

# Planning Applications Committee Agenda



1.30 pm Wednesday, 17 October 2018  
Committee Room No. 2, Town Hall,  
Darlington. DL1 5QT

**Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 19 September, 2018 (Pages 1 - 20)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 21 - 50)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

## **PART II**

8. Notification of Appeals - The Director of Economic Growth and Neighbourhood Services will report that :-
  - (a) Mr D Betteridge has appealed against this Authority's decision to refuse planning permission for the demolition of existing garage and erection of detached bungalow, detached single garage and detached single garage for main dwelling at 8 Lazenby Close, Darlington (Ref. No. 18/00047/FUL).

**Recommended** – That the report be received.

9. Notification of Decision on Appeals - The Director of Economic Growth and Neighbourhood Services will report that, Inspectors, appointed by the Secretary of State for the Environment, have :- –
- (a) dismissed the appeal by Messrs Lee, Tyers and Hartley against this Authority's decision to refuse planning permission for change of use of land for the siting of 15 no. holiday chalets, with associated access, car parking and landscaping (additional transport statement received 29 August 2017 and additional supporting information received 29 September 2017) at land North east of Brickyard Farm, Neasham Road, Hurworth Moor, Darlington (Ref No. 17/00623/FUL) (copy of Inspector's decision letter (enclosed)); and
  - (b) dismissed the appeal by Mr Anthony Vassiounis against this Authority's decision to refuse planning permission for demolition of existing triple garage and erection of single storey residential dwelling with parking area, new pedestrian access, street lighting and 1.8m high timber close-boarded fencing and gates (revised scheme) (Screening Assessment received 21 December 2017 and amended plan and additional Heritage Statement received 1 February 2018) at garages and garden to rear of 38 Langholm Crescent, Darlington (Ref No. 17/00945/FUL) (copy of Inspector's decision letter (enclosed)).

**Recommended** – That the report be received.

### **PART III**

#### **EXCLUSION OF THE PUBLIC AND PRESS**

10. To consider the Exclusion of the Public and Press –  
RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act
11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 3rd October, 2018 (Exclusion Paragraph No. 7) - Report of Director of Economic Growth and Neighbourhood Services (Pages 51 - 56)
12. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
13. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 9 October 2018**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Baldwin, Galletley, Heslop, Johnson, Kelley, Knowles, Lee, Lister, Lyonette, Storr, C Taylor, J Taylor and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Shirley Burton, Democratic Manager, Resources Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: [shirley.burton@darlington.gov.uk](mailto:shirley.burton@darlington.gov.uk) or telephone 01325 405998

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## PLANNING APPLICATIONS COMMITTEE

19 September 2018

**PRESENT** – Councillor Baldwin (in the Chair); Councillors Galletley, Johnson, D Jones, Kelley, Knowles, Lee, Lister, Lyonette, Storr, J Taylor and Tostevin.(12)

**APOLOGIES** – Councillors McEwan and C Taylor (2)

**ABSENT** –

**ALSO IN ATTENDANCE** –

**OFFICERS** – Dave Coates, Head of Planning, Development Management and Environmental Health, Arthur Howson, Engineer, within Services for Economic Growth and Neighbourhood Services and Andrew Errington, Lawyer (Planning) within the Resources Group. (3)

**PA27. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**PA28. MINUTES OF MEETINGS** – Submitted – The Minutes (previously circulated) of the meeting of this Committee held on 22 August 2018.

**RESOLVED** – That the Minutes be approved as a correct record.

**NOTE - APPLICATIONS FOR PLANNING PERMISSION** – The following standard conditions are referred to in those Minutes granting permission or consent:-

Code No.	Conditions
A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
A5	The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. <b>Reason</b> - To accord with the provisions of Section 18(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
B4	Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details. <b>Reason</b> - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests

	of the visual amenity of the area.
B9	<p>Prior to the commencement of development, or such other period as may be agreed with the Local Planning Authority, the details of any walls, fencing or other means of enclosure shall be submitted to, and approved by, the Local Planning Authority. The approved means of enclosure shall be erected prior to the approved development being brought into use, or within any approved phase of the development prior to that phase of the development being brought into use.</p> <p><b>Reason</b> - In the interests of visual and/or residential amenity.</p>
C5	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.</p> <p><b>Reason</b> - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.</p>
E2	<p>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.</p> <p><b>Reason</b> - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.</p>
E11	<p>Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated</p>

	<p>protection zones in the area of the trees:</p> <ul style="list-style-type: none"> <li>(a) The raising or lowering of levels in relation to the existing ground levels;</li> <li>(b) Cutting of roots, digging of trenches or removal of soil;</li> <li>(c) Erection of temporary buildings, roads or carrying out of any engineering operations;</li> <li>(d) Lighting of fires;</li> <li>(e) Driving of vehicles or storage of materials and equipment.</li> </ul> <p><b>Reason</b> - To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.</p>
CL2	<p>Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>
CL3	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented</p>

	and occupied with adequate regard to environmental and public protection
CL4	<p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
CL5	<p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
CL6	<p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p>



	<p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below, ^IN;</p> <p><b>Reason</b> - To define the consent.</p>

## **PA29. APPLICATION FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

### **(1) Planning Permission Granted**

**17/01175/FUL - Field at OSGR E435292 N513607, Yarm Road, Oak Tree, Middleton St George.** Residential housing development consisting of 61 No dwellings together with car parking, landscaping and associated infrastructure (amended description) (amended site plan and additional adoptable areas plan received 29 January 2018, amended site plans and design and access statement received 5 April 2018, amended tree survey, ecology report, floor plans and elevations received 6 April 2018, amended Transport Statement and Planning Statement received 23 April 2018, amended flood risk assessment and pumping station details received 14 June 2016, amended house types and site plan received 15 June 2018, further amended house types and site layout plan received 1 August 2018, amended Transport Statement received 3 August 2018 and amended flood risk assessment received 8 August 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and a representative of the Parish Council, both of whom Members heard).

Following a question to the applicant's agent at the meeting, he confirmed that they would be agreeable to the provisions of the proposed Section 106 agreement in relation to the provision of 12 affordable bungalows on land at Acorn Close (Ref No. 18/00509/FUL below refers).

**RESOLVED – (a)** That, subject to the completion of a Section 106 agreement within six months of the date of this Committee to secure the following :-

- (a) a financial contribution of £183,976 towards education provision in Middleton St George;
- (b) a financial contribution of £56,700 towards the provision of a safe route to school from the site; and

(c) the provision of 12 no. affordable bungalows on land at Acorn Close in accordance with planning permission reference number 18/00509/FUL.

planning permission be granted with the following conditions :-

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

**Reason** - To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Layout site plan 1715 312 01 Rev. G 1.8.18

Adoptable roads, shared surfaces and footpaths 1715 313 01 Rev. E 1.8.18

Proposed site sections 1715-XSA-00-ZZ-DR-A-325 Rev. P02.5 1.8.18

Illustrative landscape plan 1715 370 01 Rev. A 1.8.18

House Type 1\_GA Plans 1715-XSA-01-ZZ-DR-A-3001 Rev P02.3 12.6.18

House Type 1\_Elevations 1715-XSA-01-ZZ-DR-A-3601 Rev P02.3 12.6.18

House Type 1\_3D Views 1715-XSA-01-ZZ-DR-A-9201 Rev P02.3 12.6.18

House Type 2\_GA Plans 1715-XSA-02-ZZ-DR-A-3001 Rev P02.4 12.6.18

House Type 2\_Elevations 1715-XSA-02-ZZ-DR-A-3601 Rev. P02.4 12.6.18

House Type 2\_3D Views 1715-XSA-02-ZZ-DR-A-9201 Rev. P02.4 12.6.18

House Type 3\_GA Plans 1715-XSA-03-ZZ-DR-A-3001 Rev P02.2 12.6.18

House Type 3\_Elevations 1715-XSA-03-ZZ-DR-A-3601 Rev P02.2 12.6.18

House Type 3\_3D Views 1715-XSA-03-ZZ-DR-A-9201 Rev P02.2 12.6.18

House Type 4\_GA Plans 1715-XSA-04-ZZ-DR-A-3001 Rev P02.2 12.6.18

House Type 4\_Elevations 1715-XSA-04-ZZ-DR-A-3601 Rev P02.2 12.6.18

House Type 4\_3D Views 1715-XSA-04-ZZ-DR-A-9201 Rev P02.2 12.6.18

House Type 5\_GA Plans 1715-XSA-05-ZZ-DR-A-3001 Rev. P02.4 12.6.18

House Type 5\_Elevations 1715-XSA-05-ZZ-DR-A-3601 Rev P02.4 12.6.18

House Type 5\_3D Model 1715-XSA-05-ZZ-DR-A-9201 Rev. P02.4 12.6.18

House Type 6\_GA Plans 1715-XSA-06-ZZ-DR-A-3001 Rev. P02.4 31.7.18

House Type 6\_Elevations 1715-XSA-06-ZZ-DR-A-3601 Rev. P02.4 31.7.18

House Type 6\_3D Views 1715-XSA-06-ZZ-DR-A-9201 Rev. P02.4 31.7.18

House Type 7\_GA Plans 1715-XSA-07-ZZ-DR-A-3001 Rev. P02.4 26.6.18

House Type 7\_Elevations 1715-XSA-07-ZZ-DR-A-3601 Rev. P02.4 26.6.18

House Type 7\_3D Views 1715-XSA-07-ZZ-DR-A-9201 Rev. P02.4 26.6.18

House Type 8\_GA Plans 1715-XSA-08-ZZ-DR-A-3001 Rev. P02.3 12.6.18

House Type 8\_Elevations 1715-XSA-08-ZZ-DR-A-3601 Rev. 02.3 12.6.18

House Type 8\_3D Views 1715-XSA-08-ZZ-DR-A-9201 Rev. 12.6.18

House Type 9\_GA Plans 1715-XSA-09-ZZ-DR-A-3001 Rev. P02.3 13.6.18

House Type 9\_Elevations 1715-XSA-09-ZZ-DR-A-3601 Rev. P02.3 13.6.18

House Type 9\_3D Views 1715-XSA-09-ZZ-DR-A-9201 Rev. P02.3 13.6.18

House Type 10\_GA Plans 1715-XSA-10-ZZ-DR-A-3001 Rev. P02.3 26.6.18

House Type 10\_Elevations 1715-XSA-10-ZZ-DR-A-3601 Rev. P02.3 26.6.18

House Type 10\_3D Views 1715-XSA-10-ZZ-DR-A-9201 Rev. P02.3 26.6.18

House Type 11\_GA Plans 1715-XSA-11-ZZ-DR-A-3001 Rev. P02.4 13.6.18

House Type 11\_Elevations 1715-XSA-11-ZZ-DR-A-3601 Rev. P02.4 13.6.18

House Type 11\_3D Views 1715-XSA-11-ZZ-DR-A-9201 Rev. P02.4 13.6.18

House Type 12\_GA Plans 1715-XSA-12-ZZ-DR-A-3001 Rev. P02.1 05.4.18

House Type 12\_Elevations 1715-XSA-12-ZZ-DR-A-3601 Rev. P02.1 05.4.18

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

3. B4 (Details of external materials to be submitted).
4. B9 (Fencing, Walls, Enclosures).
5. C5 (Restriction of PD Rights – Residential).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order) no fencing, walls or other means of enclosure shall be erected on the site without the prior consent of the Local Planning Authority, to whom a planning application must be made.

**Reason** – In order that the Local Planning Authority is able to exercise control over future development of the site.

7. E2 (Landscaping).
8. E11 (Tree Protection).
9. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
  - (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014;
  - (b) Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009;
  - (c) Construction Traffic Routes, including parking areas for staff and visitors;
  - (d) Details of wheel washing;
  - (e) Road Maintenance;
  - (f) Warning Signage

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

**Reason** – In the interests of residential amenity and highway safety.

10. Construction works shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 on a Saturday and not at all on a Sunday and Bank/Public Holidays without the prior written permission of the Local Planning Authority.

**Reason** – In the interest of residential amenity.

11. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

**Reason** – In the interest of highway safety.

12. Prior to the commencement of the development hereby permitted, precise details of the build out/gateway feature, including footway widening at the rail bridge, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** – In the interest of highway safety.

13. Land falling within the visibility splays to the rear of footways at plots 10, 12, 41 and 43, as shown on drawing number shall be adopted as highway and shall remain devoid of any planting, development, fencing or other means of enclosure for the lifetime of the development hereby permitted.

**Reason** – To ensure that adequate forward visibility is provided for the lifetime of the development, in the interest of highway safety.

14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Issue 3 (Aug 2018) and the following mitigation measures detailed in the FRA.

- Finished floor levels should be set at a minimum of 37.550m AOD;
- Surface water from the site should be directed to the existing watercourse crossing the site with flows restricted to a greenfield flow rate of 5 l/s.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may be subsequently agreed, in writing, by the Local Planning Authority.

**Reason** – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

15. The development hereby approved shall not be brought into use until:
- i. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
  - ii. A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority. This should include the funding arrangements and cover the lifetime of the development.

**Reason** – To reduce flood risk and ensure satisfactory long-term maintenance for the lifetime of the development.

16. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled '*Flood Risk Assessment*' dated January 2018. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

**Reason** – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

17. Prior to works commencing on site the design, layout, specification and location of the required noise barriers referred to in the Echo Acoustics noise report (dated 4th April 2018) submitted with the application for the protection of outside amenity areas in properties facing onto the railway shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted. Properties requiring such mitigations measures include plots 12 and 44 to 49.

**Reason** – To safeguard the amenities of future residents of the dwellings hereby approved.

18. Habitable rooms in the facades of homes on those plots which front onto Yarm Road and the railway line shall be fitted with acoustic trickle ventilation within window frames which gives a sound insulation performance of at least 40dB and the exact specification of windows, trickle vents and the facades of the homes in which they are to be fitted shall be submitted to and approved in writing prior to the

commencement of development hereby permitted. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained for the lifetime of the development hereby permitted.

**Reason** – To safeguard the amenities of future residents of the dwellings hereby approved.

19. CL2 (Phase 2 Site Investigation Strategy)
20. CL3 (Phase 2 Investigation Works)
21. CL4 (Phase 3 Remediation and Verification Strategy)
22. CL5 (Construction/Remediation Works)
23. CL6 (Phase 4 Verification and Completion Works)
24. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has first been approved in writing by the Local Planning Authority.

The Scheme shall provide for:

- i. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
- ii. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
- iii. Post-fieldwork methodologies for assessment and analyses;
- iv. Report content and arrangements for dissemination, and publication proposals;
- v. Archive preparation and deposition with recognised repositories;
- vi. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- vii. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity monitor such works;
- viii. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

**Reason** – To comply with paragraphs 197 and 199 of the NPPF because the site is of archaeological interest.

25. Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

**Reason** – To comply with paragraph 199 of the NPPF which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

26. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

27. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the

construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

28. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

29. Prior to the commencement of development hereby permitted details of an ARMCO or similar barrier to be located in positions where vehicles may be able to drive or roll onto the railway and damage the lineside fencing shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

30. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

31. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

**Reason** – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

32. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing on site. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

33. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in

accordance with the details as approved.

**Reason** – In the interest of visual and residential amenity.

34. The mitigation measures set out in Section 5 of the QUANTS Environmental Ltd Ecological Appraisal and Bat Surveys dated April 2018 shall be implemented in full. In addition, no development shall take place until precise details of a landscaping scheme to mitigate for the loss of habitat on the site and for the provision of bat roosting and bird nesting opportunities on the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site and maintained for the lifetime of the development.

**Reason** – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

35. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

**Reason** – In the interest of nesting birds.

**18/00509/FUL – Land Opposite Acorn Close, Yarm Road, Middleton St George.**

Mixed use development comprising of A1 convenience store and residential development comprising of the erection of 12 No. affordable 2 Bedroom Bungalows (revised scheme) (additional drainage strategy received 5 July 2018, addendum to Design and Access Statement received 9 July 2018, additional Phase II report received 12 July 2018, additional boundary treatment details received 16 July 2018 and additional window and door details received 5 August 2018).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent and a representative of the Parish Council, both of whom Members heard).

**RESOLVED** - That planning permission be granted subject to the following conditions :-

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

**Reason** – To accord with the provisions of 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Affordable bungalows, semi-detached plans and elevations, drawing number HN/45418(10) P1 June 2018

Site plan proposed, drawing number HN/45418(10) 01A June 2018

Proposed retail unit, drawing number (SK-)04C dated June 2017

Enclosures plan, drawing number HN/45418(01) 02C dated June 2018

Enclosures detail, drawing number HN/45418(01) 03 dated June 2018

Window schedule, drawing number HN/45418(10) W1 dated August 2018

Window schedule, drawing number HN/45418(10) W2 dated August 2018

Window detail, drawing number HN/45418(10) W3 dated August 2018

Proposed Access and Traffic Calming Scheme, drawing number 002 Rev. E

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

3. B4 (Details of materials to be submitted).
4. The development shall not begin until a scheme for the provision of twelve affordable dwellings on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it, in perpetuity. The scheme shall include:
5. The tenure of the affordable housing provision to be made;
  - (a) The timing of the construction of the affordable housing;
  - (b) The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no Registered Social Landlord is involved);
  - (c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason** – To comply with Core Strategy Policy CS11.

6. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footway across the entire frontage of the site and associated crossings on Yarm Road to connect into the surrounding infrastructure, relocated speed limit and associated parking restrictions and a new bus stop. The development shall not be carried out otherwise than in complete accordance with the approved details.

**Reason** – In the interest of highway safety.

7. A Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

**Reason** – In the interest of highway safety.

8. Prior to the first occupation of the convenience store hereby permitted, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the convenience store shall not be occupied until the approved details have been implemented in full and shall be retained for the duration of the development.

**Reason** – To encourage access to the site by sustainable modes of transport.

9. No development in connection with the convenience store hereby approved shall take place until a Servicing Management Plan, which shall limit the size of service vehicles visiting the site and make and providing for the management of the car park in connection with service vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter all vehicle servicing shall take place in accordance with the approved Servicing Management Plan.

**Reason** – In the interest of highway safety.

10. No external plant, equipment or machinery shall be installed as part of the convenience store of the proposed development without the prior written approval of the Local Planning Authority. Where external plant, equipment or machinery is proposed details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local



Planning Authority, appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

**Reason** – In the interest of residential amenity.

11. At the request of the Local Planning Authority a noise impact assessment shall be carried out in connection with the convenience store hereby approved by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound’. The rating level ( $L_{Ar,Tr}$ ), as defined in BS4142:2014, from external plant, machinery and equipment associated with the development (whether operating individually or when all plant is operating simultaneously) shall not exceed the day-time and night-time background noise level ( $L_{A90,T}$ ) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority.

**Reason** – In the interest of residential amenity.

12. Prior to the commencement of development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:

- (a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management ‘Guidance on the assessment of dust from demolition and construction’ February 2014;
- (b) Methods for controlling noise and vibration during the construction phase shall take account of the guidance contained within BS5228 ‘Code of Practice for noise and vibration control on construction and open sites’ 2009;
- (c) Construction Traffic Routes, including parking areas for staff and visitors;
- (d) Details of wheel washing;
- (e) Road Maintenance;
- (f) Warning Signage

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

**Reason** – In the interests of residential amenity and highway safety.

13. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission of the Local Planning Authority.

**Reason** – In the interest of residential amenity.

14. The use of the convenience store hereby permitted shall not commence until details of the arrangements for the storing of waste or refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – In the interest of residential amenity.

15. Deliveries to and the collection of waste from the convenience store hereby permitted shall only be permitted whilst the premises is open and in any event only between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on Sundays and Bank Holidays.

**Reason** – In the interest of residential amenity.

16. CL3 (Phase 2 Site Investigation Works)

17. CL4 (Phase 3 Remediation and Verification Strategy)

18. CL5 (Any additional contamination)
19. CL6 (Verification and Completion Report)
20. Prior to the commencement being beneficially occupied, the provisions of the Written Scheme of Investigation for the site (document T23767.01) will be implemented in full.

**Reason** – To comply with paragraph 199 of the National Planning Policy Framework which ensures information gathered becomes publicly accessible.

21. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment' dated September 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 and ensure that surface water discharges to the existing watercourse.

**Reason** – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

22. The development hereby approved shall not be commenced on site, until a scheme of 'Surface Water Drainage and Management' for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include, but not be restricted to providing the following details:

- (i) Detailed design of the surface water management system including design water levels and finished floor levels demonstrating a suitable freeboard;
- (ii) A detailed hydraulic assessment of existing overland flow paths and the watercourse including the culvert under the railway; the risk of blockage at the railway culvert; and existing overland flow paths should flows exceed the capacity of the watercourse and/or railway culvert;
- (iii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- (iv) Details of adoption responsibilities;
- (v) Management plan for the Surface Water Drainage scheme.

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

**Reason** – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Policy CS10 and the National Planning Policy Framework.

23. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 1 September 2018 and Drainage Strategy dated 13 June 2018 and the following mitigation measures detailed in the FRA:

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Appendix G stating a Qbar of 2.5l/s.

The mitigation measures shall be fully implemented prior to the occupation of the development hereby permitted and subsequently in accordance with the

timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed in writing by the Local Planning Authority.

**Reason** – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

24. The building hereby approved shall not be brought into use until:
- (i) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
  - (ii) A management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, to include the funding arrangements and cover the lifetime of the development.

**Reason** – To reduce flood risk and ensure satisfactory long-term maintenance for the lifetime of the development.

25. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail's retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

26. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level or 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

27. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

28. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary, prior to the commencement of the development hereby permitted a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. This should include an outline of the proposed method of construction, risk assessment in relating to the railway and construction traffic management plan. Thereafter the development shall be carried out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

29. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried

out in accordance with the details as approved.

**Reason** – To ensure the safety, operational needs and integrity of the railway.

30. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

**Reason** – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

31. The ecological enhancement measures set out in the Brooks Ecological 'Preliminary Ecological Appraisal' dated August 2017 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the mitigation of the loss of the northern boundary hedge, for the protection of hedgerow to be retained on site, and the provision for bird and bat nesting opportunities on the site, in accordance with the recommendation of that report has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site.

**Reason** – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

32. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

**Reason** – In the interest of nesting birds.

**18/00460/RM1 - Land at OSGR E430566 N510791 Roundhill Road, Hurworth Moor, Darlington.** Reserved matters relating to scale, layout, appearance and landscaping pursuant to outline planning permission 17/01194/OUT dated 30 May 2018 for residential development for up to 95 dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant's agent, whom Members heard).

**RESOLVED** - That reserved matters relating to details of scale, layout, appearance and landscaping pursuant to outline planning permission 17/01194/OUT dated 30 May 2018 for residential development of up to 95 dwellings be approved subject to the following conditions:

1. PL Accordance with Plan  
Enclosure Layout Sheet 1 QD1393-332-01 Rev B  
Enclosure Layout Sheet 2 QD1393-332-02 Rev B  
Planning Layout QD1393-311-01F Rev H

House type Plan 350 Larkin ALT  
House type Plan 350 Malory 18  
House type Plan 474 Stevenson 18  
House type Plan 474 Stevenson 18 – Render  
House type Plan 476 Fenwick 18  
House type Plan 476 Fenwick 18 – Render  
House type Plan 477 Chadwick 18  
House type Plan 522 Buttermere 18  
House type Plan 523 Jura 18  
House type Plan 523 Jura 18 – Render  
House type Plan 530 Chichester 18  
Detailed planting proposals 1 of 8 T93-01  
Detailed planting proposals 2 of 8 T93-02  
Detailed planting proposals 3 of 8 T93-03  
Detailed planting proposals 4 of 8 T93-04  
Detailed planting proposals 5 of 8 T93-05  
Detailed planting proposals 6 of 8 T93-06  
Detailed planting schedule 7 of 8 T93-07  
Detailed planting schedule 8 of 8 T93-08  
Surfaces finishes plan Sheet 1 of 2 07-01  
Surfaces finishes plan Sheet 2 of 2 07-02  
Enclosure Details 333-01

2. B4 Details of Materials.

**(2) Planning Permission Refused**

**18/00672/FUL - 201 Greenbank Road, Darlington.** Change of Use of ground floor of dwelling house (Use Class C3) to local convenience store (Use Class A1) with living accommodation above and erection of single storey rear extension to form part of shop and associated internal and external alterations (Revised Scheme).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated) and the views of the applicant, his agent and three objections, all of whom Members heard. In addition, the Committee also heard the comments contained within a further two late letters of objection that had been received).

**RESOLVED** – That planning permission be refused for the following reasons :-

- (a) In the opinion of the Local Planning Authority, the proposed development would have an adverse impact on the amenities of the neighbouring dwellings by virtue of noise and disturbance and it has the potential to become a focal point for antisocial behaviour in an area that is known to suffer from such issues. The application site is an inappropriate location for a new retail store and the proposal would be contrary to Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Darlington Core Strategy Planning Policy Document 2011 and the core planning principles of the National Planning Policy Framework 2018 (paragraph 127); and
- (b) The enclosure of the front gardens of the dwellings on the west side of Greenbank Road (Nos 193 – 203) by a low brick wall is a characteristic of

these properties. The removal of the boundary wall around the front garden of the application site would have an adverse impact on the visual appearance of street scene and it would be contrary to Policy CS2 (Achieving High Quality Sustainable Design) of the Darlington Core Strategy Development Plan Document 2011 which seeks to ensure all new developments reflect the built characteristics that positively contribute to the character of the local area.

### **(3) Conservation Area Consent - Deferred**

**18/00577/CU - Raby Hunt Inn, Darlington.** Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated).

**RESOLVED** - That consideration of the application be deferred to enable a site visit to take place.

### **(4) Listed Building Consent - Deferred**

**18/00578/LBC - Raby Hunt Inn, Darlington.** Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

**RESOLVED** - That consideration of the application be deferred to enable a site visit to take place.

**PA30. NOTIFICATION OF APPEALS** – The Director of Economic Growth and Neighbourhood Services reported that : -

- (a) T L Shepherd and Son had appealed against this Authority's decision to refuse permission for the erection of an agricultural worker's dwelling, livestock barn and associated footpath diversion at White House Farm, Sadberge Road, Middleton St. George (17/01119/FUL);
- (b) Mr B Ward had appealed against the non-determination of the Local Planning Authority for outline planning permission for residential development of up to 14 dwellings with all matters reserved apart from access at Field at OSGR E424996 N514158, Low Coniscliffe, Darlington (18/00023/OUT).; and
- (c) Specialist Coatings Ltd had appealed against this Authority's decision to refuse permission for variation of Condition 11 (Access) attached to planning permission 17/00582/FUL dated 23 October 2017 (Conversion of Nunnery and Chapel into 10 No. dwellings and retention of existing gatehouse as private dwelling with associated internal and external alterations. Demolition of ground floor lean to building, widen existing driveway to create new vehicular access off Carmel Road North, erection of timber stables, creation of parking areas, horse arena, 3G football pitch (for private use) and associated landscaping works) to permit vehicular and pedestrian access to and from the site onto Cardinal Gardens for the sole use from primary property (Dwelling No. 1) and for the erection of 2 No. brick piers and electronic solid timber gates at St Clares Abbey, Carmel Road North, Darlington (18/00241/FUL).

**RESOLVED** - That the report be received.

**PA31. EXCLUSION OF THE PUBLIC - RESOLVED** - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

**PA32. COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 5 SEPTEMBER 2018 (EXCLUSION NO. 7)** - Pursuant to Minute PA26/Aug/18, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 September 2018.

**RESOLVED** - That the report be noted.

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## BOROUGH OF DARLINGTON

### PLANNING APPLICATIONS COMMITTEE

Committee Date –17 October 2018

#### 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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Page	Address/Site Location	Reference Number
1	Raby Hunt Inn, Summerhouse	18/00577/CU
8	Raby Hunt Inn, Summerhouse	18/00578/LBC
12	Land to the Rear of 21 Roundhill Road, Hurworth	18/00576/RM1

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 17<sup>th</sup> October 2018**

**Page**

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**APPLICATION REF. NO:** 18/00577/CU

**STATUTORY DECISION DATE:** 31<sup>st</sup> August 2018

**WARD/PARISH:** SUMMERHOUSES

**LOCATION:** Raby Hunt Inn

**DESCRIPTION:** Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

**APPLICANT:** Mr Close

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**This application was deferred at the 19<sup>th</sup> September Committee Meeting to enable a site visit to take place on 12 October 2018.**

**APPLICATION AND SITE DESCRIPTION**

It is proposed to carry out internal alterations and a change of use of Hunters End Cottage. This will combine The Raby Hunt Inn and the adjoining Hunters End Cottage, providing additional guest bedrooms, wine storage room, improved guest WCs and Staff facilities. One half of the building currently houses the Raby Hunt Inn and Restaurant and the other (Hunters Cottage) a separate two bedroom cottage. As a whole the property sits on the corner of the B6279 and Old Post Road in Summerhouses.

Previously the cottage formed part of the Public house. The proposed alterations do not increase the covers offered within the restaurant.

**PLANNING HISTORY**

The most recent relevant planning/Listed Building applications related to the subdivision of the whole building from a single public house to a public house and dwelling. Reference numbers 03/00537/FUL and 03/00536/LBC approved in December 2003.

**PLANNING POLICY BACKGROUND**

Core Strategy Policy CS6 – Vibrant Cultural and Tourism Offer.

**RESULTS OF CONSULTATION AND PUBLICITY**

Local residents were consulted and Objections have been received from 11 local residents highlighting the following issues:

- Loss of an existing dwelling not acceptable when there is a shortage in the locality.
- Increase in noise in the locality
- Impact on drains from additional toilets
- Parking problems in the village will increase from additional customers
- Air conditioning units may cause noise nuisance
- Damage caused to block paved driveway will be increased.
- Use of garage for storage will cause noise nuisance.

**The Highways Engineer** – Comments as follows *The proposal does not show an increase in seating for the restaurant element of the business which would be my primary concern with regard to traffic generation and parking, instead the application is centered on improving the facilities of the existing business and the dining experience. (Wine room & staff room with improved WC facilities) and the creation of an additional two hotel rooms. The Tees Valley Design Guide recommends 1 car space per two bedrooms so ideally an additional parking space should be created to support the development. However given the limited scale of this development and the negligible increase in vehicle trips associated with the two extra bedrooms I do not foresee and traffic/highway issues arising as a consequence, even within the context of the area.*

*Robust measures to control parking have previously been implemented including double yellow lines on the adopted highway around the junction of the B6279/Old Post to protect the junction area and keep the area clear of vehicles. The bus stop adjacent to the Raby Hunt has also been marked as a clearway therefore removing any parking (except buses) from this section of highway.*

**Environmental Health** – Requests conditions relating to the installation of air conditioning equipment if it is to be installed.

**Parish Council** – Object to the proposals on the following grounds:

- Loss of an existing dwelling not acceptable when there is a shortage in the locality.
- Increase in noise in the locality
- Impact on drains from additional toilets
- Parking problems in the village will increase from additional customers
- Air conditioning units may cause noise nuisance
- Damage caused to block paved driveway will be increased.
- Use of garage for storage will cause noise nuisance.

## PLANNING ISSUES

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

- Highway Implications
- Impact on the amenities of local residents.

Before considering the above issues, Members should be made aware of the rebuttal letter submitted by the applicant who requests that it is reproduced for the information of the Committee and it gives a background to the operation of the business.

**1. Highways / Parking Provision: Parking:** - *Concern is raised over the parking provision for the business. We must however draw your attention to the fact that the current proposals will not alter the number of parking spaces available or required within the curtilage of the Raby Hunt, and neither will they increase the number of potential covers, all of which have been as existing since the applicant purchased the property 7 years ago.*

*This was discussed in detail during the pre-app enquiry stage, largely informing the current proposal, as this in no way looks to provide space for extra customers, but does look to improve the facilities offered, and to increase the number of bedrooms as a number of guests currently have to stay in alternate hotels and guest houses give the existing number of bedrooms. This is as agreed and understood within the consultation response from the DBC Highways Engineer.*

*We would also note the shared private driveway is not included within the boundary of this application, with no intention for this to be used for commercial access other than private vehicle owned and used by the owners of the business.*

*It should also be considered that Hunters End has provision for 2no. parking spaces to the front, directly off the private road / access*

**2. Covenants:** - *Although covenants are a matter of property law and are not a material planning consideration we feel it beneficial to confirm the situation in relation to this given that the objectors list disregard of covenants. The applicant prior to commencement of the works discussed with their conveyancing solicitor Mr G.K. Robinson of Hodgson & Angus, whom consulted the Title Deeds for Both Properties, and confirmed that;*

**a. THE RABY HUNT**

*'when the property was purchased there was no reference to any restrictive covenants in the title deeds'*

**b. HUNTERS END**

*'there is a restrictive covenant affecting the cottage. The covenant provided that alterations to property required the consent of the Raby Estate.'*

*This application proposes no external alterations to the existing property other than the installation of a personnel door from the existing garage to assist its proposed use as external store and provide access from the garden without accessing the shared driveway. Permission will however be sought for this from Raby Estates as required by the covenant following determination.*

**3. Use:** *Reference is made to the existing use of the cottage being that of the residential, it is also worth noting this is in fact only its more recent use and prior to this was part of the Inn.*

**4. Noise:** *Concern has again been raised over noise generated from the business which is inevitable, however we must consider that the building is a listed Inn, which has been present within this location since circa 1835 with its current use maintaining this. Having said this the applicant doesn't substantiate the objections in relation to excessive noise from either staff or guests, as they are all made aware of the businesses neighbours and asked to respect them when leaving.*

*We also note and agree that a condition is proposed to an approval should it be determined as suggested by the Environmental Health Officer, which require any chillers, or Air Conditioning plant associated with the works to be correctly designed and approved by DBC EH department prior to installation onsite.*

**5. General:** *The applicant and business owners are very aware and sympathetic to their surroundings and neighbours. They operate within the constraints of their License including their customer opening times which are; Lunch Saturdays 12noon – 2pm, Dinner Wednesday – Saturday 6pm – 10:30pm. However as expected with a business of this quality the operational times are far greater than the customer opening times, and do include a number of hours of preparation time before service and clean down time after service.*

*The Business also currently has 3no. guest bedrooms, with 2no further being proposed through these applications, which allow dining guests the opportunity to stay on the premises, which would mean that minimal staff also currently stay when residential guests are booked. The times of operation or customer opening are not altered by this application.*

Many of the issues raised by the objectors are covered by the notes above, however **the planning implications of the proposals are considered below.**

**Highway Implications** – It is important to be aware that the two new bedrooms will not cause an appreciable increase in customers/vehicles visiting the Raby Hunt Inn.

The bedrooms will accommodate diners who are already in the restaurant, and rather than them staying at alternative hotels nearby they will stay overnight at the Raby Hunt Inn. No additional dining covers are proposed.

In view of the above therefor it follows that there will be no increase in the current parking problems being experienced in the village. These problems are a matter best approached by the local residents and the operators of the Raby Hunt Inn and are not an issue that can be addressed through consideration of this planning application.

**The Highways Engineer** is aware of the above and has concluded no objections as noted in his comments above.

**Impact on residential amenity** – The same points raised above apply equally to the potential impact on local residents. As there will be no appreciable increase in traffic as a direct result of the proposed development, the impacts on local residents of noise, parking and disturbance will remain as now.

Customers will drive to the Inn, have a meal and then either leave the premises late in the evening, perhaps 22:30 or similar or stay overnight and leave in the morning. It could be argued that noise from car doors and lights etc would be more of a problem to local residents at night than it would be in the morning, so the proposals may actually improve matters .

Potential damage to private drives and drains would be a matter for landowners to address. In this case there have been no comments received from the Water Authority on the planning application.

Any air conditioning that is required, full details will have to be submitted to the Local Planning Authority for approval before installation.

## CONCLUSION

It is proposed to bring back into public house use an attached single storey building currently used for residential purposes since its conversion in 2003. The additional two bedrooms will provide accommodation for customers who are already dining on the premises – they will not be available as a “bed and breakfast” facility.

In view of the above, there will be a negligible increase in customers visiting the premises, although they may well stay longer (overnight ) and leave the premises in the morning as some do already.

It is considered that the impact on local residents and highway congestion will not be material and certainly not sufficient to warrant a refusal of planning permission in this instance.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

## RECOMMENDATION

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

- 1) A3-Implementation Limit
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

P-011 Revision P

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

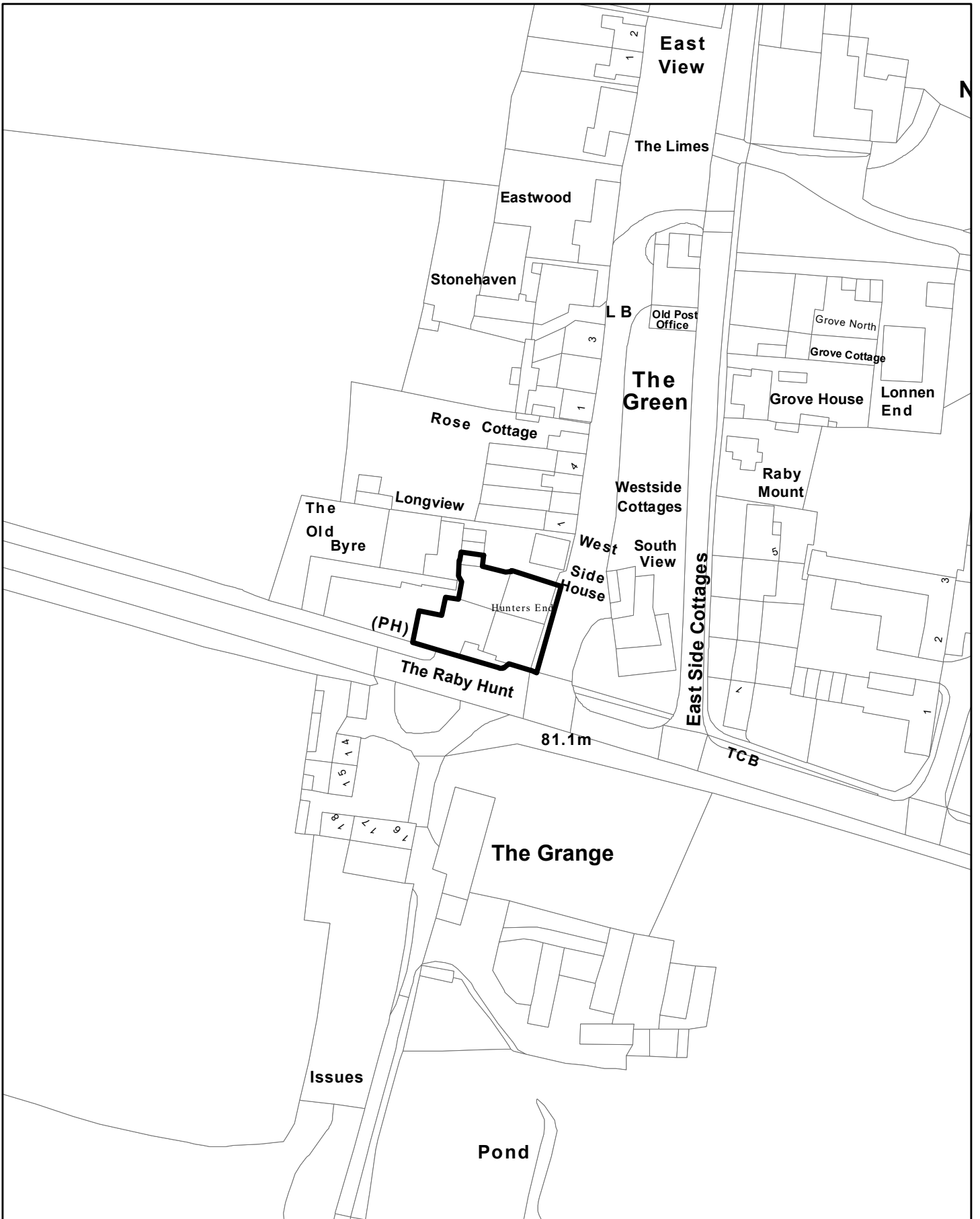
### Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

- 3) No noise emitting fans, louvres, ducts or other external plant associated with this permission shall be installed until a scheme to reduce noise and vibration has been submitted and approved by the Local Planning Authority

**Reason** – In the interests of residential amenity.



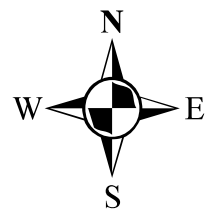


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DARLINGTON BOROUGH COUNCIL

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 17<sup>th</sup> October 2018**

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**APPLICATION REF. NO:** 18/00578/LBC

**STATUTORY DECISION DATE:** 31<sup>st</sup> August 2018

**WARD/PARISH:** SUMMERHOUSES

**LOCATION:** Raby Hunt Inn

**DESCRIPTION:** Change the use of the adjoining dwelling to create two bedrooms to accommodate diners, plus various internal works.

**APPLICANT:** Mr Close

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**This application was deferred at the 19<sup>th</sup> September Committee Meeting to enable a site visit to take place on 12 October 2018.**

**APPLICATION AND SITE DESCRIPTION**

It is proposed to carry out internal alterations and a change of use of Hunters End Cottage. This will combine The Raby Hunt Inn and the adjoining Hunters End Cottage, providing additional guest bedrooms, wine storage room, improved guest WCs and Staff facilities. One half of the building currently houses the Raby Hunt Inn and Restaurant and the other (Hunters Cottage) a separate two bedroom cottage. As a whole the property sits on the corner of the B6279 and Old Post Road in Summerhouses.

**PLANNING HISTORY**

The most recent relevant planning/Listed Building applications related to the subdivision of the whole building from a single public house to a public house and dwelling. Reference numbers 03/00537/FUL and 03/00536/LBC approved in December 2003.

**PLANNING POLICY BACKGROUND**

National Planning policy Framework Chapter 16 – Conserving and enhancing the historic environment.

**RESULTS OF CONSULTATION AND PUBLICITY**

Local residents were consulted and Objections have been received from 11 local residents, however the issues raised relate primarily to planning criteria ( which are considered under 18/00577/FUL) and not Listed Building criteria.

**Conservation Officer** – No objections subject to approval of the details of the opaque glazing before installation.

**Parish Council** – Object to the proposals but have raised issues primarily related to planning criteria which are considered under 18/00577/FUL.

## **PLANNING ISSUES**

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

- Impact of the alterations on the character of the Listed Building.

Hunters End Cottage is single-storey, has a 3-bay ground floor range of 12-pane sashes with painted stone lintels and projecting sills. The pitched roof is in refurbished red pantiles with a tall central ridge stack. It has previously been extended and altered however prior to being purchased by the applicant, to include a rear extension, major internal works and major alterations to the rear slope of the roof scape allowing it to be converted to a separate residential use.

The Heritage Statement describes the proposals as follows :

Contained within the single storey footprint of the northern half of the building

- 2no. Additional guest bedrooms, bring the total number to 5 double en suite rooms,
- A glass fronted wine cellar / room, providing a customer view into the space,
- Improved customer WC's,
- Staff changing and WC facilities.
- Conversion of the existing garage to external store, with a new personnel door added to the South Elevation of the garage.

The majority of the works is contained internally within the cottage, removing studwork and modern walls within the extension.

Minor works are proposed to the elevations of the cottage, to include;

- Replacing some of the existing glazing to opaque (within modern windows,)
- Removal of modern UPVC panelled side door, blocking of the opening using reclaimed stone work recessed panel.
- AC grills to be installed within the rear roof slope, to accommodate AC mounted within the roof void to provide temperature controlled wine storage.
- Extractor outlets within pantiles from proposed en suite bathrooms to new guest bedrooms.

The Conservation Officer has studied the proposed alterations and has concluded that in view of the amount of alterations already carried out to the properties, the current proposals do not constitute work that will have a detrimental impact on the character of the Listed Building.

## **CONCLUSION**

It is proposed to bring back into public house use an attached single storey building currently used for residential purposes since its conversion in 2003. The additional two bedrooms will provide accommodation for customers who are already dining on the premises – they will not be available as a “bed and breakfast” facility. The alterations to achieve this are mainly internal, in addition to considerable previous alterations.

In view of the above, it is considered that the proposals will not harm the character of the Listed Building and can be approved.

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

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

### **RECOMMENDATION**

THAT LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A5 - Implementation Limit
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

P-011 Revision P

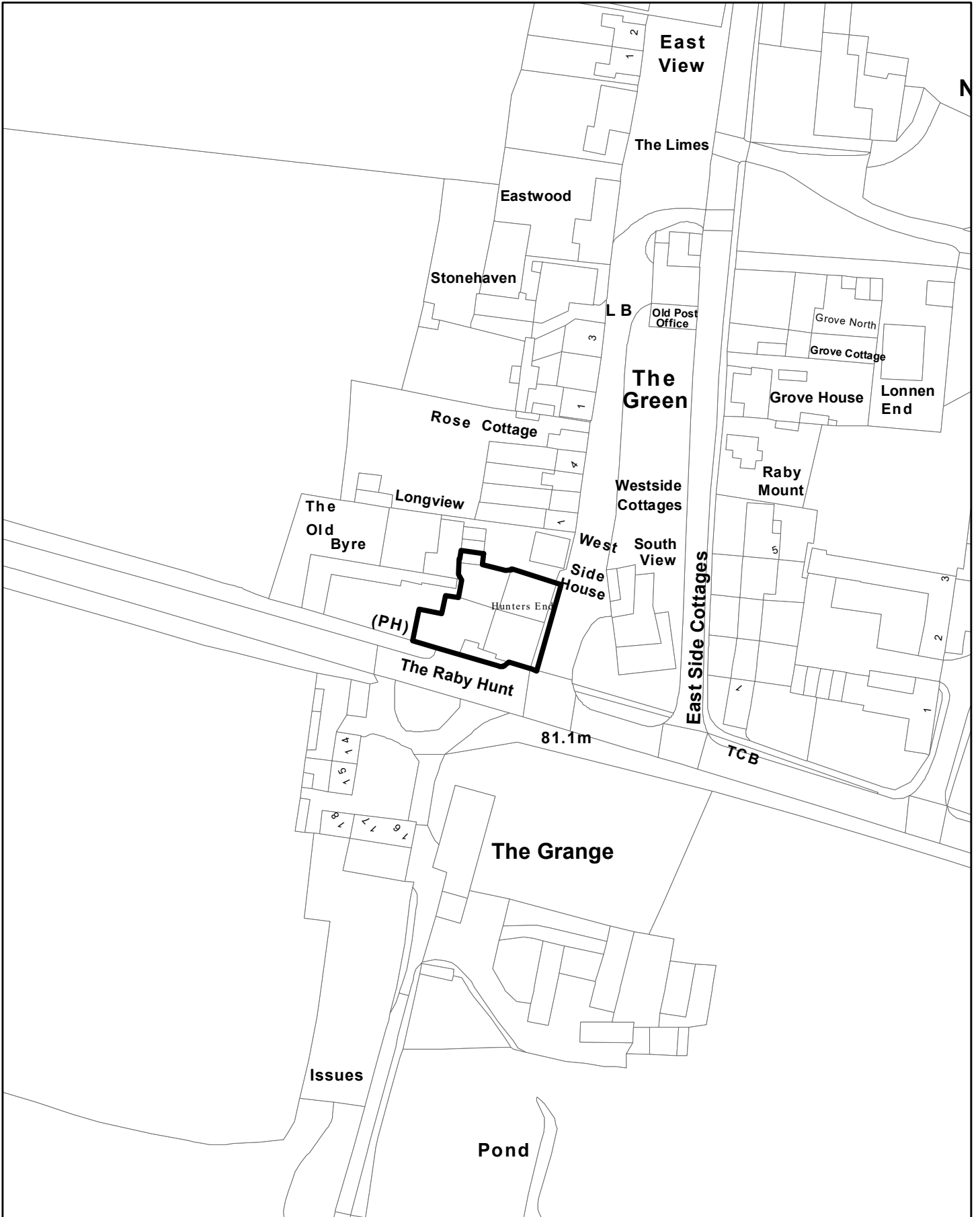
Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

#### **Reason**

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

- 3) Before development commences, full details of the proposed means of creating the opaque glazing shall be submitted to and approved in writing by the Local Planning Authority. **Reason** – In the interests of the character of the Listed Building.





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**PLANNING REF. No. 18/00578/LBC**

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**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 17 October 2018**

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<b>APPLICATION REF. NO:</b>	18/00576/RM1
<b>STATUTORY DECISION DATE:</b>	31 October 2018
<b>WARD/PARISH:</b>	HURWORTH
<b>LOCATION:</b>	Land To The Rear Of 21 Roundhill Road Hurworth
<b>DESCRIPTION:</b>	Approval of details of appearance, landscaping, layout and scale for erection of 3 No. detached dwellings attached to outline planning permission 16/00989/OUT dated 12 May 2017 (erection of 3 No. detached dwellings) (as amended by plans received 17 July 2018, 25 July 2018 and 24th August 2018)
<b>APPLICANT:</b>	Mr Stephen Bisicker

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**APPLICATION AND SITE DESCRIPTION**

The application site measures approximately 0.55 hectares comprising an agricultural field and a section of a track off Roundhill Road. Public Footpath No 14 also runs alongside the track giving access to other properties approximately 500m and 769m to the west of the site. Garden House, along with its farm buildings lie to the north of the application site and dwellings on Roundhill Road form the east and south boundaries. Further agricultural land is located to the west. The wider surrounding area is predominately in residential use and planning permissions have recently been granted to build housing to the north east of the site on the opposite side of Roundhill Road.

Outline planning permission (ref no: 16/00989/OUT) was granted in May 2017 for the development of the site for up to three dwellings, with details of access submitted. This application seeks detailed approval specifically for Reserved Matters for details of appearance, layout, scale and landscaping relating to the whole development in accordance with condition 1) of the permission. This Reserved Matters submission also includes details of in-curtilage parking, secure cycle parking, the means of enclosure and ecological enhancements in accordance with the appropriate planning conditions attached to planning permission 16/00989/OUT.

A separate planning application would need to be submitted to the Local Planning Authority to discharge some of the planning conditions attached to the outline planning permission relating to tree protection measures, the surface materials for the Public Footpath, a scheme to ensure the Public Footpath is kept safe, open and unobstructed during the development phase, a scheme for

the disposal of foul and surface water, internal highways layout and specification, a Swept Path Analysis and a Construction Management Plan. The planning application to discharge the conditions if planning permission is granted for this application.

**Application documents including Planning Statement, Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the Darlington Borough Council website.**

### **PLANNING HISTORY**

The most relevant entry is:

16/00989/OUT In May 2017 outline planning permission was GRANTED for the erection of three detached dwellings (with all matters except access reserved)

### **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

#### **National Planning Policy Framework 2018**

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

E12 – Trees and Development

E14 – Landscaping of Development

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

CS2 - Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

#### **Other Documents**

Supplementary Planning Document - Design for New Development

### **RESULTS OF CONSULTATION AND PUBLICITY**

Three letters of objection were received based on the original submission. The comments can be summarised as follows:

- *As a nearby resident in Hurworth, I have seen photographs of the considerable flooding issues which are apparent in this area after heavy rainfall and which affect two properties on the boundary of the site. I fully support the comments and objections regarding the potential problems which are likely to arise if this development goes ahead*
- *There is substantial standing water where the three houses are proposed. The water is a result of heavy rainfall running off the fields to the north and is a regular occurrence following heavy rain.*
- *Treatment plants for sewage treatment is not appropriate for this site and surrounding area*
- *The size of the three dwellings is not in keeping with the immediate surroundings of bungalows*

- *The need for these three large houses is questionable. The new housing developments on Roundhill Road should more than satisfy the requirement in the village for the foreseeable future*
- *If the developer were to get permission to build the properties and protect them from rainwater runoff, how is it guaranteed that the change in natural circumstances would not cause a flooding problem for our property and our neighbours?*
- *Why wasn't flooding taken into account at the outline planning permission stage?*
- *Is the developer aware of the standing water problem on the site?*
- *If the houses are built, would they sell when perspective buyers do their due diligence and see photos of standing water on the site before they were built?*
- *The three houses do not help to satisfy any current need for housing within the village but may indeed simply add to an unnecessary supply of large family properties*
- *Our garden is not currently overlooked and the building of the houses will significantly reduce that amenity. The privacy of our garden will be totally removed. Moving the houses further north and erecting a higher (3m) fence of wall could reduce the loss of privacy*
- *The visual impact of these large, bulky houses, set close together right across our northern boundary will substantially change the context and atmosphere of our semi-rural property*
- *The houses will be significantly larger and more massive than any residential buildings in the immediate area. All buildings on this side of Roundhill Road are bungalows*
- *The proximity of the back gardens, especially Plots 2 and 3, to our garden will cause noise and disturbance*
- *We are concerned about water runoff and flooding issues and sewage disposal*
- *The houses are extremely close to a working farm with the noise and inconvenience that will cause. We hope the potential purchasers will have the implications of living so close to the working areas of the pointed out by surveys*
- *The houses are overly large for the plots with small back gardens. They are extremely close to each other sideways with no windows to the east and west elevations and the gardens will always have shading problems*
- *Bungalows would be more appropriate*

Following the submission of amended plans in July 2018 to remove the treatment plant package and to show a connection to the existing sewerage system, two letters of objection was received and the new issues can be summarised as follows:

- *We were relieved to see the proposed change to the mains drainage connection but the amended plans do not address our major concern of surface water drainage. We would expect Northumbrian Water and the Planning Authority to take our neighbours knowledge and experience (on flooding in the area) when assessing a proposed drainage plan for adoption*
- *Three 4 bedroom houses are not in keeping with the immediate surroundings of bungalows*

Following the submission of amended plans in August 2018, two letters of objection was received and can be summarised as follows;

- *We consider that the surface water drainage plan does not go far enough to deal with surface water running onto the site from the fields to the north of the site which then runs onto neighbour's gardens to the south of the site. Would it not be prudent to install a full length (west to east) ground drainage channel on the north edge of the site which would collect runoff water from the north before it flows onto the development site and in turn the neighbours gardens?*
- *We welcome the change in positioning of the properties further north on the site but still feel the proposed sizes of the houses are not in keeping within the immediate surroundings;*
- *The whole of own lawned garden will be overlooked. A person in our garden will be visible across the majority of the plot and privacy in our garden will be totally removed. Whilst the move of the properties further north is welcomed, please confirm that all three houses will be at least 22m from the south boundary of each plot and not just that of Plot 2;*
- *It remains necessary to erect a higher (3m) fence or preferably, a wall. To address the aspect of overlooking and loss of privacy*
- *We understand that it is not permissible for building development to increase flood risk on a neighbouring property under common law. We request confirmation that the developer recognises that irresponsible development of this land may cause an increased surface water flooding risk across 19B Roundhill Road*
- *We expect the developer will be required to demonstrate that adequate measures are being taken to ensure that the buildings do not increase surface water flooding and that all the water that has up until now been absorbed by and drained through the site is accommodated by a positive drainage system adequate for the maximum flow which can be expected in what we understand is the legal framework of a 1 in 100 years event with 40% addition from climate change*
- *Who will be liable in the event of any flood damage to our property as a result of the development?*
- *We would like advance warning on the removal of the existing sheds and they will be removed with full consideration for the implications of asbestos content, We request notice of all work to be done and that we have access to information on the procedures and methods used*

### **Consultee Responses**

The **Council's Environmental Health Officer** has no comments to make on the Reserved Matters submission other than the planning conditions attached to the outline application remain relevant

The **Council's Highways Engineer** has no objections to the Reserved Matters submission and awaits the submission of the details to discharge the planning conditions on the outline application

The **Council's Senior Ecologist and Landscape Officer** has raised no objections

The **Council's Senior Arboricultural Officer** has raised no objections

**Northumbrian Water** has advised that as they have approved a connection to the public sewerage system, they have no further comments to make

The **Flood Risk Management Team** has confirmed that the proposal falls outside of the scope of matters they provide comments on

**Northern Gas Networks** has raised no objections

### **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Appearance
- Landscaping
- Layout
- Scale
- Residential Amenity
- Highway Safety
- Ecology
- Public Footpath
- Other matters

### **Planning Policy**

This application relates to the approval of reserved matters following the grant of outline planning permission under application reference 16/00989/OUT. The principle of redeveloping the site for residential purposes has been accepted by the previous outline planning permission

### **Appearance**

Appearance is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

The immediate area comprises a mix of detached bungalows and dormer bungalows and detached two storey dwellings. Garden House to the north of the access is a two storey building whilst the dwellings to the south are bungalows. The dwellings on the opposite side of Roundhill Road are predominately two storey properties and the new residential developments to the north east of the site contain two storey dwellings.

Condition 5 attached to the outline planning permission states:

*The details to be submitted in pursuance of Condition 1 shall include details of any walls, fencing, gates or other means of enclosure. The approved means of enclosure shall be erected prior to the approved development being brought into use.*

The boundary treatment for the site consists of a 1.1m high post and rail fence on the northern and western boundaries; a 1.8m high close boarded fence on the eastern boundary and a 2m high close boarded fence on the southern boundary of Plots 2 and 3. The south boundary of Plot 1 would be a 1.1m high post and rail fence. There would be 1.8m high close boarded fencing between the rear gardens.

The developer has chosen to enclose Plot 1 with the post and rail fence as it bounded by agricultural fields rather than domestic gardens and he considers that type of enclosure appropriate in visual terms due to the semi rural locale. However a future occupier could decide to replace the post and rail fence with close boarded fencing which would not raise any significant concerns should that occur.

The dwellings would be constructed from red multi bricks, interlocking smooth grey tiles, English larch shiplap timber cladding (Plots 2 and 3) with UPVC doors and windows.

The dwelling on Plot 1 would have large glazed floor to ceiling openings at ground and first floor level in the gabled projections in the rear elevation and also glazed areas (ground and first

floor elevation) centrally located in the front elevation. The dwellings in Plots 2 and 3 would have a two storey gabled projection in the front elevations and dormer windows within the rear roof slope (two) and front roof slope (one).

The dwellings on Plots 2 and 3 are identical in design and appearance terms and they have living accommodation in the roof space, similar to dormer bungalows in the local area. The dwelling on Plot 1 represents a two storey dwelling.

Whilst the design of the dwellings is quite contemporary and modern, it is considered that they are acceptable in this location creating its own street frontage separate to Roundhill Road. The means of enclosure will protect amenity (see below) but also reflects its semi rural location.

Officers consider the appearance of the development is acceptable, promoting a high quality design in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Landscaping**

Landscaping is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means of enclosure, the planting of trees, hedges, shrubs or grass, the laying out of gardens and the provision of other features.

The proposal involves the planting of a mix of trees, shrubs and bush plant primarily on the north, east and southern boundaries. The remainder of the Plots would be grassed, paved areas and driveways. The trees would be containerised and 16cm – 18cm girth in accordance with planning condition 4 attached to the outline planning permission which states:

*The landscaping scheme to be submitted in pursuance of Condition 1 shall include the planting of heavy standard trees (16cm - 18cm girth and containerised) and the scheme shall be fully implemented concurrently with carrying out 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.*

The Council's Senior Arboricultural Officer has raised no objections to the proposal landscaping scheme and Officers consider the landscaping of development is acceptable, offering suitable mitigation and promoting a high quality design that responds appropriately to the character and of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy, saved policy E14 (Landscaping of Development) and paragraph 127 of the National Planning Policy Framework.

Protected fencing would be erected around any trees to be retained in accordance with the Arboricultural Impact Assessment that was submitted with the outline planning application and secured by condition 9 attached to the said permission.

### **Layout**

Layout is defined as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside of the development.

The proposal involves the erection of three detached dwellings with access off the existing track that also provides access to the surrounding fields, Garden House and its farm buildings and other residential properties further west. The layout accords with the outline planning permission. Each dwelling would have its own individual access off the new road with parking spaces to the front of each property and a rear garden. The rear gardens would have a depth of approximately 22m. The dwellings would be north facing and they have been repositioned so that they sit further north within the site away from the south boundary and they would have paved areas immediately around them.

Officers consider the layout of the development is acceptable, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Scale**

Scale is defined as the height, width and length of each building proposed within the development in relation to its surroundings.

The dwellings on Plots 2 and 3 would measure approximately 6.9m high and the dwelling on Plot 1 would be slightly lower at approximately 6.6m high.

The immediate neighbouring dwellings are either bungalows or dormer bungalows but there are other examples of two storey dwellings on or leading off Roundhill Road, including Garden House at the entrance to the access road and within the new residential development currently under construction..

This development would have its own street frontage onto the access road and the dwellings would not be highly visible when viewed from Roundhill Road itself until an approach is made towards them via the access road.

The Council's adopted Supplementary Document on Design for New Development highlights that detached dwellings with a maximum height of 2.5 storeys would be generally acceptable in Hurworth (Outer Suburbs – Character Zone 4).

Officers consider the scale of the development is acceptable, and promotes a high quality design that responds appropriately to the character of the area, in accordance with Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy and paragraph 127 of the National Planning Policy Framework.

### **Residential Amenity**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new developments do not harm the general amenity and health and safety of the local community which echoes one of the core principles of the NPPF (2018) which seeks to create places with a high standard of amenity for existing and future users (para 127)

The proximity distances that need to be met between existing and proposed dwellings are set out in the Supplementary Document on Design for New Development. The proximity distance between the east elevation of the dwelling on Plot 1 and the rear elevation of No 21 Roundhill Road is approximately 14.9m. This elevation of the new dwelling does not contain any habitable openings and it would meet the proximity distance requirements (12.5m) contained within the SPD with this neighbouring dwelling. The new dwellings would not be positioned across the whole of the rear elevation of No 21 Roundhill Road as they have been relocated further north

within the site and therefore the impact on the outlook from this property would not be adversely affected.

The new dwellings do not have direct views into Nos 19a and 19b Roundhill Road but the dwellings on Plots 2 and 3 run alongside the rear garden of No 19b and the dwelling on Plot 3 would have an indirect view across the gardens.

The dwellings have all been repositioned further north within the site so they are 22m from the south boundary which is shared with No 19b Roundhill Road. Whilst the rear elevations of the dwellings on Plots 2 and 3 include dormer extensions within the roof slope and the dwelling on Plot 1 has large glazed areas, it is considered that this separation distance is acceptable to prevent unacceptable levels of overlooking. The southern boundary would consist of a 1.8m high fence that would be augmented by planting and these features will also improve privacy. One of the objectors has requested that the boundary treatment should be a 3m wall or fence but Officers do not consider such measures as necessary for the above reason and having a wall or a fence in excess of 1.8m/2m would raise visual amenity concerns.

It is also considered that the new dwellings would not appear over bearing and dominant when viewed from the neighbouring gardens due to the distance between the development and that the ground levels are very similar.

Officers consider that the proposal would not result in conditions prejudicial to the amenities of the neighbouring dwellings.

### **Highway Safety**

The access details for the development were approved as part of the outline planning permission and the submitted plans generally accord with the approved arrangements. Precise details of the internal highways, layout and specification, visibility splays, street lighting, site access junction tie-in details and swept path analysis would be submitted to the local planning authority as part of a Discharge of Condition application.

Condition 5 of the outline planning permission states:

*The details to be submitted in pursuance of Condition 1 shall include in-curtilage parking and secure cycle parking and storage provision that fully accords with the standards set out in the Tees Valley Design Guide and Specification: Industrial and Estate Development.*

The dwellings on Plots 2 and 3 would have secure storage within the integral garages and Plot 1 would include an external shed in the rear garden. These details would accord with the above condition.

### **Ecology**

The outline planning application was supported by an Ecological Assessment which recommended that all shrub and tree clearance works are undertaken outside of the bird nesting season and that the site could be enhanced ecologically by an appropriate landscaping scheme. These mitigation measures have been secured by condition 7 on the outline planning permission.

Condition 8 attached to the outline planning permission states:



*Notwithstanding the requirements of condition 7, the details to be submitted in pursuance of condition 1 (appearance) shall include the insertion of two swift boxes under the eaves and two bat bricks in the elevations of each dwelling.*

The details of the swift boxes and the bat bricks have been submitted as part of this application in accordance with the planning condition and the Council's Senior Ecologist and Landscape Officer has advised that the details are acceptable.

### **Public Footpath**

Precise details for the surface treatment of the Public Footpath (No 14 in the Parish of Hurworth) and a scheme to ensure the Footpath is kept safe, open and unobstructed would be submitted as part of a Discharge of Condition application.

### **Other Matters**

#### *Drainage*

The Environment Agency's surface water flood maps shows this area having a low flood risk. Whilst some drainage details have been submitted with this application, the detailed design of a scheme for the disposal of surface water and foul water is to be submitted and agreed through the discharge of the appropriate planning condition.

However, Officers can confirm that the scheme originally proposed the use of a soakaways to dispose of surface water but the Agent was advised that that this should not be the primary method due to poor infiltration values of the soil in the Tees Valley area. The planning application has been amended to show that the development can be connected to the mains foul and surface water systems within Roundhill Road. The application has been supported by a letter from Northumbrian Water stating they have no objections to the connection being made to their system.

NWL assess the impact of a development on their assets and also assess the capacity within their network to accommodate and treat anticipated flows from the development. NWL have directly responded to the Council and confirmed that having assessed the application they have no further comments to make as a connection to the system has been approved.

These connections would greatly reduce the risk of flooding but the applicant still needs to provide a detailed drainage design that demonstrates all surface water generated by the proposed development will be contained within the site for all storm events up to and including the 1 in 100 event with 40% addition from climate change. The Agent has been made aware of this requirement and Officers would expect the drainage plan to incorporate such measures which would be considered upon submission of an application to discharge the planning condition.

The submitted drainage design should show that water from the development site does not flow to neighbouring properties and the development would then have to be implemented in complete accordance with any approved details.

#### *Asbestos*

If the existing single storey buildings on the site contain any asbestos, the developer would need to adhere to appropriate Health and Safety legislation relating to its handling and disposal. This would not be a planning matter.

*Farm Animals*

One of the objections raises the relationship of the site with the working farm to the north. This was a material planning consideration that was considered as part of the outline planning permission.

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

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

**CONCLUSION**

The proposed details in respect of appearance, landscaping, layout and scale are considered to be acceptable and in accordance with the relevant policies as set out above. The proposal does not raise any adverse residential amenity issues and the development is acceptable in ecological terms. Should the planning application be approved, there will be a need for the applicant to submit a separate planning application to discharge conditions attached to the outline planning permission 16/00989/FUL which relate to tree protection measures, the surface materials for the Public Footpath, a scheme to ensure the Public Footpath is kept safe, open and unobstructed during the development phase, a scheme for the disposal of foul and surface water, internal highways layout and specification, a Swept Path Analysis and a Construction Management Plan.

**RECOMMENDATION**

THAT RESERVED MATTERS RELATING TO APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BE APPROVED SUBJECT TO THE FOLLOWING CONDITION:

1. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
  - a) Drawing Number PR101 Rev B Proposal Plans & Elevations
  - b) Drawing Number PR201 Rev A Proposal Plans & Elevations
  - c) Drawing Number PR301 Rev A Proposal Plans & Elevations
  - d) Drawing Number PR01 Rev B Proposed Site Plans, Street Elevations & Reserved Matters Details

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

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:****Borough of Darlington Local Plan 1997**

E12 – Trees and Development

E14 – Landscaping of Development

**Darlington Core Strategy Development Plan Document 2011**

CS2 - Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS17 – Delivering a Multifunctional Green Infrastructure Network

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

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**PLANNING REF. No. 18/00576/RM1**

**DARLINGTON BOROUGH COUNCIL**

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