

**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

Committee Date –

**SCHEDULE OF APPLICATIONS FOR CONSIDERATION**

**Background Papers used in compiling this Schedule:-**

- 1) Letters and memoranda in reply to consultations.
- 2) Letters of objection and representation from the public.

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**Index of applications contained in this Schedule are as follows:-**

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	Former British Rail Goods Yard, Haughton Road	04/00143/FULE	E1, E10, E12, E14, E16, E21, E24, E25, E23, E28, E29, E34, E45, E46, E48, E49, E47, H15, R1, R2, R3, R13, R20, R21, R25, EP4, EP5, EP7, T2, T7, T8, T11, T12, T13, T24, T37, T39, T51, T52
	82 Fulthorpe Avenue	04/00392/CU	H15, R25, A10
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	Hurworth Comprehensive School	04/00492/DC	E2, E4, E8, E29, H115, R1, R2, R25
	Land at Swan Street	04/00304/FUL	R25, E29, H15, T24
	Parkgate Health Centre	04/00305/DC	T20, T30
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**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 June 2004**

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**APPLICATION REF. NO:** 04/00143/FULE

**STATUTORY DECISION DATE:** 10 June 2004

**WARD/PARISH:** LINGFIELD

**LOCATION:** Former British Rail Goods Yard Haughton Road  
Darlington

**DESCRIPTION:** Development of site to provide new college of  
education with associated car parking, playing fields,  
external works and access from Haughton Road  
(additional information (traffic) received 11 March  
2004)

**APPLICANT:** DARLINGTON COLLEGE OF TECHNOLOGY

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**APPLICATION AND SITE DESCRIPTION**

The application site is located to the south of Haughton Road and forms part of the former British Rail goods yard area. The application site extends to some 8.33 hectares. The site is relatively flat and featureless. There is some mature planting on the site particularly on the western boundary of the site, which was planted and landscaped as part of the Railside Revival programme in the late 1980's. The planning application proposes the development of the site to provide a new college of technology. This would be the relocation of the college from its site on Cleveland Avenue, which is to be developed for housing. The building proposed is of modern design and comprises three interlinked blocks. The block to the north of the site fronting Haughton Road will be three storey in scale with a circular footprint providing the main entrance atrium. This then has three wings, again three storeys in scale, providing the various educational facilities. The building then connects to two additional education blocks to the south of the atrium block. These are generally two storeys in scale. In the southern part of the site are two smaller detached blocks each single storey in height providing indoor sports and nursery provision. The access to the site is proposed from a light controlled crossing on Haughton Road, this will provide an access road to a parking area for 400 cars on the eastern side of the site. The road will then cross the site to the west and the rear of the blocks to provide service access. Three playing pitches are proposed at the southern end of the site.

An Environmental Assessment (EA) has been submitted as part of the application as the development proposal is a major development under the Environmental Impact Regulations. In addition a Transport Assessment (TA) is also submitted to support the application.

## **PLANNING HISTORY**

Planning permission was granted for the development of the part of the site for a retail park and office park on 5th July 1996 (8/94/873/DM) this was also to include an all-weather hockey pitch on the southern end of the site. There followed an application under S.73 of the Act to extend the time period for implementation of the scheme (01/00484/FUL) this application was withdrawn and the planning permission for the development originally approved has now lapsed.

## **PLANNING POLICY BACKGROUND**

The following policies in the development plan are relevant.

### **Tees Valley Structure Plan 2004 (TVSP)**

Sustainability

SUS1, SUS2

Strategy

REG1, STRAT1

Employment

EMP1, EMP2

Environment

ENV7, ENV10, ENV16, ENV17, ENV21, ENV30

Transport

T5, T6, T24A, T25, T26, T27

### **Borough of Darlington Local Plan (BDLP)**

E1 Keynote Policy for the Protection of the Environment

E10 Protection of Key Townscape and Landscape Features

E12 Trees and Development

E14 Landscaping of Development

E16 Appearance from Main Travel Routes

E21 Wildlife Corridors

E24 Conservation of Land and Other Resources

E25 Energy Conservation

E23 Nature and Development

E28 Surface Water and Development

E29 The Setting of New Development

E34 Archaeological Sites of Local Importance

E45 Development and Art

E46 Safety and Security

E48 Noise Generating Development

E49 Noise Sensitive Development

E47 Contaminated and Unstable Land and Development

H15 The Amenity of Residential Areas

R1 Designing for All

R2 Access for People with Disabilities  
R3 Provision of Public Facilities in New Buildings  
R13 Recreation Routes and New Development

R20 New Sports and Recreation Development  
R21 John Dixon Lane Sports and Recreation Development  
R25 Provision of Community Facilities and Services  
EP4 Haughton Road  
EP5 Other Uses in Employment Areas  
EP7 Office/ Business Park Development  
T2 Highway and Transport Management - New Development  
T7 Traffic Management and Main Roads  
T8 Access to Main Roads  
T11 Traffic Calming New Development  
T12 New Development Road Capacity  
T13 New Development Standards  
T24 Parking and Servicing Requirements for New Developments  
T37 Cycle Routes in New Development  
T39 Conditions for Pedestrians  
T51 Location of Services  
T52 Drainage Infrastructure

### **Planning Policy Guidance**

PPG1 (General Policy and Principles) PPG13 (Transport) PPG 16 (Archaeology and Planning)  
PPG17 (Sport and Recreation) PPG23 (Planning and Pollution Control) PPG 24 (Planning and Noise)

## **RESULTS OF CONSULTATION AND PUBLICITY**

Two letters received raising the following concerns:

- *Haughton Road and Eastmount Road already suffer high volumes of traffic*
- *An upgrade of the local park was prevented for traffic reasons*
- *Please consider the safety of children*
- *Problems associated with speeding by cars and bikes on Eastmount Road*
- *Movement of HGVs in the area of Montrose Street/Dundee Street*
- *Anti social behaviour in the area is a real problem*
- *Loss of shot cut to local school*
- *Eastmount Road used as a short cut between north Road and Haughton Road*

### **Environment Agency**

The Agency offers observations on contamination, controlled water, flooding, pollution control and waste but raises no objection subject to the application of appropriate planning conditions.

### **Sport England**

The response from Sport England had not been finalised at the time of writing this report. Sport England's position will be confirmed on the day of the Committee.

### **English Nature**

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Submitted a holding objection based on the submitted EA requesting further work be carried out in respect of the possible presence of bats and reptiles on the site. This is referred to in the planning issues section of the report below.

**Darlington Civic Trust**

Comment that the site chosen presents an opportunity for a thoroughly modern style of architecture unconstrained by issues of townscape and conservation. Any approval should be subject to the requirement to provide a detailed landscaping scheme for the site, which seeks to preserve the planting, carried out on the western part of the site as part of the Railside revival project.

**Durham CC Archaeology**

The site has already been the subject of a desktop exercise by the applicant's agent. No objection raised subject to a condition requiring investigation of the site prior to development commencing.

**Northumbrian Water**

No objections

**The Countryside Agency**

No observations

**Network Rail**

No objections

**PLANNING ISSUES**

This application represents a major new educational facility for the College as a replacement for its Cleveland Avenue site. The application site forms part of a larger area of land currently the subject of a master planning exercise to establish a framework for future development and it is relevant, in determining this application, that Committee have some information on the background to this assessment.

The site forms part of an area of land, which comprises some 30 hectares. This land lies between Haughton Road in the north and Yarm Road in the south and is bound by the main east coast rail line to the west. It potentially includes the depot at Hundens Lane allotments and associated land. The larger site is currently the subject of a development appraisal and master planning exercise sponsored by the regeneration agencies, One North East (One NE) and Tees Valley Regeneration (TVR). In 2003 TVR identified Haughton Road as one of a number of flagship schemes in the Tees Valley Area and in partnership with the land owners, Rail Property, and DBC the site is one which is now the subject of a master planning exercise to promote the development of the site for a range of uses which may include, employment, housing and the College of Technology. It is of course the case that because the application for the college is submitted in advance of the application for the remainder of the site the Local Planning Authority needs to satisfy itself that an approval of the scheme, as submitted, will not prejudice the development potential of the greater part of the site.

The main issues to be considered in the determination of this application are;

- The application of planning policy in the development plan in respect of land use allocations for the site
- An assessment of the proposal in respect of the submitted Environment Agency and application of relevant planning policies in the Development Plan
- An assessment of the proposal in respect of traffic and transport impacts
- General development control considerations

### **Land Use Allocation**

Planning policy issues relate to the proposed use of the site for education purposes.

The site is allocated in the BDLP for employment related uses. Policy EP4 and EP7 state the site will be reserved for employment related uses (B1 Business Use) and, in respect of policy EP4, leisure or recreation to be undertaken comprehensively and in conjunction with policy R21 (John Dixon Lane Sports and Recreation Development) As stated in the planning history, the business and retail park proposal was to include an all weather hockey pitch in accordance with policy R21. This pitch all weather has now been provided at the Eastbourne Sports complex and is no longer a planning requirement on this site. The application does, in any event make provision for sports pitches and sports facilities to which the public will have access as part of the requirement to replace sports provision lost at the Cleveland Avenue site.

Although a departure from the specific employment allocation for this part of the site, the use of the application site for an educational establishment is considered acceptable use as part of a future mixed scheme to include housing offices and related uses, in this respect the proposal will comply with policy EP5 (Other Uses in Employment Areas) provided the proposal complies with other policies in the Borough of Darlington Local Plan.

### **Environmental Assessment (EA)**

The application is accompanied by an EA as required by Regulation. These studies, which form an integral part of the preparation and content of a planning application for major development, are used as a predictive tool to identify the potential environmental effects, both positive and negative, of a development and to identify methods to mitigate any identified negative impacts.

The scope of the EA was agreed with officers and covers the following topic areas:

- **Ecology**
- **Landscape and Visual Impact**
- **Noise (impact of traffic)**
- **Land Quality/Ground Water**
- **Drainage**
- **Air Quality (impact of traffic)**
- **Archaeology**
- **Sustainability and Local Community**

Heritage and waste, were areas agreed with the applicants to be of little relevance to the site and the proposal.

The study assesses short (construction impacts) and longer-term impacts of the development. Clearly the construction impacts tend to be less of an issue given their short term and temporary nature but the study does identify, where appropriate, short-term impacts that can be mitigated.

A copy of the non-technical summary of the submitted EA is attached to this report (Appendix DBC/1) for Members information.

### **Alternative Sites**

In respect of alternative development sites the applicants in consultation with officers considered a number of alternative sites, the development is constrained by the requirement to meet a catchment area for the student population, transport links, land availability, and the desire to use previously development land. The application site was the only site to generally meet all these requirements.

### **Consideration of the EA**

Each of the subject areas identified in the EA has been assessed and is summarised in the following sections of the report. Where appropriate the EA is assessed in respect of the relevant development plan policy in the Borough of Darlington Local Plan TVSP.

### **Ecology**

The original study has been supplemented by additional survey work in respect of the potential for bats and newts on the site. The main study identifies the site as an area of woodland and grassland of no particular nature conservation interest not identified as such, the site is unmanaged and prone to fly tipping. The nearest site of interest is some 350m to the east at Hundens Pond, which will not be directly affected by the proposals. The site has no tree preservation orders in force. The study assesses the site in respect of policy E11, E12 and E23 of the BDLP and the Durham Bio Diversity Action Plan. The study carried out was particularly concerned with the possible presence on the site of any protected species protected under the Wildlife and Countryside Act. The study identifies in particular the area of planting on the western boundary of the site, carried out as part of the Railside Revival programme, as being of value. No wetlands or water bodies are present on the site although parts are subject to seasonal water logging. A range of common birds was noted in the survey but no protected species were identified. A supplementary survey has confirmed that there will be no net loss in the bat population as a result of the development and English Nature has accepted these findings and has withdrawn its holding objection on this issue. Survey work on the presence of reptiles such as the Great Crested Newt continue although the EA is confident that there is no evidence of presence on the site of this species. The assessment is that the site illustrates features, which are widespread and common on such sites with some features of local interest. The site is judged to be of "low local" nature conservation value.

The study assesses the impact of the development on specific parts of the site, the main building complex will impact on low value areas and it will be possible to retain planting on the western boundary of the site and a tree adjacent to the service road and a line of hawthorn between the main buildings. Taken as a whole approximately one quarter of the woodland and scrub within the site will be retained with half the grassland resource including the most botanically diverse areas. It is concluded the overall ecological significance of the development impacts range from minor to negligible. Mitigation options include retention of some of the ecological elements on the site and the protection of others during construction. Further survey work is recommended in respect of some species, and if necessary, a programme of trapping and translocation, prior to the commencement of works, will be required in consultation with conservation agencies. Works on the site will be required to avoid the nesting season where this involves the removal of trees and further survey work may be required to identify and where necessary relocate the more diverse plant species again before the commencement of work. The study identifies five key areas for habitat enhancement;

- Diversification of marginal areas by sowing of wild flower seed mix
- Encourage the development of diverse grassland by selective management

- Reinstatement of hedgerows on the site
- Creation of a pond or wetland area on the site

Planning officers and officers in the Countryside Team accept the conclusions of the EA in respect of ecological impacts of the development. Whilst there is impact, this is not of a degree or nature that is a bar to the development proposed, there are a number of final details and mitigation measures which can be appropriately dealt with by planning conditions.

### **Landscape and Visual Impact**

The study sets out the context for the site in terms of its physical characteristics and the main views into the site for key "receptors". The study notes the development will alter the visual appearance and characteristics of the site markedly. In terms of views into the site from the nearest residential properties to the east some 200-300m away, these will be limited to the upper floor windows over long distances. The impact of the proposal on the nearest housing area is judged to be low with the exception of houses on Haughton road opposite the entrance to the site where the existing close boarded timber fence will be removed and the entrance opened up to clear view from those properties and to those pedestrians and motorists passing the site on Haughton Road. Although not part of the application some lighting will be required on the site but this can be designed so as to have a minimal impact on the nearest sensitive receptors.

In terms of mitigation during construction, the study recognises that the loss of some planting will affect screening to the site, noise abatement and impact on bio-diversity. The impact of this work can be minimised by the retention of key areas of planting and introducing more effective management of the areas, re-use of felled materials on the site, the use of protective fencing during construction and new fencing to the site along with additional landscaping provision.

In terms of the development itself, mitigation and improvement will be achieved by careful use of quality materials and future lighting for the site. It is concluded that a sensitively designed facility, such as that proposed, will be an improvement to overall urban quality and the use of mitigation methods outlined in the study will minimise impact on sensitive receptors. Officers accept the conclusions of the report and the mitigation measures identified can be dealt with by planning conditions. It is considered the proposal complies with policy E10, E16 and E29 of the BDLP.

### **Noise (Road Traffic Assessment)**

The main impact in terms of road traffic noise will be on residential and other properties on Haughton Road immediately opposite the entrance to the site. The predictions in the EA show that there would be a minor (+0.2dB(A)) increase in the relevant threshold for noise on Haughton Road, this minor increase is insufficient to affect the relevant PPG24 noise category for the area which will remain in the low, NEC C, bandwidth. During peak hours movement associated with the college the increase is predicted at +1.2dB(A) and +1.6dB(A) An increase between +1 to +2dB(A) would be classed as of marginal significance and the EA conclusion is that the increase in road traffic noise is classed only as a minor negative impact. This conclusion is accepted by the Environmental Health Officers, who comment none the less that encouragement of sustainable transport modes is the key to minimising noise impact from increased traffic movements. It is also recommended some noise attenuation, by way of fencing, is provided along the common boundary to dwellings on Vicarage Road. The layout of the site provides for the most potentially noisy activities e.g. car workshop, to be at the rear of the site

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and these uses will not impact on any nearby residential properties but planning conditions relating to noise insulation on some elements of the site will be appropriate. The EA states a noise management plan will be prepared to minimise any disturbance during the construction

period and this is welcomed. The proposal is considered acceptable in terms of policy H15 and E48 of the Borough of Darlington Local Plan.

### **Land Quality/Groundwater**

The EA study involved techniques of investigation including boreholes and mechanically excavated trial pits. The EA sets out the historical use of the land from its original agricultural use to its more recent use by the rail companies. The EA describes various survey measures on the site in respect of mining, hydrology and related issues. Planning and environmental health officers have assessed the ground investigation section of the EA and advise that subject to planning conditions there are no issues that would indicate permission for the development cannot be granted.

The site is currently crossed by overhead electricity lines on pylons, it has been agreed with NEDL that these pylon lines will be removed and provided underground to facilitate the development of the application site and the larger key site the subject of the master plan.

The proposal is consistent with policy E47 of the BDLP, there are no contamination issues on the site that would indicate a planning permission could not be granted.

### **Drainage**

The EA confirms the existence of both foul and surface water drains laid to the end of John Dixon Lane which are available for connection but, only restricted surface water run off and no foul water connection to these points will be permitted by Northumbrian Water (NWL). The EA recognises that given the limited options on the site alternative methods of surface water disposal from the site to restrict the environmental impact of the development is desirable. At present NWL are undertaking a study to determine the optimum discharge location. The EA describes a number of options being considered including the use of soakaways, use of permeable paving, traditional drainage methods, the use of "grey water" which is recycled for irrigation of landscaped area and flushing of wc's etc. A similar study is being undertaken by NWL in respect of foul water drainage from the site options under consideration include; a private pumping station or an adoptable NWL pumping station. There are a number of technical assessments to be made involving the applicants and NWL but the detail of the final scheme is a matter that can be dealt with by planning conditions. The proposal does not unacceptably conflict with policy T52 of the BDLP.

In respect of the issues of land quality, drainage and contamination the Environment Agency accept the conclusions of the report and recommend any approval be subject of a range of specified conditions dealing with outstanding issues.

### **Air Quality (Impact from traffic)**

The consultants have carried out an assessment for 2004 and 2010 using the Design Manual for Roads and Bridges (DMRB) model with figures from the traffic impact assessment. The calculations have indicated that the greatest impact on air quality would be on annual mean nitrogen dioxide levels on Haughton Road in 2004 with the highest increase over the 'no development' scenario being +1.5µg/m<sup>3</sup> (lower increases are predicted for other pollutants). All levels are, however, well within the current and proposed National Air Quality Objectives.

The Environmental Health officer comments;

*"The construction phase is, however likely to generate increased amounts of nuisance dust in the area and I would recommend that, if possible a condition be attached to any planning consent that the proposed Dust Action Plan should be submitted and approved by the LPA before work*

*commences on site. The proposed restaurant and kitchen areas in Block B are in relatively close proximity to the housing on Haughton Road and may cause odour problems from the cooking ranges. I would therefore recommend that Standard Condition D19 (Control of Fumes and Smell) be attached to any planning consent."*

There are no air quality impacts that merit a refusal of planning permission.

### **Archaeology**

The site has been the subject of a detailed desktop assessment to establish the level of archaeological interest in the site. This is the first stage of the investigation, which informs the decision as to whether to proceed to a full investigation of the site. The specification of the desktop study was agreed with the DCC archaeological service. The EA concludes that the potential for prehistoric remains is low, for Roman remains low and for Anglo Saxon remains low/moderate. The potential for medieval remains is moderate and post medieval remains high. These conclusions indicate that further investigation of the site is appropriate and a planning condition will require such an investigation. Durham CC archaeological service concurs with his approach.

The proposal raises no planning policy issues in respect of policy E34 of the BDLP.

### **Sustainability and the Local Community**

The EA identifies key elements of the proposal, which will promote a sustainable form of development these may be summarised as follows:

- The environmental strategy for the development is fully compliant with the DFEE guidelines for environmental design in schools
- The drainage and geo technical proposals for the site aim to minimise ground disturbance whilst improving drainage from the site
- Protection of existing landscaping during development and enhancement of the same by a landscape strategy
- Protection of wildlife habitats and enhancement of the same by improved bio diversity and planting
- Increased accessibility to improved local educational facilities
- The provision of sports and related services on the site available for local community use
- Promotion of a green travel strategy to encourage use of transport modes and reduce reliance on the private motor vehicle.

This development strategy is consistent with policy E1 of the BDLP.

### **Conclusions on the submitted EA**

Officers have assessed the EA as a comprehensive and robust analysis of the issues raised by the development proposed. The conclusions drawn by the consultant team are generally accepted and the view is taken that the design of the development has acknowledged the constraints of the

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site and mitigated direct impacts. Further, the officers are also satisfied that those negative impacts that have been identified are insufficient to merit a refusal of planning permission and moreover can be further reduced by the use of planning conditions.

### **Transport Assessment Report**

A Transport Assessment Report (TAR) submitted with the application, has been considered by the highways and transport officers of the department.

The main access to the site will be from a light controlled junction west of Vicarage Road, this is considered acceptable subject to final detailing. There are a number of matters that remain to be resolved but the majority of these can be covered by planning conditions, these include:

- The submission of a travel plan to promote sustainable access to the site
- Details of pedestrian and cycle access into and across the site
- Details of parking for people with disabilities, car share spaces, safe drop-off facilities for the nursery
- Investigation of the provision of real time bus information on the site and at the nearest bus stops
- Bus access and turning facilities within the site and taxi facilities within the site
- Details of cycle parking and if possible a safe separate cycle access from Haughton Road and safe cycle routes within the site
- Offsite highway improvements at Freeman's Place as identifies in the TA.
- Linking of any signalised junction to the proposed SCOOT traffic management system
- Wheel washing facilities during development
- Improvements of the pedestrian footway on Haughton Road, the improvement of street lighting and the reinstatement of redundant crossings
- Traffic calming will be required on access roads within the site.
- Details of an emergency access to the site

Provided the above and related issues are addressed no highways objections are raised to the proposal and the proposal complies with transport polices in the development plan (T2, T7, T8, T11, T12, T13, T24, T37, T39 and T51)

The development will make full provision for people with disabilities and provide a range of facilities open to the local community; the proposal is fully compliant with policies R1, R2, R3, and R25.

### **Conclusions**

The development of the land for an educational facility is a departure from the current allocation for employment related use in the Borough of Darlington Local Plan. This departure is considered acceptable. The application proposes a major new College of Further Education of some considerable quality and which will be the first phase of a major mixed use development on a large area of currently vacant and unmanaged land. The site is the only site within the built up area that meets the college's requirement in terms of accessibility, size and location within the student catchment areas. Given the amount of land currently allocated for employment use in the Borough of Darlington Local Plan, the development of this site for educational use will not be so prejudicial to the Council's employment strategy to raise planning policy issues in respect of land use.

The conclusions of the Environmental Assessment (EA) and Transport Assessment (TA) are accepted. The EA is a robust analysis of all the relevant impacts and identifies mitigation measures to minimise external impacts from the development. There are a number of issues also outstanding in respect of highways and transport but again these can be covered by a range of planning conditions.

In terms of general development control considerations, the officers and development agencies are satisfied that this development, carried out in isolation, will not prejudice the future development of the wider site, the subject of the master planning exercise. The design of the building is considered to be of high quality reflecting the flagship nature of the site. The front

elevation of the building in particular will make a strong positive statement and contribute significantly to the urban landscape. The development will use a restricted palette of materials that will include light coloured blockwork, panel walls, textured block finishes, exposed steelwork framing and louvers. The general layout and disposition of buildings on the site is satisfactory as is the general access parking and servicing arrangements.

There are a number of matters that are outstanding and require additional submissions but the officers are satisfied these can be effectively and adequately covered by planning conditions.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) Prior to the commencement of the development hereby approved, or in such extended time as may be agreed in writing with the Local Planning Authority, details shall be submitted and approved of any external lighting attached to the building or in the grounds of the site and the development completed in accordance with the approved details and maintained in the approved manner. No additional floodlighting shall be installed at the site without the prior approval of the Local Planning Authority.

REASON - In the interests of local visual amenity and the amenity of the nearest residential properties.

- 5) D13 Soundproofing (Equipment & Machinery)
- 6) D19 Ventilation Equipment (Details required)
- 7) Prior to the commencement of the development hereby approved a method statement to control the emission of dust from the site during the construction phase of the project (the Dust Action Plan) shall be submitted and approved by the Local Planning Authority and the plan implemented at all times during the construction of the development until final completion.

REASON - To protect the amenity of nearby residents from the effects of dust and related pollution during the construction phase.

- 8) Prior to the commencement of the development hereby approved a further wildlife site survey shall be carried out, in accordance with a scheme to be agreed with the Local Planning Authority, to establish the presence or otherwise of great crested newts, common lizard and slow worm and if the survey shows the presence of these species on the site details shall be submitted and approved of the trapping and translocation of the species prior to the commencement of building operations affecting the identified habitat(s).

REASON- The Environmental Assessment has identified the need to carry out the further investigation of animal species on the site to ensure the development does not have an adverse impact on the ecology of the area and to ensure where appropriate relocation of the identified species occurs before the start of works.

- 9) Prior to the commencement of the development hereby approved a spring /summer vegetation survey shall be carried out on the site in order to determine the location of the most diverse vegetation within the identified central grassland area identified in the EA which will be lost to the development and the study shall identify those areas it is appropriate to mark and relocate and the relocation shall take place prior to the commencement on building operations.

REASON - The Environmental Assessment has identified the need to carry out the further investigation of plant species on the site to ensure the development does not have an adverse impact on the ecology of the area and to ensure where appropriate relocation of the identified species occurs before the start of works.

- 10) Prior to the commencement of the development hereby approved a survey of the site shall be carried out to identify those trees, hedgerows and other areas of existing planting which are to be retained and which are to be removed. Those areas to be retained shall be protected during the construction period, in accordance with a scheme to be submitted and approved by the Local Planning Authority, and the approved protection measures shall be retained on the site in the approved manner until the practical completion of the development.

REASON - The Environmental Assessment has identified the opportunity to retain existing key planting areas and features on the site, which will mitigate the impact of the development on the locality and provide an base for landscape and habitat improvement as part of the enhancement strategy for the site.

- 11) A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of such schemes, 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 - The Environmental Assessment indicates a requirement, as part of the mitigation measures, the need to retain and develop existing landscape provision on the site to improve the appearance of the development, mitigates its impact on the landscape of the site and to promote bio-diversity on the site.

- 12) Boundary hedges to the site, identified in the Environmental Assessment, shall be reinstated as part of the landscape strategy for the site in accordance with details to be submitted and approved by the Local Planning Authority and the development carried out in accordance with the approved details.

REASON - The Environmental Assessment indicates an opportunity, as part of the mitigation measures for the development, to reinstate the boundary hedges where gaps exist to increase species and structural diversity

- 13) Prior to the commencement of the development hereby approved, details shall be submitted and approved of a surface water pond or wetland feature on the site with a management plan for such facilities and the development carried out in accordance with the approved details.

REASON - The Environmental Assessment indicates an opportunity, as part of the mitigation measures for the development, to provide a pond or similar wetland area to promote biodiversity on the site and if practical to support a sustainable drainage strategy for the disposal of surface water.

- 14) Prior to the development hereby permitted being first occupied, or within such extended time as may be agreed in writing with the Local Planning Authority, the site shall be enclosed, on all boundaries, except at the permitted point of access, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

REASON - The Environmental Assessment indicates an opportunity, as part of the mitigation measures for the development, to provide means of enclosure on key boundaries of the site to minimise the visual impact of the development and to contribute visually to the improvement of the area.

- 15) Prior to the commencement of the development hereby approved details shall be submitted and approved, of a scheme of noise attenuation on the boundary to the residential properties on Vicarage Road and the approved scheme implemented and maintained in the approved manner prior to the occupation of the buildings.

REASON - To minimise the impact on the properties of noise associated with traffic movements on the proposed access road to the development.

- 16) No development approved by this permission shall be commenced until:-

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate;
- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Reclamation Method Statement) have been determined through risk assessment and approved in writing by the Local Planning Authority;

c) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme;

Any contamination not considered in the Reclamation Method Statement but identified during the reclamation works should be subject to further risk assessment and remediation proposals agreed with the Local Planning Authority.

A report demonstrating that the works were carried out in accordance with the approved scheme (the Validation Report) should be submitted to the Local Planning Authority within 2 months of completion of the development.

REASON - The Environmental Assessment has identified contamination on the site and the Local Planning Authority needs to be satisfied that the site is the subject of a scheme of remediation to render the site fit for development with the minimum of risk.

- 17) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works incorporating flow limitation to agreed rates has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details approved, prior to the occupation of the buildings.

REASON - Whilst the Environmental Assessment identifies constraints to the disposal of surface water drainage on the site but no detailed proposal for surface water drainage has been submitted as part of the application. Details are required to be approved, to prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 18) No development approved by this permission shall be commenced until a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details approved, prior to the occupation of the buildings.

REASON - Whilst the Environmental Assessment identifies constraints to the disposal of foul water drainage on the site, no detailed proposals for foul water drainage has been submitted as part of the application. Details are required to be approved to ensure that foul water disposal from the site is via an acceptable scheme.

- 19) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

REASON - To prevent pollution of the water environment.

- 20) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON - To prevent pollution of the water environment.

- 21) No development shall take place until the applicant has secured the implementation of a phased programme of archaeological works, to include evaluation and, where appropriate, mitigation, in accordance with a written scheme of investigation approved by the Local Planning Authority.

REASON - The Environmental Assessment concludes the site is in an area of high archaeological potential.

- 22) Prior to the commencement of the development hereby approved, or in such time as may be agreed in writing with the Local Planning Authority, details shall be submitted and approved of the following:

- i. A turning facility in the form of a roundabout and bus stop provision within the site
- ii. Details of the proposed traffic signaled junction at the main point of access from the adjoining highway, Haughton Road, which will include confirmation of the proposed connection of the signals to SCOOT UTC (Split Optimisation Technique and Urban Traffic Control System)
- iii. Details of improvements to be carried out to the Freeman's Place arm of the Freeman's Place roundabout
- iv. Improvements to street lighting on the frontage of the site and the removal or reinstatement of all redundant crossings
- v. Improvements to street lighting on the frontage to Haughton Road
- vi. Details of bus friendly traffic calming on access roads within the site
- vii. Details of and emergency access
- viii. Details of the number and location of parking spaces for people with disabilities, visitor spaces, car share spaces, safe drop off points and safe pedestrian routes from the parking areas to the main entrances of the buildings
- ix. Details of a vehicle drop off zone adjoining the proposed nursery building
- x. Details of a car park management plan
- xi. Details of secure covered cycle parking provision
- xii. Details of a safe cycle route from the adjoining highway, Haughton Road and within the site

The details approved shall be fully implemented prior to the occupation of the development.

REASON - The details listed above are works, which have been identified as needing to be carried out as a result of the conclusions of the Transport Assessment Study (TAS) or are considered necessary by the Local Plan

- 23) J5 Wheel Washing Facility (Details)
- 24) Prior to the commencement of the development approved a Travel Plan shall be submitted and approved by the Local Planning Authority and the site shall operate in accordance with the approved plan at all times. The travel will be submitted in two stages. Stage one, prior to the commencement of the development, will be a strategy document identifying those measures to promote access to the site by sustainable transport modes, stage two, the implementation document will be submitted after the commencement of the use of the development, in a time scale to be agreed with the Local Planning Authority, and will identify how the strategy travel plan is implemented.

REASON - To promote access to the site by sustainable transport modes and reduce reliance on the private motor vehicle and associated car journeys, in accordance with national and local planning policy.

## **INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

### **Tees Valley Structure Plan 2004 (TVSP)**

Sustainability

SUS1,SUS2

Strategy

REG1,STRAT1

Employment

EMP1, EMP2

Environment

ENV7,ENV10,ENV16,ENV17,ENV21,ENV30

Transport

T5, T6, T24A, T25, T26, T27

### **Borough of Darlington Local Plan (BDLP)**

E1 Keynote Policy for the Protection of the Environment

E10 Protection of Key Townscape and Landscape Features

E12 Trees and Development

E14 Landscaping of Development

E16 Appearance from Main Travel Routes

E21 Wildlife Corridors

E24 Conservation of Land and Other Resources

E25 Energy Conservation

E23 Nature and Development  
E28 Surface Water and Development  
E29 The Setting of New Development  
E34 Archaeological Sites of Local Importance  
E45 Development and Art  
E46 Safety and Security  
E48 Noise Generating Development  
E49 Noise Sensitive Development  
E47 Contaminated and Unstable Land and Development  
H15 The Amenity of Residential Areas  
R1 Designing for All  
R2 Access for People with Disabilities  
R3 Provision of Public Facilities in New Buildings  
R13 Recreation Routes and New Development  
R20 New Sports and Recreation Development  
R21 John Dixon Lane Sports and Recreation Development  
R25 Provision of Community Facilities and Services  
EP4 Haughton Road  
EP5 Other Uses in Employment Areas  
EP7 Office/ Business Park Development  
T2 Highway and Transport Management - New Development  
T7 Traffic Management and Main Roads

T8 Access to Main Roads  
T11 Traffic Calming New Development  
T12 New Development Road Capacity  
T13 New Development Standards  
T24 Parking and Servicing Requirements for New Developments  
T37 Cycle Routes in New Development  
T39 Conditions for Pedestrians  
T51 Location of Services  
T52 Drainage Infrastructure

**Planning Policy Guidance**

PPG1 (General Policy and Principles) PPG13 (Transport) PPG 16 (Archaeology and Planning)  
PPG17 (Sport and Recreation) PPG23 (Planning and Pollution Control) PPG 24 (Planning and Noise)

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**APPLICATION REF. NO: 04/00153/FUL**

**STATUTORY DECISION DATE: 12 April 2004**

**WARD/PARISH: MOWDEN**

**LOCATION: Greytles Yoredale Avenue Darlington DL3 9AN**

**DESCRIPTION: Erection of a single storey side extension to provide additional accommodation (as amended by plans received 20 April 2004)**

**APPLICANT: MS J HARDY**

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**APPLICATION AND SITE DESCRIPTION**

This is a detailed planning application for the erection of a single storey side extension which measures approximately 5.9m wide at its widest point; 15.1m long with an overall height of 5.9m when measured from garden level. The extension comprises:

- three bedrooms;
- a living room;
- a hallway; and
- a bathroom.

The proposal has been reduced in size. The original scheme involved a two storey side extension measuring 5.9m wide; 16.2m long with an overall height of 9m when measured from the garden.

The amended proposal would replace a car port; a detached garage/storeroom and a flat roofed two storey extension.

The property is a detached three bedroomed dwelling within a cul-de-sac.

**PLANNING HISTORY**

None.

**PLANNING POLICY BACKGROUND**

Policy H12 - Alterations and Extensions to Existing Dwellings of the Borough of Darlington Local Plan is relevant along with Guidance Note 7 - Alterations and Extensions to Dwellings.

## RESULTS OF CONSULTATION AND PUBLICITY

Twelve letters of objection were submitted, relating to the original scheme, which raised the following concerns:

- *The size of the proposed extension in such a small residential cul-de-sac raises great concern as to the possibility of a change of use of the property in the future;*
- *The conversion will add an additional 165 square metres of living space, which is enormously out of proportion to the property and to the surrounding houses;*
- *The part of the conversion adjoining my property will be an enormous brick wall, this will block considerable light from my home;*
- *The wall will contain two windows, overlooking my home and interfering with my privacy;*
- *There are prospects of considerable aggravation relating to the upkeep of the conversion;*
- *There will be considerable and prolonged disturbance, caused by materials, transport and noise;*
- *Car parking could easily be a problem with space for only three cars at present, on road parking in a residential cul-de-sac would be the only alternative;*
- *Drop in value of existing properties;*
- *This property would be two separate dwellings;*
- *The extension is out of character with all other existing properties;*
- *Over development of the site;*
- *Overbearing when viewed from neighbouring dwellings.*

The objectors have also raised a number of concerns about the use of the property and whether or not the property, as extended, would involve a change of use from a private dwelling to a small residential care. This issue will be dealt with in more detail further in the report.

Any further comments in relation to the amended single storey extension will be reported orally to members at the Committee.

## PLANNING ISSUES

The main issues to be considered here are:

- the impact of the extension on the residential amenities of the neighbouring dwellings;
- the impact of the extension on the visual appearance and character of the surrounding area;
- highway matters;
- the use of the dwellinghouse.

### **Residential Amenity**

The proposed extension would be sited along the boundary with No 31 Yoredale Avenue. The length of the extension along this boundary measures 15.1m.

The overall size of the extension has been reduced from a two storey structure to single storey. The length has been reduced by approximately 0.9m.

An existing garage is sited on this boundary. The extension would be approximately 0.6m higher than the garage. The roof would slope away from the boundary line. The windows in the side elevation have been omitted and replaced with four rooflights.

There are no window openings in the side elevation of No 31 and a flat roofed detached garage would partially screen a section of the extension when viewed from the neighbouring garden.

However, approximately 9.5m of the extension would be exposed alongside the driveway belonging to No 31.

The rear of the extension is positioned on a raised patio area, making the overall height of the extension 5.9m when measured from the lower garden level. The extension is a more substantial structure, in terms of size, than the existing detached garage. The rear garden of No 16 Yoredale Drive wraps around the application site to the east and the extension would be visible from this viewpoint.

The proposed extension would have an overbearing impact when viewed from the neighbouring properties by reason of its size and location.

### **Visual Appearance**

By reducing the size of the extension to single storey, its visual appearance, when viewed from the front street, has been minimised.

Whilst the floor area of the extension is less than 50% of the floor area of the main dwelling, Officers consider that the overall footprint of the extension is excessive. When determining a household extension application it is normally important to ensure that the extension is subservient, in terms of size, to the existing dwelling.

The extension would not be in keeping with the character of the surrounding dwellings in the locality due to the size and extent of the single storey element proposed..

### **Highway Matters**

The proposal would result in the loss of garaging and a reduction in the in-curtilage area available for car parking. An area for a further three car parking spaces must be provided within the curtilage of the property if this proposal is to proceed..

The Highway Engineer raises no objections subject to the imposition of a suitable condition to cover the above point.

### **The Use of the Dwellinghouse**

Following discussions with the Enforcement Officer, which occurred prior to the submission of this application, the applicant stated that, along with herself, the dwelling would be occupied by her partner, her son and three mature gentlemen with very slight learning disabilities.

They used to operate a similar scheme at their previous residence in North Lodge Terrace and they are registered with the relevant authorities.

All of the facilities in the dwelling, such as kitchen and living rooms, are shared and all three gentlemen have work placements from Monday to Friday.

A number of the objectors have expressed concerns over the occupants of the dwelling and question whether or not a change of use has occurred to a small residential care home.

Under the provisions of Class C3 (Dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987, a dwellinghouse (whether or not as a sole or main residence) is defined as a property occupied by:

*A single person or by people living together as a family;  
not more than six residents living together as a single household (including a household where care is provided for residents.*

There are a number of issues that Officers need to consider in order to clarify this matter eg the extent to which facilities are shared, the level of co-habitation between all of the occupiers of the dwelling.

It is considered that following investigations the existing dwelling appears to fall within the definition of Class C3 (Dwellinghouses). In order to confirm this it may be beneficial for the applicant to submit an application for a Certificate of Lawfulness.

However, Officers have concerns that the dwelling as extended lends itself to being defined as a small residential care house which would be an unacceptable use in this location.

Whilst the use of the dwelling may comply with the Class C3 definition, in terms of number of residents, current case law suggests that the internal arrangements of the proposal are a material consideration.

The proposed extension includes a separate living room and hallway, along with three bedrooms and a bathroom. The extension is linked to the main dwelling via one doorway. Whilst there is only one kitchen area, the provision of a second living room and a hallway would not, in the opinion of Officers, encourage interaction between all of the occupiers, such as would be the norm in a dwellinghouse. There is a concern that the dwelling, when extended, would not sufficiently fulfil the requirements of a dwellinghouse. It would appear that the internal linkage between the extension and the dwelling is not significant enough to ensure that the property is not sold in the future as two separate units of accommodation.

Discussions have taken place with the applicant in order to resolve this issue, however, the applicant wishes Members to determine the application in the form currently submitted.

## **RECOMMENDATION**

**PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:-**

- 1) The proposed extension would be detrimental to the amenities of the neighbouring properties by reason of its size and siting and would thereby conflict with Policy H12 - Alterations and Extensions to Existing Dwellings of the Borough of Darlington Local Plan and Planning Guidance Note 7 - Alterations and Extensions to Dwellings.

- 2) The proposed extension would be out of keeping with the character of the locality by reason of its form and size and would thereby conflict with Policy H12 - Alterations and Extensions to Existing Dwellings of the Borough of Darlington Local Plan and Planning Guidance Note 7 - Alterations and Extensions to Dwellings.

## **INFORMATIVE**

The decision to refuse planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

Policy H12 - Alterations and Extensions to Existing Dwellings.

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**APPLICATION REF. NO: 04/00232/FUL**

**STATUTORY DECISION DATE: 2 May 2004**

**WARD/PARISH: LASCELLES**

**LOCATION: 59 Starmer Crescent Darlington DL1 4DG**

**DESCRIPTION: Two storey and single storey extension to form kitchen/breakfast room and bedrooms plus creation of attic accommodation (as amended by plans received 14 May 2004)**

**APPLICANT: MR & MRS C BARKER**

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**APPLICATION AND SITE DESCRIPTION**

This application seeks permission as amended to construct a part two storey extension, part single storey extension to the rear of a semi detached dwelling. The extension would form a kitchen/breakfast room at ground floor and enable internal rearrangement of the first floor to create a third bedroom. In addition attic accommodation would be provided. The extension would be some 3.3m x 4.7m maximum with at a maximum height to ridge of some 7.5m. The extension would run parallel to the side boundary of the plot, adjacent to the existing garden of No 57 Starmer Crescent. The dwelling already has a single storey rear wing that currently forms the kitchen.

The site is within the development limits as defined for Darlington.

**PLANNING HISTORY**

There are no entries on the planning register of relevance.

**PLANNING POLICY BACKGROUND**

Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan is relevant.

**RESULTS OF CONSULTATION AND PUBLICITY**

Comments on the original submission (for a wholly two storey rear extension) are as follows:

- *There will be an impact upon the rear of No 57 and the garden of 57.*

- *The amount of light to the rooms to the rear of No 57 will be greatly reduced.*
- *A hipped roof would not reduce the amount of light lost to the rear of No 57, its garden and greenhouse.*

Any further comments received as a result of the neighbour notifications on the amended plans will be reported orally to Members.

## **PLANNING ISSUES**

The main issues here are whether the proposed development would have a detrimental impact on:

- The residential amenities of nearby properties
- The character and visual appearance of the surrounding area as a whole.

### **Residential Amenity**

The proposed extension would as amended be two storey for a distance of some 1.2m along the joint boundary with No 57 Starmer Crescent. From this point the extension would be single storey for a further 2.1m. In terms of the relationship with No 57, the first floor of the extension would accord with the 45-degree guidance. Regarding the single storey extension, there is an existing boundary fence of some 1.8m between the two properties and it is considered that the ground floor extension would not additionally reduce the amount of light entering the garden or dwelling at No57 so severely as to warrant a recommendation of refusal.

Where the proposal is two storey for the full depth of the extension, it would be some 3.2m from the side elevation of No61 which already has a similar extension. There is a dining room window in the side elevation of No 61. As the height of the extension drops down to 6.5m in height, it is considered that there would be little adverse impact upon the light entering No 61. As amended the proposal has deleted a gable window in the attic that would have otherwise overlooked the garden of No 61. Rooflights to serve the attic are now proposed in the front and rear elevations of the original dwelling.

As amended it is considered that the proposal would not result in an unacceptable loss of privacy or amenity to any neighbouring occupants.

### **Visual Amenity**

The proposed extension would be in scale and character with the existing dwelling and would not have an adverse effect upon the streetscene or the appearance of the area in general.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)

**INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

H12 - Alterations and Extensions to Existing Dwellings

It should be noted that the planning permission hereby given does not remove the necessity to fulfil the requirements of the Party Wall etc. Act 1996

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**APPLICATION REF. NO: 04/00260/FUL**

**STATUTORY DECISION DATE: 6 May 2004**

**WARD/PARISH: HARROWGATE HILL**

**LOCATION: 71 Marina Road Darlington DL3 0AN**

**DESCRIPTION: Erection of a two storey rear extension (as amended by plans received 30 April 2004)**

**APPLICANT: MR K McDADE**

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**APPLICATION AND SITE DESCRIPTION**

The application property is a semi-detached property located on Marina Road. Planning permission is sought for the erection of a two storey extension to the rear of the property to provide a dining room at ground floor with a bathroom above. The property has an existing flat roofed projection to the rear, off the kitchen, which is original to the house. This is to be enlarged and the proposed extension is to measure 2.9 metres wide by 2.8 metres deep, under a pitched roof 6.8 metres in height at ridge level. The ridge of the proposed extension will be set some 1 metre below the ridge line of the original dwelling. The extension is to be constructed of matching brick and tile.

**PLANNING HISTORY**

None relevant.

**PLANNING POLICY BACKGROUND**

The following policy of the Borough of Darlington Local Plan is relevant:

H12 - Alterations and Extensions to Existing Dwellings.

**RESULTS OF CONSULTATION AND PUBLICITY**

Two letters of objection have been received which raise the following issues:

- *The extension will bring the building out more and will block our view to 69 Marina Road. It will also block out early afternoon sunlight to our dining room and second bedroom. No objection to building above the existing off-shoot.*

- *Most light to my kitchen window comes from where the brick extension is to be built depriving the kitchen of light. Object to the application on the grounds of light deprivation.*
- *Have calculated the height from the centre line of my kitchen window to the point where this would intersect the wall of number 71. The plans seem to have been drawn up in ignorance of the 45-degree guideline.*

## **PLANNING ISSUES**

The following planning issues are considered relevant to this application:

- Planning Policy
- Visual and Residential Amenity

### **Planning Policy**

Policy H12 of the Borough of Darlington Local Plan is supportive of proposals to extend dwellings providing that a proposal is in keeping with the character, design and external appearance of the property and the wider streetscene; does not result in a reduction in the living conditions of adjacent residential properties and would not result in an unacceptable reduction in the amount of parking or curtilage space associated with the property. As such, the principle of extending the property is considered to be acceptable.

### **Visual and Residential Amenity**

The proposed extension is considered to be acceptable in terms of its scale, design and use of matching materials and as such relates well to the property. It will not be unduly visible from Marina Road and as such is not considered to impact upon the wider streetscene.

Objections have been received from the occupants of properties either side of the application property (numbers 69 and 73 respectively). These objections relate principally to the loss of light to both properties. Loss of light to the rear of the adjoining property (73 Marina Road) can be assessed by way of the 45 degree code, however the proposed extension complies with the code in respect of the nearest ground and first floor windows, and as such the proposed extension will not result in an unacceptable loss of light to the principal rooms of this property.

The objection received from the occupiers of 69 Marina Road relates to the loss of light to a kitchen window in the side (north facing) elevation of their property. The 45-degree code does not apply in respect of windows which directly face an extension or for any buildings opposite and there is no means of measuring the impact of extensions on side or opposite windows. The window presently looks onto the side of the application property, with a separation distance of approximately 4 metres between the two properties.

The existing kitchen presently receives little daylight and consequently is quite a dark room. While it is acknowledged that the proposed two storey extension will reduce the amount of light entering this window once built, the key consideration is whether a further reduction in light to this room would warrant refusal of the application. Policy H12 of the Borough of Darlington Local Plan seeks to ensure that new extensions maintain adequate daylight entering the principal rooms of nearby buildings, however a kitchen is not considered to be a principal room. (For the purpose of this Policy a principal room is considered to be a habitable room i.e. living rooms, dining rooms and bedrooms. Exceptionally a large kitchen/diner may also be considered to be a principal room). In addition the window is north facing and the proposed extension could not be

considered to unacceptably reduce the amount of sunlight entering the kitchen. As such it is considered difficult to substantiate a refusal of the application on the basis of loss of light to a north-facing, non-principal room. Furthermore, given that the present distance of 4 metres between the two dwellings is to be maintained, the proposed extension is not considered to have an overbearing impact upon 69 Marina Road.

There is presently a back to back distance between the application property and the property directly to the rear (84 Alwyn Road) of approximately 21 metres. There is an extant planning permission for the erection of a first floor extension to the rear of 84 Alwyn Road which when taken into account with the proposed extension at this property, will result in a back to back separation distance of approximately 16 metres once both extensions are built. Although the properties will look into one another and as such give rise to a degree of overlooking between these two properties and associated garden areas, the proposed extension should not result in an unacceptable reduction in privacy levels between the two properties so as to warrant refusal on this basis.

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) D2 No Additional Window (Extension)

### **INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

H12 - Alterations and Extensions to Existing Dwellings.

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**APPLICATION REF. NO: 04/00299/FUL**

**STATUTORY DECISION DATE: 2 June 2004**

**WARD/PARISH: HEIGHINGTON AND CONISCLIFFE**

**LOCATION: 20 West Green Heighington Darlington DL5 6RA**

**DESCRIPTION: Erection of a detached single garage to rear (amended description and plans received 20 May 2004)**

**APPLICANT: COLIN SMITH**

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**APPLICATION AND SITE DESCRIPTION**

The application property (20 West Green) is a mid-terraced property located in the centre of Heighington village, and lies within the Heighington Conservation Area. Planning permission is sought, in its amended form, for the erection of a detached single garage at the western end of the long rear garden serving the property. The proposed garage would replace an existing garage to which vehicular access is gained via a short, unmade track off Millbank to the west. The existing garage is sited at an oblique angle closer the northern boundary of the garden, however it is proposed to demolish this building and erect the replacement garage adjacent to the western boundary. Amended plans show that the proposed garage is to measure 4.3 metres wide by 6.6 metres deep, under a pitched roof 4 metres in height and will be some 2.7 metres away from the western boundary of the site. As with the existing garage, the proposed replacement garage is to be a rendered finished under a tiled roof.

**PLANNING HISTORY**

8/78/00214/DM - Erection of a two storey extension to the rear to form a kitchen with a bedroom above. GRANTED 24 May 1978.

**PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are relevant:

- E2 - Development Limits
- E8 - The Area of Landscape Value
- E35 - Conservation Areas
- H12 - Alterations and Extensions to Existing Dwellings

## RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received to the original plans which raises the following points:

- *Our property is 7 metres away from the boundary fence and our garden room is just 4 metres away from the boundary fence. We will be totally enclosed and look onto bricks and tiles. We only have a small garden and this building would totally tower over our garden and property.*
- *The length of the garage is 8 metres and allowing for the driveway into the garage, would run the full length of the back garden. There is a possibility of up to 4 cars using this drive/garage. There is a lot of noise from Millbank without getting traffic noise directly into our back garden.*
- *There is already a double garage on plot 21. We have no objection to building behind the existing garage running parallel with the garage next door and would not have the problems we have set out.*

Heighington Parish Council has recommended that the application be approved, however advise that they consider the height of the roof to be excessive and suggest that the angle of the pitch be reduced to 22.5 degrees. A roof of this pitch would be less obtrusive to neighbouring properties and should be capable of accommodating all types of roof tile.

Members will be updated orally on any further comments received as a result of neighbour consultations in respect of the amended plans.

## PLANNING ISSUES

The main issues to be considered in determining this application are:

- Planning Policy
- Impact of the Proposal on the Character and Appearance of the Heighington Conservation Area
- Residential Amenity
- Access and Highway Issues

### **Planning Policy**

The application site lies within the Development Limits for Heighington village and Policy E2 is supportive of proposals for new development within such limits. There are no Policies contained within the Borough of Darlington Local Plan which relate specifically to the erection of curtilage buildings, however Policy H12 (Alterations and Extensions to Existing Dwellings) is considered to be broadly relevant, particularly in respect of residential amenity issues which will be considered elsewhere in this report.

### **Impact of the Proposal on the Character and Appearance of the Heighington Conservation Area**

There is a statutory duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act to pay special attention to the desirability of preserving and enhancing the character and appearance of Conservation Areas. The principal consideration in this instance is whether

the proposed conversion scheme and associated alterations would preserve or enhance the character and appearance of the Heighington Conservation Area.

The rear garden of the application property is not visible from the Green itself. Limited views of the existing garage can be seen from Millbank in association with a garage serving the adjacent property (21 West Green). Neither garage makes a particularly positive contribution to the character and appearance of the Conservation Area. As such the removal of the existing garage can only enhance the site, which lies on the periphery of the Heighington Conservation Area. The replacement garage is to be sited adjacent to the western boundary of the property and will be screened to a large extent by a detached single storey dwelling on Millbank known as The Copse, such that views of the proposed garage from outside of the site will be limited. The proposed garage, in its amended form, is considered to be acceptable in terms of its size, scale and general appearance and consequently the removal of the existing garage and its replacement in a more discreet location is considered to enhance the character and appearance of the Conservation Area.

### **Residential Amenity**

Local Plan Policy H12 (Alterations and Extensions to Existing Dwellings) requires that such development should maintain adequate daylight entering the principal rooms of nearby buildings and should not be overbearing when viewed from neighbouring properties. An objection has been received from the occupants of The Copse, a detached dwelling to the rear (west) of the application property. The precise nature of the objection has been set out earlier in the report.

The proposed garage is to be sited close to the common boundary between the two properties. In its original position the garage was to be sited 1 metre from the common boundary, resulting in a distance of approximately 5 metres between the rear of the garage and the garden room to the rear of The Copse. The amended plan now shows the garage some 2.7 metres away from the boundary, thereby increasing the separation distance to 7.7 metres. In amending the proposed garage from a double garage to a single, the height of the garage has also been reduced from 5 metres to 4 metres. While the proposed garage will be visible from The Copse, in its amended form its relationship with this property is considered to be acceptable and should not impact upon the amenities of this property to an unacceptable degree.

Concern is also raised regarding the potential for noise and disturbance arising from the use of a garage close to the boundary of The Copse. However the garage is to replace an existing garage also in relatively close proximity to the boundary of this property, utilising the existing access off Millbank. As such the replacement garage in the location proposed would be unlikely to exacerbate any disturbance to this property such that this would warrant refusal of the application.

The proposed garage will be some 0.5 metres away from the southern boundary with the property known as Holmlea and approximately 10 metres away from the property itself. Given the modest size of the building proposed and that it will sit to the north of this property, it is not considered that the proposed garage will have an unacceptable impact upon the amenities of this property.

### **Access and Highway Issues**

The Council's Highway Engineer has raised no objection to the proposal, although has requested that the provision of a properly constructed vehicle crossing be made a condition of any approval granted.

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) Prior to the garage hereby approved first being brought into use, a vehicle crossing shall be constructed in accordance with a specification to be agreed with the local planning authority.

REASON - In the interests of road safety.

**INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance.

E2 - Development Limits

H12 - Alterations and Extensions to Existing Dwellings

The applicant is advised that works are required within the public highway, to construct a vehicle crossing, and contact must be made with the Highways Manager (contact Mr A Ward/Mrs C Hutchinson 01325 388743) to arrange for the works to be carried out or to obtain authority under Section 184 of the Highways Act 1980 to execute the works).

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 June 2004**

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**APPLICATION REF. NO: 04/00304/FUL**

**STATUTORY DECISION DATE: 1 June 2004**

**WARD/PARISH: CENTRAL**

**LOCATION: Land At Swan Street Car Park Swan Street  
Darlington**

**DESCRIPTION: Erection of new Health Centre**

**APPLICANT: DARLINGTON NHS PRIMARY CARE TRUST**

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**APPLICATION AND SITE DESCRIPTION**

This application relates to the construction of a new Health Centre on land currently used as a Long Stay Car Park. The development involves a land exchange between the Primary Care Trust and the Borough Council. An application to construct a new Council Long Stay Car Park on the adjacent site currently occupied by the existing Park Place Health Centre also appears on this agenda.

A report on the land exchange has already been presented to Cabinet in December 2003.

The proposal would involve the erection of a two storey and single storey brick built with rendered upper elevations building, together with 22 staff parking spaces with an additional 2 mobility car spaces. Provision is also made for 3 cycles under cover. The vehicle and service access to the building would be from Hird Street to the east, 5 car parking spaces and a mobility car space would be located on the Swan Street frontage.

The main entrance to the facility would be from Park Place with separate staff entrance from Swan Street.

The site is bounded to the north by the existing Health Care building (site proposed for replacement car park), Park Place and the Fire Station to the west, Swan Street to the south, with Swan Street flats beyond. The rear of residential properties fronting onto Hargreave Terrace are located to the east.

Briefly the accommodation would comprise:-

12 consulting rooms, covering GP services and dentistry)	)	Ground Floor
2 Children's clinic areas	)	
Central office and patient waiting areas	)	

Offices and General Administration Areas

First Floor

**PLANNING HISTORY**

None relevant to the determination of this application.

**PLANNING POLICY BACKGROUND**

R25 - Provision of Community Facilities and Services

E29 - The setting of New Development

H15 - The Amenity of Residential Areas

T24 - Parking and Servicing requirements for New Developments

**RESULTS OF CONSULTATION AND PUBLICITY**

*None*

**PLANNING ISSUES****Planning Policy**

Policy R25 (Provision of Community Facilities and Services) of the Borough of Darlington Local Plan seeks to ensure that the demand for community facilities such as this are met as opportunities arise, subject to the normal development control criteria being met which are discussed below.

**Visual Appearance**

The site is not located within a conservation area. The existing Health Centre to be demolished on the adjacent site is not of any architectural merit.

The replacement health centre which incorporates brickwork lower elevations and rendered upper elevations, together with a mixture of hipped and gabled roofs, is considered to contribute positively to the general appearance of the street scene, and represents a significant improvement on the existing situation.

**Residential Amenity**

The residential flat scheme to the south of the development, would have the closest physical relationship. The southern elevation of the health centre which is primarily two storey would contain a number of windows which would service consulting rooms at ground floor and general offices at first floor level. The central part of this elevation would contain a lift shaft and staircase with no significant potential for overlooking.

Whilst the flats to the south also contain principal windows looking north towards the health centre, the distances between the elements range from between 18m (min) and 24m (max), which is considered to be satisfactory, and would not cause any significant overlooking/privacy problems.

**Highway Safety and Access**

The Council's Highway Officer has offered the following comments:

- Parking provision, in relation to the number of spaces provided and motorcycle provision (though 2 no. loops must be provided), within the car park is now acceptable.

the parking of disabled people on Park Place, and the short stay parking on Swan Street is also acceptable. The dedicated parking is outside of the highway boundary, there will therefore be no necessity for a stopping up order. The proposed short stay parking on Swan Street is partly on development land. The latter is to be omitted from the land transfer. There will be a requirement for existing Traffic Regulation Orders (TRO) to be rescinded and new TROs to be put in place, it must therefore be made a condition of approval that TROs on Park Place and Swan Street are implemented. The developer must meet all costs associated with the TROs including all lining and signing.

- The developer must put in place management plan for control of parking in specialist parking spaces.
- Dropped crossings/tactile paving must be provided at crossing point on Park Place and at accesses to car parks at Hird Street.
- All redundant crossings on Hird Street and Park Place must be reinstated and improvement works must be carried out to the footway on the Park Place and Hird Street frontages to the site.
- 4 no. cycle parking spaces must be provided at the main entrance (only 2 no. indicated on plan).
- There is currently a link footpath, into the existing car park, at the south east corner for the site that will be no longer required when the development is complete. However, this is only 0.6m wide and provides a link only to the car park. It is unlikely that there can be a presumption of dedication and the footpath should be removed as part of the development proposals

### **Other Matters**

#### **The Environment Agency**

The Environment Agency has no objections, in principle, to the proposed development, but recommends that if planning permission is granted a condition which requires further details of the surface water drainage from the site is attached to any approval.

#### **Northumbrian Water**

Northumbrian Water has no objections to the scheme subject to general advice about connections to the sewerage system, which can be brought to the applicant's attention by means of an informative note attached to any planning approval.

#### **Land Fill Gas**

There is a pre-1974 landfill site within 250m of the site. The risk from landfill gas is likely to be low, however the Environment Health Officer recommends that a condition requiring the applicant to make an assessment of the situation be attached to any approval.

### **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

- 1) A3 Implementation Limit (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) E2 Landscaping (Submission)

- 4) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

REASON - to prevent pollution of the water environment.

- 5) Prior to the car park first being used the existing Traffic Regulation Orders (TRO) adjacent to the site are to be rescinded and new TRO's are to be put in place within Park Place and Swan Street. The developer will be responsible for all associated costs (including all lining and signing).

REASON - In the interests of highway safety.

- 6) Prior to the car parking, being first used the developer must put in place a management plan for control of parking in the VIW parking spaces.

REASON - To ensure the effective operation of the car parking spaces.

- 7) Prior to the commencement of development the following details shall be submitted to and approved by the LPA and thereafter implemented:-

- a. Dropped crossings/tactile paving at the crossing point on Park Place and at accesses to car parking at Hird Street.
- b. All redundant crossings on Hird Street and Park Place to be reinstated and improvement works must be carried out to the parking on Park Place and Hird Street frontages to the site.
- c. The footpath link, into the existing car park, at the South East corner of the site should be removed and made good.

REASON - In the interests of the effective and safe operation of the car parks.

- 8) Prior to development commencing, a scheme for the protection of the development from landfill gas shall be submitted and agreed with Local Planning Authority

REASON - To protect the development from the ingress of gas.

### **INFORMATIVES**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

R25 - Provision of Community Facilities and Services

E20 - The setting of New Development

H15 - The Amenity of Residential Areas

**T24 - Parking and Servicing requirements for New Development**

The applicant is advised that works are required within the public highway. These will need to be the subject of a Section 38/278 Agreement (Highways Act 1980) and contact must be made with the Highways Manager (contact Mr S Brannan 01325 388755) to discuss this matter.

In addition Northumbrian Water has requested that the following be attached to the decision notice.

**Production**

1. All connections to public sewers must be carried out by Northumbrian Water. The developer must contact Mr D Greenwood at our Pity Me Office Te.1 0101 3016696 to discuss details of any new connections to the sewerage system. Any other work affecting public sewers must be carried out by Northumbrian Water.

2. There is an existing public sewer within/close to the application site as shown on the attached plan. this development will/may affect the sewer. The sewer must be accurately located prior to work commencing on site and must be protected before and during construction work. The developer must contact Mr S Somerville Tel. 0191 3016675 for further information.

Connections to the public sewerage system must be carried out by Northumbrian Water. No new buildings, structures, tree planting or alteration of the land within at least 3m of the sewer will be allowed without the permission of Northumbrian Water.

**Trade Effluent**

Large car parks (ie over 60 spaces) and areas subject to oil or petrol spillages must be drained, through an oil interceptor of suitable capacity to treat the wet weather run-off from the drainage area, before discharging to the public sewer, river or watercourse. such discharges may also require the approval of the local Fire Authority's Petroleum Regulations Officer.

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

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**APPLICATION REF. NO:** 04/00305/DC

**STATUTORY DECISION DATE:** 1 June 2004

**WARD/PARISH:** CENTRAL

**LOCATION:** Parkgate Health Centre Park Place Darlington DL1 5LW

**DESCRIPTION:** New Pay & Display Car Park (as amended by plans received 12 May 2004)

**APPLICANT:** DIRECTOR OF DEVELOPMENT & ENVIRONMENT

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**APPLICATION AND SITE DESCRIPTION**

This application relates to the formation of a new public car park on land currently used by the Park Place Health Centre. The development involves a land exchange between the Primary Care Trust and the Borough Council, who own the adjacent long stay car park. An application to construct a new replacement health centre also appears on the agenda on the site of the existing long stay parking.

A report on the land exchange has already been presented to Cabinet in December 2003.

The car park would provide 95 car parking spaces and an area for parking of motorcycles together with peripheral landscaping. In addition 6 mobility car spaces would be provided to the northern edge of the site, adjacent to the highway along side Park Place. A new access/egress would be formed from Hind Street at a point approximately 18m east of its junction with Park Place.

The site is bounded to the north by Hird Street and the rear of commercial properties in Parkgate, Park Place and the Police Station is to the west. The site for the new Health Centre to the South with Swan Street flats beyond. The rear of residential properties fronting onto Hargreave Terrace are located to the East.

**PLANNING HISTORY**

None relevant to the determination of this application.

## **PLANNING POLICY BACKGROUND**

The following policies of the Borough of Darlington Local Plan are considered to be relevant:-

T20 (Town Centre Surface Car Parks)

T37 (Cycle Routes in New Developments)

## **RESULTS OF CONSULTATION AND PUBLICITY**

*None.*

## **PLANNING ISSUES**

### **Planning Policy**

The Local Plan mentions the existing long stay car park as being to be retained for Public Use and an important facility adjacent to the Town Centre. The proposals would not affect the overall capacity for off street parking in the area and would provide additional facilities for the parking of motor cycles and facilities for the disabled. Consequently no policy objections are raised.

### **Visual Appearance**

The site would be enclosed on all of its sides with a continuous strip of landscaping, although the plans do indicate the removal of 4 immature trees along the proposed boundary between the car park and the new health centre. The loss of these trees are not considered to be significant within the context of the street scene. However, a condition securing their replacement in a more suitable location would be advisable should Members considered granting planning permission.

### **Cycle Route/Secured Car Park Status**

The original submitted plans indicated an existing cycle route emerging from between the Police Station and the Fire Station and continuing through the site on an individual track joining up with Hird Street on the car parks eastern side, its most direct route. However following consultation with the Community Safety section of Durham Constabulary who offered the following advice, it has been omitted

*"The location of the proposed cycle track between the new health centre and car park increases the vulnerability of all three facilities. the layout, which places the car park and health centre adjacent to one another, reduces the opportunity for criminals to work because there is not a legitimate reason to loiter in the car park. Furthermore the proposed cycle track should allow cyclists to view from one side to the other."*

In the light of the above the proposed route of the cycle path has been re-routed to run along Hird Street which as well as reducing vulnerability of the health centre and car park, gives the added advantage of improving natural surveillance of the cycle way.

The Police Architectural Liaison Officer is now satisfied that these amended arrangements will help achieve Secured Car Park status.

### **Highway Safety and Access**

The Council's Highway Officer has offered the following comments:

- parking provision, in relation to the number of spaces provided and motorcycle provision (though 2 no. loops must be provided), within the car park is now acceptable.
- the parking of disabled people on Park Place, and the short stay parking on Swan Street are also acceptable. The dedicated parking is outside of the highway boundary, there will therefore be no necessity for a stopping up order. The proposed short stay parking on Swan Street is partly on development land. The latter is to be omitted from the land transfer. There will be a requirement for existing Traffic Regulation Orders (TRO) to be rescinded and new TROs to be put in place, it must therefore be made a condition of approval that TROs on Park Place and Swan Street are implemented. The developer must meet all costs associated with the TROs including all lining and signing.
- the developer must put in place management plan for control of parking in specialist parking spaces.
- dropped crossings/tactile paving must be provided at crossing point on Park Place and at accesses to car parks at Hird Street.
- all redundant crossings on Hird Street and Park Place must be reinstated and improvement works must be carried out to the footway on the Park Place and Hird Street frontages to the site.
- 4 no. cycle parking spaces must be provided at the main entrance (only 2 no. indicated on plan).
- there is currently a link footpath, into the existing car park, at the south east corner for the site that will be no longer required when the development is complete. However, this is only 0.6m wide and provides a link only to the car park. It is unlikely that there can be a presumption of dedication and the footpath should be removed as part of the development proposals .

Provided the above conditions are included with an approval there would be no highway objection to the proposal.

### **Other Matters**

#### **The Environment Agency**

The Environment Agency has no objections, in principle, to the proposed development, but recommends that if planning permission is granted a condition which requires further details of the surface water drainage from the site is attached to any approval.

#### **Northumbrian Water**

Northumbrian Water has no objections to the scheme subject to general advice about connections to the sewerage system, which can be brought to the applicant's attention by means of an informative note attached to any planning approval.

### **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)

- 3) E2 Landscaping (Submission)
- 4) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

REASON - to prevent pollution of the water environment.

- 5) Prior to the car park first being used the existing Traffic Regulation Orders (TRO) adjacent to the site are to be rescinded and new TRO's are to be put in place within Park Place and Swan Street. The developer will be responsible for all associated costs (including all lining and signing).

REASON - In the interests of highway safety.

- 6) Prior to the car parking, being first used the developer must put in place a management plan for control of parking in the VIW parking spaces.

REASON - To ensure the effective operation of the car parking spaces

- 7) Prior to the commencement of development the following details shall be submitted to and approved by the LPA and thereafter implemented:-
- a) Dropped crossings/tactile paving at the crossing point on Park Place and at accesses to car parking at Hird Street.
  - b) All redundant crossings on Hird Street and Park Place to be reinstated and improvement works must be carried out to the parking on Park Place and Hird Street frontages to the site.
  - c) The footpath link, into the existing car park, at the South East corner of the site should be removed and made good.

REASON - In the interests of the effective and safe operation of the car parks.

- 8) Notwithstanding the details shown on the approved plans the car park shall be designed with the intention of achieving Secured Car Park Accreditation.

REASON - To ensure that the car park would achieve "Secured Car Park Status".

## **INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

T20 (Town Centre Surface Car Parks)

T37 (Cycle Routes in New Development)

The applicant is advised that works are required within the public highway. These will need to be the subject of a Section 38/278 Agreement (Highways Act 1980) and contact must be made with the Highways Manager (contact Mr S Brannan 01325 388755) to discuss this matter.

In addition Northumbrian Water has requested that the following be attached to the decision notice.

**Production**

1. All connections to public sewers must be carried out by Northumbrian Water. The developer must contact Mr D Greenwood at our Pity Me Office Tel 0101 3016696 to discuss details of any new connections to the sewerage system.

Any other work affecting public sewers must be carried out by Northumbrian Water.

2. There is an existing public sewer within/close to the application site as shown on the attached plan. This development will/may affect the sewer. The sewer must be accurately located prior to work commencing on site and must be protected before and during construction work. The developer must contact Mr S Somerville Tel. 0191 3016675 for further information

Connections to the public sewerage system must be carried out by Northumbrian Water. No new buildings, structures, tree planting or alteration of the land within at least 3m of the sewer will be allowed without the permission of Northumbrian Water.

**Trade Effluent**

Large car parks (ie over 60 spaces) and areas subject to oil or petrol spillages must be drained, through an oil interceptor of suitable capacity to treat the wet weather run-off from the drainage area, before discharging to the public sewer, river or watercourse. Such discharges may also require the approval of the local Fire Authority's Petroleum Regulations Officer.

**DARLINGTON BOROUGH COUNCIL**

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**APPLICATION REF. NO: 04/00316/FUL**

**STATUTORY DECISION DATE: 18 May 2004**

**WARD/PARISH: HAUGHTON EAST**

**LOCATION: 4 Cottage Mews Darlington**

**DESCRIPTION: Erection of a conservatory to rear (as amended by plans received 21 May 2004)**

**APPLICANT: MR & MRS STEPHENSON**

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**APPLICATION AND SITE DESCRIPTION**

This application seeks permission to construct a conservatory to the rear of a terraced dwelling. The conservatory as amended would be some 3.6m x 2.5m with a mono-pitched roof at a maximum height to ridge of some 2.5m.

The site is within the development limits as defined for Darlington and is within the Haughton Village Conservation Area. There is a group of trees that are the subject of a Tree Preservation Order on the land immediately to the rear of the application site.

**PLANNING HISTORY**

There are no entries on the planning register that are of relevance.

**PLANNING POLICY BACKGROUND**

Policy H12 (Alterations and Extensions to Existing Dwellings) and Policy E35 (Conservation Areas) of the Borough of Darlington Local Plan are relevant.

**RESULTS OF CONSULTATION AND PUBLICITY**

Two letters of objection have been received which raise the following concerns regarding the original submission:

- *The conservatory would seriously impede the right to light of no's 3 and 5 Cottage Mews. There are approximately 10 large trees some 15 - 20m in height to the rear of Cottage Mews the branches of which overhang the gardens. In the summer when the leaves are on the trees, they form a dense canopy restricting light to the kitchen/dining room to the rear of*

*no 5. As a result the overhead light is needed to cook, sew read etc. Such tasks are performed on a daily basis. Prior to the application there were arched structures against the fence with foliage growing around them. In preparation for the conservatory these have been removed and the difference in light available is noticeable. If sheets are hung out to dry the difference in available light is noticeable.*

- *There are concerns about the loss of privacy. The gardens are very small. The garden to No5 being 5.5m x 4m wide. The proposed conservatory will extend some 3m into the garden at a width of 3.65m, occupying a major proportion of the garden. This would result in the rear of these properties being severely overlooked. Privacy would be reduced in the garden and in the rear rooms of the house. The occupant of No 5 has a long-term illness and is home most of the time; this would adversely affect her lifestyle. Consideration has been given to opaque glass however; this compounds the light issue.*
- *No 3 is north of the proposed conservatory and already loses light as the sun moves around and the effect here would be even more as the kitchen window would be overshadowed.*

Any further comments received as a result of the neighbour notifications on the amended plans will be reported orally to members.

## **PLANNING ISSUES**

The main issues here are whether the proposed development would have a detrimental impact on:

- The residential amenities of nearby properties
- The character and visual appearance of the Conservation Area and the surrounding area as a whole.

### **Residential Amenity**

The proposed conservatory would be set in from the side boundaries with the neighbouring dwellings by 0.25m to No. 3 and 0.40m to No. 5. The gardens are bound by timber fencing. At the time of the site visit trellis to a height of approximately 1.8m was positioned along the boundary with No. 5 closest to the dwelling. It is understood that this has now been removed. The position and height of the trees to the rear is acknowledged. The conservatory is single storey at a height of 2.5m closest to the boundaries and given the presence of the existing fencing and the height of the trellis which has since been removed and the reduction in overall size of the conservatory, it is considered that any additional loss of light would not be severe. Whilst there will be some additional loss of light over and above that caused by the trees, it would not be so extreme at the rear of these properties as to warrant a recommendation of refusal. The conservatory structure is predominantly glazed, including the roof and even with obscure glazing fitted it should allow light to shine through it to a degree.

Regarding the concerns relating to loss of privacy the applicants have agreed to install obscure glazing along both sides of the proposed conservatory. This will prevent any direct overlooking into the neighbouring gardens.

The garden to the application site is longer than the neighbouring sites by approximately 1.0m. To the rear of No. 3 is a footpath access to the garden of No. 4 and the garden of No. 5 tapers to a length of some 5.5m. The conservatory would occupy less than half of the garden and would leave adequate amenity and drying space.



**Visual Amenity**

The proposed conservatory would be in scale and character with the existing dwelling and would not have an adverse effect upon the Conservation Area or the appearance of the area in general. It would, if it has any effect on the character of the conservation area at all, have something of a 'neutral' effect on that character.

**RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) Prior to the development commencing, details or samples of the obscure glazing to be installed in the side elevations of the conservatory shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed glazing shall be retained in perpetuity.

REASON - In order to protect the privacy and amenity of neighbouring residents in accordance with policy H12 of the Borough of Darlington Local Plan.

**INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

H12 - Alterations and Extensions to Existing Dwellings  
E35 - Conservation Areas

It should be noted that the permission hereby given does not remove the necessity to fulfil the requirements of the Party Wall etc., Act 1996.

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 June 2004**

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**APPLICATION REF. NO: 04/00370/FUL**

**STATUTORY DECISION DATE: 31 May 2004**

**WARD/PARISH: HAUGHTON WEST**

**LOCATION: 9 Boston Close Darlington DL1 2RF**

**DESCRIPTION: Erection of conservatory to rear**

**APPLICANT: MRS B WILKES**

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**APPLICATION AND SITE DESCRIPTION**

This application seeks permission to construct a conservatory to the rear of a semi detached bungalow. The conservatory would be some 3.0m x 2.7m with a mono-pitched roof at a maximum height of some 2.84m. It would be constructed of white UPVc frames above reinforced UPVc panels,

The site is within the development limits as defined for Darlington. To the rear (north) the site is screened to Thompson Street East by timber fencing some 1.8m in height. The site is bound on either side by fencing some 1.5m and 1.8m in height, with leylandii along the east boundary with no 10. It is understood that some of the leylandii will be removed to allow construction of the conservatory and maintenance thereafter. To the west, a garage in the rear garden additionally screens the site.

**PLANNING HISTORY**

There are no entries on the planning register that are of relevance.

**PLANNING POLICY BACKGROUND**

Policy H12 (Alterations and Extensions to Existing Dwellings) is relevant.

**RESULTS OF CONSULTATION AND PUBLICITY**

One letter of concern has been received which raises the following points:

- *Concern is raised about the stability of the fence along the boundary with No 10 due to the proximity of the proposal.*
- *Is it possible to amend the location of the conservatory to move it further from the boundary to ensure the fence is not damaged during construction.*

## PLANNING ISSUES

The main issues here are whether the proposed development would have a detrimental impact on:

- The residential amenities of nearby properties
- The character and visual appearance the surrounding area as a whole.

### Residential Amenity

The proposed conservatory would be set in from the side boundary with the neighbouring dwelling by 0.3m to no 10. The proposed position of the conservatory would meet the guidance of the 45-degree code. Whilst the concerns of the neighbouring occupant are noted, the protection of the boundary fence during construction is essentially a civil matter as opposed to a planning matter. In any event to move the conservatory further away from the boundary would then cover a manhole which the applicant would not wish to do.

Some of the leylandii screening the site at the time of site visit have now been removed and in order to protect privacy the applicant has agreed to install obscure glazing along the east side of the proposed conservatory. This will prevent any direct overlooking into the neighbouring garden. The property at No 10 already has a conservatory on the rear elevation some 0.5m from the boundary.

The garden to the application site is a reasonable size and would readily accommodate a conservatory of the size proposed.

### Visual Amenity

The proposed conservatory would be in scale and character with the existing dwelling and would not have an adverse effect upon the appearance of the area in general.

## RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) D1 Obscure Glazing (east elevation)

## INFORMATIVE

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

H12 - Alterations and Extensions to Existing Dwellings

It should be noted that the planning permission hereby given does not remove the necessity to fulfil the requirements of the Party Wall etc. Act 1996

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE:**

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**APPLICATION REF. NO:** 04/00385/FUL

**STATUTORY DECISION DATE:** 1 June 2004

**WARD/PARISH:** SADBERGE AND WHESSOE

**LOCATION:** 3A Church View Bishopton Darlington TS21 1HB

**DESCRIPTION:** Erection of detached three bedroom dwelling with associated parking

**APPLICANT:** PHILIP WATSON

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**APPLICATION AND SITE DESCRIPTION**

The application site comprises an area of land of approximately 250m<sup>2</sup>. It is located between two existing properties no. 3 and no.5 Church View in Bishopton. The site lies on the northern side of the road opposite St Peters Church Hall. The application proposes the erection of two storey, three bedroom, detached dwelling. This would have a maximum width of 7.6m a depth of 12.4m and height of 7.6m. The house is designed in a traditional form being of brick construction with a tiled roof. Part of the rear of the dwelling would be single storey providing a sunroom. Parking is provided on the front of the site the main property being set back some 5m into the site to accommodate a hardstanding. Garden space is provided to the rear of the dwelling.

The application site lies within the Bishopton Conservation Area.

**PLANNING HISTORY**

None.

**PLANNING POLICY BACKGROUND**

The following policies in the Borough of Darlington Local Plan are relevant;

E35 - Conservation Areas

H11 - Design and Layout of New Housing Development

**RESULTS OF CONSULTATION AND PUBLICITY**

Five letters have been received objecting to the application for the following reasons:-

- *A two storey dwelling on the site will damage amenities of surrounding properties by reason of its dominating effect, height and proximity to boundaries.*
- *A single storey bungalow would be a much better solution for the site which would replace the existing building on the site and provide accommodation for an ageing population in a village where such provision is limited and be more in keeping with the single storey element of Town Farm House and the bungalow approved to the rear of the Talbot PH.*
- *Existing boundary planting should be retained on the site*
- *Infill development in the village is not appropriate, the BDLP specifically rules out extensions of the village boundaries in order to retain the features of the Conservation Area and building within inappropriate spaces would also be damaging to the character of the village and the same restrictions should apply*
- *The proposed dwelling is wholly inappropriate to the site and the surrounding area*
- *Adding a further property will exacerbate local traffic problems*
- *The building is set back in the site out of character with the locality*
- *Contrary to the information on the application frontage parking is not common in the area*
- *UPVC windows are out of character with the locality*
- *Concern over the removal of mature trees on the site and possible structural damage to adjoining properties*
- *Loss of privacy to properties to the north of the application site (Town Farm Close)*
- *Proposal does not comply with PPG1 or PPG7 relating to developments in Conservation Areas and development in rural locations.*
- *Proposal will impact on Human Rights to privacy and home life*
- *The application should be the subject of a committee site visit*
- *Whilst others have been approved recently, there must be a limit to the number of infill schemes within the village to protect the character of the area*
- *The proposal is over development of the site*
- *The new dwelling has no garden and reduces the garden of the existing house which will result in the loss of garaging for cars*
- *The dwelling overlooks existing gardens and houses to an unacceptable degree*
- *Houses without gardens have proved difficult to sell on, the proposal will devalue properties*
- *A new house of this size would normally have at least a double garage the applicant is, we understand, intending to move away after the development and will not realise the profits hoped for*
- *A more appropriate development would be garaging, workshop/home gym/granny annex*
- *Loss of light to gardens and adjoining properties.*

**The Parish Council**

Raise no objection but comment that some areas of parking are in private ownership and are not designated as common land. The Parish Council has paved areas near the Green.

**Darlington Association on Disability**

Object on the grounds the application shows a step at each door to the proposed dwelling access to the dwelling should be level.

**Darlington Civic Trust**

No objection and comment, we consider the approach adopted by the applicant very creditable and praiseworthy, which is well thought out and well presented. His analysis of the area, although aimed mainly at the issue of parking, show clearly his thoughts on how the proposed new dwelling will fit in the street scene. Our view is, whilst not outstanding, the proposed house will not detract and will possibly enhance the appearance and character of the conservation area. An observation is then made in relation to the brick type to be used.

## **PLANNING ISSUES**

The main issues to be considered in the determination of this application is whether the proposal complies with policy in the BDLP in respect of new housing development within a Conservation Area. As is the norm on such applications the officer report assesses the proposal against the criteria listed in policy H11 (Design and Layout of New Housing Development) and the test set out in policy E35 Conservation Areas and the requirement to consider S 72 of the Listed Buildings and Conservation Areas Act 1990.

### Application of policy H11

1. RELATE WELL TO THE SURROUNDING AREA, RESPECT ITS PREDOMINANT CHARACTER AND DENSITY, AND AVOID DAMAGE TO THE AMENITIES OF ADJOINING PROPERTIES

The predominant built form in the locality is two-storey family dwellings, the application proposal is consistent with the character of the area and there is no valid planning reason why development at the site should be restricted to a single storey building. Indeed it is the case that a single storey building is likely to be much more out of character with the immediate locality. The plot is large enough to accommodate a dwelling of the size proposed. In terms of the relationship to adjoining properties this is considered acceptable. The most affected properties are the adjoining occupiers at 3 and 5 Church View and 17 to 20 Town Farm Close to the north and north west of the application site.

The site is level and all properties affected by the proposal are two storeys in height. In respect of 17 and 18 Town Farm Close to the north privacy distances will be 25.6m between principal elevations and this exceeds the 21m standard generally applied and is acceptable. 19 and 20 Town Farm Close to the north west lie some 28m from the proposed dwelling and there are no windows, except a first floor landing window, which faces on to those properties and their rear gardens directly. The first floor rear windows on the proposed dwelling will overlook rear gardens of the properties in Town Farm Close but given the distances between the properties there is no loss of privacy or amenity that would justify a refusal of planning permission. In respect of 3 Church View only the first floor side-landing window will overlook the rear garden of that property and this can be in obscure glazing, if necessary. Finally, the rear of the proposed dwelling will project some 2m behind the rear elevation of No 5 to the east. The proposed dwelling will impact on a first floor window to a small bedroom at the first floor level, this room however, has a window, which faces north and is already in considerable shadow during the day. The proposed dwelling will increase the amount of overshadowing for this window but on balance this is not considered a reason to refuse the application, no other windows to habitable rooms in this property are directly affected by the proposal.

In terms of the design of the property this is considered acceptable. The original design has incorporated changes made by the teams Conservation and Design Officer. One of the issues that does need to be considered is the location of the parking area and the fact that the building is set back in the site to accommodate frontage parking.

In pre-application advice it was suggested that the building could be sited close to the front of the site to contribute more to the streetscene and place parking provided to the rear. The application site, however, is not wide enough to provide a separate vehicular access and maintain vehicular access to the existing property at No. 3 and the landowner will not agree to a shared access. The applicant has also pointed out that there are numerous examples of parking being provided on the forecourts of properties in the village and the development would not therefore be so out of character. On balance, this argument is accepted and the siting of the property some 5m back into the site is not considered so injurious to the street scene to merit a refusal of planning permission.

The application proposes the use of UPVC sliding sash windows and rainwater goods. Whilst every encouragement will normally be given to the use of timber windows in particular, many properties in the Bishopton Conservation Area have now replaced windows with UPVC and it is not considered appropriate to insist on any different material in this application.

2. PROVIDE AN ATTRACTIVE, EFFICIENT AND SAFE RESIDENTIAL ENVIRONMENT;

The application provides for this.

3. PROVIDE ADEQUATE PRIVACY IN THE ROOMS, GARDENS AND OTHER OUTDOOR AREAS OF THE PROPOSED DWELLINGS AND EXISTING ADJACENT PROPERTY

Given the comments on point 1 above the relationship between the existing and proposed properties is considered acceptable.

4. PROVIDE ADEQUATE DAYLIGHT AND SUNLIGHT ENTERING THE PRINCIPAL ROOMS OF THE PROPOSED DWELLINGS AND EXISTING ADJACENT PROPERTY

The internal layout of the dwelling is satisfactory. The impact of the proposal on the first floor north-facing window at no.5 is noted but is not considered to be of sufficient impact to merit a refusal of planning permission.

5. PROVIDE ADEQUATE GARAGING OR CAR PARKING AND OTHER PRIVATE AMENITY SPACE WITHIN INDIVIDUAL DWELLING CURTILAGES IN ACCORDANCE WITH POLICY T24

The proposal provides for two on site parking spaces in accordance with adopted standards on a parking area to the front of the site and a rear garden area of an acceptable size to support the dwelling.

6. PROVIDE CONVENIENT AND SAFE PEDESTRIAN ACCESS TO RECREATIONAL FACILITIES (E.G. CHILDREN'S PLAY AREAS AND PLAYING FIELDS) AND OTHER LOCAL SERVICES (E.G. SHOPS AND PUBLIC TRANSPORT)

The prospective residents will have access to all village amenities and services

7. DISCOURAGE UNAUTHORISED PUBLIC ACCESS TO ADJOINING AGRICULTURAL LAND

Not applicable

8. PROVIDE CONVENIENT AND SAFE ROAD ACCESS FOR RESIDENTS, VISITORS AND SERVICE VEHICLES IN ACCORDANCE WITH POLICY T13

Access to the site is direct from the adjoining highway. The Highways Engineers have stated this is acceptable and creates no additional traffic issues that would merit a refusal of planning permission.

9. INCORPORATE EXISTING WILDLIFE HABITATS AND LANDSCAPE FEATURES, WHEREVER APPROPRIATE, AND PROVIDE OPPORTUNITIES FOR THE CREATION OF NEW WILDLIFE HABITATS

Not applicable

10. LOCATE ANY DWELLINGS PROVIDED FOR THE ELDERLY OR PEOPLE WITH DISABILITIES WITHIN 200m OF BUS STOPS

Not applicable

In terms of the impact on the Conservation Area the officer view is that the proposal will not detract for the appearance and character of the Conservation Area and complies with policy E35 of the BDLP and S.72 of the Listed Buildings and Conservation Areas act 1990. It will enhance the character of this part of the Conservation Area and certainly meet the accepted test to achieve a development that has at least a 'neutral' impact on the Conservation Area.

The objections raised to the proposal are noted but the application is considered acceptable. The site represents an "infill" site within the village boundaries and proposes a design, which is acceptable, and has a satisfactory relationship to the neighbouring properties consistent with accepted planning standards. The siting of the development within the site will impact on the streetscene but the proposals will not have a harmful impact.

There will be some tree loss as a result of the development but this is restricted to ornamental and conifer trees in the existing garden area, these are not important specimens and their loss raises no planning issues. The remaining trees on the site will already benefit from protection by virtue of their siting in the Conservation Area.

Building Regulations will deal with the issue of access to the property, via steps. The access to the site and parking are acceptable and officers consider there is no justifiable planning reason based on the submitted objections, to refuse planning permission.

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) C5 Restriction of PD Rights (Residential)
- 4) E5 Boundary Treatment Submission
- 5) G3 Parking (Maintained Buildings)
- 6) Notwithstanding the detail submitted on the approved plan, no development shall commence until final details have been agreed of the proposed window types and reveals on the approved dwelling and the development completed in accordance with the agreed details.

REASON - In order to protect the character and appearance of the locality which forms part of the Bishopton Conservation Area.

**INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

E35 - Conservation Areas

H11 - Design and Layout of New Housing Development

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 June 2004**

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**APPLICATION REF. NO: 04/00386/CAC**

**STATUTORY DECISION DATE: 1 June 2004**

**WARD/PARISH: SADBERGE AND WHESSOE**

**LOCATION: Town Farm House 3 Church View Bishopton  
Darlington TS21 1HB**

**DESCRIPTION: Demolition of existing shed**

**APPLICANT: PHILIP WATSON**

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**APPLICATION AND SITE DESCRIPTION**

The application site comprises an area of land of approximately 250m<sup>2</sup>. It is located between two existing properties no.3 and no.5 Church View in Bishopton. The site lies on the northern side of the road opposite St Peters Church hall. The application proposes the demolition of an existing single storey open sided building to facilitate the erection of two storey, three bedroom, detached dwelling an application for which is considered elsewhere on this agenda.

The application site lies within the Bishopton Conservation Area.

**PLANNING HISTORY**

None relevant.

**PLANNING POLICY BACKGROUND**

The following policy in the Borough of Darlington Local Plan is relevant;

E35 Conservation Areas

**RESULTS OF CONSULTATION AND PUBLICITY**

Four letters of objection have been received which quote the CAC application reference but these relate to the planning application (Ref 04/00385/FUL) reported elsewhere on the agenda. None of the letters received object specifically to the removal of the existing building.

**PLANNING ISSUES**

The only issue to be considered in the determination of this application is whether the demolition of the existing building is acceptable in terms of its impact on the appearance and character of the Conservation Area.

The existing building the subject of the application is located on the eastern boundary of the rear garden of the application site. It comprises an open sided building in timber on a brick plinth used for parking and domestic storage for the property. The building is of no intrinsic architectural value and makes no contribution to the character and appearance of the Conservation Area. Its demolition will arguably improve the quality of the local environment.

S.72 of the Listed Buildings and Conservation Areas Act, requires the Local Planning Authority to pay particular regard to the impact of a proposal on the appearance and character of the Conservation Area and the accepted test is now that a development should have at least a neutral effect on such areas and not detract from them. Given the nature of the building, the application to demolish will meet this required test and could, arguably, enhance the appearance and character of the area. The approval of such application is normally the subject of a planning condition that prevents demolition until a contract for the new building works has been let. Such a condition is not appropriate in this case mainly because of the poor quality of the existing structure.

**IT IS RECOMMENDED THAT CONSERVATION AREA CONSENT BE GRANTED**

**INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

E35 - Conservation Areas

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 June 2004**

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**APPLICATION REF. NO:** 04/00392/CU

**STATUTORY DECISION DATE:** 2 June 2004

**WARD/PARISH:** MOWDEN

**LOCATION:** 2 Fulthorpe Avenue Darlington DL3 9XT

**DESCRIPTION:** Proposed Change of Use from Retail Shop (Class A1) to Youth and Community Resource Centre (Class D1)

**APPLICANT:** ELM RIDGE METHODIST CHURCH

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**APPLICATION AND SITE DESCRIPTION**

The proposal involves a change of use of a retail unit to a Youth and Community Resource Centre.

The unit consists of a ground floor vacant shop with a flat above within a shopping parade. It is located at the northern end of the parade.

The parade was constructed in the 1960's but it has recently been the subject of refurbishment work. It consists of a large convenience store at its southern end and there are 10 smaller units. Two of the units are occupied by hot food takeaways. Living accommodation can be found above the shops.

The surrounding area is predominately residential. A new flat development, Sandringham Court, is situated to the north of the parade.

**Planning History**

70/16(b) In June 1966, planning permission was GRANTED for the erection of a shopping centre with first floor flats.

00/00319/FUL - In January 2001, planning permission was GRANTED for the demolition of three shops, erection of 32 flats and car parking. Addition of pitched roof and alterations to remaining shops and flats. Landscaping to the front and provision of parking.

02/00094/CU - In April 2002, planning permission was REFUSED for a change of use from retail shop to hot food takeaway.

03/01266/CU - In January 2004, planning permission was REFUSED for a change of use from retail shop to hot food takeaway.

## **PLANNING POLICY BACKGROUND**

The following policies within the Borough of Darlington Local Plan are relevant:

H15 - Amenity of Residential Areas

R25 - Provision of Community Facilities and Services

S10 - Safeguarding the District and Local Centres.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Fifteen letters of objection have been received raising the following concerns:

- *This shop unit is unsuitable*
- *It will cause anti-social behaviour*
- *It is too near an off-licence, shops and residential area.*
- *Where will the youths go after 9:00pm?*
- *Extra Noise*
- *Extra Litter*
- *Extra underage drinking of alcohol*
- *Extra pressure of police resources and local residents*
- *How will extra number of youths be coped with?*
- *The unit should remain as a retail unit*
- *Why don't Elm Ridge hold it in their own grounds?*
- *I would expect a reduction in my Council Tax*
- *The creation of this unit will exacerbate current problems of vandalism, hooliganism, drugs and drunkenness*
- *Any development will attract youths from outside of the area*
- *This development will devalue the saleable value of our property*
- *Unsuitable use in this area and I have no confidence in the people to organise the youths*
- *Youths currently loiter in large groups; are abusive; leave litter; use steps as a urinal; drink alcohol*
- *This will increase the problem rather than solve it*
- *An appeal was recently turned down for an Indian Takeaway on the grounds of nuisance and noise to the local residents. This will be 20 times worse.*

Both Ward Members have objected to the proposal on the following grounds:

- *This property is not big enough to accommodate the number of youths. It would be more appropriate for one of the schools to be open once or twice a week.*
- *This Centre will not be popular with the shops and I understand that a petition in excess of 900 names has been raised against the proposed Centre.*
- *It will cause friction amongst shopkeepers and residents who live close at hand and who have recently paid considerable sums of money for their new properties.*
- *This is likely to cause extra noise, youngsters shouting etc.*
- *More litter*

- *Likelihood of additional underage drinking which is already a problem in the Ward*
- *What would be the hours of opening?*
- *Are there likely to be discos and other events?*

## **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposed change of use is acceptable in the following terms

- Planning Policy
- Residential Amenity
- Highway Safety

### **Planning Policy**

Policy H15 states that planning permission would not be granted for the establishment of non-residential uses which would unacceptably conflict with the amenities of surrounding areas having a predominately residential character.

Policy R25 states that proposals for change of use and conversion of existing buildings for community purposes including youth centres will be encouraged having regard to the need to safeguard residential amenity, the character and appearance of the surroundings and highway safety.

The supporting text for Policy R25 states that due to the variety of operating hours and conditions, applications for such uses which will function at off peak times, or uses which create noise at abnormal hours, may be granted permission on a temporary basis, at the outset, to establish their impact on residential amenity.

Under the provisions of the Plan, the shopping parade is defined as a local centre. Policy S10 states that the Council will safeguard the vitality and viability of the local Centre such as Mowden and in particular will safeguard their role for food shopping. Developments which would undermine that vitality and viability will not be permitted.

Three of the smaller units are currently in non-retail use. These are a launderette and the two aforementioned hot food takeaways. The proposal would result in the loss of a further retail unit.

Planning permission was recently refused for a hot food takeaway at No. 86 Fulthorpe Avenue on noise and general disturbance issues and its impact on the vitality and viability of the local Centre. This decision was upheld on appeal but the Inspector, when assessing the proposal, did not consider that the loss of the unit to non-retail use would undermine the vitality and viability of the local centre as a retail shopping parade. The appeal was upheld on noise and general disturbance grounds only. But it is worth noting that the hot food takeaway intended to open until 23:00 hrs each night.

As a result of the Inspector's comments it could be argued that the Centre would not have a detrimental impact on the vitality and viability of the shopping parade.

**Residential Amenity**

A copy of the letter from the Agent is attached to this report outlining how the Centre will be operated. A copy of this letter has been sent to the objectors and local residents.

Briefly, the Centre would accommodate 30 young people. It will initially open as a café with associated internet and video facilities. Future activities may include arts and crafts classes, homework clubs, health and beauty workshops. These activities will be identified following consultations with the young people.

The Centre will open initially on Tuesday and Thursday evenings from 6:30 pm to 9:00 pm. The applicants have decided not to open Friday or Saturday evenings.

The Centre will be staffed by people well experienced in youth work and behavioural management. The Youth Worker/Project Leader would live in the first floor flat.

As stated in the letter attached to this report the Anti-Social Behaviour Management Officer from the Police has been involved in the proposal and the staff are fully qualified to deal with young people.

As part of the redevelopment of the flats and the construction of the flats development, a live CCTV system has been installed which covers the frontages of the shopping parade and this is connected to the main control room at the Town Hall.

There have been two previous planning refusals for hot food takeaways at this unit based upon the impact such a use would have on the residential amenities of neighbouring properties. It is considered that the proposed use can be viewed in a different manner to a hot food takeaway. The hours of opening for the Youth Centre would be less than the late night requirements of a hot food takeaway. Takeaways also have the potential to generate noise disturbance from the operation of extraction equipment, especially if it is not well maintained or becomes faulty. Takeaways can also result in cooking smells and odours, and excessive traffic movement.

The concerns which have been raised by the objectors have been acknowledged and taken into consideration. As a result, the applicant has agreed to the imposition of a condition restricting the length of any planning permission to 18 months. This would comply with the advice given in Policy R25 of the Plan.

This application is finely balanced, however, Officers consider that the imposition of suitable planning conditions would help the Council to establish the impact of the Centre on the amenities of the area and reassess the situation at the appropriate time.

**Highway Matters**

No highway objections have been raised.

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Five Years)

- 2) C2 Limited Period (Use)
- 3) C12 Restriction of Use (Use Classes Order)
- 4) The use hereby permitted shall be carried out during the hours 0900 - to 2100 Sundays to Thursdays. The Centre shall not open on Fridays to Saturdays.

REASON - In order to safeguard the amenities of nearby residential properties.

- 5) B5 Detailed Drawings (Accordance with Plan)
- 6) No amplified instruments shall be played and no discos shall occur within the premises.

REASON - To safeguard the amenities of nearby residential properties.

### **INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:-

H15 - Amenity of Residential Areas

R25 - Provision of Community Facilities and Services

A10 - Safeguarding the District and Local Centres

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 June 2004**

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**APPLICATION REF. NO: 04/00492/DC**

**STATUTORY DECISION DATE: 24 June 2004**

**WARD/PARISH: Hurworth**

**LOCATION: Hurworth Comprehensive School Croft Road Hurworth  
Darlington DL2 2JG**

**DESCRIPTION: Erection of a new classroom**

**APPLICANT: Director Of Development And Environment**

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**APPLICATION AND SITE DESCRIPTION**

This is a full planning application submitted under Regulation 3 of the Town and Country Planning (General Regulations) 1992.

The application proposes the erection of a single storey flat roofed classroom measuring 23.1m in length, 7.8m in width and 3.7m in height and would be constructed in brick.

The building would be located within the quadrangle of an existing classroom block.

The school lies to the south of Croft Road within extensive grounds. The school is bounded to the east by dwelling houses, to the west by the grounds of Rockcliffe Court (a special needs housing unit) and to the south by open countryside.

**PLANNING HISTORY**

None of any relevance.

**PLANNING POLICY BACKGROUND**

The following policies in the Borough of Darlington Local Plan are relevant:-

- E2 - Development Limits
- E4 - New Buildings in the Countryside
- E8 - Area of High Landscape Value
- E29 - Setting of New Development
- H15 - The Amenity of Residential Areas
- R1 - Designing for All
- R2 - Access for People with Disabilities

R25 - Provision of Community Facilities and Services

## **RESULTS OF CONSULTATION AND PUBLICITY**

At the time this report was written, the Parish Council had not replied to the consultation on the proposal. Any comments will be made orally to the Committee.

## **PLANNING ISSUES**

The principal issue to be considered is whether the proposal would materially affect the visual amenities of the locality.

The proposed classroom is of a flat roof design and would match the existing complex of flat roofed buildings and given its location it would not be visible from outside the existing classroom block. Consequently, no material harm would be caused to the appearance of the existing school or the visual amenities of the locality.

## **RECOMMENDATION**

SUBJECT TO THERE BEING NO OBJECTION TO THE DEVELOPMENT, UPON THE EXPIRY OF THE STATUTORY PERIOD OF PUBLICITY ON 4 JUNE 2004, THE DIRECTOR FOR DEVELOPMENT AND ENVIRONMENT BE GIVEN DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION UNDER REGULATION 3 OF THE TOWN AND COUNTRY PLANNING (GENERAL REGULATIONS) 1992, SUBJECT TO THE FOLLOWING CONDITIONS:-

- 1) A3 Implementation Limit (Five Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)

## **INFORMATIVE**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below and to all relevant material considerations, including Supplementary Planning Guidance:-

E2 - Development Limits  
E4 - New Buildings in the Countryside  
E8 - Area of High Landscape Value  
E29 - Setting of New Development  
H15 - The Amenity of Residential Areas  
R1 - Designing for All  
R2 - Access for People with Disabilities  
R25 - Provision of Community Facilities and Services

