 63/P200 - Existing Elevations
- 63/P300 - Proposed Floor Plans
- 63/P400 - Proposed Elevations

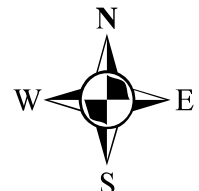
REASON – To ensure the development is carried out in accordance with the planning permission.

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Planning Ref No: 22/00008/FUL



SCALE 1:1000

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16th March 2022

APPLICATION REF. NO:	21/01333/FUL
STATUTORY DECISION DATE:	14 th January 2022 (Extension of time agreed until 18 th March 2022)
WARD/PARISH:	PARK WEST
LOCATION:	14 Woodvale Road Darlington
DESCRIPTION:	Erection of two storey side extension and insertion of bi-fold doors to rear elevation (as amended by plans received 04.02.22)
APPLICANT:	Mr & Mrs Shearn

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=R2TFXFFPFVC00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a south east facing semi-detached two storey dwelling set within an average sized plot for the area. The surrounding area is predominantly residential in character. The northern boundary of the site abuts the West End Conservation Area, although the property itself is located outside of the conservation area boundary.
2. The proposal involves building a two-storey side extension on the eastern elevation to provide a utility, wc, external store and office at ground floor with an enlarged bedroom, additional bedroom and 'Jack and Jill' bathroom above. The proposed extension incorporates a cantilever feature with the first floor element projecting slightly over the ground floor extension to allow a walkway to the rear garden.

3. The proposed two storey extension will be 1.85 metres wide at ground floor and 2.6 metres wide at first floor to account for the cantilever feature and will be 8.5 metres in length overall. The roof will be hipped and will incorporate a set down of 0.2 metres from the main roof. The extension will be 5.4 metres in height at eaves level and 7.8 metres to the ridge.

4. The materials for the proposed extensions will be brickwork and render to match the existing property with a matching tiled roof. A wooden gate with a fixed wooden panel above is to be fitted to the gap beneath the cantilever in the front elevation. The proposal includes a 'secret' gutter to ensure no overhanging gutters or fascia boards on the neighbouring property.

5. The submitted plans have been amended on two occasions, firstly to address concerns regarding the scale and design of the proposed extension and to incorporate obscure glazed windows at first floor level in the side elevation of the extension, and most recently to partly obscure glaze the first floor window in the rear elevation of the extension and to incorporate the secret gutter.

MAIN PLANNING ISSUES

6. The main issues for consideration are:

- a) Impact on visual amenity;
- b) Impact on residential amenity;
- c) Highway safety;
- d) Other matters

PLANNING POLICIES

7. Relevant planning policies include those seeking to ensure that new development: -

- Promotes good design to create attractive and desirable places to live, work and invest and follows the design principles of the Design of New Development SPD (DC1)
- Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (DC4)
- Provides suitable and safe vehicular access and parking arrangements (DC1)

RESULTS OF TECHNICAL CONSULTATION

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

RESULTS OF PUBLICITY AND NOTIFICATION

9. Three objections have been received. The main points of objection were:

- Overbearing impact
- Visual impact
- Loss of light to property and garden

- Loss of privacy
- Design not in keeping with properties in the area
- Construction access and future maintenance
- Unsafe construction

PLANNING ISSUES/ANALYSIS

(a) Impact on visual amenity

10. The proposed extension is not considered to be large in terms of their scale and footprint relative to the application property which itself is a fairly modest semi-detached dwelling. In this instance the application property is situated within an average sized plot for the area in an established residential area.

11. In its amended form, the proposed two-storey extension has been designed with a hipped roof which incorporates a set down from the main roof and is to be constructed of matching materials; brick at ground floor with render above. The original scheme proposed that the extension would be finished with timber cladding to the front elevation and first floor of the side and rear elevations and would incorporate a full-length feature window in the front elevation. This was amended to address concerns regarding the scale, design and visual impact of the extension.

12. Although the proposed extension will be visible from Woodvale Road, it is set back from the street and in view of the design of the extension including its limited width and use of matching materials, it will appear subservient to the main dwelling which will in turn limit its impact on the character and appearance of both the application property and surrounding area. The proposal incorporates a cantilever feature with the first floor of the extension overhanging the ground floor element by approximately 0.75 metres. Although this is not a particularly common feature in the streetscene, given the acceptability of the overall scale and design of the extension, it is not considered that this will be unduly harmful feature in the wider streetscene. The inclusion of a timber gate and wooden panel to the front elevation will fill the gap beneath the cantilever such that it will not be unduly prominent.

12. The extension will infill a small gap to the side of the property between its gable end and the boundary that separates the application property with 12 Woodvale Road to the east. 12 Woodvale Road has also been extended by a lean-to extension to its western end close to the common boundary between the two properties. In view of the limited width of the proposed extension and its subservient appearance to the main dwelling it is not considered that the proposed extension would result in a cramped form of development, with a resultant harmful impact on the character and appearance of the streetscene and surrounding area.

13. In view of the above considerations, the proposal reflects the local environment, and the design of the extension responds positively to the local context in terms of its scale, form, height and materials, and therefore accords with the requirements of Darlington Local Plan Policy DC1 in this regard.

(b) Impact on residential amenity

14. The proposed extension is to be built to the side of the property and will not project beyond the rear elevation of the property. As such the extension complies with the 45-degree code in respect of the neighbouring property at 12 Woodvale Road. There will be no unacceptable impact in terms of loss of light or outlook to the rear of this property or its garden area.

15. Concern has been expressed that the proposed side extension will result in loss of light to and outlook from the side extension to the western side of 12 Woodvale Road. The extension is a lean-to extension with 2 no. rooflights in the roof plane which serve a ground floor utility room and a first floor en-suite bathroom/studio. Outlook from these windows is currently limited by the existing gable end of the application property. The proposed extension will however be closer to this extension and result in some direct impact to these windows. Given that these windows currently serve a utility room and en-suite bathroom/studio, it would be difficult to argue that this would cause unacceptable harm to light and outlook to these windows which principally serve non-habitable rooms within the property.

16. First floor windows in the side elevation of the extension serving a bathroom and additional bedroom are to be high level, obscure glazed to prevent overlooking of the rooflights in the extension to the neighbouring property. The first floor bedroom window in the rear elevation of the extension is also to be partially obscure glazed at the lower level to prevent direct overlooking of the rear garden of 12 Woodvale Road given the proximity of this part of the extension to the common boundary between the two properties. Conditions are attached requiring that these windows are obscure glazed in perpetuity to protect residential amenity.

17. The proposal will not therefore give rise to any unacceptable impacts on residential amenity such as loss of light, outlook or privacy to neighbouring dwelling and complies with Policy DC4 in this regard.

(c) Highway Safety

18. The dwelling is increased in size from three to four bedrooms. This increases the recommended level of in curtilage parking provision from two to three spaces. The existing rear garage and driveway to the side elevation will no longer be available once the side extension is constructed.

19. Whilst it would be desirable to create additional in curtilage parking space to prevent overspill onto the highway, it is not possible in this instance due to the constraints of the site. The driveway to the side elevation is not wide enough to accommodate a car and the front garden is not deep enough to enable additional parking to the front.

20. A single parking space will be retained within the curtilage and additional parking can be accommodated on highway to the dwelling frontage, however this will result in a shortfall in parking provision for the property. In this instance however this shortfall in parking is not

considered to be sufficiently detrimental to warrant refusal in this instance, where NPPF guidance advises that a 'severe' impact is required to justify refusal. The Highway Officer raises no objection to the proposal on this basis.

(d) Other matters

21. The safe construction of the extension and future maintenance of the proposed development were points raised by objection. The safe construction of the extension would be considered under the Building Regulations and the maintenance of the property is a civil matter. Neither of these matters are therefore material planning considerations that can be given weight in the determination of this planning application.

22. A further point raised by objection relates to land ownership matters. The applicants have completed Certificate A to confirm that the development will take place entirely on their property. The cantilever design of the extension will ensure that the foundations can be dug on the applicants' property and the plans also include a 'secret' gutter on the eastern elevation so as not to overhang the neighbouring property at 12 Woodvale Road.

THE PUBLIC SECTOR EQUALITY DUTY

23. 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

24. The development accords with relevant development plan policies in that it respects the character and appearance of the host property and relates well to the surrounding area. The development does not give rise to any unacceptable impacts of residential amenity or highway safety. Accordingly, it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. B4a (Materials)
3. The first floor windows formed in the eastern (side) elevation shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.
REASON - To prevent overlooking of the nearby premises.
4. The first floor window formed in the northern (rear) elevation shall be installed with 50% obscure glazing, in full accordance with the details as shown on drawing no. 2 Rev 1b, and shall not be repaired or replaced other than in full accordance with these details.
REASON - To prevent overlooking of the nearby premises.

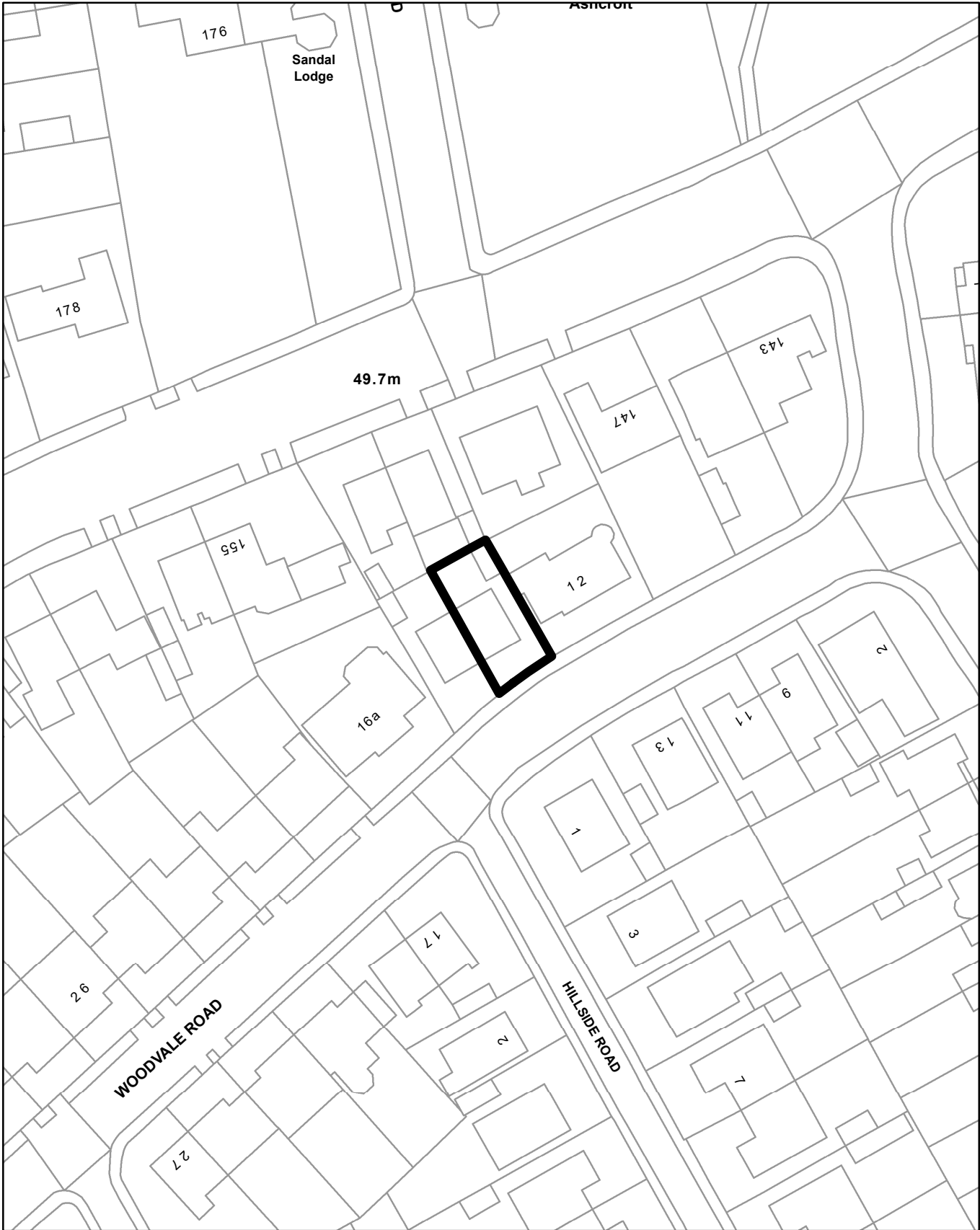
5. The wooden gate with fixed panel above, as shown on drawing no. 2 Rev 1b, shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently to limit the impact of the 'cantilever' on the character and appearance of both the application property and surrounding area.

REASON - To safeguard the residential amenities of the neighbourhood.

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

- Drawing No. 1 Rev 1 – Existing Elevations and Floor Plans
- Drawing No. 2 Rev 1b – Proposed Elevations and Floor Plans
- Drawing No. 3 Rev 1 – Location Plan, Existing and Proposed Site Layout

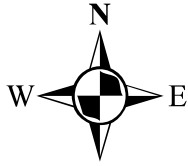
REASON – To ensure the development is carried out in accordance with the planning permission.



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Planning Ref No: 21/01333/FUL

DARLINGTON BOROUGH COUNCIL



SCALE 1:750

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Appeal Decision

Site visit made on 1 February 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/N1350/W/21/3285235

213-217 Haughton Road, Darlington DL1 2LD

- 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 V. G. Developments (NE) Limited against the decision of Darlington Borough Council.
 - The application Ref 20/01181/FUL, dated 30 November 2020, was refused by notice dated 23 August 2021.
 - The development proposed is the erection of 1no. dormer bungalow.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for the residential development of a former garage site for 6 terraced houses (19/00120/FUL) and a block of 12 residential apartments (19/01111/FUL). The current proposal seeks permission for a further bungalow on the site.
3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers with regard to privacy and outlook.

Reasons

Character and Appearance

4. The appeal site is located to the rear of a terrace of newly built two storey houses that front onto Haughton Road and is reached via the access to a block of recently completed four storey apartments which are set back from the road and been constructed at the former garage site.
5. Whilst there is a mix of property types, designs and sizes in the area, they are generally afforded a set back from their road frontage and proportionately sized gardens. This and the separation between individual buildings and blocks gives the area a spacious feel which contributes positively to its character and appearance.
6. The proposed development would be sited immediately to the rear of the recently completed terrace. It would be contextually very small, and effectively

shoehorned into a narrow gap at the foot of the gardens of the frontage development. The restricted size of its plot, the siting of its access, parking and garden and how it would abut surrounding land uses and buildings at such close quarters would give rise to an obvious cramped appearance, wholly against the prevailing sense of spaciousness. It would thus cause harm to the character and appearance of the area.

7. The proposed development would therefore be contrary to Saved Policy H13 of the Borough of Darlington Local Plan (DLP) (1997) which sets out the Council's approach to backland development and Policy CS2 of the Darlington Core Strategy (DCS) (2011) which both seek to ensure that all development is of a high quality.

Living Conditions

8. At approximately 7 metres, the bungalow would be sited more than marginally short of the 12.5 metre separation distance away from the closest other dwelling as set out in the Council's Revised Design of New Development Supplementary Planning Document (2011) (SPD). Whilst this is a recommended distance, it is useful in determining an acceptable separation to ensure satisfactory living conditions are provided.
9. In this context, the presence of the two-storey terrace so close to the proposed bungalow and along the whole length of its side elevation, would be dominant and oppressive. Consequently, it would have an overbearing effect on the outlook for users of the garden and from the windows in both front and rear elevations of the property. The unacceptably poor outlook from the proposed garden would be compounded by its very small size and close proximity enclosure by high sided fencing and buildings.
10. Furthermore, the first-floor windows of 207 and 209 Haughton Road would directly overlook the garden of the proposal having an unacceptable impact on the privacy of the occupants. I do not agree that this arrangement would be typical of houses in an urban setting to the extent that it makes this proposal acceptable.
11. In addition, I am not convinced by the illustration provided by the appellant to demonstrate that overlooking would be limited. A privet hedge on the boundary would take a considerable time to reach a useful height and its retention to a specified height could not be guaranteed or enforced. Therefore, is not considered acceptable mitigation for an otherwise unacceptable relationship between the existing houses and the proposal.
12. Consequently, the proposed development would harm the living conditions of future occupiers to an unacceptable extent with regard to both privacy and outlook. The proposal would therefore be contrary to saved DLP Policy H13, DCS Policy CS2 and the SPD. Together, amongst other things, these policies seek to ensure that new development is of high quality and provides a high standard of amenity for existing and future users.

Other Matters

13. I note that an alternative layout was submitted to the Council for the purposes of a previous outline planning permission for the site which may have resulted in the scheme having a different feel to that which has been implemented. I also note that this layout was indicative, and the Council contend that it did not

form part of the approved suite of plans. I also note that this permission was not implemented and 2 full applications for the terrace and flat development were pursued instead. This layout, therefore, carries very little weight and does not outweigh the harm that I have otherwise found.

14. The introduction of another unit in this location would not increase the density of development above that of the prevailing area, however neither this nor the proposed palette of materials and the use of a bay window would be sufficient to make the proposed development acceptable in the light of the harm I have found.
15. I have not been presented with any evidence that the provision of one additional unit in this location would address any identified local housing needs or is required to make the overall scheme viable, both of which, amongst other things, would be necessary to satisfy the requirements of paragraph 124 of the National Planning Policy Framework in securing the most efficient use of land.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR

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Appeal Decision

Site visit made on 8 February 2022

by **C Megginson**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2022

Appeal Ref: APP/N1350/W/21/3288824

Land to the rear of 21 Barmpton Lane, Darlington, DL1 3HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Hartley against the decision of Darlington Borough Council.
 - The application Ref 21/01149/OUT, dated 1 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is residential development comprising the erection of 4 no detached bungalows.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development comprising the erection of 4 no detached bungalows at land to the rear of 21 Barmpton Lane, Darlington, DL1 3HB in accordance with the terms of the application, Ref 21/01149/OUT, dated 1 October 2021, and the plans submitted with it (Location Plan 19004 L01 and Site Access Review JN2052-DWG-0001E), subject to the conditions set out in the attached schedule.

Procedural Matter

2. Outline planning permission is sought with all matters reserved except for access. I have considered for approval the Location Plan and Site Access Review detailed above. I have had regard to the Indicative Site Layout and Bungalow Types 20009 SK01B, but have regarded all elements of this drawing as indicative.

Main Issue

3. The effect of the development on the living conditions of occupiers of surrounding properties, with specific regard to noise.

Reasons

4. The appeal site is fully surrounded by the rear gardens of bungalows and houses in Barmpton Lane, Harley Grove, Jesmond Road and Clarendon Road. The site sits at a lower level to the surrounding gardens and the boundary is made up of a mix of solid mature hedgerows, timber fencing and brick walls. The site contains storage buildings and former stables with an existing access road from Barmpton Lane, hardstanding and a large area of mown grass.
5. The appeal site planning history includes an approved planning application for two bungalows (ref 20/00835/OUT) with all matters reserved except for access. This application was amended from an original 5 bungalows.

6. The access to the appeal proposal would use the existing access to the appeal site, approved under the above permission, which runs between No 21 and No 23A Barmpton Lane.
7. The indicative site layout shows the access road running along the southern boundary of the appeal site, providing individual access to two proposed bungalows to the north. The road would then form a turning head on the western side of the site which would provide individual access to a further two proposed bungalows.
8. The Council's concern focuses on the increased comings and goings of additional traffic along the existing driveway and the extended road into the site and the impact on the amenity of the occupiers of surrounding properties, and what they describe as the tranquil nature of the site. I agree that the properties to the south of the site on Harley Grove, and the two properties either side of the access road on Barmpton Lane, are most likely to experience traffic noise associated with the proposed development. The Council have stated that the traffic generation from the 4 dwellings is likely to be 2-4 two-way trips in the AM/PM peak hours. They have provided no evidence in relation to the likely noise generation from these trips.
9. At the time of my site visit, noise attenuation fencing had been erected along the boundaries of the two properties along the access road and around their rear gardens. It is also proposed to block up the ground floor window to the side of No 21 Barmpton Lane. I agree with the Council that such measures would provide an element of noise mitigation to reduce adverse effects to the properties on either side of the access road.
10. During my site visit, I noted that Barmpton Lane to the east of the appeal site turns into a main through road. No's 21 and 23A Barmpton Lane are in close proximity and both will experience traffic noise from this road. To the south of the appeal site, south of Harley Grove is the A1150 Whinfield Road. During my site visit, whilst standing on the appeal site, I experienced background traffic noise from both roads. The occupiers of Harley Grove would therefore experience traffic noise from the appeal site in the context of the wider traffic noise. Furthermore, the noise generated over and above the already consented two dwellings on the site is unlikely to be significant and would not, I consider, lead to a material detrimental impact on the general amenity of the local community.
11. Consequently, having considered the evidence before me and what I experienced on my site visit, I am satisfied that the proposed development would not harm the living conditions of occupiers of surrounding properties, with specific regard to noise. This would be compliant with Policies CS2 and CS16 of the Darlington Core Strategy (2011) and saved Policy H13 of the Borough of Darlington Local Plan (1997) which seek to protect the general amenity of the community. The Council raise the issue of their emerging policy H8 in their statement of case, which has not been provided to me. However, given that I have found that the proposal would comply with the above policies in the adopted development plan documents I have not considered this further.
12. It would also be compliant with the National Planning Policy Framework ('the Framework'), which seeks to create places that have a high standard of amenity for existing users.

Other matters

13. I have had regard to the objections raised in relation to the proposal. In terms of privacy and overlooking into neighbouring properties, the protection of hedgerows and light pollution, these would be considered as part of a future Reserved Matters application, which will deal with the final design of the dwellings, along with a landscaping scheme. Concerns centred around ecology are noted, and the provisions of a submitted Ecological Impact Assessment, as well as additional measures, are conditioned.
14. Similarly, with regards to surface water and concerns around flooding, I note that the appeal site is within Flood Zone 1 and Northumbrian Water have raised no objections to the proposal. A detailed scheme for the disposal of foul and surface water from the development will be considered as part of a future Reserved Matters application.

Conditions

15. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity.
16. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development.
17. Conditions specifying the details of in curtilage vehicle parking for the proposed dwellings and No. 21 Barmpton Lane; cycle and bin storage; and access for refuse and service vehicles are necessary in the interests of highway safety.
18. To protect the living conditions of occupiers of neighbouring properties it is necessary to include conditions in respect of hours of construction and the submission of a Construction Method Statement.
19. Conditions relating to the internal highway layout; landscaping and tree protection; boundary treatment; finished floor levels; and drainage, are necessary for residential amenity.
20. To ensure the risks from land contamination are minimised in the interests of the water environment I have included conditions in this regard.

Conclusion

21. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be allowed.

C. Megginson

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the commencement of the development precise details of the internal highways layout 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.
- 5) Prior to the commencement of the development, precise details of in curtilage vehicle parking and secure cycle parking / storage shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and dimensions of all parking spaces within the development and the number, location and specifications of all cycle parking / storage and thereafter the development shall not be carried out otherwise than in complete accordance with the approved details. All parking shall be made available prior to the occupation of the dwellings hereby approved.
- 6) Prior to or at the same time as any Reserved Matters application, details of parking provision for No. 21 Barmpton Lane, shall be submitted to and approved in writing by, the Local Planning Authority. The parking shall be available prior to the occupation of the dwellings hereby approved and retained thereafter.
- 7) No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.
- 8) Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be in place prior to the occupation of any dwellings and shall be permanently retained thereafter.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction

- works; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 10) Demolition or construction works shall take place only between 08.00 - 18.00 on Monday - Friday, 08.00 -14.00 on Saturday, [and shall not take place at any time on Sundays or on Bank or Public Holidays].
 - 11) 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 and thereafter the development shall be carried out in accordance with the approved details.
 - 12) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor(s) of the proposed building(s), in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
 - 13) Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
 - 14) Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.
 - 15) Prior to the commencement of each phase of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority.
 - 16) 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.

- 17) 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.
- 18) 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.
- 19) 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.

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.
- 20) The mitigation measures set out in the Ecological Impact Assessment prepared by Naturally Wild (PP-20-04 August 2020) shall be implemented in full. In addition, no development shall take place until precise details of a landscaping scheme to mitigate for the loss of habitat on the site and secure ecological net gain, and for the provision of bat roosting and bird nesting opportunities on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site and maintained for the lifetime of the development.
- 21) Prior to the commencement of the development, a detailed survey of trees to be affected by the development (both within the site and adjoining its boundary) shall be carried out. The survey shall include the identification of measures to protect existing retained trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837, and shall be submitted to, and approved in writing by, the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place through the carrying out of this planning permission. 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 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.
- 22) The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

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