

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4<sup>th</sup> August 2021**

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**APPLICATION REF. NO:** 21/00627/OUT

**STATUTORY DECISION DATE:** 03 August 2021

**WARD/PARISH:** Heighington And Coniscliffe

**LOCATION:** Land Adjacent To 2 Mill Lane REDWORTH

**DESCRIPTION:** Outline application with all matters reserved except access for the erection of up to 2 no. dwellings

**APPLICANT:** Mr Wheeldon

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**RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO CONDITIONS**

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

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

**APPLICATION AND SITE DESCRIPTION**

1. The application site currently comprises approximately 0.18ha of land which is overgrown and was last used as residential curtilage and garden space. The site is bound to the north, south and west by residential development, with agricultural land to the east. The site is enclosed to the north; south and west by close boarded timber fencing and to the east by a timber post fence.
2. The site has been the subject of a previous outline planning permission for residential development which has now lapsed (see below). This is a new planning application seeking outline planning permission for two dwellings with all matters reserved apart from access which would be provided via a shared private drive directly leading off Mill Lane.

**MAIN PLANNING ISSUES**

3. Outline planning permission (ref no: 16/00952/OUT) has previously been granted to redevelop the site for two dwellings with all matters reserved. Access to the site was shown as via the private shared drive off Mill Lane. However, the outline planning permission has since lapsed.
4. The private shared drive also provides access for No 2 Mill Lane which was built under planning permission reference number 16/00532/FUL; No 2 Main Road and No 3 Mill Lane which was built under planning permission reference number 07/00895/FUL.
5. The main considerations for this proposed development are whether it is acceptable in the following terms
  - a. Planning Policy
  - b. Highway Safety and Parking Provision
  - c. Residential Amenity
  - d. Impact on the Visual Appearance and Character of the Area
  - e. Archaeology
  - f. Land Contamination
  - g. Ecology Matters
  - h. Drainage and Flood Risk

#### **PLANNING POLICIES**

6. The relevant Local Plan policies include those seeking to ensure that the proposed development
  - Is located within the limits of development (E2 of the Local Plan 1997 and CS1 of the Core Strategy 2011)
  - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
  - Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
  - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
  - Reflects or enhances Darlington's distinctive natural characteristics; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network and positively contributes to the character of the local area and its sense of place (CS2 of the Core Strategy 2011)
  - Protects, restores, extends and manages the Borough's biodiversity (CS15 of the Core Strategy 2011)
  - Incorporates appropriate hard and soft landscaping which has regard to the setting of the development (saved policy E14 of the Local Plan 1997)
  - Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16 of the Core Strategy 2011)

- Improves transport infrastructure and creates a sustainable transport network (CS19 of the Core Strategy 2011)
- Complies with statutory standards relating to contaminated land (Policy CS16 of the Core Strategy 2011)

### **Other relevant Documents**

Supplementary Planning Document – Design for New Development

National Planning Policy Framework 2021

### **RESULTS OF TECHNICAL CONSULTATION**

7. The Council's Highways Engineer, Environmental Health Officer and Transport Policy Officer have raised no objections to the principle of the development
8. Durham County Council Archaeology Team has raised no objections and requested the imposition of a planning condition.

### **RESULTS OF PUBLICITY AND NOTIFICATION**

9. Following the Council's notification and publicity exercises, three objections have been received. The comments can be summarised as follows:
  - *The lane leading up to the field is used by three houses and it is narrow and has already subsided on one side. It is not fit for wagons with building supplies coming up it and it will block us from getting out of our house (No 3 Mill Lane). It will stop us from parking and will cause general havoc and damage to the road surface. If planning is granted, we wish that all building material be craned over fence on main road.*
  - *I object totally to more people having access to this lane. It is not, in my opinion, suitable for any more traffic than is using it currently.*
  - *Our land (No 4 Mill Lane) adjacent to the proposed access road is lower and there is only a constructed timber fence with no solid constructive wall to prevent collapse of the road on to our land*
  - *When the new tarmac road was installed by Mrs Dobson, the Contractor did not put in any support between the fence and the tarmac therefore pushed all the gravel and tarmac up against the fence*
  - *Further when the new tarmac road was installed the fence is lower than that of a six foot fence which is what we previously had but now it is a four foot fence allowing us to see cars and people passing by and the same in reverse people looking down at our property*
10. The Parish Council have been consulted on the planning application, but no comments have been received

### **PLANNING ISSUES/ANALYSIS**

#### **a) Planning Policy**

11. 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 (2019) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

12. The planning application site is located within the development limits for the village as defined by the Proposals Map of the Borough of Darlington Local Plan 1997. As a result, the principle of the site being developed for residential purposes would accord with saved policy E2 of the Local Plan 1997 and CS1 of the Darlington Core Strategy Document 2011.
13. Whilst the Council can currently demonstrate a deliverable 5 year supply of housing land, further sites in suitable and sustainable locations are still required to ensure the annual average requirement can continue to be met and the Council can continue to demonstrate a deliverable 5 year supply of housing sites once the emerging Local Plan has been adopted.

#### **b) Highway Safety and Parking Provision**

14. This application site has good public transport accessibility as it is within 400m of bus stops on Surtees Road which are served by the number 1/X1 (Bishop Auckland to Darlington) that operates every 15 minutes during the day and every 60 minutes on an evening Monday to Saturday and every 60 minutes during the day on a Sunday. There is no evening service on a Sunday.
15. There is a footpath from the application site to the bus stops, and although this is narrow there will be low pedestrian flows and there is no opportunity to widen it due to the constraints of neighbouring properties.
16. The application site is located close to the cycling network with there being an advisory cycle route close by that connects to the wider cycle network. Cycle storage and parking should be provided for this development in the form of either a garage or a safe and secure lockable shed or appropriate storage container, Within the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020) it states that for long stay requirement for residential cycle parking should be one space per bedroom. Details of the cycle parking can be secured by a planning condition.
17. The site is accessed via Mill Lane and an existing priority junction off the A6072 Main Road/Shildon Road Redworth, which benefits from a protected right turn and protected pedestrian refuge island. There is no particular concern with road safety at this location, where a study of the past 5 years of recorded police incidents demonstrates that there has been just one recorded personal injury collision (PIC) with the study area, located approximated 80m south of the Mill Lane A6017 Junction. There is no pattern of repeat accident history which would warrant refusal of highway safety grounds.
18. From Mill Lane, the two new properties are accessed via a private shared drive, which is currently used by three existing dwellings. The proposal to create an additional two

units is therefore acceptable in principle whereby a shared drive should not serve in excess of 5 dwellings.

19. Where the access becomes a private shared drive located off the Public Highway any rights of access would be a civil matter and not under the control of the Highways Authority. This would also apply to the responsibility of maintenance and rectifying, and damage should it occur during the construction period. As such this is outside the remit of the Council's Highways Engineer.
20. The additional traffic generation from the proposed dwellings is considered negligible within the local highway network and falls well below the recommended trigger point of 50 residential units which would require a formal transport statement/assessment.
21. Given the rural location it is expected that private car use would be the predominant mode of transport. When considering that the development is not proposed to exceed two dwellings, this would only equate to 1-1.5 additional vehicle movements in the am/pm peak hour. As such it does not demonstrate the 'severe impact' required to warrant refusal under NPPF guidance.
22. Generally, the maximum length of a private shared drive should be no more than 25m. Should the site access exceed the 25m maximum length then a suitable bin store should be provided no more than 25m from the adopted highway.
23. As stated above, there is a narrow footway on one side along Mill Lane leading to the A6072 Main Road which is the only means of pedestrian access to the site. However, given the constraints of the opposing properties there is no scope to widen the footway. Mill Lane does benefit from street lighting therefore the risk to pedestrians from moving vehicles should be reduced, along with the general environment of Mill Lane which is not conducive to high vehicle speeds where it is narrow and does not provide a through route.
24. Whilst parking and the internal layout of the site are not being considered at this outline stage, there must be sufficient in curtilage space to cater for the parking needs of two dwellings and the in curtilage driveway/access should provide a turning facility with sufficient space for vehicles to turn around and exit onto the adopted highway in a forward gear for highway safety reasons.
25. It is noted that access to the site for construction vehicles is via Mill Lane and the private road, both of which are comparatively narrow. The applicant will therefore need to consider how deliveries and site vehicles will be managed within a construction management plan (CMP) including delivery routes, vehicle sizes and delivery times.
26. The site is within a sustainable location and the principle of developing on the site would accord with policy CS2 of the Core Strategy 2011.

### **c) Residential Amenity**

27. The proposed layout of the site will be the subject of a future Reserved Matters application. The proximity distance guidelines between existing and proposed dwellings which need to be met are clearly set out in the Council's adopted Supplementary Planning Document – Design for New Development. Having considered the size of the application site and the location and orientation of the residential dwellings which bound the site, there does not appear to be a reason why a scheme cannot be developed which would fully accord with the guidelines set out in the Design SPD. The use of the private shared drive by additional vehicles and pedestrians associated with the two new dwellings would not raise significant residential amenity issues for the occupants of the dwellings that currently bound the access to justify a reason to refuse the planning application on such grounds.
28. There will be a need for the proposed development to follow good acoustic design by providing external amenity space screened from the A6072. This screening could be achieved by having the dwellings located closer to the A6072 and the external amenity space located behind. This will be considered in more detail as part of any future Reserved Matters submissions. The dwellings themselves will also need to ensure indoor ambient noise levels (less than 30dB LAeqT in bedrooms and less than 35 dB LAeqT in living areas) within BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" are achieved. Therefore, the Council's Environmental Health Officer has recommended the imposition of a planning condition.
29. It is considered that the site can be built out in accordance with policy CS16 of the Core Strategy 2011.

**d) Impact on the Visual Appearance and Character of the Area**

30. The proposed layout, scale, landscaping and appearance of the proposed dwellings would be the subject of a future Reserved Matters submission. The application site is in a prominent position when viewed from Main Road (A6072) and it appears to be on a higher ground than the highway due to the timber fencing along this boundary being positioned on top of a low wall.
31. The two new dwellings will be highly visible within the street scene, but this would be a replication of the visual impact of No 2 Mill Lane and also the existing housing development on the opposite side of Main Road. It is considered that the addition of two further dwellings in this location will not have an adverse impact on the visual appearance and character of the street provided that the dwellings are of an appropriate scale and appearance, constructed from acceptable materials with a good landscaping scheme, all of which would be considered in more detail as part of a Reserved Matters application. The principle of redeveloping this site would accord with policy CS2 of the Core Strategy 2011

**e) Archaeology**

32. Redworth is a village with medieval origins. It is also one with some limited evidence of Prehistoric activity in its vicinity. There is, therefore, some potential for remains relating to these periods to survive in the area of development, especially as the area appears to

have been undisturbed since the First Edition Ordnance Survey Map. The Durham County Council Archaeology Team has recommended that a planning condition be imposed on the application to secure a scheme of archaeological works. The scope of the works would be for a watching brief on the topsoil stripping associated with the development. The proposal would accord with policy CS14 of the Core Strategy 2011.

#### **f) Land Contamination**

33. The planning application has been supported by a Screening Assessment which confirms that the site has previously been used for both domestic and grazing land with no buildings on the site. There is a former pond to the north east of the boundary of the application site which was infilled or drained in the 1970s/1980s. Whilst the pond is close to but outside of the site boundary, the Environmental Health Officer is satisfied that it is a low risk in terms of ground gas and furthermore, in accordance with the National Planning Policy Framework 2021, the responsibility for securing a safe development in terms of contamination rests with the developer and/or landowner. The Council's Environmental Health Officer has no further comments to make and the proposal would accord with Policy CS16 of the Core Strategy 2011.

#### **g) Ecology Matters**

34. The application site is not covered by any ecology designations and it is an overgrown piece of land previously used as garden space. The existing site will not have any high ecological value but the redevelopment of the site will result in an opportunity to increase the ecological value of the site by the introduction of measures such as bird boxes, bat boxes and appropriate landscape features in accordance with the requirements of the National Planning Policy Framework 2019 and policy CS15 of the Core Strategy 2011.

#### **h) Drainage and Flood Risk**

35. The site lies within Flood Zone 1 and therefore the proposal would generally comply with policy CS16 of the Core Strategy 2011. A planning condition can be imposed which requests the submission of the details to dispose of surface and foul water.

### **THE PUBLIC SECTOR EQUALITY DUTY**

36. 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 layout and design of the proposed dwellings would be subject to future consideration under a Reserved Matters submission and therefore compliance with policy CS2 of the Core Strategy 2011 and Part M of the Building Regulations would be a consideration at that stage.

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

37. 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**

38. The application site has been the subject of a previous outline planning permission for two dwellings which has subsequently lapsed. A precedent for residential development in this location has therefore been established. The site is within the development limits for the village and it is considered that a scheme can be developed which will not raise residential amenity or highway safety issues and will not have a negative impact on the visual appearance and character of the local area. The principle of developing the site for residential purposes would be in accordance with the local development plan and the National Planning Policy Framework 2021. The concerns which have been raised in the objections primarily relate to the condition of the private shared access which leads into the site. As the access is not an adopted highway, the responsibility of ensuring it is unobstructed during the construction phase and structurally sound lies with the developer and landowner. However, it is recommended that if outline planning permission is granted, a Construction Management Plan is submitted to the local planning authority for review.

## **THAT OUTLINE PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -
  - a) appearance
  - b) landscaping
  - c) layout
  - d) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.
3. The planning application made in pursuance of condition 1 shall not propose more than two dwellings



REASON: For the avoidance of doubt

4. Prior to or at the same time as any reserved matters application relating to [layout etc.], details of the windows to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on glazing specifications including its acoustic performance and details of any trickle vents which shall be installed for all windows in habitable rooms that have a direct line of sight with the A6072, to ensure internal noise levels in accordance with BS8283:2014 'Guidance on sound insulation and noise reduction for buildings' are achieved. Thereafter, the development shall not be carried out otherwise than in complete accordance with the details approved

REASON: To safeguard the amenities of the future occupants of the development

5. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for inspection and wheel washing, a dust action plan, the proposed hours of construction and deliveries, vehicle routes, vehicle sizes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of highway safety and the general amenity of the local area

6. Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and shall be permanently retained thereafter.

REASON: In the interests of highway safety and to promote the use of sustainable modes of transport

7. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

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

8. Prior to the commencement of the development precise details of the private access road including construction details, drainage, materials, a sealed surface at the junction with the adopted highway and turning facilities shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

REASON: In the interests of highway safety

9. Prior to the commencement of the development precise details of a scheme to enhance the ecological value of the site shall be submitted to and approved in writing by the

Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter  
REASON: To comply with the biodiversity net gain requirements set out in the National Planning Policy Framework 2021

10. Prior to the commencement of the development, precise details for the disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In order to achieve a satisfactory form of development
11. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.  
REASON: To safeguard any Archaeological Interest in the site, and to comply with Part 16 of the National Planning Policy Framework 2021
12. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.  
REASON: To comply with Paragraph 205 of the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

## **INFORMATIVES**

### **Highways**

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.