

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

**COMMITTEE DATE: 16<sup>th</sup> October 2019**

---

<b>APPLICATION REF.</b>	19/00515/FUL
<b>STATUTORY DECISION DATE:</b>	1 <sup>st</sup> AUGUST 2019
<b>WARD/PARISH:</b>	HARROWGATE HILL
<b>LOCATION:</b>	Allotment Garderns, Glebe Road, Darlington
<b>DESCRIPTION:</b>	Installation of mains connected portable toilet with timber pergola to provide screening (amended description and additional plan received 22/07/19)
<b>APPLICANT:</b>	Glebe Road Allotment Association

---

**APPLICATION AND SITE DESCRIPTION**

The application site comprises of existing allotment gardens accessed off Glebe Road to the north of Darlington. The site is surrounded by residential properties to the south and east, which are separated from the site by a variety of boundary treatments, and by open countryside to the north and west.

Planning permission is sought to site a portable toilet building with a cold water sink in the southern corner of the application site. The toilet is to be sited between and existing container building and timber shed. The portable toilet is to be connected to the existing sewage system and does not require a mains power supply. It is to measure approximately 2.33m (H), 1.22m (W) and 1.2m (D) and in response to concerns regarding the visual impact of the toilet building it is to be screened by a 2.4 metre high timber pergola.

If is for the use of allotment holders only and not for members of the general public.

**PLANNING HISTORY**

No previous planning history.

**RESULTS OF CONSULTATION AND PUBLICITY**

Letters were sent to occupiers of neighbouring properties advising of the proposal.

**Three letters** were submitted objecting to the application before the description was amended to 'Installation of mains connected portable toilet' and the plan received detailing the timber pergola which will provide screening . However, the comments can be summarised as follows:-

- *Close proximity to residential properties on Poppy Close*
- *Strong wind blows from the direction of the allotments, object to the likelihood of unpleasant smells from the portable toilet being blown into my garden and property*
- *wind speeds are considerable due to open fields raises issues in regards to the stability of the toilet*
- *Object to looking out of my house and seeing a toilet at the rear of my house*
- *Object to viewing a portable toilet from my windows and every time I leave my property*
- *Proposal is for a portaloos why is sewage access necessary, will sewage access involve excavations on Poppy Close*
- *Allotments are located on a large site with two of the boundaries not near residential properties, the toilet would be better located in the opposite corner away from residential properties*
- *More suitable location on site away from residents*
- *Large site area, two of the boundaries are not near residential properties, moving the location of the toilet to the opposite corner of the site away from residential housing would not impact people living nearby*

**Four letters** were submitted supporting the application, the comments can be summarised as follows:-

- Mains connected therefore no smells
- Unit will not be visible from outside the allotment site as it will be hidden by tall hedging, wood panelling and planting
- Toilet needs to be in this location due to closeness to existing sewer connection
- On site toilet is a necessity for tenants who do not live close to site and for tenants ranging in age from young to old and for those who have learning disabilities
- The Links (Day Service for Adults with Learning Disabilities) attendees currently have to walk to the Gateway Hall on Salters Lane supported by staff to use the toilet facilities which restricts some attendees from using the project which disrupts the session
- Cleanliness will be maintained by allotment users
- To have the toilet on site will open opportunities to involve more people in their local community which will build confidence, skills and social connections
- There will be no smell as the toilet is going to be connected to the mains sewer by an authorised contractor therefore there will be no smell wherever the toilet is located
- A pergola will be erected surrounding the toilet which will have flowers growing up over the top making the toilet enclosure more pleasing to the eye and in keeping with the surrounding area
- No toilet facilities on site is far from ideal for female allotment holders as well as men

- One allotment plot is managed by an adult assisted care home, they would be able to spend more time at the allotment during the day.
- Live on the other side of Darlington (approx. 15/20 minutes away), not ideal to make a round trip just to go to the toilet
- Other allotment sites within the town have toilet facilities
- Invaluable to allotments tenants, especially the elderly who have time to spend long periods of time there
- Proposal needs to be passed for allotment tenants who have weak bladders

The Council's **Environmental Health Officer** has raised no objections to the proposal as odours are not expected to be a problem due to the specification of the proposed toilet, provided that the toilet is maintained.

**Northumbrian Water** will work with the applicant to establish assets on site (trunk main and two sewers) to ensure proposed structure will not built over or close to their apparatus.

The Council's **Estates Department** have raised no objections from a management point of view as the proposed screening will disguise the proposed toilet and no 'nuisance' will be created as long as the screening remains in place.

## **PLANNING POLICY BACKGROUND**

### **Borough of Darlington Local Plan 1997**

Saved Policy E3 – Protection of Open Land

### **Darlington Core Strategy Development Plan Document 2011**

Policy CS2 – Achieving High Quality, Sustainable Design

Policy CS16 – Protecting Environmental Resources, Human Health and Safety

## **PLANNING ISSUES**

The main issues relevant to consideration of this application are considered to be the impact of the proposal on the visual and residential amenity of the surrounding area.

### **Impact on the Character and Appearance of the Surrounding Area**

The site is allocated as Open Land within the proposals map accompanying the Borough of Darlington Local Plan. Saved Policy E3 (Protection of Open Land) states that in considering proposals to develop any areas of open land within the urban development limit, the Council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole. In particular, permission will not be granted for development which inflicts material net harm on the visual relief afforded by the system in built-up areas; or on the character and appearance of the locality through loss of openness and greenery.

Core Strategy Policy CS2 states that high quality, safe, sustainable and inclusive design will be promoted in all new developments.

The proposed toilet will be sited between an existing shipping container and timber shed in the southern corner of the site. In this location, the siting of a modest building,

surrounded by existing buildings, on the periphery of the allotment site, the proposal will not have an impact on the open land network and as such complies with the requirements of Saved Policy E3.

From views outside of the site the proposed toilet would be screened by residential development on Poppy Close to the east, and on Maple Road and Birch Road to the south. The proposal is therefore considered to comply with Policy CS2 in this regard.

### **Impact on Residential Amenity**

The proposed toilet would be sited in the southern corner of the allotment site in close proximity to residential properties to the south and east. The toilet would be approximately 20 metres from the nearest property to the south and 16 metres from the nearest property to the east. Concerns have been expressed regarding the visibility of the toilet from the adjacent residential properties and odour.

Saved Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should ensure that proposals will have no detrimental impact on the environment or the general amenity and health and safety of the community.

The proposed toilet would be sited on the opposite side of the garden fences to the rear of 24 and 26 Maple Road, to the south, approximately 20 metres from the rear of these properties. The existing steel container and proposed toilet would be sited adjacent to a 1.6 metre high timber fence enclosing a driveway and parking area to 31 Poppy Close to the east.

The allotment site is set much lower than the residential development and the existing shipping container and timber shed are the same height as the existing fencing and are further screened by shrubbery and hedgerow. In response to concerns about the toilet being visible from outside of the allotment site, the plans have been amended to include a 2.4 metre high timber pergola screen. The proposed toilet will become more visible in the winter time when the surrounding shrubbery and hedgerow dies back, however, the toilet will still be screened by the existing timber fencing, the shipping container and the timber shed and will not be unduly visible in the immediate locality. Nor would it have an unacceptable impact upon the amenities of neighbours in terms of loss of light, outlook or privacy.

The applicant has advised that it is not possible to site the toilet in an alternative location on the site as it is to be connected to an existing sewerage connection located in the south east corner of the site. The allotment committed have chosen to have a mains connected toilet rather than a compostable toilet because of the odours and other problems they might cause.

The Environmental Health Officer has confirmed that as the toilet will be connected to the main sewerage system, 'odours' will not be a problem provided the toilet is maintained. The proposal is therefore considered to comply with Policy CS16 in this regard.

### **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.

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

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

Whilst acknowledging that the immediate neighbouring properties are in close proximity, the toilet will be screened by the storage container, timber fencing, hedgerow and planting which runs along the eastern boundary. The Environmental Health Officer has raised no objection due to the specification of the proposed toilet, provided that the toilet is maintained. As such the toilet is not considered to have an unacceptable impact on the visual and residential amenity of the surrounding and thereby complies with Saved Local Plan Policy E3 and Core Strategy Policies CS2 and CS16.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS :

1. A3 (Standard 3 year time limit)
2. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Portaloos Installation Floor Plan Drawing Ref. Plan 1A dated 9 July 2019  
Portaloos Installation Elevation Plan Drawing Ref. Plan 1B dated 9 July 2019  
Portaloos Installation Elevations inc. Pergola Plan Drawing Ref. GRAA dated 19 July 2019

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

3. The timber screening shall remain in place and shall be maintained in accordance with approved plans for the lifetime of the development hereby approved.

REASON - To protect the amenities of the neighbouring residential properties.

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

**Borough of Darlington Local Plan 1997**

Policy E3 – Protection of Open Land

**Darlington Core Strategy Development Plan Document 2012**

CS2 - Achieving High Quality Sustainable Design

CS16 - Protecting Environmental Resources, Human Health and Safety