

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10 April 2024

APPLICATION REF. NO: 23/00956/FUL

STATUTORY DECISION DATE: 17 April 2024

WARD/PARISH: College

LOCATION: Garages To The Rear Of 63 Woodland Road
Vane Terrace

DESCRIPTION: Demolition of garage block (four garages) and construction of 1 no. two bed residential dwelling (Use Class C3) incorporating the existing two storey dovecote and the creation of a courtyard/garden, together with the provision of a footpath for pedestrian access and installation of street lighting (additional information received 9 February 2024; Nutrient Calculator and Provisional Nutrient Certificate received 15 February 2024; Bat and Bird Breeding Survey received 29 February 2024)

APPLICANT: Mr Andrew Wise

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S1JSGBPFWK00>

APPLICATION AND SITE DESCRIPTION

1. The application site is part a quadrant of land and group of buildings to the rear of Woodland Road and Vane Terrace comprising a two storey dovecote and eight single storey garages accessed off Woodland Road South Back Lane which is a lane with a scoria block surface. The site is located to the south of Nos 57 to 91 Woodland Road which is a terrace of properties comprising single dwellings, flats, a Guest House (within the ownership of the applicant) and offices. The properties on Vane Terrace are located

to the east with the garden of No 6 Vane Terrace running along the south boundary of the application site. Trinity Mews, to the west, is a modern flatted development separated from the site by a lane with a high solid brick boundary wall. There are some former Coach houses on Woodland Road South Back Lane which are in residential use (flatted and a single dwelling) with pedestrian access directly onto that lane. The site is located within the West End Conservation Area.

2. Planning permission (ref no 20/01213/FUL) has been previously refused to demolish the garage block and to build a two-bed dwelling on the application site. While the principle of development was considered to be acceptable, the application was refused for the following sole reason:

Due to the lack of a safe, lit footpath on Woodland Road South Back Lane linking from the existing footpath network to the proposed dwelling, the development does not provide appropriate permeability and connectivity for pedestrians and people with mobility issues contrary to Policy IN1 (Delivering a Sustainable Transport Network) and Policy IN2 (Improving Access and Accessibility) of the Darlington Borough Local Plan (2016 – 2036)

3. A subsequent planning appeal was dismissed in July 2022. The Planning Inspector found that it had not been demonstrated that the appeal scheme would create appropriate access to the site, with particular regards to pedestrians and people with mobility issues. The Planning Inspector agreed that the scheme was contrary to policies IN1 and IN2 of the Darlington Borough Local Plan.
4. This application is a resubmission for the demolition of the garage block (four garages) and the construction of 1 no. two bed residential dwelling (Use Class C3) incorporating the existing two storey dovecote and the creation of a courtyard/garden. The amendment to the previously submitted application is that this proposal now involves the provision of a lit footpath for pedestrian access along the length of Woodland Road South Back Lane onto Vane Terrace. Two of the garages in the block opposite the dovecote building would be retained and used for the parking of vehicles associated with the proposed dwelling.

MAIN PLANNING ISSUES

5. The main issues to be considered here is whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on the General Character and Appearance of the Surrounding Area
 - c) Impact on Heritage Assets
 - d) Residential Amenity
 - e) Highway Safety, Parking Provision and Accessibility
 - f) Land Contamination
 - g) Ecology
 - h) Flood Risk and Drainage

i) Nutrient Neutrality

PLANNING POLICIES

6. The local development plan policies which are relevant to the planning application are:

Darlington Local Plan (2022)

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

H3: Development Limits

H4: Housing Mix

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

ENV3: Local Landscape Character

ENV4: Green and Blue Infrastructure

ENV7: Biodiversity and Development

ENV8: Assessing a Development's Impact on Biodiversity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

IN6: Utilities Infrastructure

Other relevant Documents

National Planning Policy Framework 2021

Supplementary Planning Document – Design for New Development

West End Conservation Area Character Appraisal

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Street Lighting Engineer, Environmental Health Officer, Highways Engineer and Ecology Officer have raised no objections to the proposed development subject to appropriate planning conditions being imposed.
8. Natural England has no objections subject to planning conditions being imposed to secure nutrient neutrality mitigation.
9. Northern Gas Networks has no objections to this proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

10. Six letters of objection have been received from five households following the Council's notification and publicity exercises. The comments can be summarised as follows:
- *The proposed building will have a detrimental effect on the area and destroy a local landmark and the character of the alley.*
 - *The development will overlook houses and gardens on Vane Terrace*

- *The lane is only wide enough for a van/refuge truck so any footpath would be used as part of a road by vans, refuse trucks etc.*
- *The construction of the footpath could damage the foundation of the boundary wall of No 4 Vane Terrace*
- *The construction of the footpath would interfere with the damp proof course of No 4 Vane Terrace*
- *No 4 Vane Terrace has three access gates onto Woodland Road South Back alley. Two of the three entrances are level with the alley and so any increase in height for a footpath would cause access problems and potential flooding into the property.*
- *A safe means of vehicle crossing over any footpath would need to be considered.*
- *Vehicles will be travelling in very close proximity to the properties on Woodland Road South which have main access doors directly onto the lane.*
- *It is not suitable to install a footpath in this location.*
- *Any new footpath would be frequently driven over causing a potential danger to pedestrians using the path, damage to the path over time and the footpath curb would cause damage to cars.*
- *The scheme would result in a reduction of garage and parking spaces for No 63 Woodland Road, which is a Guest House from seven spaces to one.*
- *There is a very limited loading and turning area for the properties and no safe turning location for vehicles visiting the property.*
- *Increased traffic will increase the risk of damage to No Vane Terrace*
- *There will be high levels of noise which is already a problem in the area.*
- *Street lighting will cause light pollution.*
- *The occupant of No 4 Vane Terrace has a right of access over the garage forecourt area and vehicle access rights into their garage at the rear. When a car enters or exits the garage, a car would be within close proximity of the new dwellings front door which is unsafe.*
- *The development would directly overlook garages, gardens and windows of neighbouring properties.*
- *The development will have an adverse impact on conservation area.*
- *There will be an increase in traffic, and it will not be possible to put bins out in the lane on collection days.*
- *The development will impact on light into neighbouring dwellings.*
- *Vehicles will have to reverse out onto Vane Terrace. The road is over congested, and car parked cause blind spots and would be very dangerous to have to reverse out.*
- *The scheme will cause extra congestion and parking problems.*
- *At present when meeting another vehicle in the lane head on, one vehicle has to either pull into the garages (acting as a passing place) or one has to reverse backwards out onto Vane Terrace. Adding a path and the new property to this scenario would mean that the only option would be the more dangerous one which is reversing out onto Vane Terrace.*
- *At the planning appeal, the applicant's consultants advised that the 'the provision of a footway and street lighting along Woodland Road South Back would be of detriment to the operation of the carriageway and its users'.*

- *Object to the destruction of the dovecote building and degrading of conservation area.*
- *The garage provides parking for guests and the development will remove four parking spaces pushing those vehicles to an already very busy street.*
- *The area doesn't have a demand for this type of development. There is an overpopulation of the area as many properties have been converted to flats and HMOs.*
- *Extra strain on utilities, water, waste and drainage*
- *The path will push vehicles dangerously close to access gates and garage accesses that face onto the alley.*
- *Light pollution from street lighting*

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 (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
12. The application site is within the limits of development for the urban area as identified by the Policies Map of the Darlington Borough Local Plan (2016 – 2036). Development within the limits identified on the Policies Map will be acceptable in principle subject to compliance with other relevant national and local policies (policy H3).
13. In order to comply with policy H4 of the Local Plan, a planning condition has been imposed to ensure the proposed dwelling meets Category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings). This will ensure that the development provides quality living environments for the occupants both now and in the future.

b) Impact on the General Character and Appearance of the Surrounding Area

14. The general character of the area is predominately residential with some non-residential uses within the terrace of properties to the north on Woodland Road. The properties are a mix of two and 2.5 storeys buildings with the more recent and modern flatted development to the west comprising three storey blocks. There are former Coach house buildings to the rear of Nos 59 to 61 Woodland Road which have been converted to residential uses and they are directly accessed off Woodland Road South Back Lane.
15. As the proposal involves the conversion and extension of an existing building into a residential use within an existing residential area, the proposed development would not harm the existing character of the local area. The loss of the garages in parking terms is considered in paragraphs 53 and 54 of this report.

16. The design of the building was amended during the course of the determination of planning application 21/01213/FUL and the proposed scheme is the same as previously submitted. The garages to the side of the dovecote would be replaced by a two-storey side extension to this retained feature, with the first floor accommodation being within the roof space, served by sky lights.
17. The Council's adopted Supplementary Planning Document - Design for New Development advises that new two storey development would generally be accepted in this Town Centre Outer Ring Character Zone, subject to site context and so the principle of the proposed development would accord with the SPD.
18. The existing flat roofed garage block does not make any valuable visual contribution to the immediate local area or to the wider street scene, from where they are not highly visible, and their loss would not raise any concerns in general design and street scene terms.
19. The design of the proposed development reflects the local environment and responds positively to the local context, in terms of its scale, form, height and layout. The proposal includes private amenity space enclosed by a high brick wall, the design of the new build extension is sympathetic to the dovecote, and the external alterations to the dovecote itself are acceptable.
20. Planning conditions would be used to secure appropriate materials and fenestration and security measures.
21. It is considered that the proposed development is acceptable in general design terms and would not significantly harm the character and appearance of the local area and would comply with policy DC1 of the Local Plan.

c) Impact on Heritage Assets

22. The application site is within the West End Conservation Area. The existing dovecote would not be categorised as a non designated heritage asset, but it is of interest in context of the local area. The existing garages do not make any valuable contribution to the significance of the Conservation Area.
23. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks that local planning authorities pay special attention to preserving or enhancing the character and appearance of conservation areas.
24. Policy ENV 1 of the Local Plan states that when considering proposals affecting all designated heritage assets such as conservation areas, great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less

than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal.

25. Proposals resulting in substantial harm to or total loss of the significance of a designated heritage asset (or an archaeological site of national importance) will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:
 - a. the nature of the heritage assets prevents all reasonable uses of the site.
 - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
 - c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d. the harm or loss is outweighed by the benefit of bringing the site back in to use.
26. In addition, proposals affecting a conservation area, involving the alteration, extension or change of use of a building or construction of any structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. Special attention should be given to:
 - a) existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, massing, detailing of development and the use of materials in its construction; and
 - b) character created by them; and historic plot boundaries and layouts; and
 - c) the setting of the conservation area.
27. Policy ENV1 of the Local Plan is consistent with the requirements set out in the National Planning Policy Framework 2023.
28. The planning application has been supported by a detailed Heritage Statement which advises that the Dovecote is of late 19th century construction with historic maps showing an adjoining glasshouse, where the current garages are located. The glasshouse appears to remain in situ until the latter half of the 20th century when they are replaced by the existing garages. The Dovecote may have originally been a communal Dovecote as there are no records available or evidence suggesting otherwise. The Statement acknowledges that there are few examples of such Dovecotes remaining in Darlington.
29. The proposals are for a single, two bedroom property, incorporating the Dovecote into the development along with a private walled garden area. The design works with the current form of the Dovecote and also looks to take cues from the immediate area.
30. The works to the Dovecote are appropriate, making use of existing openings, for example, on the eastern elevation an existing opening would be fitted with a sliding

sash window and to the ground floor, the door opening is to be reused with the attached window being slightly reduced in size and a simple window fitted.

31. The design of the proposed extension to the Dovecote is acceptable and sympathetic to the character and appearance of the buildings in the immediate area. To the ground floor on the east elevation there are a pair of sliding sash windows proposed with curved segmental window heads which is a nice detail, and these windows would be curved to match the window openings and remove a small infill panel, which would have had a poor visual impact. The rooflights in the roof plane reflect the historic character of the area.
32. The south elevation shows the use of the a-symmetric roof. There is proposed a large set of opening doors to the ground floor and a single sash to the first floor which do not raise any concerns in heritage terms. The existing openings in the west elevation are to be reused and this a reasonable approach with the only other opening in this elevation being the placement of a small single roof light.
33. The development will be of brick construction and planning conditions will be imposed to ensure that materials match the brick of the existing Dovecote (as much as possible),
34. As stated above, there would be a need to create a lit footpath with a smooth bitmac surface along the lane in order for the development to comply with other local development plan policies. The footpath would be located down a lane which retains its scoria block surface and, it is envisaged that the footpath would result in the partial loss of the blocks. The impact of the creation of the new footpath within the lane would need to be weighed against the benefit that the footpath would have on providing safe and convenient access for pedestrians and people with mobility issues. There have been other approvals recently granted for residential development, elsewhere within the West End Conservation Area, which has involved the need to create a footpath in existing cobbled lanes and it is considered that the principle of a footpath in this location can be supported on heritage grounds. Only a small section of the lane would be resurfaced to create the footway and the lane is not highly visible in the street scene except at the point of access, due to the presence of boundary walls and buildings in either side.
35. The Dovecote, which is the element of the building of most heritage interest would be retained and the alterations to it, including the extension, are considered to be acceptable. There are no objections to the removal of the existing garages and the proposal would bring this building back into a use that is compatible with the surrounding area. The footway would result in the loss of a small section of scoria blocks within the lane, but overall, it is considered that the significance of the Conservation Area would be sustained and not harmed resulting in the application being compliant with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023.

d) Residential Amenity

36. The existing garages are quite well screened from the neighbouring dwellings due to existing boundary walls and their limited scale, but the two-storey dovecote is visible when viewed from the rear of the properties and buildings on Woodland Road, Vane Terrace and Trinity Mews.
37. The proposed development will result in the garages being replaced by a two storey extension with the first floor accommodation being primarily within the roof space. As a result of the increase in height of the proposed development (primarily the introduction of the pitched roof); the new dwelling would be a more visible addition within the local area. However, it is considered that the impact of the development on the outlook from the neighbouring dwellings would not be so adverse to recommend refusal on such grounds. The main increase in the overall bulk of the building is the addition of the roof and the proximity distance between the building and the neighbouring dwellings and their gardens is sufficient to ensure the building would not have an unacceptable and overbearing visual impact. The planning system is not necessarily intended to protect an outlook that a resident may enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity, and it is considered that the proposed development would maintain an acceptable standard of amenity when viewed from neighbouring properties.
38. The habitable windows within the dwelling are primarily at ground floor level and would not raise any unacceptable levels of overlooking or be highly visible. There is a bedroom window at first floor level on the south facing elevation, but this would be fitted with obscure glazing (which can be secured by a planning condition). It is not envisaged that views from the rooflights and the bedroom window in the dovecote will lead to unacceptable levels of overlooking due to a mix of the proximity distances (in excess of 21m) between habitable windows and their lack of direct views across properties.
39. The flatted development on Trinity Mews to the west of the site would not be adversely affected on amenity grounds.
40. The garages which would be opposite the new dwelling and do not form part of the planning application are in domestic use rather than commercial use and it is considered that the amenities of the future occupants of the dwelling would not be adversely harmed by any activities that may take place from the garages.
41. There would be ample room to store domestic wheelie bins in the garden/courtyard area of the proposed dwelling which is accessible immediately from the kitchen of the proposed dwelling and this would remove the need for any bins to be stored outside the garden other than on collection days.
42. A Demolition and Construction Management Plan would be secured by a planning condition.

43. As stated above, there would be a need to create a lit footpath along the lane in order for the development to comply with other local development plan policies. There could be two street lights positioned alongside the boundary of No 4 Vane Terrace and application has been supported by a Lighting Report. The street lighting would conform to the Council's Street Lighting Column Specification and the level of illumination would not raise any amenity concerns. The Council's Environmental Health Officer has not raised any light pollution concerns.
44. Overall, it is considered that the proposed development would not have an adverse impact on the amenity of existing dwellings and would accord with Policies DC3 and DC4 of the Local Plan.

e) Highway Safety, Parking Provision and Accessibility

45. The proposed dwelling is to be accessed via an existing back lane located off Vane Terrace known as Woodland Road South Back. Presently the access is used by both pedestrians and vehicular traffic with a scoria block surface devoid of footway provision.
46. The site is in a sustainable location with good access to local shops services and amenities, including the town centre. There are bus stops, with frequent services, located within 150m walking distance of the application site on Woodland Road (policy IN2) and it also has nearby links to the town's existing cycleway infrastructure.
47. The need for a development to have good and safe connectivity for pedestrians and people with mobility issues is a requirement set out in policies IN1 and IN2 of the Local Plan and has been supported at planning appeal. The need for a development to include a footpath and lighting within scoria back lanes has been highlighted as part of previous approvals given elsewhere within the Borough including:
- 06/00584/FUL - Buildings to The Rear Of 33 & 35 Larchfield Street
 - 07/00623/FUL - Garages and Adjoining Land Fife Road - Cleveland Avenue Back Street
 - 16/01036/FUL - Land at Rear 37 Larchfield Street
 - 17/00220/OUT - Land Off Montrose Street
 - 17/00945/FUL - Garages and Garden to Rear Of 38 Langholm Crescent
48. The inclusion of the footway within this proposal follows the previous refusal and appeal decision where the Planning Inspector upheld that the Council's reason for refusal was reasonable and that a footway is a necessity for a safe and accessible route to a residential dwelling. In the appeal decision, the Planning Inspector stated:
- "The use of this unlit back lane as the only access to the appeal property, in the absence of any appropriate provision for pedestrians, would inevitably lead to conflict between pedestrians and vehicles. I therefore find that it has not been demonstrated that the appeal scheme would create appropriate access to the site, with particular regards to pedestrians and people with mobility issues. Thus, the appeal scheme is contrary to Policies IN1 and IN2 of the Darlington Borough Local Plan."*

49. The means of introducing a safe access for the occupants and visitors of a new residential development has evolved and improved over time as the requirements of pedestrians, cyclists, and persons with visual or mobility impairment have become prioritised over the use of private motor vehicles. This is reflected in the Council's Public Sector Equality Duty, as well as the Local Plan. Leaving the lane in its existing condition is not appropriate as people do have different access requirements and that for some persons having an equitable means of access requires the provision of a smooth, level, and legible route which is safe and lit. The local planning authority must consider the requirements of future users and that the needs of individuals may change over time, where a scoria block surface would not be easily accessible for persons with visual impairment or mobility issues.

50. The applicant is required to construct a 1.2m wide footway with street lighting. The footway would be located on the southern side of Woodland Road South Back, which gives the best route for the intended purposes of serving the proposed dwelling. It is not primarily intended as an improved means of access to existing properties, whose access arrangements would remain unchanged. The public highway would not be narrowed, as it remains adopted highway "wall to wall". The required footway would only need to be 1.2m wide, constructed with a minimal 25mm kerb upstand to enable occasional overrunning by vehicles and with a smooth bitmac surface. The required footway would be designed to enable overrun via heavy duty construction designed to withstand the wheel loading of vehicles without incurring damage to the pavement. The 25mm kerb upstand enables two-way vehicle movements when required. As a result, reversing onto Vane Terrace would not be required over and above any existing levels as the effective carriageway width would remain unchanged.

51. Regarding the footway affecting the ability of emergency services vehicles or refuse vehicles to access the lane and the development, the provision of a footway would establish a dedicated pedestrian route but with a driver's understanding that a pedestrian has a right of way. Footways are driven over on innumerable occasions for driveway access for instance, with drivers understanding that they must give way to pedestrians when crossing a footway. This is clear within the Highway Code guidance and not a matter of ambiguity, furthermore, examples of the well-established precedent for the provision of such footways have been demonstrated and the Local Highway Authority are able to review accident data for numerous sites, with no recorded incidents of pedestrian injury or vehicle collision being demonstrable.

52. Furthermore, the provision of street lighting makes pedestrians visible to approaching drivers. Manual for Streets (MFS) and the Tees Valley Design Guide advise that a carriageway width of 3.1m is the minimum width for access by a fire appliance, and as a minimum width of 3.3m is maintained, then there is no reasonable evidence to suggest that such a vehicle would need to mount the kerb to gain access. A width of 3.7m is required to operate at the scene of a fire. As the highway boundary remains unchanged at 4.5m-4.7m (wall to wall) the Local Highway Authority does not consider that a

footway with a 25mm high kerb would prevent access and operation at the scene of an incident

53. Four of the existing block of eight garages are to be demolished to enable the construction of the new dwelling. How the garages are currently used is perhaps the most pertinent way to define any loss of parking, given that they are not in curtilage parking directly linked to residential dwellings. As part of the planning application, the applicant has advised:

The application site currently comprises of two garage blocks (containing 4 garages each) and the existing Dovecote. Seven of these garages are in the ownership of the adjacent Balmoral Guest House, the owner of which is the applicant for the current application. These garages however are surplus to requirement of the guest house, with parking available for guests within the curtilage of the guest house itself. The garages are therefore rented out and utilised for storage purposes, and not for parking. The proposed loss of these garages will therefore not result in a loss of parking, which would negatively impact the local area.

54. There is no obligation that the existing garages must be used for parking. As with many garages, owners and occupiers may choose to use a garage for purposes other than the keeping a vehicle, be it for storage or hobbies etc. Where garages are not conveniently located and easy to access, they are less likely to be used for parking purposes. The retained garages would however be conveniently located for occupiers of the new dwelling being located within the curtilage. Having considered the information provided within the planning application, the garages are largely a loss of storage space, and as such have little impact on parking provision in the local area. The parking requirements of the new dwelling are fully met, which as a two-bed dwelling, is required to have two in curtilage parking spaces to meet current design guidance. A planning condition has been imposed to ensure that the garages are retained for the lifetime of the development.
55. The front door of the development would be protected from vehicle movements via a small enclosed private amenity and whilst the garden gate would open directly onto the forecourt area, this is not unlike access arrangements found directly onto lanes or forecourts elsewhere.
56. Works within the public highway require consent and approval under from the Local Highway Authority separate to any planning approval. In this case, approval is needed under Section 278 of the Highways Act 1980 to obtain Technical Approval and consent for works within the public highway. Works may be undertaken by a suitably approved private contractor or directly by Council on behalf of the applicant, which is the more usual option for similar schemes which have been previously implemented.
57. Whilst a reasonably detailed drawing of the proposed footway has been submitted in support of the planning application, it is annotated and caveated as being "for information only". Whilst the plan provides sufficient information for planning purposes

to show that it is possible to incorporate a footway onto the lane, full technical approval will still be required, but the basic form and extents of the footway is however unlikely to change significantly from those shown on the plan.

58. Since the previous application was determined, planning permission for a new vehicular access has been granted to the rear of No 4 Vane Terrace (22/00513/FUL) directly onto Woodland Road South Back Lane. Work has commenced on creating this access, but it has yet to be completed. There is however no reason to conclude that this access and the proposed footway are a cause of conflict or highway safety risk. The required footway works are entirely within the public highway and there is no requirement to change the threshold level of any gates/access points given the minimal 25mm upstand of the kerb face and the exiting cross fall of the highway which drains towards the central channel. Likewise, no consent for works within the highway are given or implied as part of the above approval with approved drawings explicitly stating that no works are proposed within the public highway. The gates and wall opening are therefore required to meet the existing line and level of the highway which is unlikely to require any change other than to relay any localised sinking or movement back to design levels.
59. The concerns raised by nearby residents regarding the footway are acknowledged and have been taken into consideration, but it is important to consider the context of both adopted Local Plan policy and the Inspector's comments in dismissing the recent appeal. The scheme now includes a lit footway and the Council's Highways Engineer has advised that a footway can be designed that is acceptable in highway safety terms resulting in the revised scheme being compliant with policies IN1 and IN2 of the Local Plan.
60. The garages to be retained would also be used for the storage of bicycles and also provide an electrical charging socket point to ensure the development complies with policy IN4 of the Local Plan.

f) Land Contamination

61. The application has been supported by a Land Contamination Screening Assessment and site photographs which has been considered by Environmental Health and based on the details of the proposal which includes a courtyard as the only external amenity space (hardstanding), there are no land contamination concerns or issues. The submitted Screening Assessment states that none of the buildings are constructed of suspected asbestos containing materials. However, if the garages to be demolished do contain asbestos (i.e., the roof for example), this will need to be managed appropriately and should be referred to in any Demolition and Construction Management Plan. The scheme accords with policy DC1 of the Local Plan in this regard.

g) Ecology

62. A bat and breeding bird survey was conducted in February 2024 which confirmed the garage structures were negligible to bats and breeding birds, and due to one feature at the ridge tiles, the dovecot structure was confirmed as having low suitability for bats and breeding birds. In normal circumstances a low suitability building would be required

to have a minimum of one bat activity survey. However due to the presence of only one feature, undertaking one survey is in proportionate and as such, it is accepted that using good working practices for the removal of tiles and roof will be sufficient. It is recommended that an ecologist provides a Toolbox Talk and Method Statement regarding the removal of ridge tiles and roofing, to ensure that contractors adhere to best working practices prior to such works being undertaken and this can be secured by a planning condition. Where a bat or bats are uncovered by the removal of the roof, all works in that area would need to cease immediately and a suitably qualified ecologist must be contacted by the developer for advice.

63. Due to the lack of habitats (excluding buildings and hardstanding) being within the boundaries of the proposed development, there is no requirement to undertake a Biodiversity Net Gain assessment utilising the DEFRA Metric. Notwithstanding this, in line with the policies ENV7 and ENV8 of the Local Plan, development will be expected to minimise the impact on and provide net gains for biodiversity. In this case, the most appropriate method of enhancement to increase biodiversity is to install a minimum of two integrated bat features to the newly proposed dwelling. The bat features should be away from any floodlights or other similar bright lighting and be placed a minimum of 4m from ground level. Further enhancement could be the provision of integrated swift boxes to the northern aspect of the property to assist in increasing breeding swift populations. It is also recommended that any landscaping should incorporate native and/or wildlife friendly ornamental species. These measures can be secured by planning conditions.

h) Flood Risk and Drainage

64. The planning application site within Flood Zone 1 and surface and foul water would be disposed via the existing mains sewer (Policy DC2).

i) Nutrient Neutrality

65. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.

66. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.

67. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority
68. The Screening Assessment requires the Local Planning Authority as the Competent Authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
69. The information required to enable the Local Planning Authority to undertake the screening assessment and where necessary, and appropriate assessment is provided by the applicant's submitted Nutrient Budget Calculator, Nutrient Statement and Provisional Credit Certificate. This information provided by the applicant is considered sufficient to enable the Local Planning Authority as the Competent Authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
70. The submitted nutrient budget calculator demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.
71. The applicant has used Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs used by the applicant within this calculator are satisfactory and are an accurate reflection of the site and its location. This proposal for one dwelling would increase the total annual nitrogen load arising by 1.56kg per year.
72. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool, the applicant proposes to mitigate this nitrogen surplus by purchasing 1.56 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 1.56kg that needs to be mitigated. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition has been imposed to ensure that the required and necessary mitigation is secured and in place.

73. The proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA. It can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to conditions.
74. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they have no objections subject to appropriate mitigation measures being secured by planning conditions

THE PUBLIC SECTOR EQUALITY DUTY

75. 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 building would be constructed to meet Category 2 requirements of Building Regulations and the proposed footway has been included to ensure the development has safe access for persons with mobility issues (policy IN2 of the Local Plan)

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

76. 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

77. Planning permission was previously refused to extend and convert this existing building as that development did not provide appropriate permeability and connectivity for pedestrians and people with mobility issues contrary local plan policy. The Council's decision was upheld at appeal. This application is for the exact same development proposal but a lit footway with a bitmac surface leading from the development site to Vane Terrace has now been included which is considered to be acceptable in highway and pedestrian safety terms. The works would require consent from the Local Highway Authority under Section 278 of the Highways Act 1980 to obtain Technical Approval and consent for works within the public highway.
78. The proposed development, including the creation of the footway, is considered to be acceptable in amenity terms, general design terms and will not harm the significance of the West End Conservation Area. Ecological enhancements can be secured by planning conditions and the applicant has purchased the appropriate amount of credits from the Natural England Tees Catchment credit scheme to mitigate the impact of the development upon the Teesmouth and Cleveland Coast SPA.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - a) Drawing Number 21-33/P002C Proposed Plans & Elevations
 - b) Drawing Number 21-33/P-LP – Location Plan

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

3. Prior to the first occupation of the development hereby approved, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

4. A lit footway, as shown indicatively on drawing 23066-LE-00-01-DR-D-0001P02, shall be constructed, completed and available for use prior to the first occupation of the dwelling hereby approved.

REASON: To ensure that the dwelling has appropriate access, with particular regards to pedestrians and people with mobility issues in accordance with policies IN1 and IN2 of the Darlington Borough Local Plan.

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

f. Warning signage.

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

REASON: In the interests of residential amenity and highway safety

6. Prior to the removal of any ridge tiles and roofing on the existing building, a Toolbox Talk and Method Statement provided by an ecologist shall be submitted to and approved in writing by the Local Planning Authority. The development must not be carried out otherwise than in complete accordance with the approved Statement.

REASON: In the interests of biodiversity and to protect habitats and protected species

7. Should a bat or bats be uncovered by the removal of the roof of the existing buildings, all works in that area must cease immediately and the developer must contact a suitably qualified ecologist for advice in consultation with the local planning authority.

REASON: In the interests of biodiversity and to protect habitats and protected species

8. No building shall be constructed above damp proof course level until details of a scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum of two bat features and two bird nesting features (either or both swift and house sparrow features), and the details shall include, but not be limited to, plans to show the location of the integrated features. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be retained in situ for the lifetime of the development.

REASON: To ensure the development complies with policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036

9. No building shall be constructed above damp proof course until a landscaping scheme, incorporating native and/or wildlife friendly ornamental species has been submitted to, and approved in writing by, the Local Planning Authority and, upon approval of the scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site and in the visual and ecological interests of the area.

10. No building shall be constructed above damp proof course level until details of the external materials to be used in the carrying out of this permission have been submitted to, and approved by, the Local Planning Authority. The details shall include bricks, roof

tiles, cills and headers, windows, doors, rainwater goods, railings, gates, brick bond, rooflights and the development shall not be carried out otherwise than in complete accordance with the 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 and the West End Conservation Area

11. No building shall be constructed above damp proof course until precise details of cycle parking have been submitted to and approved in writing by the local planning authority. The agreed parking provision shall be made available for use prior to the occupation of the development and retained in situ for the lifetime of the development.

REASON: In order to encourage the use of sustainable modes of transport

12. No building shall be constructed above damp proof course until precise details of refuse storage and disposal have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be made available for use prior to the occupation of the development and retained in situ for the lifetime of the development.

REASON: In order to prevent the storage of refuse in the public highway and in the interests of the amenity of the area

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

REASON: In the interests of residential amenity

14. The two garages shown within the land edged in red on Drawing Number 21-33/P-LP – Location Plan shall be retained permanently and made available for parking purposes associated with the dwelling hereby approved only and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure that the development retains appropriate parking provision on the interests of highway safety

15. An electrical socket suitable for the charging of electric vehicles shall be installed into each of the retained garages prior to the first occupation of the dwelling. The sockets shall be, a minimum, single phase 13 amp socket and shall be retained in situ for the lifetime of the development.

REASON: To ensure the development complies with Policy IN4 of the Darlington Local Plan 2016 - 2036

16. The first floor bedroom window formed in the south elevation of the dwelling hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the neighbouring dwelling.

17. All repointing, repair or rebuilding works to the Dovecote and the construction of the new dwelling hereby approved shall be undertaken using lime mortar only.

REASON: In order to safeguard the visual appearance and character of this building of local historic interest and the West End Conservation Area

18. The dwelling hereby approved shall meet Category 2 requirements (accessible and adaptable dwellings) of Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) unless otherwise agreed in writing by the Local Planning Authority

REASON: To ensure the development complies with Policy H4 of the Darlington Local Plan 2016 - 2036

INFORMATIVES

Highways

The Developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into an agreement under Section 278 of the Highways Act 1980, before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

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.