

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 October 2019

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| APPLICATION REF. NO: | 19/00678/FUL |
| STATUTORY DECISION DATE: | 16 September 2019 |
| WARD/PARISH: | SADBERGE AND MIDDLETON ST GEORGE |
| LOCATION: | 19A The Front Middleton One Row Darlington |
| DESCRIPTION: | Replacement of concrete driveway with heritage tumbled cobbled sets, installation of wrought iron handrails to steps leading to main entrance door and replacement of single pillar and wall with pair of brick pillars and timber double cross field gates (Additional information received 15th August 2019) |
| APPLICANT: | MR SIMON DAVISON |

APPLICATION AND SITE DESCRIPTION

The application property is a Grade II listed end of terrace dwelling situated on The Front in Middleton One Row and within the Middleton One Row Conservation Area. To the west of the property is a shared access to the rear of the Devonport Public House and residential dwellings situated to the north, also serving as the access to the property itself.

Planning permission is sought for the following:

- The replacement of the driveway with heritage tumbled cobbled sets;
- The installation of wrought iron handrails at either side of the steps at the main entrance door at the side of the building;
- Replacement of single pillar and wall with a pair of brick pillars constructed of reclaimed brick and sandstone capping stones, and the erection of timber double cross field gates to the driveway entrance.

The supporting information submitted with the application states that the proposals are required to provide improvements to the safety of the shared driveway for the applicant's family and visitors to the property as well as users of the shared access in general. It states that the current configuration and materials of the driveway are past their best and need replacement. It states that the adjacent Devonport since its

refurbishment has brought an increase in the number of users of the access and that the proposal will increase the safety for children, pedestrians and vehicles.

A Heritage Statement has been submitted with the application which assesses the impact of the proposals on the significance of Heritage Assets.

A separate application for Listed Building Consent for the proposed works, has been submitted and is dealt with elsewhere on this agenda.

Application documents including Heritage statement, plans, consultation responses, representations received, and other background papers are available on the DBC website.

PLANNING HISTORY

The site has a lengthy planning history, the most relevant and recent of which is set out below:

84/00215/DM – In May 1984 planning permission was granted for the erection of a porch to the side.

87/00578/LBC – In January 1988 Listed Building Consent was granted for the replacement of front door and surrounds.

07/00492/LBC – In September 2007 Listed Building Consent was granted for the replacement of a door and 6 No. windows to the side and rear elevations.

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Darlington Core Strategy (2011)

- CS2 – Achieving High Quality, Sustainable Design
- CS14 – Promoting Local Character and Distinctiveness.
- CS16 – Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework (2019)

RESULTS OF CONSULTATION AND PUBLICITY

Three objections have been received and the main points raised are summarised below;

- *The area in question has a long-established right of access with the adjacent hotel (The Devonport);*
- *The applicant has allegedly been stopping / challenging vehicles legitimately using this access to the hotel and there is concern that the proposal is a device to restrict access to the alleyway, both giving the impression that it is not an access, and have heavy barrier, that would have to be moved for those wishing*

to legitimately gain access to the established hotel car park, making access difficult;

- *The resultant potential increased parking on the Front would impact on this important greenspace for the village;*
- *It will impact the Devonport which is a valuable social and economic amenity to the village;*
- *The gateposts, gate and solid wall come out on a footpath that passes the front and will obscure vision for cars coming to this point and pedestrians passing; This is a busy path for people coming to / from the hotel / pub and general pedestrian traffic and represents a safety hazard;*
- *There are three properties to the rear of the Devonport and 19A The Front. This is the only possible access for large vehicles, such as emergency services and refuse collection wagons for them;*
- *Would the proposed cobbles be robust enough to handle regular use and also heavy vehicles?*
- *This is currently a straight access road but is already a tight access. The proposed gate posts and gates would limit the entry access and width and put a dog-leg in, making it difficult for longer, larger vehicles to navigate. It is essential to have access for large vehicles;*
- *The proposed handrails to the edge of the steps would reduce the airspace for larger vehicles to pass, on what would already be more difficult to navigate, given the planned gateposts and gates resulting in the dog leg mentioned above.*

Middleton St George Parish Council has objected to the proposals, raising the following concerns:

- *Whilst the proposals include features which could be viewed as to enhance the appearance of the area, the Parish Council has serious concerns on issues which would constitute material grounds for objection and as such outweigh the proposed benefits;*
- *Fully support the concerns raised by residents, together with the information they supplied in their letters and comments;*
- *The gates being there would narrow the opening, making deliveries to the rear difficult, and would also discourage use of the customer and resident car parking to the rear; This in turn would cause customers to park on the roadside all along the Front, as they would have nowhere else to go;*
- *On popular evenings the number of cars parked can be considerable, and we would not want to see this because of the proposals in this application;*
- *The Devonport has a right of way through the cut; The applicant is seeking to establish the cut as his private driveway;*
- *The applicant wishes to restrict access with gates, which he confusingly states will only be closed (but not locked) after 2300 hours which is at odds with his argument that they are to stop anti-social behaviour emanating from the hotel which will be about to close at this time (if not already);*
- *The applicant states that the Devonport can easily use the opposite end way for their access to the rear but in practice this is a very narrow opening which is difficult for cars never mind any size of delivery vehicle; We would dispute the applicants statements that imply that this is an easy access, but in any even the*

existence of an alternative does not mean that the Devonport should give up their right of way in front of 19A;

- *The applicant lays emphasis on improving the safety of the use of the way and claims that excessive speed is a factor; We understand that the Devonport have offered to pay for speed bumps and any other safety improvements to allay fears, but the applicant has refused to consider this as an option;*
- *The application should be refused, and the applicant should be encouraged to work more closely with the Devonport management to come up with a solution to his fears around safety and unsociable behaviour.*

The Council's Highways Officer has been consulted and has raised no objections to the proposed development.

PLANNING ISSUES

The issues for consideration are whether the proposed alterations are acceptable in the context of their impact on the significance of the application property, being a Grade II listed building and on the character and appearance of the Middleton One Row Conservation Area, and whether the proposal raises any issues in respect of highway safety or residential amenity.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when dealing with planning applications affecting listed buildings, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

There is a general duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that, in determining applications in Conservation Areas, special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 192 of the National Planning Policy Framework requires that local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 200 of the NPPF also requires that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design) states that high quality, safe, sustainable and inclusive design will be promoted in all new developments. All development proposals should reflect and/or enhance Darlington's

distinctive nature, built and historic characteristics that positively contribute to the character of the local area and its sense of place.

Policy CS14 (Promoting Local Character and Distinctiveness) requires that the distinctive character of the Borough's townscapes, landscapes and strong sense of place will be protected and enhanced by protecting, enhancing and promoting the quality and integrity of the Borough's nationally significant built heritage (listed buildings) and buildings and their settings within Conservation Areas.

The proposed cobbled sets are appropriate in terms of proposed materials and appearance and would be an overall improvement to the current concrete driveway and does not harm the setting of this Grade II listed building or the character or appearance of the Middleton One Row Conservation Area. The proposed wrought iron handrails are appropriate in terms of materials and appearance and are an appropriate addition to this Grade II Listed Building and do not harm the character or appearance of the Middleton One Row Conservation Area. The proposed replacement pillars and timber double cross field gates are appropriate in terms of materials and appearance and are an appropriate addition to this Grade II Listed Building and do not harm the character or appearance of the Middleton One Row Conservation Area.

Collectively, the proposals do not harm the significance of heritage assets and are acceptable in terms of their design and appearance.

Highway Safety

Several concerns have been raised regarding highway safety and the impact that the proposal would have both on customer parking and deliveries for the adjacent Devonport restaurant / public house.

The Highways Officer was consulted and confirms that as the gates and proposed entrance do not directly front adopted highway as the road directly to the front of the buildings is private, and the type of gate used would not adversely impact the safety of other drivers and pedestrians, and open inwards, the proposal raises no highway safety concerns. The Highways Officer has therefore raised no objections to the proposal.

In addition, the applicant has provided Vehicle Swept Path Analysis, undertaken by a qualified professional consultancy. The submitted vehicle tracking has been checked by the Council's Highways Officer and demonstrates that the site is accessible both before and on completion of the development proposal. It demonstrates that the additional of the gate makes no material difference to the width of the route.

It is noted that delivery vehicles are using the route to service the Devonport, together with customers, who may park to the rear of the Devonport, and the proposal allows these arrangements to continue and does not impact on the alternative access to the western side of the Devonport. It is acknowledged that the proposal introduces a slight inconvenience to users of the access in that drivers will be required to open the gate before entering, however in the absence of any highway safety concerns, this is not a reason to refuse planning permission.

Residential Amenity

The proposal raises no issues in respect of its impact on the residential amenities of existing residents

Other matters

The issue of a restrictive covenant was raised by objectors. As confirmed in the National Planning Practice Guidance, (Paragraph 005), land ownership, including any restrictions that may be associated with land, is not a planning matter. This issue therefore cannot be considered in the determination of this planning application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

THE PUBLIC-SECTOR EQUALITY DUTY

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.

CONCLUSION

The proposed alterations are not considered to harm the setting of this Grade II listed building or the character and appearance of the Middleton One Row Conservation Area. The proposal does not give rise to highway safety concerns or impact on residential amenity. Subject to the conditions listed below, the proposal is considered to comply with Policies CS2 (Achieving High Quality, Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy (2011) and the requirements of the National Planning Policy Framework (2019).

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B4 Details of materials
3. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

002-19-07-2019 Proposed alterations to front door steps to 19A The Front

003-19-07-2019 Proposed alterations to 19A The Front Driveway

004-19-07-2019 Proposed alterations to 19A The Front Driveway Entrance

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

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

National Planning Policy Framework (2019)

Darlington Core Strategy (2011)

CS2 – Achieving High Quality, Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Health and Safety