



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 7 August 2024
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 10 July 2024 (Pages 5 - 8)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 9 - 10)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 11 - 12)
 - (a) Brunswick Street Car Park, St Cuthbert's Way, Darlington (Pages 13 - 52)
 - (b) Coniscliffe Road (Pages 53 - 68)
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: -

- (a) Allowed the appeal by Mr Dale Jefferies against this authority's decision to refuse permission for erection of a detached single garage and gym with storage area above (Resubmission) at 3 Roseberry View, Sadberge, Darlington, DL2 1FH (Ref No 24/00118/FUL) (copy of Inspector's decision enclosed).
- (b) Dismissed the appeal by Mr and Mrs Turner against this authority's decision to refuse permission for change of use of agricultural land for tourist accommodation including the siting of 3 No. holiday lodges and 3 No. hot tub enclosures with car parking, associated landscaping and gravel pathways including the creation of secondary access. Conversion of store room to form kitchen/office and garage together with landscaping and associated works (Retrospective Application) (Amended plans/information received 5th October 2023) at Land To The Rear Of Hazelfield Cottage, Elstob Lane, Great Stainton, TS21 1HP (Ref No 23/00588/FUL) (copy of Inspector's decision enclosed).

Recommended – That the reports be received.
(Pages 69 - 82)

9. Notification of Appeals –

The Chief Executive will report that: -

Rory Brownless has appealed against this Authority's decision to refuse permission for works to 1 no. Pine (T4) protected under Tree Preservation Order (No.17) 2006 - reduce easterly limb overhanging house by up to 3.5 m at 2 Quaker Lane, Darlington, DL1 5PB (24/00064/TF).

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 26th July 2024 (Exclusion Paragraph No. 7) – Report of the Chief Executive (Pages 83 - 90)

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



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 30 July 2024

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Kane, Laing, Lawley, Lee, McCollom, Robinson and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and 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, 10 July 2024

PRESENT – Councillors Ali, Allen, Anderson, Haszeldine, Kane, Laing, Lawley, Layton, Lee, McCollom and Tostevin.

APOLOGIES – Councillors Bartch and Beckett.

ABSENT – Councillor Robinson.

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

PA1 APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2024/2025

RESOLVED - That Councillor Haszeldine be appointed Chair of this Committee for the Municipal Year 2024/25.

PA2 APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2024/25

RESOLVED - That Councillor Ali be appointed Vice Chair of this Committee for the Municipal Year 2024/25.

PA3 TO CONSIDER THE TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2024/2025 ON THE DATES AGREED IN THE CALENDAR OF MEETINGS BY CABINET AT MINUTE C106/FEB/24

RESOLVED – That meetings of this Committee for the Municipal Year 2024/25, be held at 1.30 p.m. on the dates, as agreed on the calendar of meetings by Cabinet at Minute C106/Feb/2024.

PA4 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 15 MAY 2024

RESOLVED – That the Minutes of this Committee held on 15 May 2024 be approved as a correct record.

PA5 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA6 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

PA7 NEW BLACKWELL LAWN TENNIS CLUB

23/00863/FUL - Installation of new LED lighting units to the existing lighting columns together with the installation of 3 no. additional 6m high lighting columns with LED units to illuminate court 5 (positioned between court 5 and 6) (Lighting Information Received

29.04.2024)

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Officer, the Street Lighting Team, Environmental Health, one general representation received and three comments objecting to the scheme, together with further comments received when the additional lighting information was provided, and the views of the Applicant, whom the Committee heard).

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

1. Time Limit

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 (as amended).

2. Approved Plans

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

| Plan Reference Number | Date |
|-----------------------|-------------------|
| Location Plan | 25 August 2023 |
| NB/1 | 26 September 2023 |
| NB/4 AND N/B5 | 26 September 2023 |

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

3. Attachments/ Louvres

Prior to the installation of the new floodlights, details of the additional attachments/louvres required, shall be submitted to, for approval in writing by, the Local Planning Authority, based on the submitted Replacement Floodlighting/Lighting Impact document. The details shall identify the specific lighting units which require additional attachments/louvres, the details of the louvres themselves, and exactly where the louvres are required to be fitted on the units (i.e., back, sides). The attachments/louvres shall be fitted prior to the first operation of the lights and be in complete accordance with the details so approved, and thereafter shall be retained and maintained for the duration of the development.

REASON - In the interests of controlling any light spill to protect the amenity of the occupiers of the neighbouring properties.

4. Hours of Use

The hereby approved new light columns situated between courts 5 and 6, shall not be illuminated outside the hours of 09:00 – 21:30 on any day.

REASON - To be consistent with other permissions for floodlighting on this site, in the interests of safeguarding residential amenity.

PA8 NOTIFICATION OF DECISION ON APPEALS

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

- a) Dismissed the appeal by Mr Kieran Meredith against this authority's decision to refuse permission for application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and removal of condition 3 (garage/car parking) attached to planning permission 21/01226/FUL dated 12 December 2021 (Erection of a two storey side extension to provide a garage/dining room with bedroom above) to permit the conversion of garage into habitable space, the replacement of the garage door with a window, and the provision of 1 no. additional car parking space to the front (amended description) at 32 Clowbeck Court, Darlington, DL3 0BB (23/00823/FUL); and
- b) Dismissed the appeal by Ryan Beaumont, Beaumont and Partner Ltd, against this authority's decision to refuse permission for erection of a single storey rear extension, dormer window to rear elevation, cycle storage area and erection of boundary wall 2372mm in height with external doors into back lane (part retrospective) description amended by plans and updated planning statement received 08/02/2024) (as amended by plans received 26/01/2024 and 02/02/2024) at 93 Pensbury Street, Darlington, DL1 5LJ (23/00100/FUL).

RESOLVED – That the report be received.

PA9 NOTIFICATION OF APPEALS

The Chief Executive reported that:

- a) Mr Abobaker Omar had appealed against this Authority's decision to refuse permission for applications submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 2 (opening hours) attached to planning permission 20/00963/FUL (Change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation) dated 18 February 2021 to permit a change in opening hours from 11am - 9pm Monday to Sunday to 11am - 10pm Monday to Sunday (Amended Description) at 55 Neasham Road, Darlington, DL1 4AG (23/01224/FUL).
- b) Mr Dale Jefferies had appealed against this Authority's decision to refuse permission for Erection of a detached single garage and gym with storage area above (Resubmission) at 3 Roseberry View, Sadberge, Darlington, DL2 1FH (24/00118/FUL).

- c) Janine Mitchell had appealed against this Authority's decision to refuse permission for works to trees protected under Tree Preservation Order (No. 3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by upto 3m at Greystones Drive, Darlington (23/00338/TF).

RESOLVED – That the report be received.

PA10 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.

PA11 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28 JUNE 2024 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA88/May/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28 June 2024.

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 (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- 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 – 7 August 2024

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 |
|--|-------------------------|
| Brunswick Street Car Park, St Cuthbert's Way Darlington | 24/00294/FUL |
| Coniscliffe Road | 23/00681/DC |

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th August 2024

| | |
|---------------------------------|---|
| APPLICATION REF. NO: | 24/00294/FUL |
| STATUTORY DECISION DATE: | 7 August 2024 |
| WARD/PARISH: | Park East |
| LOCATION: | Brunswick Street Car Park, St Cuthbert's Way Darlington |
| DESCRIPTION: | Erection of a new office building (Use Class E(g)(i)) (GIA 9,639 sqm) with means of access, associated parking, hard and soft landscaping and associated works (amended biodiversity assessment and calculator and landscaping plan received 17 April 2024; Archaeology Report Addendum received 23 May 2024; amended plans received 6 June 2024) |
| APPLICANT: | Government Property Agency |

RECOMMENDATION: GRANT PERMISSION SUBJECT SECTION 106 AGREEMENT AND 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=summary&keyVal=SAP90VFP1100>

APPLICATION AND SITE DESCRIPTION

1. The application site (0.8 hectare) comprises of an area of previously developed land, last used for surface car parking located to the south of Brunswick Street and east of St Cuthbert's Way (A167). The streets immediately surrounding the application site accommodate a wide variety of uses, including retail, commercial, offices, assembly and leisure, schools, restaurants, bars and hot food takeaways, places of worship and residential. The site is within the Parkgate Conservation Area and there are listed buildings in close proximity (See Paragraph 32 of the report)

2. The proposed development involves the erection of a new Class E(g)(i) office building (GIA 9,639 sqm) with associated parking, landscaping and public realm improvements. The proposed office building would be 5 storeys in height with an overall building height of 26.55 metres. The building is set back from the north and south boundaries of the site to allow for the creation of new green space and secure off-street car and cycle parking areas. There would be a total 14 car parking spaces of which 6 are accessible, 2 are enlarged/accessible, 4 are EVCPs with infrastructure to increase to 8 EVCP's, and 4 are visitors. Four motorcycle spaces and 98 cycle spaces are provided.
3. Proposed vehicular access and egress to the site and car park is from the existing entrance on Brunswick Street, with a secondary access / egress route from Tannery Yard to the south of the site.
4. At the Budget in 2021, it was announced that the new economic campus for HM Treasury will be located in Darlington and will be home for the new Treasury Office in the North of England. The Darlington Economic Campus will bring together people across departments and public organisations to play an active role in the most important economic issues of the day. The aim is to have at circa 700 roles based in the Darlington area across the following departments:
 - a) HM Treasury
 - b) Department for Business and Trade
 - c) Department for Energy Security and Net Zero
 - d) Department for Science, Innovation and Technology
 - e) Department for Levelling Up, Homes and Communities
 - f) Office for National Statistics
 - g) Department for Digital, Culture, Media & Sport
5. The application site was selected by the applicant over a number of competing sites as it is situated in a highly sustainable location, adjacent to the town centre, with excellent pedestrian links across St Cuthbert's Way. It is also next to a key sustainable transport corridor and within easy walking distance of the train station, with access to the East Coast Main Line offering a direct route to London and Edinburgh.
6. Amended plans have been submitted to revise the palette of materials to a red brick, to provide further detailing on the bay sections and a deeper "top" finish to the building.

Statement of Community Involvement

7. A consultation statement has been submitted in support of the planning application. An consultation exercise which involved a letter being issued to approximately 400 properties and businesses occurred in October 2022 in accordance with Council guidance, with further meetings with representatives of The Forum and Borough Road Nursery School took place in November 2023. The Statement advises that the proposals were generally well received welcoming the improved security and benefits that the proposal would bring but noting the limited amount of car parking.

MAIN PLANNING ISSUES

8. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on Heritage Assets and Surrounding Area
 - c) Climate Change
 - d) Amenity
 - e) Highway Safety and Parking
 - f) Sustainable Transport Considerations
 - g) Trees and Landscaping
 - h) Archaeology
 - i) Health Impact Assessment
 - j) Construction Management Plan
 - k) Noise
 - l) Lighting
 - m) Air Quality
 - n) Ecology Matters
 - o) Contaminated Land
 - p) Flood Risk and Drainage
 - q) Planning Obligations

PLANNING POLICIES

9. The relevant local development policies are as follows:

Local Plan (2016-2036)

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
DC5: Skills & Training
H3: Development Limits
TC1: Darlington Town Centre
TC3: Additional Site for Town Centre Uses
TC6: Darlington – Town Centre Fringe
ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV4: Green & Blue Infrastructure
ENV5: Green Infrastructure Standards
ENV7: Biodiversity & Geodiversity & Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility
IN3: Transport Assessments and Travel Plans
IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure

Other relevant documents

National Planning Policy Framework (2023)
Design of New Development SPD (2011)
Planning Obligations SPD (2013)
Travel Guidance Note (2024)
Parkgate Conservation Area Character Appraisal (2015)

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Environmental Health Officer, Transport Policy Team, Ecology Officer have no objection to the development subject to requested planning conditions being imposed.
11. Durham County Council Archaeology Team has raised no objections subject to planning conditions.
12. The Lead Local Flood Authority, the Environment Agency and Northumbrian Water have raised no objections subject to requested planning conditions being imposed.
13. Historic England and the Council's Heritage Consultant have no objections to the proposal.
14. Northern Gas Network have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

15. Following the Council's publicity and consultation exercise on the original planning application, three objections and four comments were received.
16. The objections can be summarised as follows:
 - *The use of Tannery Yard will impact on Darlington. MIND premises which backs onto this area. There are car parks, a relaxation garden, the Church Hall Mental Health Centre and two residential flats. MIND require access at all times 24 hours per day including emergency vehicles. The safety of residents is paramount with some at risk due to their lack of awareness to their surrounds.*
 - *The relaxation garden is used as a sanctuary and there is a concern about fumes, noise and dust from large vehicles using Tannery Yard. There are the same concerns for users of the Church Hall building.*
 - *Consideration needs to be given to the adjacent Church during events and services, the Hippodrome with articulated lorries unloading stage equipment, the dance studio on the other side of Tannery Yard and the small industrial estate off Tannery Yard*

- *The plans are completely insensitive to the location and will set a low bar for future developments nearby. It looks like it was designed in 1968 for some post-war New Town, and it will not age well.*
- *This plot could be used for a bus station which our town badly needs.*
- *The building should be sympathetic to the surrounding historic architecture of the Hippodrome and Cricketers. St Cuthbert's Way has become an eyesore of concrete boxes.*

17. The comments can be summarised as follows:

- *If Tannery Lane is used for egress, alternative coach drop off areas for the Hippodrome must be considered to avoid them using Borough Road again.*
- *The surrounding neglected areas need to be significantly enhanced.*
- *Increased parking enforcement checks will be required as staff will try and park on Borough Road*
- *Can any vehicle egress onto Brunswick Street be Left Turn only rather than passing Borough Road Nursery and residents.*
- *We are concerned about the lack of parking. Visitors to The Forum have to load in heavy music equipment and drop off students outside therefore increased traffic may impact negatively.*
- *The Forum have plans to erect solar panels and the roof area will now become shaded.*
- *The Forum will need to be advised and assured that building works will not impact on daily business activity.*
- *Parking been very limited at the site would encourage more council/gov staff parking in the small streets adjacent to the building. Could this be looked into as a priority?*
- *It would be nice if Melland, Sanderson and Middleton Street could all benefit from a revamp of traffic, possibly making the cul de sacs into a LTN cutting off the rat run of Borough Road Industrial Estate*

18. Following the submission of the amended plans and a new notification exercise with previous contributors, two further letters of objection and one representation have been received. The objection can be summarised as follows:

- *Regarding the amended plans , nothing has changed to counter my original objection.*

19. The representation can be summarised as follows:

- *Parking is an issue that The Forum already experience, I also would much prefer if the building was at the front of the ring road and not so close to our building however at the same time, I would not want my comment to be a factor if planning permission was not granted.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

20. 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 (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

21. The proposed site is located within the main urban area of Darlington and within the development limits identified within Policy H3 of the Local Plan where development is considered acceptable subject to compliance with other local and national planning policies.
22. The site is also located within the Town Centre fringe identified in Policy TC6 of the Local Plan which states that development and regeneration of the Town Centre Fringe will be promoted throughout the plan period to deliver a range of mixed use development and environmental improvements. It states the uses likely to be acceptable include economic, commercial and residential and that relevant main town centre uses will need to satisfy the sequential approach (Policy TC1) and/or impact assessment (Policy TC6).
23. The proposed development is an office use which falls within a main town centre use definition provided by the National Planning Policy Framework 2023. Policy TC1 of the Local Plan states that proposals for main town centre uses should be located within the town centre boundary identified on the Policies Map. Where main town centre uses are proposed outside of the town centre boundary a sequential test should be applied in accordance with national policy.
24. A sequential test has been submitted in support of the planning application which identified three sites of a suitable scale to accommodate the proposed development for further consideration as to whether they are sequentially preferable. These are Land at Commercial Street/Kendrew Street, the Former Sports Direct site on East Street and Land at Central Park (South). It is agreed that these are the three sites most suitable for further consideration.
25. Commercial Street/Kendrew Street was discounted as the site is too large for the proposed development; much further from the Darlington Railway Station and the Local Plan identifies the site for a range of other town centre uses.
26. The Former Sports Direct site was discounted as it is smaller than the application site and would therefore be unable to accommodate the proposed development.
27. Whilst land at Central Park (South) could accommodate the development and it is closer to the Darlington Railway Station it was not as close to the town centre than the application site and therefore it was discounted. The application site is more sequentially favourable as it is “edge of centre”, and it also has good sustainable links to the town centre.
28. The conclusions reached within the test regarding each of these three sites are supported and officers would agree with the overall conclusion that there are no

sequentially preferable sites that are suitable and available to accommodate the proposed development taking account of the need to allow for a reasonable degree of flexibility on issues such as format and scale.

29. In summary, the proposed site located within the Town Centre Fringe is suitable for office use with the applicant demonstrating there are no sequentially preferable sites which are suitable and available for this particular development. The principle of the development can be supported in general planning policy terms.

b) Impact on Heritage Assets and Surrounding Area

30. The application site lies to the far north west boundary of the Parkgate Conservation Area. The character of the conservation area derives from the remaining buildings illustrative of its Victorian/Edwardian expansion which largely focuses on the industrial growth along Parkgate. Currently the part of the conservation area which contains the application site and its character differs from that of the prevalent historic conservation area, which is of a mixed and evolved character, with strong visual connections to the ring road.
31. The planning application has been supported by a detailed Heritage Impact Assessment.
32. The prevalent character largely consists of terraced properties, more notable surviving historic buildings include the Civic Theatre (Grade II listed) and St Hildas Church (Grade II listed) which lie to the south of the site. St Cuthbert's Church is a Grade I listed building located approximately 120m to the south west of the edge of the application site, on the opposite side of St Cuthberts Way.
33. The Character Appraisal for the Conservation Area identifies the application site as a development site. The Appraisal states that new development proposals in and around the conservation area should contribute to the variety of roofscapes but not introduce any large massing which will obscure views of the rich roofscape and should also respect or enhance views to and from landmark buildings. Development should seek to reintroduce high density, small to medium scale development, close up open spaces and seek to reconnect Parkgate with the town centre through high quality design and greater amenity use of the River Skerne opposite of St Cuthberts Way.
34. The application site is currently a large, cleared piece of land which makes no architectural or historic contribution to the conservation area. As part of their consultation response, Historic England consider that visually, the site is more connected to the Inner Ring Road (St Cuthberts Way) which lies outside of the conservation area although the northern edge of the site adjoins buildings which do make a positive contribution to the conservation area.
35. Following discussions with Officers, the colour scheme for the proposed building has been amended from buff coloured facing bricks and stone to red facing bricks and stone. Additional information has been provided to show the detailing of the bay

sections and a deeper top has been added to provide a more defined finishing point to the building.

36. Historic England continue to state that like many contemporary commercial buildings, it balances a regularly arranged façade with visual breaks in storey heights, producing an ordered but not monotonous design. Touches of detail, (decoration or recessed openings) add further elaboration and the landscaping to the front of the site adds an attractive and complimentary space, in what is otherwise a hard and car dominated urban area.
37. Historic England's advice is that the impact of the building on the significance of the conservation area is limited for two main reasons:
 - a) The application site currently has no intrinsic architectural or historic interest,
 - b) The site primarily addresses the character of the inner ring road rather than the main spaces of the conservation area. There will be an abrupt change in character at the western edge of Brunswick Street, but this view is already characterised by the change from the 19th century town to the mid-20th century one.
38. With regard to the impact of the development on St Cuthberts Church, Historic England has advised that it is likely that the proposal would fit into this existing experience of setting. Whilst a large building for the area, its position diagonally away from the church and set back from the roadside is sufficient to allow both buildings to be read distinctly.
39. Historic England have concluded that although a large development, the proposal would have a limited impact on the significance of heritage assets near to the site, retaining existing contrast of character between the 19th and 20th centuries, created around the time of the construction of the inner ring road. Due to this Historic England has no objections to the proposal.
40. The Council's Heritage consultant has reviewed the amended scheme and made the following comments:
 - a) The site at present is considered to contribute little to the overall significance of the conservation area. It is recognised that elements of the scheme itself such as the landscaping proposed to the front of the site will, on balance, when viewing the scheme as a whole create visual improvements and enhancement.
 - b) The red brick/stone is a more locally responsive finishing material than that originally proposed, the majority of buildings in the immediate area are constructed in red brick.
 - c) The general form and scale of the building will set its function apart from its neighbours as a prominent municipal building.
 - d) The development introduces a civic building with an active frontage which responds to the ring road albeit set back within the site to allow for a large, landscaped frontage.

- e) Collectively these alterations have arrived at a design that will sit more comfortably with the prevalent materiality of the Parkgate Conservation Area and neighbouring heritage assets than that originally presented.
 - f) The scheme proposes a large area of quality landscaping towards the ring road which is considered a positive step in creating an area of improved public realm and visual improvements into the town centre approach in general.
41. Due to the scale of the building and its massing, the proposal does not closely align with the parameters suggested within the Parkgate Conservation Area Character Appraisal for the redevelopment of the site. However, the amendments to the materials allow the scheme to more closely align with the objective of achieving a scheme which respects, reinforces and preserves the character and significance of the conservation area. The landscaping proposed to the front of the site will also, on balance, when viewing the scheme as a whole, create visual improvements and enhancement.
42. Additionally, the site lies in close proximity to a number of listed buildings including St Hildas Church (Grade II) to the south and the Hippodrome which fronts Parkgate. The church of St Cuthberts (Grade I) with its landmark spire lies opposite the ring road to the west. The nature of these buildings with public functions means they have a degree of prominence being buildings of note and as a result of a taller scale than their immediate neighbours.
43. In the case of St Cuthberts Church, the verdant churchyard setting with the spire projecting through the established mature trees and landscaping is a particular feature of the town centre. Whilst the proposed building will be a taller building than its immediate neighbours, it will lie on the opposite side of the ring road which is considered to create both a physical and visual barrier to St Cuthberts Church. There will be a change to the general townscape setting in the widest sense, but the proposal is considered to have a negligible impact on the setting of this asset and the proposal will not impact on the intrinsic heritage values of the site.
44. In respect of the setting of St Hildas Church and the Hippodrome there will be an appreciable change to the setting of these buildings in the wider townscape, albeit change will not be to the immediate settings of the buildings and there will be no direct impacts on the building themselves.
45. Having considered the comments from Historic England and the Council's Heritage consultant, the building will cause a degree of harm to the character of the Parkgate Conservation Area and the setting of St Hildas Church and the Hippodrome due to its massing and height and its impact on the visual appearance of the area which generally comprises of buildings of a lower scale with a variety of roofscapes.
46. However, the level of harm is considered to be "less than substantial" and in such cases the National Planning Policy Framework 2023 and policy ENV1 of the Local Plan requires any harm to heritage assets to be considered and balanced against any wider public benefits of the proposal.

47. The proposals offer an opportunity to redevelop the vacant site, which makes no valuable contribution to the Conservation Area and will bring a number of public benefits in terms of economic growth and job creation (paragraph 4 of the Report) as well as environmental improvements through the redevelopment of the site as a whole. It is also likely that there will be wider 'spin-off' benefits for the rest of the conservation area which includes a number of properties between the proposed site and the Darlington train station. Further public benefits can be secured by including historic interpretation display boards within the public realm.
48. It is considered that the public benefits that would be derived from the proposed development would outweigh the harm that has been identified and, in accordance with the National Planning Policy Framework 2023 and Policy ENV1 of the Local Plan the proposed development is recommended for approval.
49. Policy DC1 of the Local Plan states that all new development will be required to have regard to the design principles in the Design for New Development SPD (2011). The application site is located within Character Zone 1: Town Centre and the SPD which advises that developments within this Zone should be a maximum of 5 storeys. Again, the scale and massing of the building does not fully align with the guidance in the Design SPD due to the operational requirements of the end user, which is a material planning consideration in the determination of the planning application.
50. However, the development does align with the Design SPD as the building includes an oversized, recessed entrance which is a characteristic of municipal buildings; rectangular window designs, headers and footers, elevations with vertical rhythm and proportion; a form of parapet roof, coping stone finishes; and a brick and stone finish which now be of a colour that reflects the local environment and will respond positively to the local context. By having the building located closer to the eastern boundary with an extensive landscaped area to the front, important views along St Cuthberts Way would be retained and this public greenspace would be a welcomed addition to the St Cuthberts Way corridor.
51. It is considered that the development will have a positive impact on the general character and appearance of the inner ring road following the amendments that have been made to design and the inclusion of the public landscaped area. A planning condition has been recommended to secure the precise details of the materials that will be used in the external finishes of the building.
52. It is considered that the minor revisions made to the development have greatly improved the visual appearance of the building and how it will assimilate into the surrounding area. The proposed development would accord with policy DC1 of the Local Plan in this regard.

c) Climate Change

53. Policy DC1 of the Local Plan states that the layout, orientation and design of buildings (where these factors are not otherwise constrained) helps to reduce the need for energy consumption, how buildings have been made energy efficient and how measures have been implemented to reduce carbon emissions from development; Energy efficiency measures and low carbon technologies will be supported, where this does not result in harm to the significance of a heritage asset.
54. The Design and Access Statement submitted in support of the planning application states the development will incorporate a number of environmental design features such as those listed below, which are all welcomed:
- a) The glazing to façade ratio has been optimized to allow the maximum amount natural light to penetrate as deep into the building as possible.
 - b) By integrating the atrium with a mixed mode ventilation system, the building benefits from improved indoor air quality, reduced energy consumption and occupant comfort.
 - c) During favourable conditions the building will primarily rely on natural ventilation through the atrium.
 - d) The atrium allows natural light to penetrate deep into the building. This reduces the need for artificial lighting during working hours.
 - e) Energy efficient water source and air source heat pumps providing heating and cooling.
 - f) Passive design to reduce heat loss through building fabric.
 - g) Low temperature hot water systems to serve AHU's, trench heating, radiator and underfloor heating.
55. The development aims to achieve BREEAM "Excellent" standard which would exceed the requirements of policy DC1 of the Local Plan, along with Energy Performance Rating A. A planning condition has been recommended to secure appropriate energy efficient measures.
56. The development will accord with policy DC1 of the Local Plan in this regard.

d) Amenity

57. The application site is largely flat and is bound by other commercial buildings and Borough Road School. There are residential properties further afield to the north on Tom Raine Court/Wilshire Place and Borough Road with adjoining streets to the west.
58. The building would be approximately 75m from the nearest dwellings on Borough Road. It is acknowledged that the building will be the highly visible above the rooflines of existing buildings within the local area and there are window openings on every elevation.

59. However, it is considered that the building will not have such an overbearing impact on the outlook or the privacy of the dwellings in the surrounding area that would justify a reason to refuse planning permission on such grounds.
60. The proposals involve the creation of a garden area on the shared boundary with Borough Road School and a Sun Path Analysis contained within the Design and Access Statement shows that the development would not create unacceptable levels of overshadowing of the immediate neighbours.
61. The comments made by The Forum in relation to their proposals for the future installation of solar panels is acknowledged but would not be a material planning consideration for this planning application.
62. A planning condition has been recommended for the submission of a Construction Management Plan (see paragraphs 97)
63. It is considered that the proposed development will not in significantly adverse amenity conditions for existing buildings and properties in the surrounding area and it would comply with policies DC3 and DC4 of the Local Plan in this regard.

e) Highway Safety and Parking

Access and Connectivity

64. All vehicular access into the application site will be via Brunswick Street which offers convenient access via the A167 Inner Ring Road. A simple priority T junction is shown onto Brunswick Street, situated at an existing access point to the east of the northern site boundary, some 20m west of the Brunswick Street North/Brunswick Street Junction and some 95m west of the St Cuthbert's Way/Brunswick Street. Egress from the site is to be taken via Tannery Yard from newly created egress point to the southern boundary of the site. It is accepted that additional daily vehicle movements onto Tannery Yard are limited to exit movements only, and that queuing internally within Tannery Yard is not a material safety concern. Predicted vehicle movements are also limited, given that most parking demand is to be accommodated offsite.
65. Whilst the site generally has good pedestrian and cycle links, access can be further improved by upgrading the existing pedestrian and cycle facilities in the vicinity of the site. A variety of off-site improvements have previously been discussed to ensure that the site is able to best utilise a sustainable location and offer high quality connections to wider active travel and public transport networks. The following offsite highway works are to be secured by a suitably worded planning condition:
 - a) Presently the existing footway provision within Tannery Yard does not meet current national or local design standards, having missing provision, localised pinch points below 2.0m in width, and no dropped crossings or tactile paving. The footway does not offer continuous provision for the secondary staff entrance terminating at the turning head, with no connectivity through to the application site. The applicant has however proposed an initial design solution for mitigating footway connectivity via

this route, which offers improved permeability and offers the most direct and convenient route to Parkgate, Parkgate bus stops and Darlington Station.

- b) Alternative pedestrian routes are also available via St Cuthberts Way and Brunswick Street where the proposed site plans show upgraded pedestrian and cycleway infrastructure in the form of a widened footway on Brunswick Street, and a new segregated footway/cycleway route to the west of the site on St Cuthberts Way. Redundant vehicle access points on Brunswick Street should be removed and reinstated as footway/cycleway with a full height kerb line to match existing. Tactile paving and footway/cycleway markings and signage should also be included/reviewed as required.
- c) Additional off-site highway works are sought on St Cuthberts Way, to provide a continuous cycleway from the site entrance to the existing pedestrian crossing on Parkgate. The crossing should be upgraded to accommodate both pedestrians and cyclists, with an additional cycleway link to be delivered between the Parkgate crossing and application site. . This should be linked across the site frontage as part of Section 278/38 works where a strip of land approximately 1.0m wide is needed at the rear of the highway boundary to enable a 4.0m wide shared footway/cycleway route. Minor realignment would be needed of the kerb-line to mitigate a pinch point at the frontage of the former public house (No55). this could be achieved by narrowing the adjacent traffic island to maintain the required lane widths.

Traffic Impact and Trip Generation

- 66. A Transport Assessment (TA) has been submitted in support of the planning application to understand all potential highways, road safety and parking impacts, as well as identifying any mitigation measures which may be required.
- 67. The building is designed to accommodate 750 daily occupants with 50% of roles classed as 'new' posts with the remaining 50% transferred from existing offices in Darlington town centre. On this basis 375 of these occupants can be considered new. Whilst the Site aims to provide at least 750 roles, this assessment is considered a robust 'worst case' scenario, as not all these roles will be attended in person at the office each day. The information put forward anticipates that the actual employment practise of the office, staff absence and working from home will reduce the number of daily building occupants.
- 68. The proposed traffic generation of the proposals has been calculated based on a first principles approach. This methodology uses the daily building occupants and converts this number into vehicle trips. Mode share has been derived from the DfT 'Usual method of travel to work by region of workplace: Great Britain, 2021' dataset, which has been interrogated for the Northeast region within which the site is situated to understand the potential travel mode share of building users. This dataset provides the following mode-share percentages: Train 5%, Bus 7%, Car 76%, Bicycle 3%, On foot 10% = 100% (rounded).

69. To derive the number of car borne trips, the percentage of car drivers as set out above, have been applied to the 375 'new' staff trips resulting in a total of 285 arrival and departure car borne trips. These trips have been assigned and distributed across the local highway network.
70. The application site has a proposed parking provision of 14 spaces which is considerably less parking provision than what the GFA of the office building will demand daily. It is expected that all the parking space will be 100% utilised on a daily basis and allocated to staff and visitors with approximately 90% of arrivals and 10% departures occurring during the AM peak hour and approximately 10% of arrivals and 90% departures occurring during the PM peak hour. the proposed car park is therefore predicted to attract 14 two-way vehicle movements during the morning and evening peak hour periods, respectively.
71. The trip generation analysis is focused solely on the AM and PM peak hour generation of the car park and does not account for multi modal trips, or additional vehicular trips generated by pickup and drop-off. It is however accepted that arrival and departure trips to the site, are not off sufficient magnitude to have material impact on junction capacity or to require additional modelling works or mitigation measures.
72. The residual 271 AM and PM peak vehicular trips have also been distributed across the network based on approximately 90% of arrivals and 10% departures occurring during the AM peak hour and approximately 10% of arrivals and 90% departures occurring during the PM peak hour. These trips are predicted to utilise existing town centre parking locations. It is acknowledged that these vehicular movements will be diluted and dispersed across the highway network such as to not have an adverse impact on the local highway network, being diffused broadly across all arterial routes in the town centre.
73. The existing temporary car park which currently operates at the site was surveyed in 2022 to understand the current level of car parking that takes place during both peak hours and across a typical day. This demonstrates that the existing car park attracts 7 two-way vehicle movements during the AM peak hour and 8 two-way vehicle movements during the PM peak hour. Over the course of the day, the car park was recorded as generating 28 two-way vehicle movements. Although historically it is expected that the site previously generated higher movements based on the available capacity, these trips have not been 'netted off' for the purpose of robust assessment.

Parking Demand

74. Given the town centre location, staff travelling by private car will seek alternative offsite parking within the town. It is also acknowledged that reduced parking provision can be used to influence mode share away from private car use, towards more sustainable means, particularly where good sustainable alternatives are available.
75. The scheme proposes a total of 14 parking spaces which will be located to the east of the site within a secure parking area. At least two spaces will be electric vehicle parking

bays and two oversized spaces. Six accessible parking spaces are to be provided on site, which reflects overall demand the applicant predicts from the proposed development based on staffing numbers. On site parking provision is to be prioritised for those with additional accessibility needs, to ensure that persons with mobility impairment are not inequitably disadvantaged by having to use offsite parking. It must also be ensured that EV charging provision is made fully accessible so as not to preclude EV owning Blue Badge holders from using on-site facilities which can be secured by a planning condition. Additional accessible provision is available within town centre car park, whilst Blue Badge holders would also be able to park close to the site within on-street locations.

76. As fourteen spaces are to be provided on site, the remaining parking demand will therefore need to be accommodated off-site within existing Council and privately owned car parks: Long stay public car parking for staff is currently available in East Street, (337), Chesnut Street (104), Garden Street (72), Park Place East (94)/West (115) and St Hilda's (11), which equates to 733 spaces in total (including accessible). Short stay provision for visitors is available at the above forementioned car parks, except for Chesnut Street. Private car parks such as Cornmill car park are also available and within a short walking distance. In addition, there is a potential for staff to use the Darlington Station car park (650), which is currently under construction (temporary car park currently available at the former Cattle Mart site on Clifton Road).
77. Analysis undertaken of car park occupancy levels (2022) demonstrates that there is ample space to accommodate the anticipated parking demand of the site within existing provision with average occupancy levels across all car parks within the study area at approximately 36%. This demonstrates an average availability of 500 spaces across the sites referred to above, for the residual 271 tips to be accommodated off site. This is considered a very robust estimate, given that home and blended working are expected. Changes in working patterns have similarly been adopted by other town centre occupiers including the Council, with reduced demand for staff parking being apparent.
78. It is therefore accepted that the predicted parking demand of the development can be accommodated within the town centre without impacting other users. Mode share can be further influenced by the successful implementation of a robust Travel Plan (see paragraph 90)
79. As stated the site is within a highly sustainable location with excellent links to rail and public transport and existing town centre car parks. Consideration has been given to the parking demand of the development resulting in an increase in on street parking on the surrounding streets. The Local Highway Authority has a duty to maintain the safe and free passage of traffic, and where required has the power to implement further parking restrictions as a fallback position where nuisance parking causes obstruction or road safety concerns. However, this is based on a need and demand evidence base and would be given future consideration as part of a legal process that falls outside the remit of the planning process.

Highway safety

80. A review of the most recent 5 Year period of accident history is included within the submitted TA. This considers all 17 personal injury collisions recorded between 1st January 2018 to 29th September 2023 within the relevant study area. Five were recorded as serious and one resulted in a fatality. The fatal collision was result of a vehicle failing to stop at the traffic lights whilst heading northbound on A167. Due to the failure, the vehicle collided with two pedestrians on the crossing. Regrettably, the serious and fatal collisions were result of human error and were not attributed to any inherent road safety issues on the local highway network. The frequency of accidents is comparatively low compared to other urban centres. It is not anticipated that the traffic associated with the proposed development would result in any significant safety implications on the adjacent highway network.

Internal layout

81. The main entrance of the office accommodation is on the north elevation facing onto Brunswick Street. A secondary staff entrance is provided to southeastern corner of the building, accessed from the car park. Internally the site has good linkages from the public highway and car park areas to building entrance points. Refuse storage and cycle parking is also logically located.
82. Section 4.6 of the TA states that emergency access will be achievable from both the access and egress (if necessary) to allow for the maximum permeability for emergency vehicles.
83. Whilst the requirement for Hostile Vehicle Mitigation (HVM) measures is understood, all required bollards or other barriers should be placed within the private curtilage of the site, not within public highway and the drop-down bollards which control access to the site via Brunswick Street should be set back further into the site to ensure that a car can pull clear of the public highway, to avoid obstruction of the footway. The general requirement for this is 6.0m. Appropriate planning conditions have been recommended.

Servicing

84. Details of servicing arrangements and requirements are detailed in the submitted TA, which confirms that servicing will be from the Public Highway on Brunswick Street. The construction of a dedicated layby was rejected at an early stage as this was detrimental to footway provision. This arrangement is still referred to within the TA, however the latest proposed site plan reflects later discussions between the applicant and Local Highway Authority, whereby a dedicated loading bay will be provided on carriageway. This will require appropriate consultation and legal orders for permanent changes to Traffic Regulation Orders (TROs). It must also be noted that the loading bay will be available for any lawful user, not just vehicles loading or unloading at the application site.
85. The location of the loading bay offers close and convenient access to the building, as suitable access for deliveries and collections are within 20m of the building with the

supporting information stating that the site is unlikely to have more than one delivery per day. On this basis the proposed loading bay is considered suitable.

86. A refuse store will be positioned close to the northern boundary and the building management team will move bins to the edge of the carriageway on bin collection days. The collection of waste will be undertaken via external waste management contractors. Waste collection frequency will be dependent upon the volume of waste generated, the storage method and the schedules of the appointed waste contractors although it is anticipated that collection will occur typically five times per week. Vehicles will visit the development outside of commuter hours to minimise impact on the road network at the busiest and most constrained times. Based on the information provided, arrangements are considered suitable, with no additional information for servicing or refuse storage/collection being required.
87. Overall, there are no highway objections to the proposed development and the proposal would accord with policies DC1, IN1, IN2 IN3 and IN4 of the Local Plan in this regard.

f) Sustainable Transport Considerations

88. The site is within a 400m walking distance of bus stops within the town centre, which are served by a number of regular daytime bus services, operating at least every 30 minutes which complies with Policy IN2 of the Local Plan. The site is also within a short walking distance of Darlington Station (Bank Top) with access to local, regional and national services.
89. The proposed car park layout will include 2 EV car parking spaces with a potential for four further spaces in the future which is welcomed.
90. The Design & Access Statement submitted in support of the planning application refers to a changing area/shower blocks for the building. The submitted Travel Plan provides more detail and indicates that there will 106 lockers, a changing area, drying room, 9 showers including 1 accessible shower and two non-gendered toilet cubicles. It also indicates that cycle parking will be provided to BREEAM parking standards with total of 78 cycle spaces, including 68 in a secure covered cycle store and 10 spaces around the building in the form of Sheffield stands. A planning condition has been recommended to ensure that cycle parking provision meets the most recent cycle guidance (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020)
91. A Travel Plan has been submitted in support of the planning application and a planning condition has been recommended that the document needs to be added to the Modeshift Stars Community/Modeshift Stars Business/Residential site in order to comply with the Council's Travel Plan Guidance Note. There will be financial contributions associated with the Travel Plan which will be secured via a Section 106 Agreement.

92. The proposed development would accord with policies IN1, IN2, IN3 and IN4 of the Local Plan in this regard.

g) Trees and Landscaping

93. The existing site contains clusters of scrub vegetation and very limited number of individual trees, none of which are worthy of a tree preservation order. There are some trees on the eastern and south west boundaries but outside the planning application site. Again, these trees are not covered by a tree preservation order, and it is not envisaged that they will need to be removed to facilitate the development. A planning condition has been recommended to secure the submission of an Arboricultural Method Statement and a Tree Protection Plan.

94. The proposed development includes an extensively landscaped public realm area to the west of the main building. The landscaping scheme is well designed and will contribute to both the visual appearance of the surrounding area and biodiversity net gain. The development would accord with policies DC1, ENV3, ENV4 and ENV5 of the Local Plan in this regard.

h) Archaeology

95. The planning application has been supported by archaeology reports which conclude that an archaeological trial trench evaluation needs to be undertaken prior to development commencing on site in order to confirm the presence of any significant archaeological remains. Should such remains survive then a further stage of mitigation involving excavation and/or preservation in situ may be required. All work would be undertaken in accordance with a written scheme of works approved by the Durham County Council Archaeology Section.

96. The Durham County Council Archaeology Section agree with the conclusion of the reports. Planning conditions have been recommended and the development would accord with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

i) Health Impact Assessment

97. A Health Impact Assessment has been submitted in support of the planning application in accordance with Policy DC3 of the Local Plan. The Plan identifies the many ways that the development will impacts on various health related impacts and opportunities such as EV parking bays, the use of a Travel Plan to promote sustainable modes of transport, the submission of a Construction Management Plan, the findings of an Air Quality and Flood Risk Assessments; good quality landscaped areas; the sustainable location of the application site.

j) Construction Management Plan

98. A draft Construction Management Plan (CMP) has been submitted in support of the planning application. The CMP is in draft form because a principal contractor for the build has not yet been appointed and they would need to agree to any CMP controls.

99. The submitted CMP does make reference to Tannery Yard as being the route for construction vehicles which has resulted in strong concerns from DARLINGTON MIND who are based on Borough Road and use Tannery Yard as access to their rear car park. There is a relaxation garden to the rear of the premises used by residents (accommodation located to the rear) who reside within the site and DARLINGTON MND have concerns over the impact of construction traffic in terms of highway safety, noise and dust.
100. The applicant is aware of the concerns that have been raised and as they are not able to submit a detailed CMP at this stage, they have agreed to the imposition of a planning condition for the submission of a Plan prior to the commencement of the development. This will enable the applicant and their contractor further opportunity to consider the concerns that have been raised and consider alternative solutions in conjunction with the local planning authority and local highway authority. There would be an opportunity for the local planning authority to notify local residents and businesses on any future planning application to discharge the planning condition.
101. Notwithstanding the above, a planning condition has been recommended at this stage to control the hours of construction and deliveries.

k) Noise

102. The application has been supported by a noise report which has assessed how the construction noise from the proposed building could impact on existing nearby noise receptors and how noise from plant associated with the building could impact on nearby noise sensitive receptors once the building is in use.
103. To do this, the existing background noise levels in the vicinity have been measured and then compared against predicted noise levels from the construction plant. At the time that the report was written the proposed piling methodology was not known, and so it was assumed that impact driven piles would be used. It has since been clarified the CFA piles will be used on the site and this will significantly reduce both the noise and vibration impacts on nearby receptors when the site is being built.
104. At the time the report was written the exact details of the necessary rooftop plan and the associated noise levels were not known. It is proposed to screen this plant from views at ground level by erecting an acoustic barrier around the roof edge. The design criteria for the building have required that noise from plant associated with the building will be -5dB below background noise levels. This should be achievable but may require additional mitigation as well as the acoustic screen. To ensure a suitable noise environment for nearby receptors when the building is operational, appropriate planning conditions have been recommended and the application is considered to accord with policies DC3 and DC4 of the Local Plan in this regard.

l) Lighting

105. An external lighting strategy has been submitted in support of the application. Having assessed this document and taken account of the building's location within the town

centre, the Council's Environmental Health Officer does not envisage any issues with the lighting impacting on the amenity of the area and would not recommend that any conditions are necessary to avoid or mitigate unwanted effects from lights associated with the development. The development would accord with policies DC3 and DC4 of the Local Plan in this regard.

m) Air Quality

106. The application has been supported by an Air Quality Assessment which included a review of the impacts of the development on local air quality during both the construction and operational phases of the building utilising appropriate guidance documents. The assessment has correctly stated that DBC does not have any Air Quality Management Areas (AQMA) and that monitoring of air quality in the borough has consistently shown pollutants to be below levels at which an AQMA would be required. The latest air quality monitoring results since this air quality assessment was completed in 2022 show a continued adherence to air quality objectives in the local area.
107. The proposed building will be heated by air source heat pumps and water heat pumps, there will be no combustion of gas. Pollutants from onsite combustion sources can therefore be scoped out of the assessment. The Air Quality Assessment has used predicted traffic data to calculate the impact of workers accessing the building on local air quality. As the application includes limited on site car parking the impact of worker's vehicles accessing the building has been assessed by averaging their vehicle movements across existing town centre car parks. This has shown that during the operational phase of the building any increase in vehicle movements will have very little impact on local air quality.
108. The Council's Environmental Health Officer would agree with this conclusion and the Air Quality Assessment's overall conclusion that it is not anticipated that any significant adverse impacts on local air quality will occur during the operation phase of the development. The assessment of the construction phase of the development has shown that without suitable mitigation there is a medium risk of dust soiling to nearby receptors as the site is developed.
109. Suitable mitigation measures are outlined in Appendix C of the report and these measures will need to be incorporated into any Construction Management Plan. The assessment has demonstrated that the impact of the development on local air quality will be minimal and no conditions relating to air quality mitigation are required to be attached to any approval. The development would accord with policy DC3 of the Local Plan

n) Ecology Matters

110. An ecological impact assessment (EclA) has been submitted in support of the planning application which considered the impacts during and post-construction. The report is considered to be a sound assessment of the development impacts to ecology. The assessment identifies a potential risk to roosting bats in the buildings south of the development site. The risks identified are predominantly through the use of artificial

lighting and noise during construction and operation of the development. As such, the following mitigation is outlined within the assessment, and which will be secured through planning conditions:

- a) Construction Phase - Construction in a 10 m zone around the building with PRFs will exclude any significantly disturbing activities (e.g. piling). The access road will be built outside of the summer roosting period to minimise disturbance to any maternity roosts that may be present. Minimal noise and lighting will be used during construction and will all be directed away from the buildings. The above works within 10 m of the buildings will take place under a Precautionary Method of Working (PMW) for roosting bats.
- b) Operational Phase - No lighting facing the building, and no lampposts within 10 m of the identified potential roosting features. Any lighting will face away from the building and have measures to prevent back spill of lighting. No permanently noisy or otherwise disturbing features within 10 m of the buildings such as generators and other items of plant emitting noise or vibration.

111. The assessment also highlights some biodiversity measures which are considered to be acceptable, namely,

- a) The landscaped garden will include native grass species and native tree species of local provenance to enhance the ecological value of habitats on the Application Site.
- b) Inclusion of features for sheltering invertebrates, such as log piles, rock piles, or 'insect hotels' in areas of the Application Site that are subject to the least amount of human disturbance.

112. The species proposed within the Soft Landscape Proposal drawings are acceptable, with a mix of native and nonnative species. There are no invasive non-native species (INNS) proposed within the plan.

113. A mandatory Biodiversity Net Gain (BNG) assessment has been conducted in line with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory metric has been submitted, alongside a Biodiversity Net Gain Assessment report. The BNG assessment outlines an uplift of 0.49 habitat units (88.84%) and 0.27 hedgerow units (0% due to lack of existing hedgerows on the baselines assessment). The trading rules are satisfied, and no additional units would be required to meet the minimum 10% uplift. As such, the BNG Assessment is accepted as correct. The following documents will be required at post-determination stage, which would be secured by planning conditions:

- a) A Biodiversity Net Gain Plan (BNGP)
- b) A detailed Habitat Management and Monitoring Plan (HMMP)

114. As Invasive Non Native Species are present onsite in the form of wall cotoneaster horizontalis (Schedule 9: The Wildlife and Countryside Act 1981 (Variation of Schedule

9) (England and Wales) Order 2010) and butterfly bush *Buddleia davidii*, a biosecurity plan will need to be submitted. This can be a standalone document, or within the Construction Management Plan (CMP). The HMMP should also include the biosecurity protocols for the management and monitoring of the INNS onsite.

115. The proposed development would accord with policies ENV7 and ENV8 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

o) Contaminated Land

116. The application has been supported by a Phase 1 Desk Top Study into possible ground contamination which has looked at historic Ordnance Survey maps of the area as well as photographs from a site walkover. The historic mapping has identified that parts of the development site were formerly terraced housing on Brunswick Street and on what was Bowes Street off Parkgate. More likely sources of contamination could have come from the central part of the site's use as a garage since the late 1950s and the former 'Tannery' (1898-1915) and 'Chemical Works' (1955- 1972) shown as part of Claytons Yard which forms the southern boundary of the site. The site walkover has shown extensive fly tipping of asbestos sheeting has occurred on parts of the site and this will need to be addressed in the remediation strategy. Overall, the Phase 1 adequately outlines the history of the site and likely contaminants.

117. A Phase 2 Site Investigation has also been submitted alongside the application. Since 2022 the design of the development has been altered significantly with the building being moved eastwards in the plot further from the river Skerne to protect it against flooding. This has enabled the creation of large area of public open space to the western edge of the building alongside St Cuthbert's Way. Fortunately, the site investigation had used conservative generic assessment criteria in 2022 of Residential Public Open Space with 1% soil organic matter. This is an assessment standard more stringent than a park, so the assessment is still valid despite the changes in design.

118. The site has been subject of site investigations and ground gas monitoring.

119. The Reports have both been considered by the Council's Environmental Health Officer who has recommended the imposition further planning conditions related to land contamination. The proposal would accord with policy DC1 of the Local Plan in this regard.

p) Flood Risk and Drainage

120. The proposed building partially sits within Flood Zone 2 (medium risk of flooding) whilst the red line boundary of the site lies encompasses a small area of Flood Zone 3 (high risk of flooding). However, the majority of the site lies in Flood Zone 1. The planning application has been supported by a Flood Risk Assessment (FRA) and a Drainage Strategy.

121. The building has been positioned as far back within the site to create a landscaped area within the floodplain of the River Skerne. The landscaped area will include

compensatory flood measure such as a low level bund to prevent water passing through it. The bund wraps the compensatory floodplain on three sides being 50mm on the north side; 190mm on the west and 120mm on the south. The bund would be located in south west corner of the site. The FRA concludes that the development will not cause adverse impact on flood risk elsewhere with the compensatory landscaped floodplain replacing the displaced floodwater created by the proposed development. The FRA recommends that the proposed building has a finished floor level above 38,33mAOD and that the construction works do not store plant and materials on the western boundary of the site to avoid impact to and from the 1% annual exceedance probability event (1 in 100-year return period). The FRA shows that the development meets the Sequential Tests set out by the National Planning Policy Framework 2023 and Policy DC2 of the Local Plan and that an Exception Test is not required.

122. The Drainage Strategy advises that the proposed development will incorporate permeable paving, filter drains and a proprietary treatment system to intercept and treat run-off, where required. These SuDS techniques have been shown to deliver the required degree of water treatment for the areas that they will serve. It is proposed that the foul drainage within the site will discharge into the existing combined sewer within the site boundary. The proposed surface and foul water drainage system will be owned and maintained by the Government Property Agency.

123. Both the FRA and Drainage Strategy have been considered by Northumbrian Water, the Environmental Agency and the Lead Local Flood Authority. The consultees have raised no objections to the principle of the development subject to the imposition of requested planning conditions which have been included within the recommendation of this Report. The development would accord with Policy DC2 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

q) Planning Obligations

124. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a. Necessary to make the development acceptable in planning terms.
- b. Directly related to the development; and
- c. Fairly and reasonably related in scale and kind to the development.

125. The agreed Heads of Terms, based on the information submitted within the planning application, proposes the following.

- a. A Travel Plan including a monitoring fee; a personalised Travel Advice fee and a Travel Plan Implementation bond.

THE PUBLIC SECTOR EQUALITY DUTY

126. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the

exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposed development would include up to six accessible spaces, an accessible drop off area and the footways will be constructed to gradient levels with seating areas to ensure that they are accessible for persons with mobility issues. The footways will have tactile paving where appropriate. The access arrangements into the buildings and the internal areas within would be accessible. The proposed development would accord with policy IN2 of the Local Plan

127. Following comments received from MIND regarding use of Tannery Yard for construction vehicles, the local planning authority has not agreed to the Construction Management Plan that has been submitted in support of the planning application. As a result, a planning condition has been recommended to secure the submission of a Plan which will give the applicant the opportunity to consider an alternative route for construction traffic movements

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

128. 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

129. The proposed development comprises a five storey building which will provide office space for the new Treasury Office in the North of England bringing together people across multiple departments and public organizations. The site is within the Parkgate Conservation Area and within proximity of listed buildings. It is considered that the proposed development will have less than substantial harm on these heritage assets but the public benefits that would be derived from redeveloping this currently vacant site outweigh the harm that has been identified and the development can be supported in accordance with National Planning Policy Framework 2023 and local development plan policy.

130. Amendments have been building to the design of the building to ensure that it is more reflective of the local character.

131. The site is within a highly sustainable location with excellent and accessible transport links. There are no highway safety objections to the proposed development and the site is easily accessible to public car parks, bus routes, cycle lanes and Darlington Railway Station.

132. Biodiversity net gain has been achieved through the landscape proposals within the public realm area on the St Cuthberts Way frontage.

133. Appropriate planning conditions have been recommended and overall, it is considered that the proposed development accords with the Darlington Local Plan and the National Planning Policy Framework 2023.

THE CHIEF EXECUTIVE BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 WITHIN SIX MONTHS TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:

- a. A Travel Plan including a monitoring fee; a personalised Travel Advice fee and a Travel Plan Implementation bond.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF DARLINGTON LOCAL PLAN 2016-2036, WITHOUT ANY FURTHER REFERENCE TO THE PLANNING COMMITTEE

GENERAL

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number DAR2-ATK-MB-XX-VS-A-007101 Rev P3 Planning External Visuals Sheet 1 Of 4
 - b) Drawing Number DAR2-ATK-MB-XX-VS-A-007102 Rev P3 Planning External Visuals Sheet 2 Of 4
 - c) Drawing Number DAR2-ATK-MB-XX-VS-A-007103 Rev P3 Planning External Visuals Sheet 3 Of 4
 - d) Drawing Number DAR2-ATK-MB-XX-VS-A-007104 Rev P3 Planning External Visuals Sheet 4 Of 4
 - e) Drawing Number DAR2-ATK-MB-ZZ-DR-A-104051 Rev P3 – Typical Façade Study Bay
 - f) Drawing Number DAR2-ATK-MB-ZZ-DR-A-023052 Rev P03 Contextual Sections
 - g) Drawing Number DAR2-ATK-MB-EE-DR-A-012101 Rev P3 North Elevation
 - h) Drawing Number DAR2-ATK-MB-EE-DR-A-012102 Rev P4 East Elevation
 - i) Drawing Number DAR2-ATK-MB-EE-DR-A-012103 Rev P4 South Elevation
 - j) Drawing Number DAR2-ATK-MB-EE-DR-A-012104 Rev P3 West Elevation
 - k) Drawing Number DAR2-ATK-MB-ZZ-DR-A-013103 Rev P3 Planning Section C
 - l) Drawing Number DAR2-ATK-MB-ZZ-DR-A-013104 Rev P2 Planning Section D

- m) Drawing Number DAR2-ATK-XX-XX-DR-L 100007 Rev P05 Soft Landscaping Proposals
- n) Drawing Number DAR2-ATK-ZZ-ZZ-DR-A-021003 Rev P3 Proposed Site Plan
- o) Drawing Number DAR2-ATK-MB-00-DR-A-011101 Rev P4 Level 00 General Arrangement
- p) Drawing Number DAR2-ATK-MB-01-DR-A-011102 Rev P4 Level 01 General Arrangement
- q) Drawing Number DAR2-ATK-MB-02-DR-A-011103 Rev P4 Level 02 General Arrangement
- r) Drawing Number DAR2-ATK-MB-03-DR-A-011104 Rev P4 Level 03 General Arrangement
- s) Drawing Number DAR2-ATK-MB-04-DR-A-011105 Rev P4 Level 04 General Arrangement
- t) Drawing Number DAR2-ATK-MB-05-DR-A-011106 Rev P4 Roof Plant Level General Arrangement
- u) Drawing Number DAR2-ATK-MB-RS-DR-A-011107 Rev P4 Roof Level General Arrangement
- v) Drawing Number DAR2-ATK-XX-RF-DR-A-811207 Rev P02 Building Services Level
- w) Drawing Number DAR2-ATK-XX-RF-DR-N-811217 Rev P02 Building Services Level
- x) Drawing Number DAR2-ATK-XX-WS-DR-E-641201 Rev P01 External Lighting Strategy Plan
- y) Drawing Number DAR2-ATK-XX-DR-H-100001 Rev P03 Vehicle Turning Movements Access & Egress
- z) Drawing Number DAR2-ATK-XX-DR-H-100002 Rev P03 Vehicle Turning Movements Access & Egress
- aa) Drawing Number DAR2-ATK-XX-XX-DR-H-100004 Rev P02 Site Access Vehicular GA
- bb) Drawing number DAR2-ATK-XX-XX-DR-L-100001 Rev P01 Site Context Plan
- cc) Drawing Number DAR2-ATK-XX-XX-DR-L 1000004 Rev P04 Site General Arrangement
- dd) Drawing Number DAR2-ATK-XX-XX-DR-L 1000005 Rev P04 Landscape General Arrangement
- ee) Drawing Number DAR-ATK-XX-XX-DR-L 1000006 Rev P04 Surfacing Plan
- ff) Drawing Number DAR-ATK-XX-XX-DR-L 1000008 Rev P03 Site Level Design
- gg) Drawing Number DAR-ATK-XX-XX-DR-L 1000014 Rev P02 Site Sections and Elevations
- hh) Drawing Number DAR-ATK-XX-XX-DR-L 1000015 Rev P02 Site Sections and Elevations
- ii) Drawing Number DAR-ATK-XX-XX-DR-L 1000016 Rev P02 Site General Arrangement South
- jj) Drawing Number DAR-ATK-ZZ-ZZ-DR-A 0211001 Rev P2 Location Plan

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

EXTERNAL MATERIALS

3. Notwithstanding any description of the external materials in the submitted application, no building shall be constructed above damp proof course until details of all 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.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

CONSTRUCTION MANAGEMENT PLAN

4. Prior to the commencement of the development, a site-specific Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirements specifically and in writing:
 - a) Details of the dust control measures to be put in place during the construction phase of the development taking account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" August 2023. Appendix C of the Air Quality Assessment by Hydrock submitted with the development contains details of the mitigation measures required to control dust during the construction phase and should be incorporated into the CMP.
 - b) Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites."
 - c) Details of any piling to take place including duration and equipment type to be used. This shall include details of mitigation measures to control dust and vibration. The piling works must then be completed in accordance with the agreed methodology.
 - d) Ecological lighting scheme in accordance with the submitted Ecological Impact Assessment dated January 2024
 - e) Details of any temporary construction access to the site including measures for removal following completion of construction works
 - f) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - g) the parking of contractors' site operatives and visitor's vehicles;
 - h) areas for storage of plant and materials used in constructing the development clear of the highway;
 - i) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 - j) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
 - k) protection of carriageway and footway users at all times during demolition and construction;

- l) protection of contractors working adjacent to the highway;
- m) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- n) an undertaking that there must be no burning of materials on site at any time during construction;
- o) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- p) details of the measures to be taken for the protection of trees;
- q) details of external lighting equipment; 18. details of ditches to be piped during the construction phases;
- r) a detailed method statement and programme for the building works; and
- s) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON – In the interests of the amenity of the surrounding area and highway safety

BIODIVERSITY NET GAIN

- 5. Prior to the commencement of the development, a Biodiversity Net Gain Plan and Habitat Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved Plans.

REASON – In the interest of securing biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)

- 6. Prior to the commencement of the development, a Biosecurity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan can be submitted as a standalone document or as part of a Construction Management Plan and the development shall not be carried out otherwise than in complete accordance with the approved Plans.

REASON – In order to manage existing Invasive Non Native Species present onsite.

ARCHAEOLOGY

- 7. No development shall commence until a Written Scheme of Investigation setting out a phased programme of archaeological work in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON: To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework (NPPF) and Policy ENV1 of the Darlington Local Plan

8. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON: To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework (NPPF)) and Policy ENV1 of the Darlington Local Plan

LANDSCAPING

9. The approved landscaping scheme shown on Drawing Number DAR2-ATK-XX-XX-DR-L 100007 Rev P05 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.

Any changes to the landscaping scheme which impact upon Biodiversity Net Gain values on the site, shall result in an update of the submitted Biodiversity Net Gain metric and be submitted to and approved by the Local Planning Authority

REASON - In the interests of the visual amenities of the area and in the interests of biodiversity net gain

FLOOD RISK AND DRAINAGE

10. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the agreed 30 litres/second total. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in the Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for

that document).The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and policy DC2 of the Darlington Local Plan 2016 – 2036

11. The development hereby approved shall not be implemented otherwise than in complete accordance with the drainage scheme contained within the submitted document entitled “Drainage Strategy P03” dated “March 2024”. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 2608 and ensure that surface water discharges to the surface water sewer at manhole 2602 which discharges ultimately to a nearby watercourse. The surface water discharge rate shall not exceed the available capacity of 3.5l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023 and policy DC2 of the Darlington Local Plan 2016 - 2036

12. The development shall be carried out in accordance with the submitted Flood Risk Assessment dated 15 March 2024 and produced by Atkins Realis and the following mitigation measures it details:

- a) Finished floor levels shall be set at 39.32 metres above Ordnance Datum (AOD) as per section 5.5.25 page 35.
- b) Compensatory storage shall be provided to offset the volume of water displaced by the scheme occupying the design flood event with an allowance for climate change (as per section 5.5.17 page 33 highlighting a compensatory storage volume of 16m³); and
- c) The proposed bund will be installed to the dimensions in section 5.5.19 page 34, as to not increase off-site flood risk, and will be maintained for the lifetime of the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme’s timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON –To reduce the risk of flooding to the proposed development and future occupants. And to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

LAND CONTAMINATION

13. 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. 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.

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.

14. 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.

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.

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled 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.

HIGHWAYS AND SUSTAINABLE TRANSPORT

16. The following schemes of off-site highway mitigation measures must be completed prior to the first occupation of the development unless agreed otherwise in writing with the Local Planning Authority:
- a) Footway and cycleway infrastructure works on Brunswick Street & St Cuthberts Way prior to: Occupation of the site.
 - b) Footways and pedestrian dropped crossing provision at Tannery Yard prior to: Occupation of the site.
 - c) Upgraded signalised crossing facility on Parkgate. prior to: Occupation of the site.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON - To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

17. Prior to the first occupation of the development, the access, parking, manoeuvring, and turning areas for all users shall be constructed in accordance with details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON - To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

18. Notwithstanding the details shown on the approved plans, all Hostile Vehicle Mitigation (HVM) measures (bollards or other barriers) shall not be located within public highway.

REASON – In the interests of highway and pedestrian safety

19. Notwithstanding the details shown on the approved plans, the drop-down bollards which control access to the site via Brunswick Street shall be set back further into the site to ensure that a car can pull clear of the public highway, to avoid obstruction of the footway. The general requirement for this is 6.0m.

REASON – In the interests of highway and pedestrian safety

20. No building shall be constructed above damp proof course until precise details of cycle parking provision has been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

REASON: To comply with policy IN4 of the Local Plan and the guidance in LTN 1/20 on Cycle Infrastructure Design.

21. Notwithstanding the requirements for a Stage 1 & 2 Road Safety Audit at submission of detailed design, further independent Stage 3 & 4 Road Safety Audits must be carried out in accordance with DMRB GG119 - Road Safety Audits or any superseding regulations. Audits shall cover all off-site highway works on Parkgate, Brunswick Street, St Cuthberts Way, and Tannery Yard. The design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within a timescale to be agreed in writing with the Local Planning Authority.

REASON - To ensure that the design is appropriate in the interests of the access, safety, and convenience of highway users.

22. The electric charging spaces shown on the approved plans shall be designed to be fully accessible and be in situ prior to the first occupation of the development. The spaces shall be made permanently available for the lifetime of the development.

REASON – To ensure that the development accords with policy IN4 of the Darlington Local Plan 2016 – 2036

23. No building shall be constructed above damp proof course until details of the accessible car parking bays has been submitted to and approved in writing to the Local Planning Authority in consultation with the Local Highway Authority. The development shall not be occupied until the accessible parking bays has been implemented and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the lifetime of the development.

REASON: To ensure that sufficient parking for disabled people is provided.

24. Notwithstanding the Full Travel Plan dated January 2024 (Rev 1) submitted in support of the planning application and prior to first occupation of the development, a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The Travel Plan shall be added to the Modeshift Stars Community / Modeshift Stars Business/Residential site, and the Travel Plan shall be continued in accordance with the details contained therein, including attaining Good standard within 12 months of the occupation of the development and the submission and approval of annual reviews until five years post completion of the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling and comply with policy IN3 of the adopted Darlington Local Plan

25. Tannery Yard shall not be used as a primary vehicular access, and shall be used for no vehicular access purposes other than for maintenance and Fire and Emergency purposes unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interest of the amenity of the area.

AMENITY

26. No fixed external mechanical plant, equipment or machinery shall be installed on site until an assessment has been carried out and submitted to the Local Planning Authority to show that the rating level (LAr,Tr) of any external plant, equipment or machinery associated with the development (whether operating individually or simultaneously) shall be less than -5dB below the existing daytime and night-time background sound level (LA90,T) at noise sensitive receptors. The assessment must be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) and be in accordance with BS4142: – ‘Method for rating and assessing industrial and commercial sound’. The noise sensitive receptors and background sound levels to be used in the BS4142 assessment shall be agreed in advance with the Local Planning Authority. Any mitigation measures shown to be necessary following the assessment shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

REASON – In the interests of safeguarding the general amenity of the surrounding area.

27. No construction activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 09.00-13.00 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 safeguarding the general amenity of the surrounding area.

28. If piled foundations are proposed, prior to commencement of development, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON - In the interests of amenity

ECOLOGY

29. The development shall not be carried out otherwise than in complete accordance with the submitted document entitled “ Darlington Economic Campus – Brunswick Street. Ecological Impact Assessment” dated January 2024 produced by Atkins Realis unless otherwise agreed in writing by the Local Planning Authority

REASON – In the interests of biodiversity and the visual appearance of the development.

HERITAGE

30. Prior to the first occupation of the development, precise details of historic interpretation boards to be located within the public realm areas shall be submitted to and approved in writing by the Local Planning Authority.

REASON – To secure a means of revealing the significance of the Parkgate Conservation Area and the historic contribution of the application site within the Area.

BREAAM STANDARDS

31. The development hereby approved shall meet a minimum of BREAAAM “Very Good” standard.

REASON: To ensure that the development complies with Policy DC1 of the Local Plan 2016 - 2036

CLIMATE CHANGE

32. Prior to the commencement of development, precise details of energy efficiency measures and low carbon technologies for the relevant development cell shall be submitted to and approved in writing by the Local Planning Authority. The development of the relevant development cell shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to comply with Policy DC1 of the Darlington Local Plan

GENERAL DESIGN

33. Notwithstanding the details shown on the approved plans and submitted with the planning application, precises details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development:

- a) Details of perimeter fencing
- b) Details of retaining/boundary walls and gates
- c) Details of seating and benches
- d) Details of railings
- e) Details of cycle store building
- f) Details of Generator and Tank Enclosure
- g) Details of Bin Store
- h) Static and retractable bollards
- i) Details of Sprinkler Pump Enclosure and Sprinkler Tanks
- j) Details of Dog Spend

REASON:- In the interests of the visual appearance of the development and surrounding area

BROADBAND CONNECTIVITY

34. Prior to the any commencement of development above damp proof course level, a statement shall be submitted to and approved in writing by the Local Planning Authority detailing the measures necessary for providing broadband connectivity, including ducts, to the building hereby approved. The approved infrastructure shall be laid out in accordance with the details as approved at the same time as other services during the construction process and be available for use on the first occupation of each building and thereafter be so maintained for the lifetime of the development.

REASON - To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

TREES

35. Prior to the commencement of the development, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

REASON – In the interests of the visual appearance of the development and to protect retained trees within/or outside the application site.

INFORMATIVES

Highways

Applicants are reminded that in addition to securing planning permission other permissions may be required from Darlington Borough Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and Darlington Borough Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.

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.

The applicant is advised that further discussions will need to take place in relation to the proposal to implement a loading bay (southern side Brunswick Street) . Contact must be made with the Assistant Director; Highways, Design and Projects (Delegated contact Mr Chris Easby 01325 406707) to discuss this matter.

Northumbrian Water

Northumbrian Water advise that public sewers cross the site and could be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus. Northumbrian Water will work with the developer to establish the exact location of our assets if any are identified, and ensure that any necessary diversion, relocation or protection measures required prior to the commencement of the development. This is an informative only and does not materially affect the consideration of the planning application. Further information is available at <https://www.nwl.co.uk/services/developers/>

Environment Agency

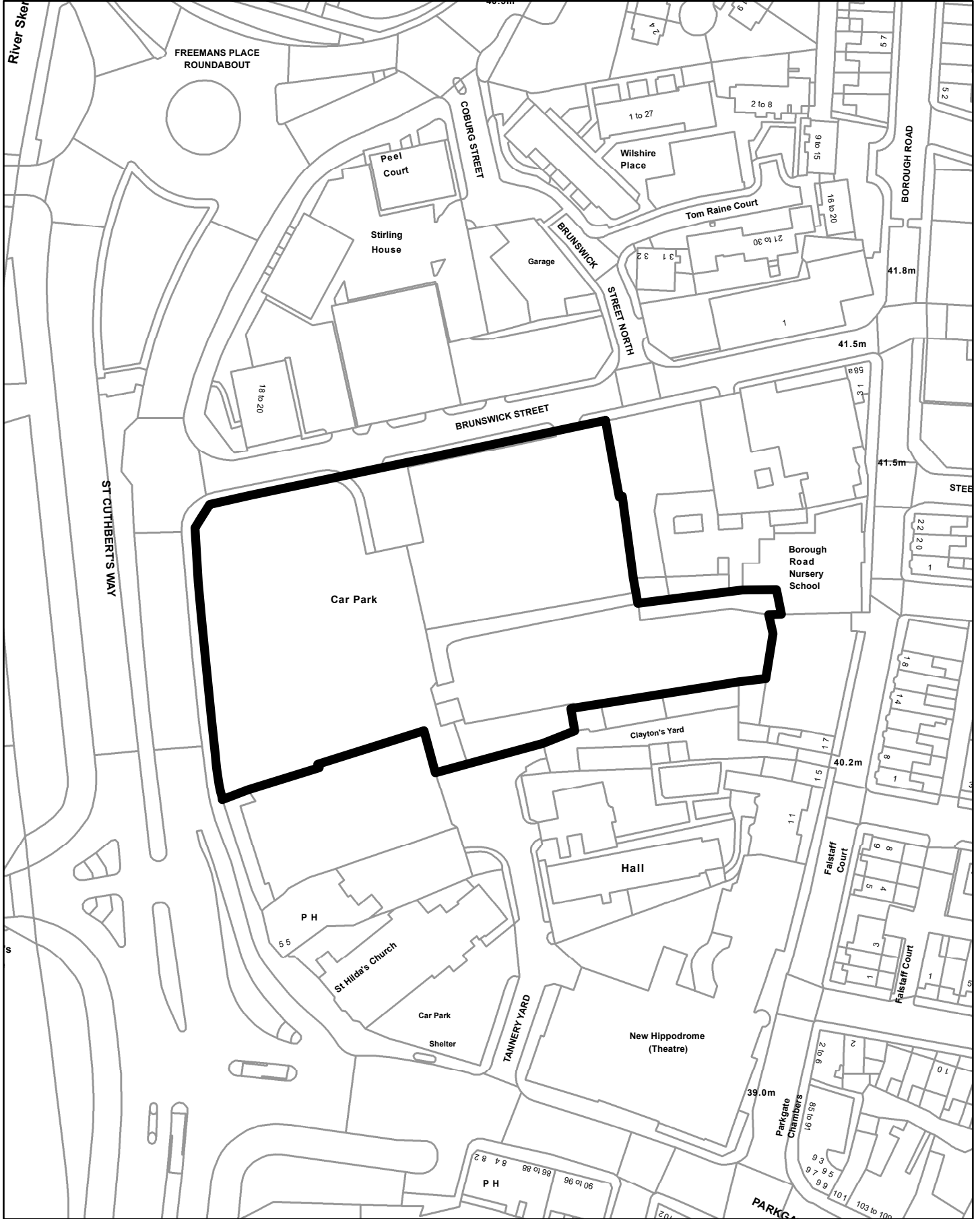
The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. Further advice is available at:

- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>.
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- a) on or within 8 metres of a main river (16 metres if tidal)
- b) on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- c) on or within 16 metres of a sea defence
- d) involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- e) in the floodplain of a main river if the activity could affect flood flow

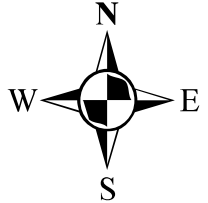
For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advise the applicant to consult with them at the earliest opportunity.



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Planning Ref No: 24/00294/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th August 2024

| | |
|---------------------------------|---|
| APPLICATION REF. NO: | 23/00681/DC |
| STATUTORY DECISION DATE: | 9 th August 2024 |
| WARD/PARISH: | Park East |
| LOCATION: | Public Realm, Coniscliffe Road |
| DESCRIPTION: | Public realm improvement works including widening of footways and alignment of the carriageway to accommodate street cafes, installation of trees, planters, bollards, seating, a green space (amended plans and reports received 28 May 2024, 21 June 2024 and 15 July 2024) |
| APPLICANT: | Darlington Borough Council |

RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING REGULATIONS 1992 AND 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=summary&keyVal=RXO85HFP0C800>

APPLICATION AND SITE DESCRIPTION

1. The planning application site is a section of Coniscliffe Road, between the junctions with Skinnergate/Blackwellgate/Grange Road (east) and West Street/Larchfield Street (west). This section of Coniscliffe Road comprises a mix of offices, bars, restaurants, the Darlington County Court building, commercial units and residential development (Westpoint and Hogarth Court).
2. Most recently, as a result of the Covid-19 Pandemic, Darlington Borough Council actively promoted the development of outdoor hospitality settings in the town centre. Although temporary, the outdoor seating areas and road closures which developed are

on Coniscliffe Road have proved both popular and successful with local businesses and the public alike. A grassroots café culture has arisen, and the Council is looking to build on this to boost to town centre vitality through improvements to the road network and public realm along Coniscliffe Road.

3. The planning application has been submitted under Regulation 3 of Town and Country Planning Regulations 1992 for the following works within this section of Coniscliffe Road:
 - a) A pocket park on the northern side of the street with trees and seating and birds mouth fencing.
 - b) The widening of the existing pavements on the northern and southern side of the street to facilitate outdoor cafe areas.
 - c) The realignment of the carriageway.
 - d) The installation of street trees and planters.
 - e) The installation of bollards and new road signage
 - f) The installation of cycle parking stands

4. This section of Coniscliffe Road is within the Town Centre Conservation Area and the following properties which bound the road are Grade II listed buildings:
 - a) 1 Skinnergate
 - b) 21 Coniscliffe Road
 - c) 38 And 40 Coniscliffe Road
 - d) 26 Coniscliffe Road
 - e) 41 – 45 Coniscliffe Road

Statement of Community Involvement

5. The development proposals were the subject of an extensive consultation process prior to the submission of the formal planning application in accordance with the Council's adopted guidance on such matters. The process was carried out by Groundwork NE & Cumbria on behalf of the Council. Amendments were made to the proposal as a result of the consultation exercise such as relocating the pocket park to the northern side of the street, the inclusion of designated loading bays and the inclusion of bollards in appropriate locations.

MAIN PLANNING ISSUES

6. The main planning issues to be considered here are whether the development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on Heritage Assets and General Street Scene
 - c) Highway Safety and Parking Provision
 - d) Designing out Crime
 - e) Amenity
 - f) Trees and landscaping

- g) Ecology
- h) Archaeology Matters
- i) Flood Risk and Drainage

PLANNING POLICIES

7. The following local development plan policies are relevant along with the National Planning Policy Framework 2023:

Darlington Local Plan 2016 - 2036

SD1: Presumption in Favour of Sustainable Development

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

TC1: Darlington Town Centre

TC2: Primary Shopping Area

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

Other relevant documents

Darlington Town Centre Conservation Area Character Appraisal

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Environmental Health Officer: Climate Change Officer, Transport Policy Officer and Highways Engineer have raised no objections to the principle of the development.
9. Darlington Association on Disability have raised no objections to the proposed development following the submission of amended plans.
10. Northern Gas Networks have raised no objections to the proposed development.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Following the Council's notification and publicity exercises on the original application, **four letters of support** and **eight letters of objection** were received. The objections can be summarised as follows:
- *Closing the road will damage businesses in surrounding areas.*
 - *The plan will double traffic volume in other directions.*
 - *The scheme will result in the loss of blue badge parking spaces.*
 - *The development will lead to an increase in emissions elsewhere.*

- *Access will be denied for older and disabled people.*
 - *Closing the road would restrict access to the mobility ramp at the front of Coniscliffe House*
 - *The vehicle loop from Grange Road/Coniscliffe Road to West Street is a vital connection for customers.*
 - *The closing of the road will create problems for deliveries, loading and unloading.*
 - *The existing road system works well.*
12. Amended plans were submitted (June 2024) in response to the initial consultation exercise. The scheme was amended to remove the proposed one way system for vehicular traffic in an eastward direction; to remove the proposed pedestrian/cycle zone and to confirm that Coniscliffe Road was no longer being closed off between 10:00am and midnight as originally proposed. Proposals to realign the Grange Road, Blackwellgate, Skinnergate junction have been omitted resulting in a reduced application site boundary and material specifications have been adjusted to facilitate a reduced budget.
13. Following the notification exercise on the amended scheme, three of the previous eight objectors withdrew their comments. Two of the objectors submitted further comments, which can be summarised as follows:
- *The work will cause a lot of disruption impacting on businesses.*
 - *The opportunities for real town centre regeneration are being wasted.*
 - *The Council will fail to maintain the planted and grassed areas.*
 - *All parking is removed making deliveries difficult.*
 - *Disabled people and access to this area will be affected.*
 - *Short stay parking will be affected.*
 - *Footfall will continue to drop.*
 - *The scheme has no blue badge parking.*
14. A comment was received requesting consideration for allowing residents of Westpoint to be able to make a right turn onto Northumberland Street towards West Street when leaving their homes.
15. An objection was received on behalf of HM Courts and Tribunal Services listing concerns over the impact of the proposals on deliveries, collections and access to the County Court building; noise and continued contractor access to the building, when needed.
16. Following the submission of amended plans (July 2024) which make adjustments to the scheme to provide reasonable provision for Blue Badge Holders to lawfully park within this section of Coniscliffe Road, one further objection was received from a previous contributor which can be summarised as follows:
- *The changes mean the ability to park using a Blue Badge has been maintained and the road will remain open to traffic which is welcomed.*

- *The scheme will still impact on some disabled people as blue badge parking elsewhere is too far in distance and up and down hill on narrow pavements.*
- *Street furniture and park lets will alter the ability for blind people and others to get around.*
- *There is not a lack of green spaces in this area and the Council does not maintain existing green spaces adequately.*
- *Poor maintenance of pavers and cambers will lead to problems for people with mobility issues.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

- 17.** 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 (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15)
- 18.** The application site is located within the Town Centre Boundary as identified on the Policies Map of the Local Plan. The proposed works would support the vitality and viability of the town centre which is one of the main objectives of the Local Plan.

b) Impact on Heritage Assets and General Street Scene

- 19.** Coniscliffe Road is one of the main streets leading in and out of the town centre from the west. The street is dominated by the Imperial Centre building and Bar One building (No 1 Skinnergate) located on the eastern corners of Coniscliffe Road with Grange Road and Skinnergate respectively. The south side of the street is characterised by terraced town houses whilst the north side contains buildings of contrasting buildings and materials.
- 20.** As stated on paragraph 12, amended plans were received in June 2024 which reduce the extent of the planning application site (now 0.17 hectares) and to amend the material finish. The pavements would be constructed from pre-cast concrete slabs offset on either edge with tegula concrete setts to match existing pavements.
- 21.** The pocket park has been sited on the northern side of the street following comments made from the local community prior to the submission of the planning application and due to that side of the street receiving and retaining longer periods of sunlight during daytime hours.
- 22.** Outdoor dining has become a characteristic of this part of Coniscliffe Road. The proposed widening of the pavements have been proposed to enable the continuation of this activity to increase footfall to this section of Coniscliffe Road.
- 23.** The carriageway would be narrowed due to the widening of sections of the pavement. By widening the pavement gradually from the loading bay at the east end of the street, the appearance of a sweeping path is achieved which creates more fluidity and

movement to the street scene in views west. In turn the widening of the pavement on the south side creates a one way chicane type road layout which should deter speeding along this stretch of Coniscliffe Road.

24. The decrease in the extent of the planning application site would decrease the number of highway signage within the area.
 25. As stated at paragraph 4, the application site is within the Town Centre Conservation Area and there are listed buildings along this section of Coniscliffe Road. The planning application has been supported by a detailed Heritage Impact Assessment which considers the impact of the proposed development on the individual listed buildings, the Town Centre Conservation Area and any appropriate non-designed heritage assets.
 26. The Assessment concludes that there would be positive and beneficial impacts on the heritage assets and no harm would be caused. The proposed works would both preserve and enhance the historic and architectural interests of the listed buildings and the Town Centre Conservation Area.
 27. It is recognised that the proposal has been designed to be sympathetic with the local historic context of the street with street furniture and crime prevention measures being appropriately designed. The introduction of the pocket park would add welcomed greenery to the street. Officers would agree that the proposed development would sustain the significance of the heritage assets and the development would accord with policy ENV1 of the Local Plan and the National Planning Policy Framework 2023.
 28. In such circumstances, there is no requirement to balance the impact of the development against public benefits, but the proposed development would:
 - a) Enhance townscape.
 - b) Provide a mixed and vibrant public space.
 - c) Support the wider vision for of the Towns Fund to provide 'targeted capital investment [to] ensure Darlington has a strong economic and sustainable future which builds on its sense of place and offers opportunities for all'.
 - d) Act as a catalyst for economic growth and town centre recovery.
 - e) Encourage and retain footfall in the town centre.
 - f) Include better provision for pedestrians.
 - g) Support existing businesses and opportunities for pavement cafes and bars to encourage 'cafe culture'.
 - h) Provide signage improvements.
 29. The proposed development would also comply with policy DC1 of the Local Plan in this regard.
- c) Highway Safety and Parking Provision**
30. The objective of the scheme is to deliver an improved pedestrian and cycling environment with an enhanced environment for people using and visiting the

Coniscliffe Road and the immediate vicinity. The scheme forms part of the wider town centre strategy with the works on Duke Street having been recently completed.

31. The previously proposed restricted access via automated bollards has been removed from the scheme. Now unrestricted access is to be provided along Coniscliffe Road via Blackwellgate/Grange Road, whilst Larchfield Street/West Street junction will be a No Entry owing to the permanent arrangement as a one-way street. Loading is to be done from dedicated loading bay areas. Anti hostile vehicle mitigation measures are also included as part of the works and have been included as an integral part of the design, using less visually intrusive measures such as large planters and seating where practicable.
32. It is vital that the primary function of the highway must be retained, albeit with a change in emphasis to provide a safer, more attractive, and convenient route for pedestrians and cyclists. Although the scheme offers enabling infrastructure for potential pavement cafes, businesses will require separate approval via licencing which is a separate process for Planning Approval. Street furniture and other structures permanent or otherwise, will not be permitted where areas must be kept clear for visibility at junctions and pedestrian crossing points etc.
33. The Construction Management Plan submitted in support of the planning application is considered to be acceptable in highway safety terms.
34. The Council's Highways Engineer has raised no highway objections to the proposed development.
35. With regard to comment made by a resident of the Westpoint development on the corner of Coniscliffe Road and Grange Road, the Design Team have advised that such an arrangement could potentially create motor vehicle conflict, block the junction or impact on vehicle flows on the Ring Road.
36. Matters raised on behalf of HM Courts and Tribunal Services with regard to whether the proposed "loading bay" opposite the building can be used by the Court for deliveries and collections and whether a "drop off" zone could be created outside the court entrance during court hours have been considered by the Council's Capital Projects Team. These are issues which would be covered in detail as part of the legal proceedings for Traffic Regulation Orders should a successful planning outcome be achieved, however, the Team have been in direct dialogue with the Courts and their representatives to discuss the matters further.
37. The provision of on street bicycle storage has been included to encourage active, sustainable travel to and from the town centre. Their positioning has been agreed in conjunction with Darlington Association on Disability and the Council's Transport Policy Team.

38. The bus routes for Services 12 and X75/76 via Victoria Road have been permanently rerouted to avoid this section of Coniscliffe Road and the bus stop will be removed.
39. Overall, the proposed scheme would accord with policies DC1, IN1, IN2 and IN4 of the Local Plan in this regard.

d) Designing out Crime

40. The planning application has been supported by a detailed Hostile Vehicle Mitigation Assessment. Bollards to prohibit informal drop off and stationary vehicles are provided at the junction with West Street and in all other appropriate locations. The highways will be restricted to a 20mph speed limit and a one way system, which together with a chicane type layout to the east end of the road, aim to prevent vehicles increasing speed along Coniscliffe Road. These measures all endeavour to make the street safer for all. In addition, the proposals seek to create a safe space which benefits from natural surveillance through the avoidance of tall trees that can create dark areas, and blind spots for pedestrians and CCTV. The proposal would accord with Policy DC1 of the Local Plan in this regard.

e) Amenity

41. The work will provide some disruption to business operations and has purposely been planned to take place over the winter months to minimise disruption to anticipated trade on Coniscliffe Road. The intention is to keep Coniscliffe Road open for much of the proposed works with closures necessary in the new year to complete road surfacing and speed table installations. A Construction Management Plan has been submitted which is considered to be acceptable by the Council's Environmental Health Officer. A planning condition has been imposed to ensure the development is carried out in accordance with the Plan.
42. Outdoor dining/drinking has become a feature of this part of Coniscliffe Road since the Covid-19 pandemic and has led to the area becoming a destination for its café culture. The proposals support these businesses and the wider Town Centre, contributing to the vitality and viability of both. The siting of the individual outdoor seating areas would be a matter for the Council as Licensing Authority when businesses apply for café pavement licenses.
43. It is considered that the proposed development is acceptable in amenity terms and would accord would policies DC3 and DC4 of the Local Plan in this regard.

f) Trees and landscaping

44. Other than trees that are located within St Augustine's Parish Centre located to the west and outside the application site, there is no significant soft landscaping along this section of Coniscliffe Road. Tree planting would occur within the proposed pocket park on the northern side of the street along with steel and circular planters along the edge of the extended paving. The trees will provide some much needed visual relief and greenspace within this important corridor in and out of the town centre. The creation of a greener street will result in cleaner air, storm water retention, shading in summer

months and biodiversity. Whilst not a planning consideration, the landscaping proposals have been designed so that future maintenance is not onerous and will require a less frequent regime and schedule. The proposal would accord with policies DC1, ENV3 and ENV4 of the Local Plan in this regard.

g) Ecology

45. A net gain in biodiversity would be achieved through the inclusion of a pocket park and the planters. The proposal would accord with policies ENV7 and ENV8 of the Local Plan in this regard.

h) Archaeology Matters

46. There are no archaeological considerations or objections to the proposed scheme and therefore the proposal would accord with policy ENV1 of the Local Plan in this regard.

i) Flood Risk and Drainage

47. The application site is within Flood Zone 1 with a low flood risk. Drainage details have been submitted in support of the application and the scheme would accord with policy DC2 of the Local Plan in this regard.

THE PUBLIC SECTOR EQUALITY DUTY

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

49. During the course of the determination of the planning application, concern was raised over this section of Coniscliffe Road being closed to traffic between 10am and midnight and therefore impacting access to premises on the street for people with mobility issues. In response to the concerns, vehicular prohibition has been removed from the proposal to allow access to continue as the existing situation albeit from east to west along the street.

50. The location of cycle stands, seating areas, bollards and pavement crossing locations and designs have been agreed in conjunction with Darlington Association on Disability, who were consulted on the planning application and no longer have any objections to the planning application following the submission of amended plans.

51. The existing arrangement on Coniscliffe Road does not benefit from any designated Blue Badge parking however it is lawful for blue badge holders to park on existing double yellow lines for up to three hours if it is safe to do so. The following amendments have been made to the proposals after comments on this matter were received:

- a) Carriageway widened to 4.8m between Larchfield Street junction and the Presbytery entrance adjacent 30 Coniscliffe Road. This enlarged width provides

enough space for parked vehicles and passing HGVs to ensure the safe operation of the street.

- b) 18m of double yellow lines opposite the proposed pocket park. These are intended to provide lawful 3-hour parking provision for up to 3 blue badge holders.
- c) Adjustment of the pedestrian crossing location through the pocket park to ensure that it is not obstructed by blue badge holders.

52. Furthermore, walkways are widened, furniture is set back from thoroughfares and the material palette provides visual distinction between carriageway and footway space.

53. The planning application has been supported by an Equality Impact Assessment which has been amended and updated following receipt of comments through the notification process. Having considered the Assessment and the amendments that have been made during the determination of the planning application, measures have taken place to provide reasonable provision for Blue Badge holders to lawfully park within the extent of the planning application site. The proposed development would comply with policy IN2 of the Local Plan in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

54. 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. This is covered in paragraph 40 of this report.

CONCLUSION AND RECOMMENDATION

55. The planning application to alter this section of Coniscliffe Road is driven by a need to support the local economy, addressing business needs whilst creating a more comprehensive pedestrian and cyclist environment without impacting on the primary use of the highway. The proposal makes a contribution to health and well-being outcomes, supports economic regeneration, and plays a role in reducing CO2 emissions through the introduction of green space. The scheme will encourage people to adopt healthier lifestyle choices and provide an attractive, accessible, and safe environment along Coniscliffe Road that supports relaxation and physical travel choices.

56. The proposed works would sustain and preserve the significance of heritage assets in accordance with the National Planning Policy Framework 2023 and local development plan policy. There are no highway objections, and a suitable Construction Management Plan has been submitted which can be secured via a planning condition.

57. Amendments have been made to the scheme in response to concerns that were raised about accessibility and blue badge parking.

58. Overall, it is considered the planning application complies with the local development plan and the National Planning Policy Framework 2023

GRANT PERMISSION PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING REGULATIONS 1992, SUBJECT TO THE FOLLOWING PLANING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 100-01 P02 - General Arrangement
 - b) Drawing Number 100-09 P02 – Residual Risk
 - c) Drawing Number 100-12 P02 – Consultation Plan
 - d) Drawing Number 1100-01 P02 – Kerb Reference Sheet
 - e) Drawing Number 1200-02 P02- Proposed Signage and Road Markings
 - f) Drawing Number 1300-01 P02 – Proposed Street Lighting Layout
 - g) Drawing Number 200-01 P02 – Site Clearance
 - h) Drawing Number 500-01 P01 – Proposed Drainage Layout
 - i) Drawing Number 700-04 P01 – Pavement Texture and Aggregate Properties
 - j) Drawing Number TV377 CON 03D – Landscape Layout
 - k) Drawing Number 1100 -02 P01 Typical Kerb Details
 - l) Drawing Number 700-01 P01 Road Pavement Construction Layout
 - m) Drawing Number 700-02 P01 Typical Highway Cross Section
 - n) Drawing Number 100-02 Site Extents
 - o) Drawing Number 100-03 Accommodation Works
 - p) Drawing Number 100-04 Site Restrictions
 - q) Drawing Number 100-05 Adopted Highway
 - r) Drawing Number 100-06 Land Ownership
 - s) Drawing Number 100-08 Diversion Plan
 - t) Drawing Number 100-10 Traffic Management North
 - u) Drawing Number 100-11 Traffic Management South
 - v) Drawing Number 100-13 Core Hole Locations
 - w) Drawing Number 100-14 Setting Out Layout
 - x) Drawing Number 100-15 Topographic Survey
 - y) Drawing Number 1100-03 Typical Kerb Details
 - z) Drawing Number 1100-04 Typical Raised Table Details
 - aa) Drawing Number 1200-03.1 Sign Schedule
 - bb) Drawing Number 1200-03.2 Sign Schedule
 - cc) Drawing Number 1200-03.3 Sign Schedule
 - dd) Drawing Number 1200-03.4 Sign Schedule
 - ee) Drawing Number 1200-03.5 Sign Schedule
 - ff) Drawing Number 1200-03.6 Sign Schedule
 - gg) Drawing Number 1200-03.7 Sign Schedule
 - hh) Drawing Number 1200-03.8 Sign Schedule

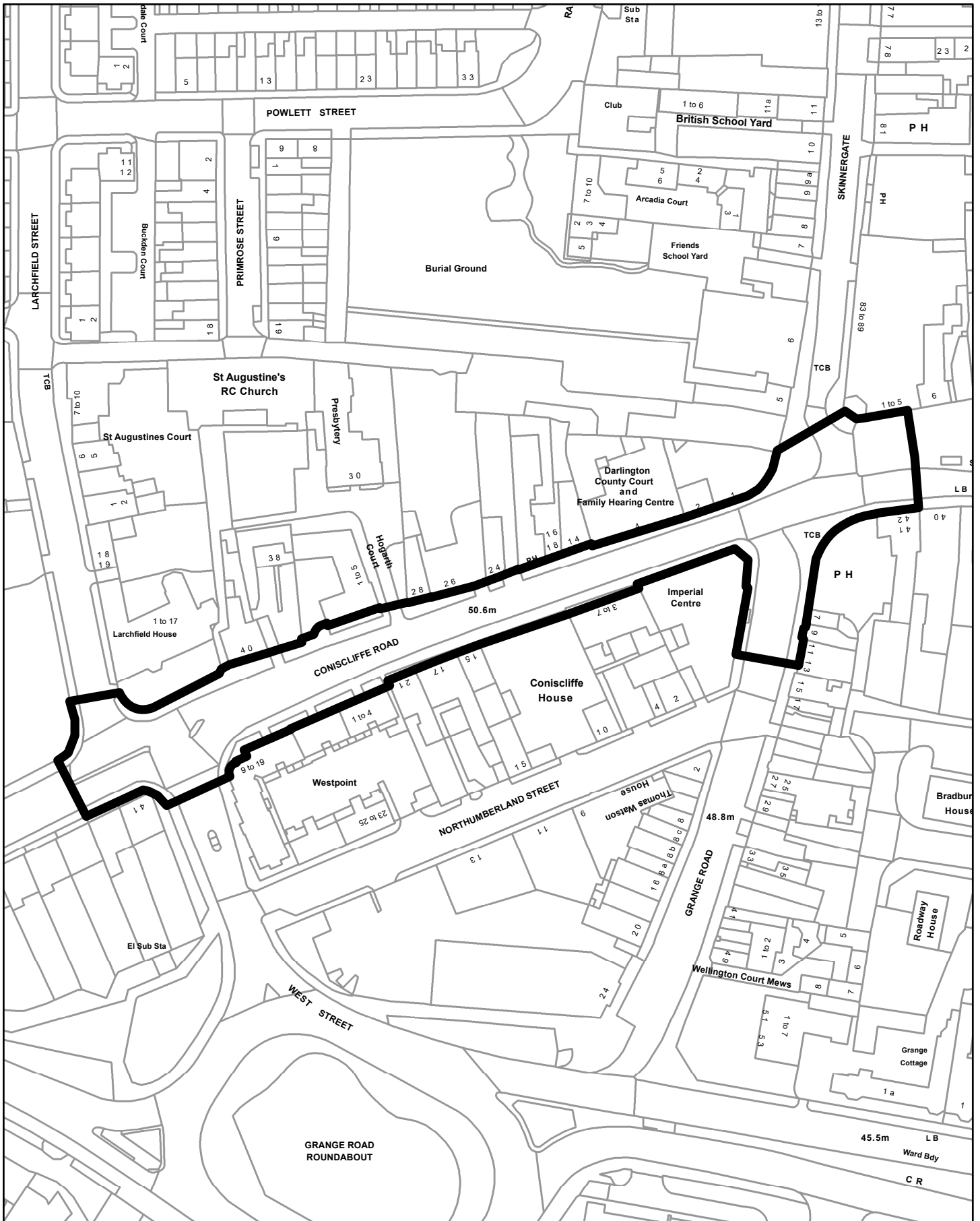
- ii) Drawing Number 1200-03.9 Sign Schedule
- jj) Drawing Number 1200-03.10 Sign Schedule
- kk) Drawing Number 1200-03.11 Sign Schedule
- ll) Drawing Number 1200-03.12 Sign Schedule
- mm) Drawing Number 1200-03.13 Sign Schedule
- nn) Drawing Number 1200-03.14 Sign Schedule
- oo) Drawing Number 1200-03.15 Sign Schedule
- pp) Drawing Number 1200-03.16 Sign Schedule
- qq) Drawing Number 1200-03.17 Sign Schedule
- rr) Drawing Number 1200-03.18 Sign Schedule
- ss) Drawing Number 1200-03.19 Sign Schedule
- tt) Drawing Number 1200-03.20 Sign Schedule
- uu) Drawing Number 1200-03.21 Sign Schedule
- vv) Drawing Number 1200-03.22 Sign Schedule
- ww) Drawing Number 1200-04 P02 Typical Bollard Details
- xx) Drawing Number 500-02 Drainage Standard Details
- yy) Drawing Number 600-01 Coniscliffe Road Cross Section
- zz) Drawing Number 600-02 Coniscliffe Road Cross Section
- aaa) Drawing Number 600-03 Coniscliffe Road Cross Section
- bbb) Drawing Number 600-04 Hogarth Court Cross Section
- ccc) Drawing Number 600-04 P01 Grange Road Cross Section
- ddd) Drawing Number 600-05 Coniscliffe Road Long Section
- eee) Drawing Number 600-05 P01 Coniscliffe Road Long Section
- fff) Drawing Number 600-05 Hogarth Court Long Section
- ggg) Drawing Number 600-07 P01 Grange Road Long Section
- hhh) Drawing Number 700- 03 Typical Highway Cross Section
- iii) Drawing Number 700- 05 Pavement Design Details
- jjj) Drawing Number 700- 06 Speed Table Specification
- kkk) Drawing Number DARPLA 010 Horizontal Illuminance Layout Plan
- lll) Drawing Number tv377 con 04C Planting Plan
- mmm) Drawing Number tv377 con 05A Tree Pit Detail
- nnn) Drawing Number TV377CON 06B Seating
- ooo) Drawing Number 300-01 Birdsmouth Fencing Standard Detail
- ppp) Drawing Number UTL 395 1263 RFL and GPR Scanning Results

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

3. The development shall not be carried out otherwise than in complete accordance with the document entitled "Coniscliffe Road Construction Management Plan Rev 02" dated 24 May 2024 and produced by Darlington Borough Council unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of amenity and highway safety

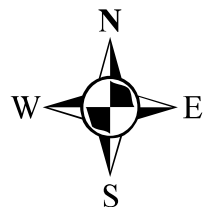
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Planning Ref No: 23/00681/DC

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

| | |
|-----------------------------|---|
| APPLICATION REF. NO: | 24/00118/FUL |
| APPEAL REF. NO: | Appeal Ref: APP/N1350/W/24/3344737 |
| LOCATION: | 3 Roseberry View Sadberge Darlington DL2 1FH |
| DESCRIPTION: | Erection of a detached single garage and gym with storage area above (Resubmission) |
| APPLICANT: | Mr Dale Jefferies |

ASSISTANT PLANNING OFFICER: PATRICIA BASTON

BRIEF SUMMARY:

1. The application site is on a new residential development made up of 6 detached dwellings, with open fields to the east. The site is outside of development limits.

KEY POINTS TO NOTE:

2. Planning permission had been approved for the erection of a detached structure which incorporated a single garage and a home gym, with a storage area in the roof space accessed from an internal staircase and which was to be cut into an existing slope with a retaining wall at low level (Planning Ref. 22/01346/FUL). Improvements had been negotiated to reduce the bulk of the detached structure in that the double garage was replaced with a single garage and the design of the roof was changed which had resulted in the overall depth and heights being reduced.
3. Planning permission was then sought for a similar structure, some 2m deeper and 1m wider than previous approved proposal, and with a slight increase in the height of the ridge. This re-submission was considered to result in a structure which was deemed overly large for an ancillary domestic structure, with resultant impacts on the character and appearance the application site and the surrounding area was refused for the following reason:

REASON(S) FOR REFUSAL:

4. In the opinion of the Local Planning Authority, the proposed building, by reason of its scale, massing and prominent siting to the front of the application property would have a harmful impact on the visual amenities and character and appearance of the surrounding area, contrary to Policies DC1 and H7 of the Darlington Local Plan 2016-2036.

APPEAL ALLOWED:

5. The Planning Inspector however considered that the proposed garage was well sized; was appropriate in terms of scale and massing to the dwelling on the site and was proportionate to the well-sized plot. It was also considered that the garage had been well designed and responded positively to the local context in terms of its layout and materials and would therefore not conflict with development plan policies DC1 and H7. Accordingly, the appeal was allowed.



Appeal Decision

Site visit made on 10 July 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/N1350/D/24/3344737

3 Roseberry View, Sadberge, Darlington DL2 1FH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dale Jefferies against the decision of Darlington Borough Council.
 - The application Ref 24/00118/FUL, dated 2 February 2024, was refused by notice dated 12 April 2024.
 - The development proposed is garage with home gym and shower facility with storage on level above.
-

Decision

1. The appeal is allowed. Planning permission is granted for a garage with home gym and shower facility with storage on level above at 3 Roseberry View, Sadberge, Darlington DL2 1FH in accordance with the terms of the application Ref 24/00118/FUL dated 2 February 2024 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A01 REV P-04, A02 REV P-03 & A03 REV P-03.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal although I have omitted wording that is not a description of development.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The large detached dwelling at the appeal site is set back from Middleton Road on Roseberry View, which, along with the site of the proposed garage is largely screened from Middleton Road by reason of a timber fence and line of closely planted conifer trees.

5. The site is set to the south of, and away from, Sadberge Village. The A66 runs to the north bridging Middleton Road close to the appeal site, with one of the slip roads connecting with Middleton Road to the front of Roseberry View.
6. Although the detached garage would be well sized, it would remain appropriate in terms of scale and massing to the dwelling on the site and would be proportionate to the well sized plot.
7. Although the garage, proposed to the front of the dwelling, would result in it being publicly visible from Middleton Road and other points, the screening offered by the fence and the conifer trees would substantially reduce the prominence of the garage within the street scene. There is already a large, detached garage set to the front of a property at the northern end of Roseberry View. A large garage at this location would not therefore be an unfamiliar or particularly prominent feature within the street scene.
8. There would therefore be no adverse impact on the character and appearance of the area. There would be no conflict with Policy H 7 of the Darlington Local Plan (2022) (DLP) which amongst other things states that extensions to existing residential dwellings in the countryside, which require planning permission, will be permitted providing there is no significant detrimental impact on the character of the dwelling or its setting. There would also be no conflict with Policy DC 1 of the DLP, which amongst other things requires good design including that which reflects the local environment and that detailed design responds positively to the local context, in terms of its scale, form, height, layout and materials.

Conditions

9. Planning permission is granted subject to the standard three year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. It is also necessary that the materials to be used in the construction of the external surfaces of the development hereby permitted should match those used in the existing building.
10. The Council outline that it is intended that the proposed structure would be used by the applicants as a garage and gym in connection with their property and that any independent or alternative use of the building would require planning permission in its own right. I have no reason to disagree and on that basis a condition restricting the use of the garage would fail the test of necessity and has not therefore been included.

Conclusion

11. I have not identified conflict with the development plan and there are no considerations that indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T Burnham

INSPECTOR

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

| | |
|------------------------|--|
| REF. NO: | 23/00588/FUL |
| APPEAL REF. NO: | APP/N1350/W/24/3342243 |
| LOCATION: | Land to rear of Hazelfield Cottage, Elstob Lane, Great Stainton TS21 1HP |
| DESCRIPTION: | Erection of 3no. holiday chalets with proposed secondary access, car parking and associated landscaping with part conversion of existing outbuilding into kitchen/seating and reception area (retrospective) |
| APPELLANT: | MR & MRS TURNER |

BRIEF SUMMARY:

The main issues is the effect of the proposed development on highway safety.

KEY POINTS TO NOTE:

Hazelfield Cottage is a detached house with former stables and outbuildings located in the open countryside, surrounded by fields. The proposed development is to the rear and consists of three wooden chalets with hot tubs, which have been constructed and furnished. The former barn has been converted into a kitchen and eating area for guests using the chalets.

The site is accessed from Elstob Lane, a classified B-road with a speed limit of 60mph. The proposed development sought the construction of a separate access for the holiday chalets from a field to the south-east of the existing entrance.

REASON(S) FOR REFUSAL:

The proposed development is prejudicial to highway safety by reason of the creation of an additional access for the associated traffic generation which does not include a safe level of visibility. No evidence has been provided by the applicant to demonstrate that visibility standards in accordance with national guidance are achievable. The proposed development conflicts with Policy DC1 (Sustainable Design Principles and Climate Change) and Policy E4 (Economic Development in the Open Countryside) of the Darlington Local Plan 2016-2036 and the National Planning Policy Framework.

APPEAL DISMISSED:

The inspector noted the differing views between the Council and the appellant as to the appropriate highways guidance to use in this instance (MSF2 or DMRB) however agreed with the Council's overall analysis and conclusions which were considered sound. The concerns as set out in the committee report were valid and the inspector agreed that it has not been demonstrated that the visibility splay for the proposed access would be adequate. Therefore, the use of the proposed access would have an unacceptable effect on highway safety and the development as a whole is therefore unacceptable. Consequently, the proposal would not accord with Policies DC1 and E4 of the Darlington Local Plan 2016-2036, adopted 2022. These policies combined require suitable and safe vehicular access which would not have an unacceptable impact on the local road network.

The appellant also submitted an application for costs on the grounds that the Council were unreasonable, did not consider the application fairly, and should have granted planning permission. The inspector found that the conclusions were properly reached, planning permission should not have been granted and found no evidence of unreasonable behaviour resulting in unnecessary or wasted expense on the part of the Council. The application for costs was therefore refused.



Appeal Decision

Site visit made on 20 June 2024

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/N1350/W/24/3342243

Land to rear of Hazelfield Cottage, Elstob Lane, Great Stainton TS21 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Turner of Hazelfield Lodges Ltd against the decision of Darlington Borough Council.
 - The application Ref is 23/00588/FUL.
 - The development proposed is revised application for (retrospective) erection of 3no. holiday chalets with proposed secondary access, car parking and associated landscaping with part conversion of existing outbuilding into kitchen/seating and reception area.
-

Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr and Mrs Turner which is the subject of a separate decision.

Preliminary Matters

3. At the time of my visit the proposed development was partially complete, although the secondary access and internal access road had not been constructed.

Main Issue

4. The main issue is the effect of the use of the proposed access on highway safety.

Reasons

5. Hazelfield Cottage is a detached house with former stables and outbuildings located in the open countryside, surrounded by fields. The proposed development is to the rear and consists of three wooden chalets with hot tubs, which have been constructed and furnished. The former barn has been converted into a kitchen and eating area for guests using the chalets.
6. The site is accessed from Elstob Lane, a classified B-road with a speed limit of 60mph. The evidence suggests that this access has been used for many years including by a previous owner operating a business from the site, as well as the appellant running a livery and stables. Both these businesses involved frequent daily visits from customers and support staff.

7. The proposed development seeks the construction of a separate access for the holiday chalets from a field to the south-east of the existing entrance. However, the Council are concerned that based on the speed of vehicles on the road and the visibility at the proposed entrance, an appropriate visibility splay cannot be provided.
8. Whilst earlier speed surveys commissioned by the appellants have been discounted, a radar speed survey¹ recorded speeds at the 85th percentile of 51.6mph southbound and 51.2mph northbound. The appellants have also referred to a speed survey² along Elstob Lane for a planning application for a solar farm. This recorded combined speeds of 50.9mph and 51.1mph at the 85th percentile, over five- and seven-day periods.
9. Both speed surveys provide broadly similar speeds and evidence that the national speed limit along this stretch of road is suitable. However, there is disagreement between the parties as to the guidance that should be used to calculate the length of visibility splays at the access. Whilst the main parties' reference MfS³, the Council has calculated the visibility splays based on the DMRB⁴, whereas the appellant considers that this should be based on the guidance within MfS²⁵.
10. The main parties also dispute the volume of traffic along this stretch of road, although evidence from regular surveys at Great Stainton suggest lower volumes than the Council has suggested. However, whilst Elstob Lane is a B road, the Council contends that it provides a strategic link between other A and trunk roads, and is close to the A1(M), which is why the DMRB guidance has been used. Based on the position of the road in relation to the surrounding network, I could see that the road is likely to provide this link. Moreover, when I was visiting, there was a regular stream of traffic passing the site.
11. The amount of traffic generated by the proposal would be small. Based on the size and layout of the chalets, there would be no more than 3 couples staying at any one time. This suggests 3 off-peak car trips each way in a day, entering and exiting the site. The appellants consider that most of their business would be over weekends only. The size and form of the chalets suggests that customers are unlikely to stay for any length of time.
12. I drove in and out of the existing access which has been altered by the appellants. A wall has been removed allowing a further set back and a wider opening. The access is located close to a bend in the road which rises upwards and limits visibility northwards in the direction of Great Stainton. The proposed new access, which the evidence suggests was in the past an entrance into a field, would be further away from the bend. Between the existing and proposed access, a mature hedgerow has been removed and replaced with a wooden fence and a field gate. This has increased the width of the verge along this side of the road.
13. If the MfS² guidance is applied, the relevant calculations would provide a visibility splay of 118 metres in both directions. However, even though the hedge has been removed and a vehicle exiting the access could see both right

¹ 7 September 2023

² 15 March 2023

³ Manual for Streets, March 2007.

⁴ Design Manual for Roads and Bridges.

⁵ Manual for Streets 2, September 2010.

and left, the rise in the road and the curve of the bend means that there is limited visibility of cars approaching the site from the north, as well as limited visibility from the south.

14. Directional signage to the chalets, and signs within the verge warning of the proposed access point are shown on the plans. However, these would result in signage within the public highway which requires separate approval by the Local Highway Authority (LHA). The Council, acting as LHA, has stated that such signage would not legally be allowed. Therefore, there would be no advance warning to drivers approaching the site at speed. Although turning left out of the site would be safer, cars turning right, having to cross into incoming traffic would likely cause greater potential for conflict.
15. Whilst MfS2 guidance is usually applied to B roads, based on the evidence, including from my site visit, a visibility splay of 118 metres would not be safe. Although some relaxation of the DMRB standards could be appropriate, the physical characteristics of this stretch of road and the speed of traffic means that the general guidance in the DMRB requiring longer visibility splays should be applied. This would not be achieved at the proposed access.
16. Reference has been made to no personal injury accidents in the past 23 years within 500 metres either side of the site. Notwithstanding this, and whilst I agree that there would have been far more vehicles using the existing access for previous uses of the site, customers to the holiday chalets would not be so familiar with the entrance and the road network, including the speed of traffic along Elstob Lane. This would be different to local refuse collection workers, who would be aware of the road conditions in this location.
17. The appellants have provided 'fallback arguments' which include providing lighting, CCTV, and additional information on the access within the terms and conditions of any booking. These are suggested as overcoming a lack of a visibility splay on paper. However, whilst lighting would make the buildings and access more obvious, the lack of visibility on the road would not make it safer for visitors or others driving along it. Although information on entering and exiting the site is useful, and CCTV could identify any problems and habits of those using the access, these are unlikely to ameliorate the safety concerns that I have identified. Therefore, these have limited weight.
18. The appellants have submitted a list of alleged inconsistent highway considerations. This includes applications at Carr House, located 200 metres from the appeal site, for holiday cottages⁶ and a new house. Other applications, including a barn conversion⁷ and applications at Skipbridge Farm and Neasham Springs Farm⁸ for conversion into eight dwellings, have been referred to. However, even if some of these proposals would generate greater numbers of journeys than the appeal site, based on the submitted evidence, I cannot be sure that these are directly comparable to the case before me. It is the location of the proposed access on this specific area of bend in the road which raises the prospect for highway safety issues to arise.
19. A site at Hurworth Springs⁹ where planning permission was granted on appeal is referred to by the appellants as there have been numerous road accidents on

⁶ Ref 13/00747/FUL

⁷ Ref 20/00967/FUL.

⁸ Ref 20/00967/FUL

⁹ APP/N1350/a/08/2071080

the adjoining road and that scheme has significantly more vehicle movements than likely at the appeal site. The appeal decision is now of some age, and whilst a different assessment on highway safety was reached, I have determined this appeal on its own merits, based on the evidence before me.

20. The appellants contend that the Council has not justified using the DMRB standards and refers to 'Road lengths in Great Britain:2021'¹⁰ which states that B roads are classified as minor roads managed by the local highway authority. They also consider that paragraph 115 of the National Planning Policy Framework (the Framework) was overlooked. Insofar as is relevant to the specific issue of highway safety, this states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety'. All of these are matters of judgement for the decision maker. Therefore, I have based my decision on the evidence before me, including relevant national guidance.
21. The appellants have provided comments from Durham Constabulary regarding the process for reducing speed limits, as well as stating that numerous camping facilities/grounds are found where the national speed limit applies without causing issues. Whilst the appellants contend that a caravan and camping site could operate from the site which would result in far greater numbers of vehicle movements, this is not the proposal before me, and there is little to suggest such a use is in the offing. Therefore, I give this little weight.
22. There have been several letters of support for the application. These largely refer to the benefits of the chalets, which is not in dispute, the improved new access at Hazelfield Cottage, which is not part of the application, and the need for a speed trap and speed reduction outside the site. However, the speed surveys have identified that the national speed limit along this stretch of road is suitable. Therefore, these comments provide limited weight to the proposal.
23. Consequently, I conclude that based upon what I saw and the substantive evidence before me, it has not been demonstrated that the visibility splay for the proposed access would be adequate. Therefore, the use of the proposed access would have an unacceptable effect on highway safety.
24. The proposal would not accord with Policies DC1 and E4 of the Darlington Local Plan 2016-2036, adopted 2022. These policies combined require suitable and safe vehicular access which would not have an unacceptable impact on the local road network.

Other Matters

25. The site is within the Impact Risk Zone of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and the Teesmouth and Cleveland Coast Ramsar site. Under the Conservation and Habitats and Species Regulations 2017 (the Regulations), and as advised by Natural England, a Competent Authority must consider the nutrient impacts of projects and plans which affect habitat sites. Whilst evidence has been provided by the appellant¹¹ regarding this, as I am dismissing the appeal on other grounds it is not necessary for me to consider this matter further.

¹⁰ Appendix 14, March 2022.

¹¹ Report to inform a Habitats Regulations Assessment – Nutrient Input, Hazelfield Cottage, September 2022, on ecology.

Conclusion

26. Whilst the proposed development would provide tourism and economic benefits to the local area, this does not, however, outweigh the concerns I have regarding the effect of the use of the access on highway safety.
27. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
28. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

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Costs Decision

Site visit made on 20 June 2024

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Costs application in relation to Appeal Ref: APP/N1350/W/24/3342243 Land to rear of Hazelfield Cottage, Elstob Lane, Great Stainton TS21 1HP

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Turner of Hazelfield Lodges Ltd for a full award of costs against Darlington Borough Council.
 - The appeal was against the refusal of planning permission for revised application for (retrospective) erection of 3no. holiday chalets with proposed secondary access, car parking and associated landscaping with part conversion of existing outbuilding into kitchen/seating and reception area.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicants have set out that based on the submitted technical highways information, details of an appeal decision at Hurworth Springs and applications at Carr House, the Council should have approved the application. They also refer to the initial advice received from the Council, alleged bias against the scheme, as well as false and misleading statements and evidence being ignored. Consultations with Natural England regarding nutrient neutrality have also been referred to.
4. The applicants have documented that they received incorrect advice regarding the need for planning permission when they wanted to develop the site. Screenshots of phone calls and a copy of a message to the Council have been submitted. However, the Council has no evidence of any advice given, and their policy is that only written advice is provided. I appreciate that the applicants found it frustrating trying to get the correct information at the time of the covid pandemic, and whilst time was wasted, the evidence does not suggest any deliberate intent by the Council to mislead.

5. Whilst the applicants do not agree that MfS2¹ should have been used to assess the site, the Council has set out in the committee report why the DRMB² guidance was used instead, including the reason for refusal. Although the committee minutes do not refer to the additional information provided by the applicants, the Council has stated that this was sent to members. Whilst the parties disagree on matters of conduct at the committee meeting, these are, however, issues between the parties. Furthermore, I have refused the appeal based on the evidence that was submitted, including national guidance.
6. The applicants contend that the Council ignored new speed surveys, lower traffic volumes, including from data at Great Stainton, and dispute the Council's consideration of highway safety at Hurworth Springs. Whilst the Council may have had a different opinion on the data, there is no substantive evidence to suggest that the Council ignored surveys. Notwithstanding this, I have assessed all the submitted evidence before me.
7. In terms of nutrient neutrality, the evidence suggests that Natural England objected to the Council's conclusions on the appropriate assessment for this site, requesting an alternative mitigation strategy. Whilst I have limited information as to how long this took to be resolved, an email from Natural England asked for woodland planting as mitigation, not the Council. This led to a later 'no objection' from Natural England, which was, I understand, verbally reported to the planning committee.
8. The Council did comment that the required visibility splays would not be achievable without acquiring third party land. Whilst this has resulted in a neighbouring owner increasing the cost of the land, the reference as such is commonly used when visibility splays are being assessed. This as such cannot be construed as unreasonable behaviour. Furthermore, references to the existing access, which is not part of this proposal, and visits by enforcement, are matters between the main parties and are not relevant to the appeal.
9. The applicants assert that the proposal has not been assessed fairly. Whilst I appreciate that they do not agree with the Council's decision, I am satisfied that the conclusions were properly reached overall. Planning permission should not have been granted and an appeal was therefore inevitable. The Council found that the proposal was contrary to the development plan which they substantiated with a stated reason for refusal.

Conclusion

10. For the reasons set out above, I conclude that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

M J Francis

INSPECTOR

¹ Manual for Streets 2.

² Design Manual for Roads and Bridges

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of the Local Government Act 1972.

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