

# Planning Applications Committee Agenda

1.30 pm

Wednesday, 25 September 2013

Committee Room No. 2, 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. Minutes (Pages 5 - 8)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 9 - 48)
6. Proposed Tree Preservation Order - Land off Meynell Road – Report of the Director of Place (Pages 49 - 50)
7. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
8. Questions

## **PART II**

9. Notification of Appeals --

The Director of Place will report that :-

Mr Brian Paxton has appealed against this Authority's decision to refuse planning permission for the erection of two detached houses with integral double garages at 49-57A Teesway, Neasham, Darlington (Ref. No. 13/00210/FUL).

**RECOMMENDED** – That the report be received.

### **PART III**

#### **EXCLUSION OF THE PUBLIC AND PRESS**

10. To consider the Exclusion of the Public and Press –  
RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.
11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 13 September 2013 (Exclusion Paragraph No. 7) –  
Report of Director of Place  
(Pages 51 - 56)
12. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
13. Questions

**Paul Wildsmith**  
**Director of Resources**

**Tuesday, 17 September 2013**

**Town Hall**  
**Darlington.**

#### **Membership**

Councillors Baldwin, Cartwright, Cossins, L Haszeldine, Johnson, Knowles, Lee, Long, D A Lyonette, Macnab, Regan, Stenson and J Taylor.

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, Resources 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

## PLANNING APPLICATIONS COMMITTEE

28 August 2013

**PRESENT** – The Mayor (Councillor Johnson); Councillor Regan (in the Chair); Councillors Cartwright, Cossins, Knowles, D A Lyonette, Macnab, Stenson and J. Taylor (9)

**APOLOGIES** – Councillors Baldwin, L. Haszeldine, Lee and Long. (4)

**ALSO IN ATTENDANCE** – Councillor B. Jones

**OFFICERS** – Dave Coates, Principal Planning Officer and Andrew Casey, Traffic and Road Safety Manager within Services for Place and Andrew Errington, Lawyer (Planning) within the Resources Group.

**PA24. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA25. MINUTES** - Submitted - The Minutes (previously circulated) of a meeting of this Committee held on 31 July 2013.

**RESOLVED** – That the Minutes be approved as a correct record.

**PA26. PROCEDURE** – The Borough Solicitor’s representative gave a short presentation which outlined the procedure to be followed during consideration of the applications for planning permission before this Committee.

**RESOLVED** – That the procedure be noted.

**NOTE - APPLICATIONS FOR PLANNING PERMISSION** – The following standard conditions are referred to in those Minutes granting permission :-

Code No.	Conditions
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.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. <b>Reason</b> - In order that the Local Planning Authority may be satisfied as

	to the details of the development in the interests of the visual amenity of the area.
B5	The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority. Reason - To ensure the development is carried out in accordance with the planning permission.
E2	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. <b>Reason</b> - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
K2	No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to, and approved by, the Local Planning Authority. Thereafter, no part of any phase of the development shall be occupied or brought into use until the approved scheme for that phase has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed with the Local Planning Authority. Reason - To prevent the increased risk of flooding of local watercourses and surrounding land by ensuring satisfactory means of surface water disposal.

## **PA27. APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **Planning Permission Granted**

**13/00441/FUL - Snipe Lane, Darlington.** Change of use of land and laying of hardcore for use as residential land for two Gypsy pitches.

(In reaching its decision, the Committee took into consideration the comments of the Environment Agency, the Highways Agency and Hurworth Parish Council that had been received).

**RESOLVED** - That planning permission be granted subject to the following conditions:-

1. A3 – Implementation time.
2. B5 – Accordance with plans.
3. The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller

Sites” 2012.

**Reason** – In order that the development complies with Core Strategy Policy CS13.

4. The site shall be for two individual pitches.

**Reason** – For the avoidance of doubt.

5. The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority.

**Reason** – In the interests of the character of the locality.

6. No commercial activities shall take place on the land, including the storage of materials.

**Reason** – In the interests of the character of the locality.

7. K2 – Surface and foul water disposal.

8. B4 – Details of materials.

9. E2 - Landscaping.

**13/00447/FUL - Snipe Lane, Darlington.** Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches.

(In reaching its decision, the Committee took into consideration the comments of the Environment Agency, the Highways Agency and Hurworth Parish Council that had been received).

1. A3 – Implementation time.

2. B5 – Accordance with plans.

3. The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller Sites” 2012.

**Reason** – In order that the development complies with Core Strategy Policy CS13

4. The site shall be for three individual pitches.

**Reason** – For the avoidance of doubt.

5. The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority.

**Reason** – In the interests of the character of the locality.

6. No commercial activities shall take place on the land, including the storage of materials.

**Reason** – In the interests of the character of the locality.

7. K2 – Foul and surface water disposal.

8. B4 – Details of materials.

9. E2 - Landscaping.

**PA28. NOTIFICATION OF APPEALS** – The Director of Director of Place reported that :-

- (a) Mr David Davis had appealed against this Authority’s decision to refuse planning permission for variation of condition (viii) of planning permission 8/89/554DM dated 10 January 1990 for redevelopment of petrol filling station and car wash facility to permit an extension of operation of the petrol filling station (including kiosk sales) to between 6.00 a.m and midnight Monday to Saturday and 8.00 a.m. and 10.00 p.m. Sundays and Bank Holidays (revised application) at Grange Road Service Station, Darlington DL1 5NP (Ref. No.

13/00235/FUL);

- (b) Mr David Midcalf had appealed against this Authority's decision to refuse planning consent for work to trees protected under Tree Preservation Order (No. 3) 1962 – fell Monkey tree (T1); fell large conifer/pine tree (T2); fell Leylandii tree (T3); fell Holy tree (T4); crown lift Yew tree to 2.5 metres (T7); fell unknown young tree (T8); fell Holy tree (T9); fell large Holly tree (T10); remove lower level overhanging branches Sycamore tree (T11); remove low level branches Horse Chestnut trees ((T12, T13) at 17 Compton Grove, Darlington (Ref. No. 13/00255/TF); and
- (c) Mr Tim Wilkes had appealed against this Authority's decision to refuse planning permission for residential development comprising five flats and one studio (revised application) at garage block adjoining 31 Pendower Street, Darlington (Ref. No. 12/00562/FUL).

**RESOLVED** - That the report be received.

**PA29. NOTIFICATION OF DECISIONS ON APPEALS** - The Director of Place reported that the Inspectors appointed by the Secretary of State for the Environment have :-

- (a) allowed the appeal by Mr Reuben Rogers against this Authority's decision to refuse planning permission for use of land as a residential gypsy caravan site (retrospective) for three touring caravans, one static caravan and erection of amenity block and the retention of hard standing and earth mounding at land at OSGR E429009 521129, Aycliffe Lane, Brafferton, Darlington (Ref. No. 12/00617/FUL); and
- (b) allowed the appeal by Mr Patrick Connors against this Authority's decision to refuse planning permission for change of use to mixed use to include private gypsy site with associated development including stationing a mobile home, erection of amenity block, construction of hard standing for two touring caravans and access track at field to the north of Lea Close, Middleton Road, Sadberge, Darlington (Ref. No. 12/00758/FUL).

**RESOLVED** - That the report be received.

**PA30. EXCLUSION OF THE PUBLIC - 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.

**PA31. PLANNING ENFORCEMENT ACTION (EXCLUSION NO. 7)** - Pursuant to Minute PA23/Jul/13, the Director of Place submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 16<sup>th</sup> August, 2013.

**RESOLVED** - That the report be received.

**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

Committee Date – 25 September 2013

**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.

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

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<b>Page</b>	<b>Address/Site Location</b>	<b>Reference Number</b>
1	Car Park, Town Hall, Feethams, Darlington	13/00654/DC
12	17 Church View, Bishopton	13/00532/FUL
16	17 Church View, Bishopton	13/00533/CAC
19	Field At OSGR E429405 N511842, Snipe Lane, Hurworth Moor, DARLINGTON	13/00479/FUL
25	Field At OSGR E429444 N511927, Snipe Lane, Hurworth Moor, DARLINGTON	13/00526/FUL

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 September 2013**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>13/00654/DC</b>
<b>STATUTORY DECISION DATE:</b>	<b>15/11/13</b>
<b>WARD/PARISH:</b>	<b>Darlington Central</b>
<b>LOCATION:</b>	<b>Town Hall, Darlington</b>
<b>DESCRIPTION:</b>	<b>Erection of new 4000 square metre office building</b>
<b>APPLICANT:</b>	<b>Darlington Borough Council.</b>

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**APPLICATION AND SITE DESCRIPTION**

This application is for the erection of an office building of some 4000 square metres intended to accommodate the proposed relocation of the Department for Education (DfE) from its Mowden Hall premises. The proposed building which is L-shaped would be sited within the existing Town Hall car park. It would be directly linked to the eastern (rear) elevation of the Town Hall returning southwards between the eastern end of the car park and the existing single storey extension to the Town Hall. The overall site area is some 0.27 hectares.

The site is bounded by the Town Hall, the River Skerne, a car park on the site of the old bus station and to the north, the Grade I Listed St Cuthbert's Church.

The majority of the building would consist of 4 storeys with a shorter two storey section where it adjoins the Town Hall. It would have a maximum height of some 17.5 metres excluding the roof top plant and as such would not be as tall as the existing Town Hall. The external materials for the site comprise a combination of profiled metallic cladding panels, terracotta cladding to the 'main' east facing elevation, curtain wall glazing and red brick. A 3.5 metre wide 'hard landscaping' strip is proposed adjacent to the outer edges of the building.

The proposal will lead to a net loss of some 45 parking spaces and will incorporate 25 spaces (including 10 no. disabled parking bays) in a courtyard arrangement. Vehicular access would be from Feethams at the point of access to the existing car park on the former bus station site. The main point of pedestrian access would be via the ground floor of the Town Hall itself with two direct alternative points of access.

The proposed office development is expected to secure around 400 jobs in the Borough.

## PLANNING HISTORY

There have been no planning applications on this site since the car park was created in the 1990s.

## PLANNING POLICY BACKGROUND

The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 5 Provision of Land for Employment Use, Policy CS7 The Town Centre and Policy CS14 Promoting Local Character.

Saved Local Plan Policy T20 – Town Centre Surface Car parks

## RESULTS OF CONSULTATION AND PUBLICITY

The development was advertised by notices in the press and on site and nearby business' and land users were notified directly. To date no comments have been received however as the consultation exercise is outstanding at present any comments that are received will be reported directly to the meeting.

Consultee responses –

**Highways Engineer** – No objections subject to certain conditions should planning permission be granted.

**Conservation Officer** – Comments as follows :

*The new building is well designed as a contemporary solution to the provision of office accommodation in this location. Consideration has been given for the setting of St Cuthbert's Church, given the height of the building at a level with the eaves height of the Church. The type of materials proposed, as shown on the coloured images from the 3D modelling appear appropriate and more akin to colours found on historic and traditional buildings within the Town Centre than the Town Hall. Whilst the colours indicated appear appropriate, they should not be overly reflective, which could compete with the Church.*

The Conservation Officer also requests that final details of the lighting scheme be agreed in the interests of the setting of the adjacent listed building.

**Durham Archaeologist** – The application site is of considerable archaeological significance and so the comments are reproduced in full bearing in mind the potential implications for the development of the site.

*The Archaeology Section has had extensive pre-application discussions with the applicant and their agents in the lead-up to the application being submitted. We advised very early on in the*

*process that heritage, specifically in relation to the setting of the listed Grade I St Cuthbert's Church and with regards to buried archaeological resources, would be highly significant and sensitive to any development in this area. Colleagues in Conservation at Darlington and English Heritage are dealing with the impact to significance and setting of the Gr I listed building and I will make no significant comments here. Regarding the archaeological impacts of the proposed development I do have comments to make.*

*The proposed development site lies to the south of St Cuthbert's Church and is sandwiched between the canalised banks of the River Skerne to the east and the 1970s town hall to the west. However, the site was originally occupied by the Bishop's Palace or Manor which was constructed around 1164. The building remained in use in some guise (most latterly as part of the 19th Century Work/Poorhouse) until being finally demolished in the late 19th century to make way for Luck's Square and Luck's Terraces which in turn were demolished in the 1960s to be replaced by the Town Hall.*

*The applicants have provided a full and detailed Heritage Impact Assessment which clearly sets out the known development of the site and should be referred to for full details. It was clear that the site had the potential to contain highly significant buried archaeological resources directly related to the use of the site as the Bishop's Palace/Manor and then latterly as a the less significant workhouse.*

*An evaluation was required in order to understand the potential significance of the site and to help determine the function of the site - i.e. was it more a manor complex than an ecclesiastical palace complex? It should be noted that Bishop's Palaces in England are rare assets which casts a light on the potential national significance of the buried archaeological resource at this site and how such features are dealt with in planning terms - this brings into consideration para 139 of the NPPF which states "Non-designated assets of archaeological interest that are demonstrably of equivalent significance to scheduled monument, should be considered subject to the policies for designated heritage assets." (i.e. paragraphs 132-133 in particular). and that substantial harm to designated assets of highest value (Gr I and Scheduled archaeological assets) must be wholly exceptional. Local Authorities must refuse consent "...unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss" (NPPF para 133).*

*Bearing this in mind, and taking into consideration the policies of the NPPF para's 128-129; 131-133, and Darlington Borough Council's Core Strategy Policy CS14(E) we advised that pre-determination archaeological evaluation was required in order to inform the planning authority and the developer.*

*An archaeological evaluation was carried out by Archaeological Services Durham University according to an agreed scheme of works approved by the Archaeology Section. A copy of the report has been submitted in support of the planning application and is available to view on-line. Five trenches were opened up within the footprint of the proposed new build and slightly to the east within the landscaping zone. Archaeological features were recorded in all trenches including remains of the base of stone walls in 3 of them. Their orientation suggests that they relate to the 19<sup>th</sup> century poorhouse and the Bishop's manor/palace complex. A small number of linear features and small pits were found beneath the walls suggesting Medieval or earlier activity pre-dating the complex may be found on the site. A small but significant collection of Medieval pottery was recovered from the evaluation as well as some Medieval window glass and a*

*fragment of Medieval floor tile. Ecofactual remains (animal bones, cereal grains) suggest that a high status diet in the food waste found on site.*

*The archaeological deposits were found at depths between 37.20m OD and 36.16m OD across the site - within the zone of disturbance by the proposed piling foundation design. It should be noted that there have been various episodes of disturbance to the remains of the Bishop's complex, namely its reuse as a poorhouse; its final demolition in the late 19th century; the construction and demolition of Luck's Terraces etc; the construction of the Town Hall in the 1960s and the insertion of storm drains and water mains along the east side of the site. These have all had significant impact on the state of preservation and survival of intact archaeological remains – such that it can be argued, when taking into account the evaluation results, that the quality of the remains are potentially not significant enough to warrant statutory protection.*

*Additionally, it should be noted that the development footprint does not appear to be impacting on the main range of the former Bishop's palace/manor. This is clearly shown in Figure 45 of the Heritage Statement prepared by Archaeo-Environment Ltd which shows the development footprint overlain on top of the 1856 OS. This map edition shows the workhouse and the final surviving north wing of the Bishop's complex. It seems more likely that the development impact will be to secondary outbuildings of the complex as the north wing is within the landscaping zone, to the east of the main footprint.*

*This leads us to conclude that, subject to a suitable, agreed mitigation strategy, the archaeological significance of the site can be protected through the full excavation, recording, analysis and publication of the results secured by a condition of planning permission. Given the site's location, in full view of the public in the heart of the town, the public benefit for advancing the appreciation, understanding and knowledge of local people in their heritage will be considerable. We have advised the applicant and the planning authority that this opportunity should be capitalised on and that some aspect of public involvement in the excavation and its findings should be included in the mitigation strategy. Consequently, the Archaeology Section has had discussions on behalf of the LPA with the applicant, their agents and the Planning Officer about a proposed mitigation strategy. A scheme has been agreed which will allow for:*

- (1) Removal under archaeological supervision of modern car park surfaces and overburden across the footprint of the development and associated areas of disturbance, followed by archaeological cleaning to expose the extent of surviving in-situ remains.*
- (2) Excavation of archaeological deposits within the two identified areas guided by the agreed research and investigation strategy to include appropriate palaeo-environmental sampling and application of scientific dating techniques.*
- (3) Conservation of finds and any samples recovered.*
- (4) An archaeological watching brief of associated development works (in identified areas).*
- (5) Providing public interpretation and if possible a range of opportunities for community involvement or access.*
- (6) Production of a post excavation analysis report including specialist assessment of finds and samples, identification of the need, appropriate scale and costs of any further work, publication and archiving.*
- (7) Further analysis and publication of results as required, and to be the subject of a future costing and contract award.*

**Environmental Health** – No objections providing certain contamination, noise and construction management conditions are attached to any planning permission.

**D A D** – At the time of drafting, objections are raised relating to the proposed means of disabled access to the new office via the Town Hall. A ramp is preferred to the proposed platform lift.

**Environment Agency** – Comments awaited, to be reported verbally to the meeting

**English Heritage** - Comments awaited, to be reported verbally to the meeting

**Darlington History/Civic Society** - No comments received at the time of drafting

**Northumbrian Water** – No objection to the development. Comment that surface water should drain directly to the River Skerne.

**Northern Gas** - No objections to development

**Police Architectural Liaison Officer** - Comments awaited, to be reported verbally to the meeting

## **PLANNING ISSUES**

The main issues relevant to this proposal can be put under the following headings :

- Planning Policy including transport issues
- Design
- Impact on Heritage Assets
- Environmental Impacts

### **Planning Policy**

Core Strategy Policy CS7 encourages sites within the defined Town Centre Boundary to be developed for non retail purposes such as offices. Indeed a “first priority” location for the development of non retail town centre uses is identified as the “Feethams/Beaumont Street area within the Policy text. The principle of the proposed office development is therefore strongly supported by the Council’s up to date policy framework.

Saved Policy T20 of the Local Plan indicates that surface car parks – including the Town Hall – should be retained for public use, however it is important to bear in mind that the NPPF indicates that less weight should be given to Development Plans adopted before 2004 ( Darlington’s was 2001) than more up to date policies. Notwithstanding this the loss of town centre car parking is a material issue to be taken into account and is discussed further below.

There is to be a reduction of car park spaces from approximately 70 to 25 (as shown on the plans) and these will be likely to be taken up by office staff. The Highway Engineer has commented however that he is satisfied that emerging car parking policy for the town centre will more than compensate for the small reduction in provision as a result of this development. In addition the increased number of car trips

resulting from the development will be accommodated by existing car parks nearby which are currently under subscribed.

The site is well served by public transport and easily accessible on foot and by bicycle (40 cycle parking spaces are to be provided) so it is expected that the number of car trips generated by the development will be reduced accordingly. The application is supported by a travel plan aimed at encouraging staff to consider their travel choices to and from the site.

Overall therefore it is considered that in general policy terms, and more specifically in terms of impacts on town centre car parking provision, the proposal is in conformity with the Development Plan and the general thrust of the sustainable development policies within the NPPF.

## **Design**

The proposed scale, form and use of materials for the building is considered to result an attractive contemporary development which is sensitive to the setting of the Grade 1 listed St Cuthberts Church.

The submitted Design and Access Statement gives an insight into how the current proposals were arrived at, however the main points are summarised as follows:

- The overall size of the building was dictated by the need to accommodate some 375 staff.
- The overall height of the building will be some 17 metres above car park level and reflect the scale of the Town Hall, being about one storey lower.
- The layout is intended to reinforce the building line running north – south alongside the river (as proposed on the mixed use site to the south) and acts as an attractive backdrop to the proposed riverside bank enhancements.
- Certain design details are incorporated to retain the prominence of the church from distant views.
- It is intended that hard and soft landscaping of the site be incorporated in the riverside enhancement proposals.

The building has been designed taking into account the need for inclusive access. The main part of the building will incorporate a lift. Furthermore a platform lift will be installed to allow for the changes in level between the ground floor of the town hall and the ground floor of the new building to accommodate the needs of wheelchair users seeking access from the town hall.

The building is designed to be energy efficient with a BREEAM ‘Excellent’ rating. It would also be efficient in terms of usage allowing for certain elements of office and ancillary accommodation to be shared between the users of both buildings thereby creating a ‘public sector hub’.

## **Impact on Heritage Assets**

It is considered that the design solutions for the new building have taken full account of the setting and architectural merit of the Grade I Listed church, and that the overall impact will be positive in view of

the existing context and be in conformity with both the NPPF and Policy CS14 of the Darlington Core Strategy. Impacts on the nearby Conservation Areas are considered to be minor and positive.

As described above this is a sensitive site in term of its archaeological significance however it is considered that conditions can be imposed to allow for a scheme of excavation, interpretation and recording at appropriate stages of the development.

Comments from English Heritage are awaited at the time of drafting the report.

### **Environmental Impacts**

The development would result in the loss of five trees, some of which are quite prominent on the site. Whilst this is unfortunate it is important to consider this in the overall context of the scheme aimed at retaining a substantial number of jobs in the town and also the future plans to enhance the landscape setting of the adjacent riverside area. Also a large number of trees around the development particularly in the vicinity of the church will be retained.

Supporting information for the application indicates that the site and its immediate surroundings are generally of low ecological value. The most likely impacts would be on bats in relation to proposed lighting and consequently a planning condition is recommended to control lighting in the vicinity of the river Skerne. Any disturbance to nesting birds can be mitigated by the timing of tree and shrub removal works.

The comments of the Environment Agency in relation to flood risk and drainage and any necessary mitigation measures considered necessary will be reported to the meeting.

### **Conclusion**

The principle of the proposed office development is considered to be acceptable, taking into account current up to date Saved Local Plan and Core Strategy planning policies referred to above, and in conformity with the NPPF which presumes in favour of sustainable development .

It is considered that the proposed development's overall design, scale and massing is acceptable within the context of the existing natural and built environment and respects the setting and architectural merit of St Cuthberts Church, and the setting of the adjacent River Skerne.

It is anticipated that environmental impacts will not be significant and where necessary, be minimised by appropriate mitigation measures and design solutions.

Impacts upon the significant archaeological remains below the site can be satisfactorily mitigated through a scheme of site excavation, interpretation and recording.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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.

## RECOMMENDATION

That subject to the receipt of no comments that would lead to a contrary recommendation, the application be **APPROVED with** the following conditions:

1. A3 – Implementation time limit
2. B5 – In accordance with plans
3. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles and delivery 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. REASON – In the interests of highway safety
4. Prior to the commencement of the development precise details showing the cycle and pedestrian infrastructure linking into the surround network and vehicular access to the development including remodelling of the remaining Pay and Display Car Park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details REASON – In the interests of highway safety
5. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, compound set up and temporary parking arrangements for the general public and construction staff, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details. REASON – In the interests of highway safety and public amenity.
6. No development shall take place until the completion of a programme of archaeological work in accordance with details to be previously submitted to and agreed in writing by the Local Planning Authority. This programme must be set out in a final mitigation strategy document in accordance with the submitted document (Proposed Office Development, Feethams, Darlington. Written Scheme of Archaeological Investigation for Archaeological Excavation by Archaeo-Environment for Willmott-Dixon and Darlington Borough Council. August 2013). The development shall then be carried out in full accordance with the approved details. REASON To comply with Policy CS14(E)(12) of Borough of Darlington Core Strategy Document (2011) and Section 12 of the NPPF (para's 129 and 135) as the site contains features of regional archaeological importance
7. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the

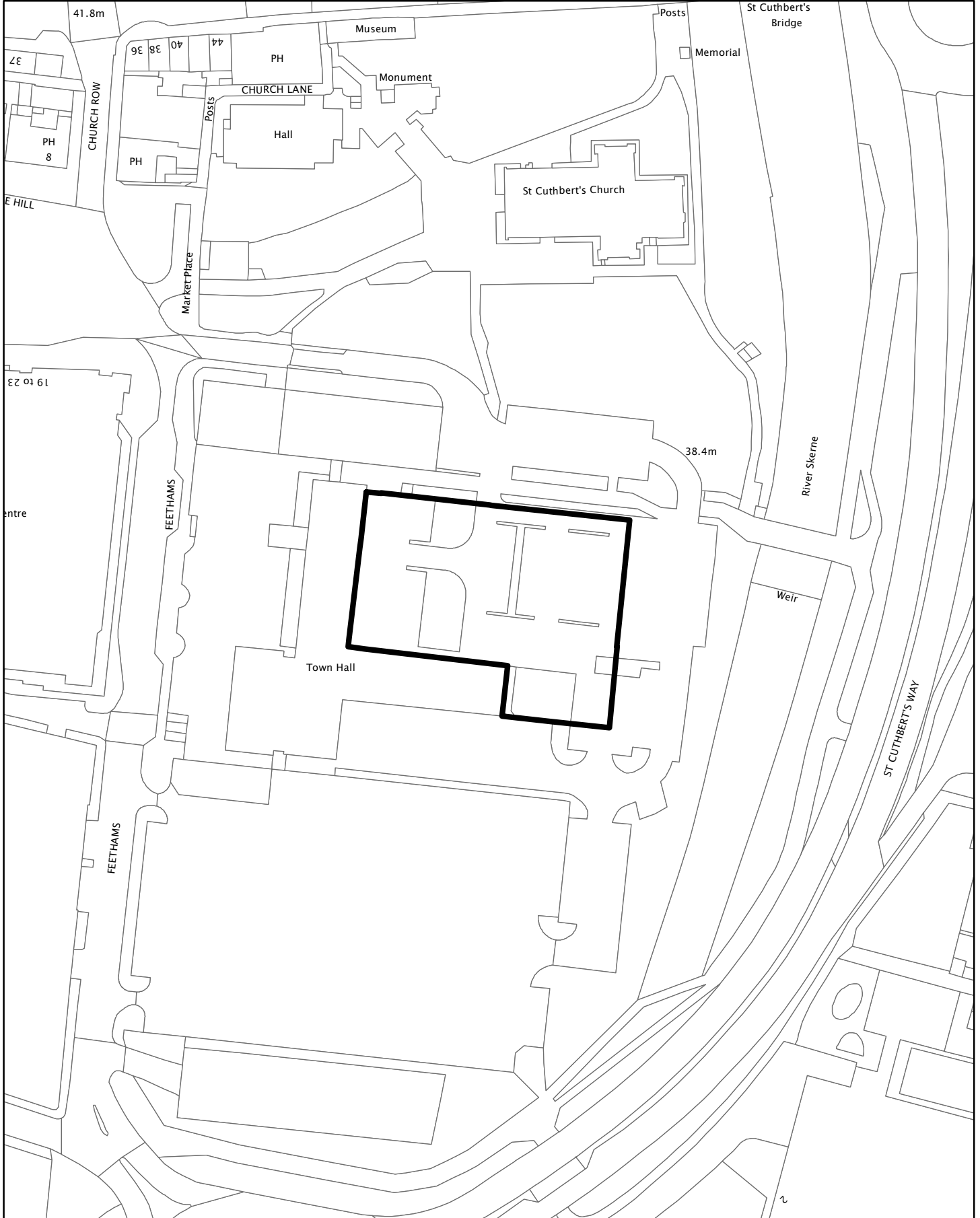


County Durham Historic Environment Record. This may include full analysis and final publication. Final reporting and publication must be within one year of the date of completion of the development hereby approved by this permission. REASON To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

8. Before the development hereby approved commences a gas risk assessment which demonstrates whether or not gas protection measures are required and if so details these measures shall be submitted to and agreed in writing by the Local Planning Authority. All required gas protection measures shall be installed before the development is first occupied or used. REASON In the interests of public safety
9. Any contamination not considered in the Phase 2 Site Investigation but identified during the construction works shall be subject to further risk assessment and if required remediation proposals which shall be submitted and agreed in writing with the Local Planning Authority. The development shall then be completed in accordance with any further agreed amended specification of works. REASON In the interests of public safety
10. Prior to any external plant being installed on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure and air borne sound, in accordance with a scheme to be agreed in writing by the Local Planning Authority. REASON In the interests of public amenity
11. The rating level of noise emitted from external plant whether operating individually or when all plant is operating simultaneously, shall be at least 5 dB below the background noise level, when measured and assessed in accordance with BS4142:1997. The background noise level and the location at which the measurements will be taken shall be agreed in writing with the Local Planning Authority. REASON In the interests of public amenity.
12. Before the commencement of any works on site a scheme for controlling dust and noise during the construction phase of the development shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust and noise emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall also detail when piling of foundations at the development will take place and the measures taken to minimise noise and vibration during this aspect of the construction phase. [The development shall be constructed in accordance with the approved scheme.](#) REASON In the interests of public amenity.
13. Removal of permitted development rights in relation to boundary treatments REASON In the interests of visual amenity.
14. Prior to the commencement of development details of a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details. REASON In the interest of bats and in the interests of protecting the setting of the adjacent Grade 1 listed building.

15. Unless otherwise agreed with the Local Planning Authority no tree and shrub removal work shall be carried out outside the nesting season of mid-March to mid-August REASON In the interest of nesting birds.
16. Prior to the commencement of development final details of external materials to be used in the construction of the building and the proposed hard landscaping areas shall be submitted to and agreed by the Local Planning Authority. REASON In the interests of visual amenity.
17. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be implemented in accordance with the Travel Plan submitted by WSP dated 16 August 2013 REASON: In order to promote sustainable means of travel to the site

Further conditions may be required to be appended upon receipt of outstanding consultee comments; these are likely to include Environment Agency conditions relating to flood mitigation and drainage disposal.

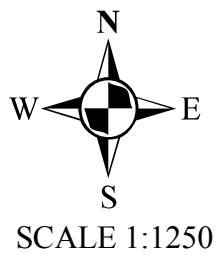


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**PLANNING REF. No. 13/00654/DC**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25<sup>th</sup> September 2013**

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<b>APPLICATION REF. NO:</b>	<b>13/00532/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>30/08/13</b>
<b>WARD/PARISH:</b>	<b>Sadberge and Whessoe</b>
<b>LOCATION:</b>	<b>Bishopton.</b>
<b>DESCRIPTION:</b>	<b>Single Storey Side and Rear Extension</b>
<b>APPLICANT:</b>	

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**APPLICATION AND SITE DESCRIPTION**

This is an application for a ground floor side and rear extension to one of a pair of modern semi detached houses fronting Church View, close to the village Primary School. The site is quite restricted with limited garden area to the side. There is an existing small single garage in this garden which it is proposed to be demolished. (See application 13/00532/CAC later on agenda).

The proposal comprises a mono pitch side bedroom extension with a wrap around sunroom to the rear. The side elevation will abut the boundary with 19 Church View adjacent.

**PLANNING HISTORY**

None on this site.

**PLANNING POLICY BACKGROUND**

Borough of Darlington Local Plan Saved Policy H12 – Alterations and extensions to dwellings.  
Paragraph 131 of the National Planning Policy Framework

**RESULTS OF CONSULTATION AND PUBLICITY**

A site notice was posted and local residents consulted. No comments have been received.

Consultee responses –

**Parish Council** – Reduction of car parking space on site, a concern in relation to the nearby school.  
Location of oil tank may contravene some regulations.

**Highways Engineer** – Comments as follows –

*The proposal will increase the number of bedrooms in the property from 2no to 3no. The standards in the Design Guide recommends the same parking provision for two and three bedroomed properties which equates to 2no. in curtilage parking spaces.*

*The existing off highway parking provision consists of 1 no. garage space and space for 2no. vehicles on the drive. This proposal would reduce the available parking to below minimum levels.*

*Church View is a narrow carriageway (approx 4.8m wide) with a narrow footway on the northern side and provides access to numerous properties, farms and a school beyond No. 17, therefore it is not best suited to on street parking as this would reduce the available carriageway width and restrict access.*

*I would suggest that the dwelling retains a minimum of 2no parking spaces in line with current Design Guidance and the minimum length of in curtilage space should be 6m.*

**Conservation Officer** – Comments as follows - *The proposed rear and side extension is not considered to have any additional impact than the existing garage makes. Whilst larger, it appears to have been designed to reflect the host dwelling, with materials to match.*

*The proposed replacement boundary wall will no longer follow through from the neighbouring boundary wall to the other half of the semi, but this is not considered to be crucial. The proposed design is broadly appropriate, bricks with partial low railings. I suggest existing bricks are reused and new bricks match.*

**PLANNING ISSUES**

The main planning issue raised in relation to this application is the possible impact on road safety of the extension displacing one car parking space off the site and onto Church View.

The plans clearly indicate that it is not possible to accommodate two vehicles on the site without substantial changes to the scheme; the omission of the proposed front wall and the new oil tank and the complete paving over of the front garden. Officers consider that these changes would have a detrimental impact on the character of the Conservation Area and furthermore consider that to refuse planning permission for an extension on car parking grounds would not be reasonable in this case.

The proposed extension is not considered likely to have a harmful affect on the amenities of nearby residents in terms of light or privacy.

Overall therefore it is considered that the impact on road safety from the potential displacement of one car parking space is outweighed by the benefits of granting permission and not implementing the necessary site layout changes referred to above.

**Conclusion**

It is considered that the development is acceptable in this location, the design being appropriate for this particular part of the Conservation Area and outweighing any minor impacts on road safety.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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.

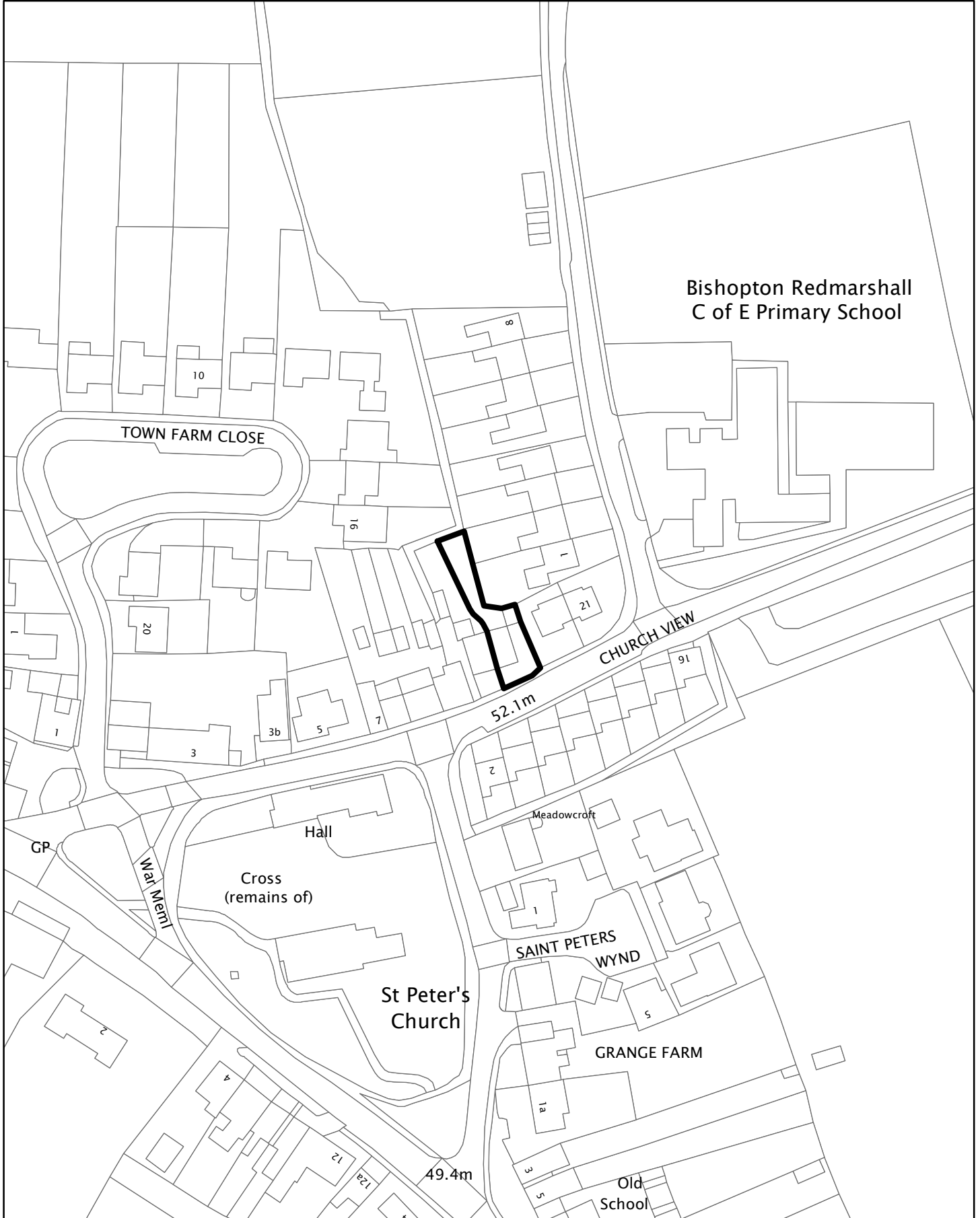
**RECOMMENDATION**

That Planning Permission be GRANTED with the following conditions:

1. A3 – Implementation time
2. B5 – Accordance with plans.
3. B4A - Materials

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**PLANNING REF. No. 13/00532/FUL**

DARLINGTON BOROUGH COUNCIL

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**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

COMMITTEE DATE: 25<sup>th</sup> September 2013

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**APPLICATION REF. NO:** 13/00533/CAC

**STATUTORY DECISION DATE:** 30/08/13

**WARD/PARISH:** Sadberge and Whessoe

**LOCATION:** Bishopton.

**DESCRIPTION:** Demolition of Single Detached Garage

**APPLICANT:**

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**APPLICATION AND SITE DESCRIPTION**

This is an application to demolish a single detached garage to one of a pair of modern semi detached houses fronting Church View, close to the village Primary School. The site is quite restricted with limited garden area to the side. The removal of the garage will facilitate the erection of an extension to the dwelling – see previous application.

**PLANNING HISTORY**

None on this site.

**PLANNING POLICY BACKGROUND**

Paragraph 131 of the National Planning Policy Framework

**RESULTS OF CONSULTATION AND PUBLICITY**

A site notice was posted and local residents consulted. No comments have been received.

Consultee responses –

**Parish Council** – Reduction of car parking space on site a concern in relation to the nearby school. Location of oil tank may contravene some regulations.

**Conservation Officer** – Comments as follows - *The demolition of the existing garage and front boundary wall are not considered to be harmful to the Conservation Area. As relatively modern*

*additions in the history of the village, they do not make a positive contribution to the Conservation Area's significance so their loss is not considered to be harmful.*

## **PLANNING ISSUES**

The main planning issue relating to the proposed garage demolition is the impact of its loss on the character of the Conservation Area.

As noted above, the existing garage is of no architectural merit and its loss will not have a detrimental impact on the character of the Conservation Area, therefore the proposed demolition is considered acceptable in this instance.

## **Conclusion**

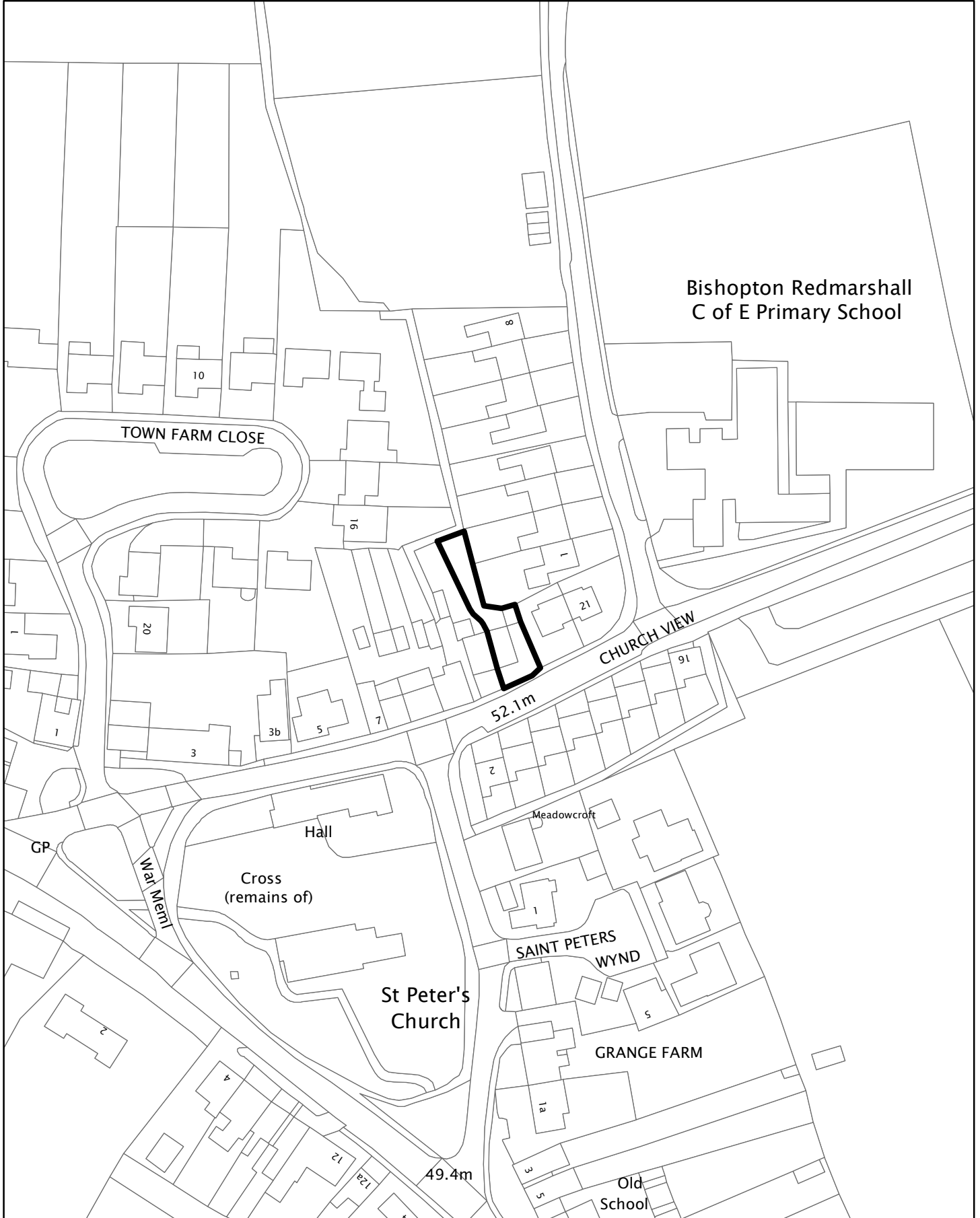
It is considered that the proposed demolition is acceptable in view of the limited positive contribution the existing garage makes to the character of the Conservation Area..

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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.

## **RECOMMENDATION**

That Conservation Area Consent be Granted.



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**PLANNING REF. No. 13/00533/CAC**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25<sup>th</sup> September 2013**

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<b>APPLICATION REF. NO:</b>	<b>13/00479/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>08/08/13</b>
<b>WARD/PARISH:</b>	<b>Hurworth</b>
<b>LOCATION:</b>	<b>Snipe Lane, Darlington</b>
<b>DESCRIPTION:</b>	<b>Change of use of land and laying of hardcore for use as residential land for three Gypsy pitches.</b>
<b>APPLICANT:</b>	<b>Mr Foster Lee</b>

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**APPLICATION AND SITE DESCRIPTION**

This application site forms an extension to an adjacent site currently under construction which is partly owned by the current applicant and is to consist of a mobile home, two touring caravans and a utility building on each plot to be occupied by Gypsy relations of the applicant.

Access to the site would be via an internal track leading from the adjacent partially constructed Gypsy pitches which in turn comes in from Snipe Lane, which is a narrow partially tarmaced road leading to the A66 approximately half a kilometre to the north.

The site is screened from Snipe Lane by hedgerows and partially constructed pitches on adjacent land but can be seen from the East Coast Main Railway Line to the west. The site is surrounded on three sides by boundary trees and hedges.

**PLANNING HISTORY**

None on this site.

**PLANNING POLICY BACKGROUND**

Government Planning Policy for Traveller Sites March 2012. (PPTS).

The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.

## **RESULTS OF CONSULTATION AND PUBLICITY**

A site notice was posted and local residents consulted. No comments have been received.

Consultee responses –

**Environment Agency** – No objections

**Environmental Health** – No objections.

**Highways Agency** – Original objections to further intensification of use of the Snipe Lane/A66 junction overruled at appeal therefore no objections subject to certain conditions being imposed on any permission.

**Parish Council** – Object on road safety grounds.

**Northumbrian Water** – No objections.

**Transco** – No objections.

## **PLANNING ISSUES**

The main issue to consider in relation to this application is whether the proposal is in compliance with the planning policies for Gypsies and travellers, taking into account the appeal history along Snipe Lane.

Darlington Local Development Framework Policy CS13 (Accommodating Travelling Groups) is relevant in the determination of this application. This policy sets out criteria against which applications for planning permission and sites for eventual allocation, as gypsy sites should be considered. The policy indicates :

*Provision will be made for travelling groups at the existing sites of Honeypot Lane, Neasham Road and other small sites within the Borough. Where required, additional sites for Gypsies and Travellers and Travelling Showpeople will be allocated in accordance with the following criteria, which will also be the basis for determination of windfall sites, ensuring that sites:*

- a) have appropriate access, and are in a sustainable location for schools, shops, employment opportunities and other local facilities and services; and*
- b) are located and designed so as not to have an unacceptable negative impact on existing residential amenity or existing landscape character; and*
- c) are appropriate to provide a safe and healthy environment for residents; and*
- d) are located in areas not at risk from flooding; and*
- e) are located and designed so as not to have a significant negative impact on the natural, archaeological or historic environment.*



*Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.*

In assessing the above, a strong material planning consideration is the recent Appeal decisions for Gypsy plots on land elsewhere along Snipe Lane.

Within an appeal against a refusal of permission for a single plot on nearby land in 2009 the Inspector concluded that the site complied with all of the criteria of the Local Plan policy H21 in force at that time, in particular the location of the site was seen to be acceptable in terms of accessibility to services such as doctors etc, bearing in mind at the time Circular 01/06 paragraph 54 which stated that : “*local authorities should be realistic about the availability or likely availability of alternatives to the car in assessing local services* “. It is considered therefore that the current site is similarly acceptable and that criteria *a)* above is met.

Criteria *c)* and *d)* above are considered to be satisfied by the proposal.

The only criteria where the proposal may conflict are *b)* and *e)* in relation to the impact of the proposal on landscape character/natural environment.

**Visual Impact on Landscape Character** – Again with reference to a nearby appeal decision, the Inspector concluded that the site was reasonably well screened from a number of viewpoints and that the only prominent views would be from the entrance to the site – as with the current site – and from the railway, usually at speed – again as with the current site. Additionally the appeal site was to be screened further by a landscaping belt as is the case with the current proposal. Furthermore this site will be effectively screened from view from Snipe Lane by the four pitches already approved immediately to the east behind the roadside hedge.

There will however be some visual impact within this rural location which needs to be assessed in relation to the other material planning matters referred to above. In addition Policy CS13 states that :

*Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.*

Clearly this proposal is located in none of the above locations and is therefore contrary to this element of the policy.

In assessing the suitability of the site for Gypsy accommodation, the planning issues above must be taken into account along with other material planning considerations, These are seen as :

- The lack of other available sites in the Borough
- The accepted need for new sites in the Borough
- The limited visual impact of the proposal on the wider environment

Whilst the site is not a brownfield, previously developed site, as *preferred* by Policy CS13, the locality does have a history of associations with Gypsy accommodation, both well established as at the northern end of Snipe Lane and more recently at the appeal sites referred to above and other nearby sites with the benefit of planning permission.

The land is not designated as being of ecological or landscape significance and its use as a Gypsy site is in compliance with the majority of the relevant Core Strategy criteria.

Of particular significance is the initial concerns of the Highways Agency have been tested at appeal on two other similar sites nearby – the appeal Inspector concluding that the limited increase in traffic using the Snipe Lane/A66 junction was not such as to create a road safety hazard sufficient to warrant refusing planning permission. Significantly it was agreed however that a threshold of 300 vehicle movements a day using the Snipe Lane/A66 junction would be the “cut off” point where junction improvements would be needed before any more development could be approved along Snipe Lane. This point is being approached but will not be breached by this application, as both of these applications for gypsy sites which appear on the agenda were factored in to these vehicle movement calculations, as were the other recently approved applications.

The recently issued Government advice note “ Planning Policy For Traveller Sites – 2012” broadly reflects the aims of Core Strategy Policy CS13 and is therefore supportive of this proposal.

### **Conclusion**

It is considered that the development is acceptable in this location, being adjacent to an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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.

### **RECOMMENDATION**

That subject to no objection being received from the Environment Agency, Planning Permission be GRANTED with the following conditions:

1. A3 – Implementation time
2. B5 – Accordance with plans.
- 3 The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller Sites” 2012. Reason – In order that the development complies with Core Strategy Policy CS13
- 4 The site shall be for three individual pitches. Reason – For the avoidance of doubt.
- 5 The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority. Reason – In the interests of the character of the locality.

- 6 No commercial activities shall take place on the land, including the storage of materials.  
. Reason – In the interests of the character of the locality.
- 7 K2 – Foul and surface water disposal
- 8 B4 – Details of materials
- 9 E2 - Landscaping

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

It is considered that the development is acceptable in this location, being adjacent an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

#### **The following policy documents have been taken into account**

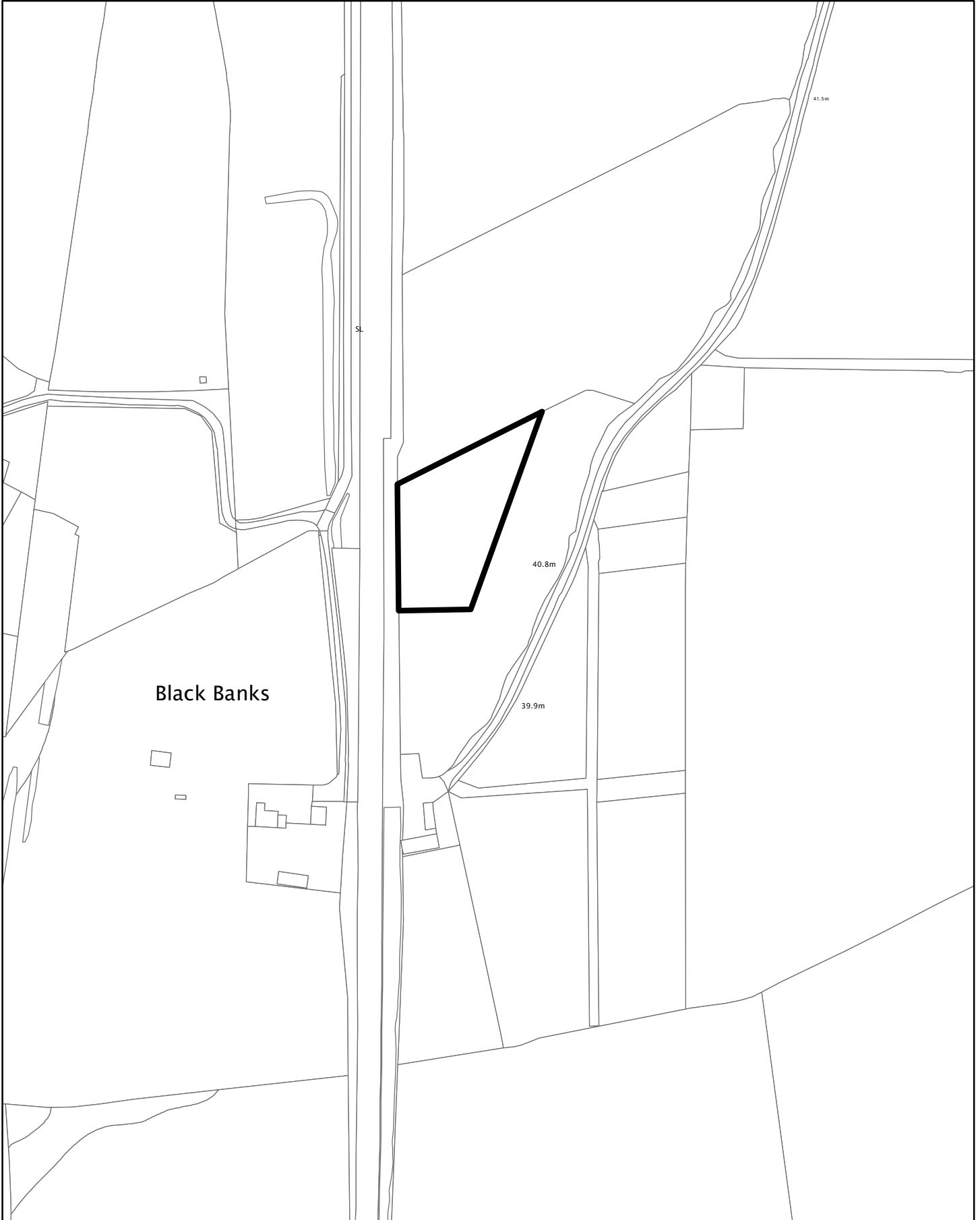
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The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.

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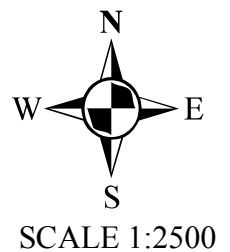


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**PLANNING REF. No. 13/00479/FUL**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25<sup>th</sup> September 2013**

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<b>APPLICATION REF. NO:</b>	<b>13/00526/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>05/09/13</b>
<b>WARD/PARISH:</b>	<b>Hurworth</b>
<b>LOCATION:</b>	<b>Snipe Lane, Darlington</b>
<b>DESCRIPTION:</b>	<b>Change of use of land and laying of hardcore for use as residential land for two Gypsy pitches.</b>
<b>APPLICANT:</b>	<b>Mr Robert Smith</b>

---

**APPLICATION AND SITE DESCRIPTION**

This application site forms a continuation of an adjacent site currently under construction which is partly owned by the current applicant and is to consist of a mobile home, one touring caravan and a utility building on each plot to be occupied by Gypsies.

Access to the site would be via an internal track leading from the adjacent partially constructed Gypsy pitches which in turn comes in from Snipe Lane, which is a narrow partially tarmaced road leading to the A66 approximately half a kilometre to the north.

The site is screened from Snipe Lane by hedgerows but can be seen from the East Coast Main Railway Line to the west. The site is backed by a paddock which extends to the railway line.

**PLANNING HISTORY**

None on this site.

**PLANNING POLICY BACKGROUND**

Government Planning Policy for Traveller Sites March 2012. (PPTS).

The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.

## RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted. No comments have been received.

Consultee responses –

**Environment Agency** – Currently object but drainage information being prepared at the time of drafting.

**Environmental Health** – No objections.

**Highways Agency** – Original objections to further intensification of use of the Snipe Lane/A66 junction overruled at appeal therefore no objections subject to certain conditions being imposed on any permission.

**Parish Council** – Object on road safety grounds.

**Northumbrian Water** – No objections.

**Transco** – No objections.

**Northern Power Grid** – No objections

**CPRE** – Objects as site is not one chosen in the consultation process and represents sporadic development in open countryside.

## PLANNING ISSUES

The main issue to consider in relation to this application is whether the proposal is in compliance with the planning policies for Gypsies and travellers, taking into account the appeal history along Snipe Lane.

Darlington Local Development Framework Policy CS13 (Accommodating Travelling Groups) is relevant in the determination of this application. This policy sets out criteria against which applications for planning permission and sites for eventual allocation, as gypsy sites should be considered. The policy indicates :

*Provision will be made for travelling groups at the existing sites of Honeypot Lane, Neasham Road and other small sites within the Borough. Where required, additional sites for Gypsies and Travellers and Travelling Showpeople will be allocated in accordance with the following criteria, which will also be the basis for determination of windfall sites, ensuring that sites:*

- a) have appropriate access, and are in a sustainable location for schools, shops, employment opportunities and other local facilities and services; and*
- b) are located and designed so as not to have an unacceptable negative impact on existing residential amenity or existing landscape character; and*



- c) *are appropriate to provide a safe and healthy environment for residents; and*
- d) *are located in areas not at risk from flooding; and*
- e) *are located and designed so as not to have a significant negative impact on the natural, archaeological or historic environment.*

*Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.*

In assessing the above, a strong material planning consideration is the recent Appeal history for Gypsy plots on land elsewhere along Snipe Lane.

Within an appeal against a refusal of permission for a single plot on nearby land in 2009 the Inspector concluded that the site complied with all of the criteria of the Local Plan policy H21 in force at that time, in particular the location of the site was seen to be acceptable in terms of accessibility to services such as doctors etc, bearing in mind at the time Circular 01/06 paragraph 54 which stated that : “*local authorities should be realistic about the availability or likely availability of alternatives to the car in assessing local services* “. It is considered therefore that the current site is similarly acceptable and that criteria a) above is met.

Criteria c) and d) above are considered to be satisfied by the proposal.

The only criteria where the proposal may conflict are b) and e) in relation to the impact of the proposal on landscape character/natural environment.

**Visual Impact on Landscape Character** – Again with reference to a nearby appeal decision, the Inspector concluded that the site was reasonably well screened from a number of viewpoints and that the only prominent views would be from the entrance to the site – as with the current site – and from the railway, usually at speed – again as with the current site.

There will however be some visual impact within this rural location which needs to be assessed in relation to the other material planning matters referred to above. In addition Policy CS13 states that :

*Preference will be given firstly to locations within and then adjacent to existing settlements, and then to the re-use of brownfield land in other locations.*

Clearly this proposal is located in none of the above locations and is therefore contrary to this element of the policy.

In assessing the suitability of the site for Gypsy accommodation, the planning issues above must be taken into account along with other material planning considerations, These are seen as :

- The lack of other available sites in the Borough
- The accepted need for new sites in the Borough
- The limited visual impact of the proposal on the wider environment

Whilst the site is not a brownfield, previously developed site, as *preferred* by Policy CS13, the locality does have a history of associations with Gypsy accommodation, both well established as at the northern

end of Snipe Lane and more recently at the appeal sites referred to above and other nearby sites with the benefit of planning permission.

The land is not designated as being of ecological or landscape significance and its use as a Gypsy site is in compliance with the majority of the relevant Core Strategy criteria.

Of particular significance is the initial concerns of the Highways Agency have been tested at appeal on two other similar sites nearby – the appeal Inspector concluding that the limited increase in traffic using the Snipe Lane/A66 junction was not such as to create a road safety hazard sufficient to warrant refusing planning permission. Significantly it was agreed however that a threshold of 300 vehicle movements a day using the Snipe Lane/A66 junction would be the “cut off “ point where junction improvements would be needed before any more development could be approved along Snipe Lane. This point is being approached but will not be breached by this application, as both of these applications for gypsy sites which appear on the agenda were factored in to these vehicle movement calculations, as were other recently approved applications. Any future applications for pitches would however breach this threshold.

The recently issued Government advice note “ Planning Policy For Traveller Sites – 2012” broadly reflects the aims of Core Strategy Policy CS13 and is therefore supportive of this proposal.

### **Conclusion**

It is considered that the development is acceptable in this location, being adjacent to an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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.

### **RECOMMENDATION**

That subject to no objection being received from the Environment Agency, Planning Permission be GRANTED with the following conditions:

1. A3 – Implementation time
2. B5 – Accordance with plans.
- 3 The site shall only be occupied by gypsies as defined in Department for Communities and Local Government document “Planning Policy For Traveller Sites” 2012. Reason – In order that the development complies with Core Strategy Policy CS13
- 4 The site shall be for two individual pitches. Reason – For the avoidance of doubt.

- 5 The site shall be used for residential purposes only and no commercial vehicles over 3.5 tonnes shall be parked on the site without the prior written permission of the Local Planning Authority. Reason – In the interests of the character of the locality.
- 6 No commercial activities shall take place on the land, including the storage of materials. Reason – In the interests of the character of the locality.
- 7 K2 – Foul and surface water disposal
- 8 B4 – Details of materials
- 9 E2 - Landscaping

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

It is considered that the development is acceptable in this location, being adjacent an existing residential Gypsy or Traveller site, with the material planning considerations referred to above outweighing any minor conflicts with adopted local planning policies.

#### **The following policy documents have been taken into account**

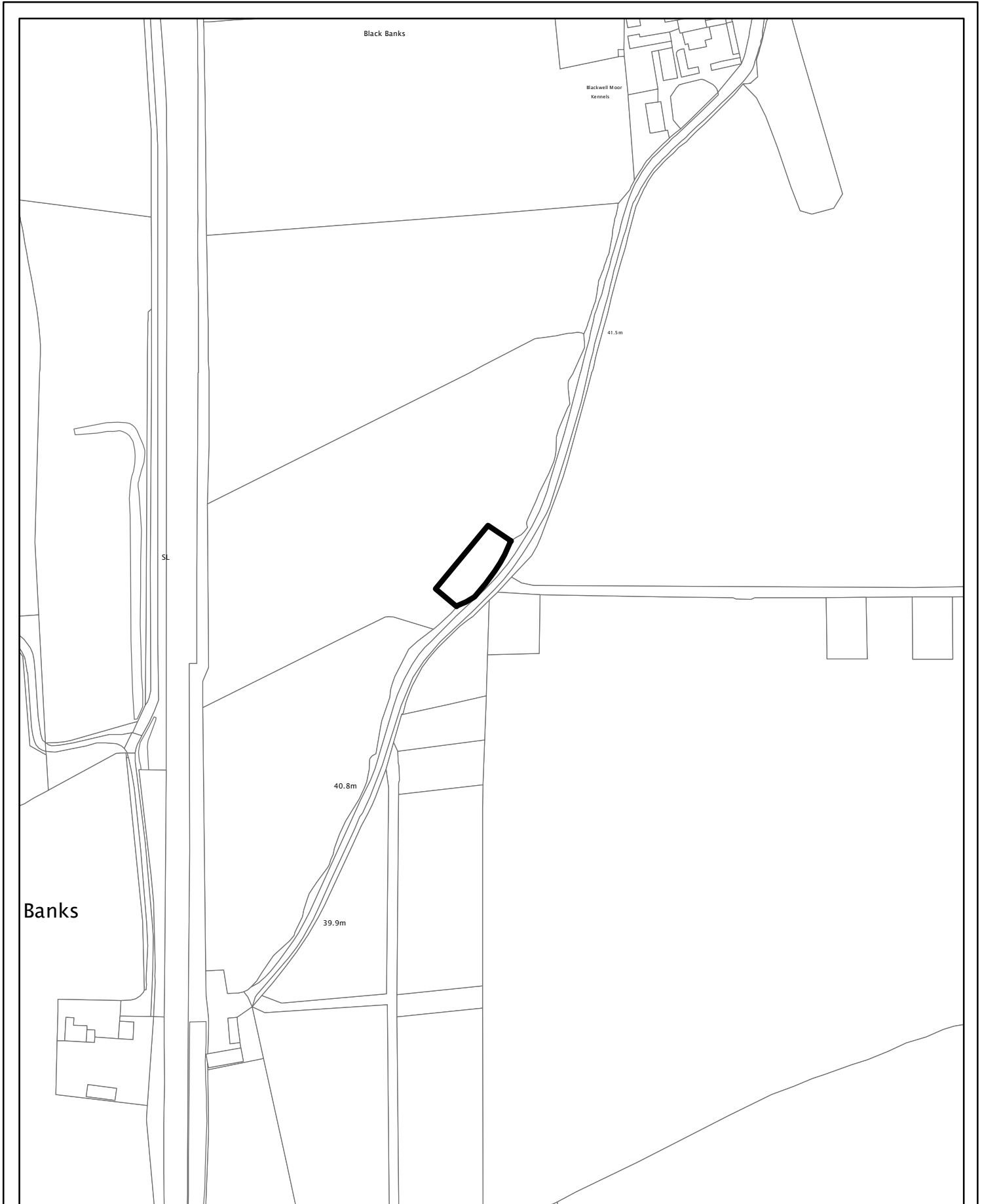
Government Planning Policy for Traveller Sites March 2012. (PPTS).

The National Planning Policy Framework (NPPF).

Darlington Local Development Framework Core Strategy – Policy CS 13 Accommodating Travelling Groups.

The recently published Tees Valley Gypsy and Traveller Accommodation Needs Assessment 2009 is also a material consideration.

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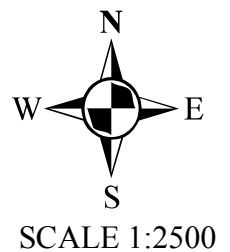


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**PLANNING REF. No. 13/00526/FUL**

DARLINGTON BOROUGH COUNCIL

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**PROPOSED TREE PRESERVATION ORDER - LAND OFF MEYNELL ROAD**

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**Responsible Cabinet Member – Councillor David Lyonette  
Regeneration and Planning Portfolio**

**Responsible Director - Richard Alty, Director of Place**

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**SUMMARY REPORT**

**Purpose of the Report**

1. To consider an objection to a Tree Preservation Order that has been received in respect of land at Meynell Road

**Information and Analysis**

2. Local Planning Authorities have a duty under section 198 of the Town and Country Planning Act 1990 to make Tree Preservation Orders (TPOs) where they consider it expedient to do so in the interests of amenity.
3. The effect of such an Order is to prohibit the cutting down, topping, lopping, uprooting or wilful damage to trees except with the permission of the local planning authority (LPA).
4. Upon identifying a tree which the LPA considers worthy of being protected the process is that a TPO is made without delay so that the tree has immediate protection. It is then necessary for the LPA to inform the relevant landowner that a TPO has been made and to give them a period of at least 28 days to object to it being confirmed. A TPO must be confirmed within six months of being made or it ceases to have effect.
5. A TPO was made on the 30 July 2013 in relation to a Norway Maple situated on a prominent site at Meynell Road / Whessoe Road (a detailed site location plan will be displayed at the meeting).
6. An objection to the TPO has been received from the landowner and therefore a decision is required from the Planning Committee on whether or not to confirm it.

## **Nature of Objection**

7. The objector has recently gained planning permission for a new retail unit and drive thru development adjacent to where the tree is situated. They state that the application was supported by a detailed tree survey which concluded that none of the trees on the site warranted retention. They therefore consider that the tree in question does not merit protection.
8. Notwithstanding this they confirm that they will retain the tree and that confirmation of this is shown on the approved landscaping plans for the site and they are required to abide by this plan by virtue of a planning condition.

## **Analysis**

9. The tree has been assessed by the Council's arboricultural officer as being in a healthy condition and because of its prominent location is considered to make an important contribution to the visual amenity of the area. Whilst there is protection to the tree by virtue of the planning condition, it is nevertheless considered expedient to confirm the Order because to do so will provide additional protection to the tree from inappropriate works such as lopping and topping which could have an adverse effect on its amenity value.

## **Recommendation**

10. That the Tree Preservation Order be confirmed.

**Richard Alty**  
**Director of Place**

## **Background Papers**

Tree Preservation Order and letter of objection

Roy Merrett : Extension 2037



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

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