

# Planning Applications Committee Agenda



**1.30 pm Wednesday, 5 February 2020  
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 4 December 2019 (Pages 1 - 12)
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 13 - 14)
  - (a) Land Opposite 1 and 2 Barmpton Grange Cottages, Barmpton Lane, Barmpton (Pages 15 - 24)
  - (b) 37 Pease Street (Pages 25 - 32)
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:-

Enterpen Ltd and SJS Potts Ltd have appealed against this Authority's decision to refuse planning permission for the Erection of 25 no. dwellings at Land at Newton Grange Farm, Sadberge, Darlington (18/00994/FUL)

Enterpen Ltd, SJS Potts Ltd and Wooler Holdings Limited have appealed against this Authority's decision to refuse permission for the erection of 55 No. dwellings at Land East of Middleton Lane, Middleton Lane, Middleton St George, Darlington (18/01108/FUL)

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

### **PART III**

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

9. 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.

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 22 January 2020 (Exclusion Paragraph No. 7) –  
Report of Director of Economic Growth and Neighbourhood Services  
(Pages 33 - 40)
11. 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
12. Questions



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

**Tuesday, 28 January 2020**

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

#### **Membership**

Councillors Allen, Baldwin, Clarke, Heslop, Howarth, Johnson, Mrs D Jones, Keir, Lee, Lister, Marshall, McCollom, Tait, Tostevin and Wallis

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections 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: [paul.dalton@darlington.gov.uk](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

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## PLANNING APPLICATIONS COMMITTEE

Wednesday, 4 December 2019

**PRESENT** – Councillors Mrs D Jones (Chair), Allen, Baldwin, Clarke, Johnson, Keir, Lee, Lister, Marshall, McCollom, Tostevin and Wallis.

**APOLOGIES** – Councillors Heslop and Tait.

**ABSENT** – Councillors Howarth

**OFFICERS IN ATTENDANCE** – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer) and Paul Dalton (Elections Officer).

### PA54 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA55 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 16 OCTOBER 2019

**RESOLVED** – That the Minutes of this Committee held on 16 October 2019 be approved as a correct record.

### PA56 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

**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.
E11	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

	<p>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 protection zones in the area of the trees:</p> <p>(a) The raising or lowering of levels in relation to the existing ground levels;  (b) Cutting of roots, digging of trenches or removal of soil;  (c) Erection of temporary buildings, roads or carrying out of any engineering operations;  (d) Lighting of fires;  (e) Driving of vehicles or storage of materials and equipment.</p> <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>
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>

**PA57 RESERVOIR (DISUSED), DARLINGTON ROAD, SADBERGE**

**19/00339/OUT** – Outline planning permission for redevelopment of former reservoir site for residential purposes of up to 46 dwellings with all matters reserved apart from access (amended ecological appraisal received 23 May 2019 and additional Transport Technical Note received 19 June 2019)

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), three letters of objection, the objections raised by the Campaign to Protect Rural England, and the views of the Applicant’s Agent, whom the Committee heard. It was noted that the objections from the Parish Council outlined within the submitted report had been withdrawn ahead of the meeting).

**RESOLVED** – That the Director of Economic Growth be authorised to negotiate an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate to the development covering:

(a) Sustainable Transport Contribution of £46,800 towards the Service 20 bus service;

(b) A contribution of £15,000 towards the improvement/provision of play equipment within Sadberge village.

Should the Section 106 Agreement not be completed within this prescribed period without the written consent of the Council to extend this time, the minded to approved status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to

provide a satisfactory form of development in accordance with the requirements of core strategy policy CS4 (Developer Contributions), without any further reference to the Planning Committee.

That upon satisfactory competition and signing of that agreement, planning permission be granted subject to the following conditions and reasons:

1. Approval of the following details (the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:
  - a) Layout
  - b) Scale
  - c) Appearance
  - d) Landscaping

The development shall not be carried out other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the Local Planning Authority before the expiration of eighteen months from the date of this permission.

**REASON** – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

2. The development hereby permitted shall be begun either before the expiration of:

- a) Three years from the date of this permission, or
- b) One year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**REASON** - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

3. PL00 (Approved Plans)

(a) Proposed Parameters Plan, drawing number 200-04, Revision 03

4. The development shall not begin until a scheme for the provision of affordable housing on the site as part of the development 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. The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL



involved);

d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

e) 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 Council Housing Policy

5. No development hereby approved shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**REASON** – In the interest of visual amenity.

6. Prior to the commencement of development hereby permitted, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) Internal highways layout and site access junction;
- b) Provision of a new footway along the frontage of the site and associated crossings on Darlington Road;
- c) In-curtilage car parking, to include the number, location and dimensions of all driveways and garages;
- d) Secure cycle parking and storage, to include the number, location and design of cycle stands;
- e) Swept path analysis to support the movement framework for emergency vehicles, refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals.

Thereafter the development shall be carried out in accordance with the details as approved and shall be maintained for the lifetime of the development.

**REASON** – In the interest of highway safety

7. Prior to the commencement of the development, a Demolition and 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 assess the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Air Quality Management 'Guidance on the assessment of dust from demolition and construction' February 2014.

- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 'Code of Practice for noise and vibration control on construction and open sites' 2009.
- c) Construction Traffic Routes, including contractors' compound location and 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 plan.

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

8. Prior to the commencement of development hereby permitted a road condition survey of the adopted highway shall be undertaken, the requirements of which shall first be agreed in writing by the Local Planning Authority. The survey shall ensure that no further damage is caused to the adopted highway as a result of the construction phase of the development.

**REASON** – In the interest of highway safety

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

**REASON** – In the interest of highway safety

10. Habitable rooms in the facades of properties fronting onto Darlington Road and along the southern boundary of the site backing onto the A66 shall be fitted with suitable acoustic ventilation systems and glazing which meets or exceeds the requirements set out in the Wardell Armstrong noise report (ref. NT13535001) submitted with the application. The exact specification of the acoustic mitigation measures shall be agreed in writing with the Local Planning Authority prior to any of the dwellings hereby approved being erected about the damp proof course level. The agreed measures shall be implemented in full prior to first occupation of the dwellings hereby approved and shall be maintained thereafter for the lifetime of the development.

**REASON** – To protect occupants of the proposed dwellings from excessive road traffic noise.

11. At a time agreed in writing by the Local Planning Authority, a Phase 2 Site Investigation (Sampling and Analysis Plan) shall be designed and documented by

a suitably competent person(s) in accordance with the published technical guidance (e.g. BS10175 and Land Contamination: Risk Management LCRM)) 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 and assess pollutant linkages. 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.

**REASON** – 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

12. 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 by the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

**REASON** – 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

13. 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 no unacceptable risks remain, 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.

**REASON** – 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. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without

unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. CL5 (Unexpected contamination)

15. CL6 (Phase 4 Verification and Completion Report)

16. The development hereby approve shall not be commenced on site until a scheme for the implementation, maintenance and management of a Sustainable Surface Water 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;
- ii. A build programme and timetable for the provision of a critical surface water drainage infrastructure;
- iii. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- iv. Details of adoption responsibilities

**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 Development Plan Policy CS16 and the National Planning Policy Framework.

17. 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. The drawings of all SuDS features have been submitted and approved in writing by the Local Planning Authority, the drawings should highlight all site levels, including the 30 year and 100 year+cc flood levels and confirmation of storage capacity
- iii. 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 area in place for the lifetime of the development

18. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment' dated March 2019. The drainage scheme shall ensure that foul flows discharge to the foul

sewer at manhole 9801 and ensure that surface water discharges to the 225mm surface water sewer downstream of manhole 3705. The surface water discharge rate shall not exceed the available capacity of 10.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

19. The ecological enhancement and mitigation measures set out in the Barrett Environmental Ltd ‘Sadberge Reservoir Ecological Appraisal’ dated April 2019 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the provision of bird and bat nesting opportunities on the site, 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 the site.

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

20. No vegetation 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.

21. E11 (Tree Protection)

22. 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.

**PA58 27 CORPORATION ROAD, DARLINGTON (19/00982/FUL)**

**19/00982/FUL**– Erection of canopy to front elevation; the installation of four condensing units on the flat roof; installation of roller shutters (Part Retrospective) (amended plans and additional information received 14 November 2019 and 20 November 2019).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), and four letters of objection).

**RESOLVED** – That Planning Permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years)

2. The four condenser units that have been installed on the premises shall fully comply with the manufacturer details and specifications supplied by J & E Hall on 14 November 2019 and 20 November 2019. The units shall be maintained in accordance with the specifications thereafter

**REASON** - In the interests of the amenity of the area

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a. Drawing Number 02A Proposed Roof Plan of Canopy
  - b. Drawing Number 06 Proposed Ground Floor
  - c. Drawing Number 07 Proposed Part Roof Plan

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

**PA59 27 CORPORATION ROAD, DARLINGTON (19/00981/FUL)**

**19/00981/FUL** – Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (open hours and deliveries) attached to planning permission 17/00878/CU dated 07 November 2017 - to permit changes to deliveries 08.00am - 17.50pm Monday to Friday and 08.00am - 16.00pm Saturday, with no deliveries on Sundays or Bank Holidays and to permit change to opening hours to 07.30am - 21.00pm Monday to Saturday, and 08.00am - 21.00pm Sunday and Bank Holidays (amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), six letters of objection, and the views of an objector, whom the Committee heard).

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

1. No deliveries shall occur outside the hours of 08.00am - 17.50pm Monday to Friday and 08.00am - 16.00pm Saturday, with no deliveries on Sundays or Bank Holidays.

**REASON:** In the interest of the amenity of the local area

2. All deliveries to the premises shall take place via the entrance in the east elevation of the building

**REASON:** In the interest of the amenity of the local area

3. The premises shall not operate outside the hours of 07:30am - 21.00pm Monday to Saturday and 08.00am - 21.00pm Sunday and Bank Holidays.

**REASON:** In the interest of the amenity of the local area

**PA60 LAND ADJACENT TO THE LODGE, DINSDALE SPA HOUSE, CHURCH LANE, MIDDLETON ST. GEORGE, DARLINGTON**

**Land Adjacent to The Lodge, Dinsdale Spa, Church Lane, Middleton St. George, Darlington** – The Head of Planning Development and Environmental Health submitted a report (previously circulated) to advise Members of an objection received in respect of Tree Preservation Order (TPO) Number 2019 No. 11, which covers one Mature Willow Tree (*Salix spp*) growing on land adjacent to The Lodge, Dinsdale Spa, Church Lane, Middleton St. George.

The submitted report stated that Tree Preservation Order (TPO) 2019 No. 11, had been made on 25 September 2019 on one mature Willow Tree on land adjacent to The Lodge, Dinsdale Spa House, Church Lane, Middleton St. George, as a result of a request to the Local Planning Authority as the tree was thought to be at risk of being felled.

(In reaching its decision, the Committee took into consideration the report of the Head of Planning Development and Environmental Health, the objections received from three directors of Dinsdale Spa (Management) Limited (Woodview, Kingfisher House and The Octagon), the support of the directors who represent The Lodge and River View, and the observations of the Council's Senior Arboricultural Officer).

**RESOLVED** – That the Tree Preservation Order (TPO) be confirmed without modification.

**PA61 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS**

**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.

**PA62 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 20 NOVEMBER 2019 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA53/Oct/19, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20 November 2019.

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

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## BOROUGH OF DARLINGTON

### PLANNING APPLICATIONS COMMITTEE

Committee Date – 5 February 2020

#### 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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<b>Address/Site Location</b>	<b>Reference Number</b>
Land Opposite 1 and 2 Barmpton Grange Cottages, Barmpton Lane, Barmpton	19/00835/FUL
37 Pease Street	19/01074/CU

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

**COMMITTEE DATE:** 5th February 2020

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<b>APPLICATION REF. NO:</b>	19/00835/FUL
<b>STATUTORY DECISION DATE:</b>	9 <sup>th</sup> December 2019
<b>WARD/PARISH:</b>	SADBERGE AND MIDDLETON ST GEORGE
<b>LOCATION:</b>	Land opposite 1 and 2 Barmpton Grange Cottages, Barmpton Lane, Barmpton
<b>DESCRIPTION:</b>	Demolition of existing timber stables and storage building and construction of new stable block and outdoor arena with lighting columns and associated drainage works
<b>APPLICANT:</b>	Mr and Mrs Cass

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the demolition of an existing timber stable block and storage building and for the erection of a replacement stable block and outdoor riding arena on land at the eastern end of Barmpton Village. The stable block and riding arena would be for the use of the applicants and their family who own the recently converted building immediately to the west of the site, Meadowside.

The existing stable block and storage building are located at the northern end of the site and are in a dilapidated state. They are situated on higher ground, roughly in line with Meadowside to the west, with the remainder of the application site sloping southwards towards the River Skerne.

The proposed replacement stable block would be built in a similar location at the northern end of the site and would measure approximately 19 metres wide by 10.9 metres deep, under a pitched roof 4.3 metres in height at ridge level. It is to be constructed of timber on a brick plinth, under a profile sheeted roof and will provide 6 no. stables, tack room, bedding and feed store and a mess room. The proposed riding arena is to be constructed on lower ground to the south east of the stable block. It is to measure approximately 40 metres by 20 metres, comprising a sanded surface enclosed by a 1.5 metre high timber post and rail fence. A total of 6 no. lighting columns are proposed around the perimeter of the arena, each 8 metres in height. Due to the sloping nature of the site earthworks will be necessary to provide a level site which will result some cut and fill in this part of the site.

The plans have been amended since first submitted to reduce the size of the arena and the extent of associated earthworks and to reduce the number and height of the lighting columns. A revised flood risk assessment has also been submitted to address the concerns of the Environment Agency.

Access to the application site will be via an existing access to the east of Meadowside, off Barmpton Lane. Footpaths no. 7 and 11 in Parish of Barmpton run to the north and east of the application site although would be unaffected by the proposed development. Part of the application site lies in Flood Zones 2 and 3.

## **PLANNING HISTORY**

17/01148/FUL – Conversion of existing barn to form a detached 4 bedroom dwelling and the erection of a detached double garage. GRANTED 1 March 2018

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Highway Engineer** – No highway objection

**Environmental Health Officer** – Recommend condition be attached relating to the operation of the floodlights

**Public Right of Way Officer** – No objection

**Environment Agency** – Recommend conditional approval

Four letters of objection have been received from nearby residents raising the following issues:

- *The size of the stable block not in keeping with the existing stables, nor is it of similar construction*
- *Existing stables were intended to be demolished many years ago as they were unauthorised. This was never enforced*
- *If permission was never obtained for the existing stables, new stables should not be able to proceed*
- *Barmpton is a small village with other farm buildings and smallholdings, the proposal would be out of character*
- *Noise and disturbance arising from the keeping of horses and the use of the arena with added disruption from traffic at unsociable hours and using narrow lanes*
- *The addition of floodlighting, where there are no street lights in the village, will cause nuisance even if restrictions are put in place*

One letter of representation has been received which raises the following issues:

- *Understand some residents have concern regarding the size of the stables, increased traffic and the use of floodlights*
- *The stables have been derelict for a number of years and the land neglected. The proposal will be of benefit to the look, upkeep and the environment*

- *When the stables were active 12 years ago I did not notice any problems with traffic*
- *The floodlights should have a sensible switching off time.*

Following reconsultation on amended plans, a further two letters of objection were received raising the following additional comments:

- *The stables should be reduced in size to reduce impact on the village*

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

### **Saved Policies of the Borough of Darlington Local Plan 1997**

E2 – Development Limits  
E4 – New Buildings in the Open Countryside  
E12 – Trees and Development  
R15 – Horse Related Development

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

CS2 – Achieving High Quality, Sustainable Design  
CS15 – Protecting and Enhancing Biodiversity and Geodiversity  
CS16 – Protecting Environmental Resources, Human Health and Safety

## **PLANNING ISSUES**

The following issues are to be taken in account in consideration of the application:

- Principle of Development
- Impact on Visual and Residential Amenity
- Flooding
- Highway Safety
- Land Contamination
- Ecology

### **Principle of Development**

The application site is located on the edge of Barmpton village, just outside of the village development limits. Saved Local Plan Policy E2 (Development Limits) states that development for countryside-related sports or recreation activities outside of development limits will be permitted provided that unacceptable harm to the character and appearance of the rural area is avoided. Saved Policy E4 (New Buildings in the Countryside) further states that new buildings in the countryside, which are acceptable in principle under the terms of Policy E2, should wherever possible be located with and be visually related to existing buildings.

Saved Local Plan Policy R15 (Horse Related Development) is also relevant and is supportive of such development for recreational and/or commercial purposed provided the development would not detract from the character and appearance of the locality or from the amenity of local residents.

The proposed stable block and riding arena would replace existing buildings, would be sited adjacent to the applicants' property and would be for their own personal use. As such, the principal of development would comply with Saved Policies E2, E4 and R15, subject to consideration of the following issues of development management.

### **Impact on Visual and Residential Amenity**

The stable block and arena would be located adjacent to the applicants' dwelling, Meadowside, and would also be seen in the context of existing dwellings on the north side of Barmpton Lane. The proposed stable block is acceptable in terms of its scale, design and use of materials. It will sit at a lower level to Meadowside and the dwellings opposite which are slightly elevated above Barmpton Lane. An existing timber fence adjacent to the proposed stable block is to be replaced and reinforced with hedgerow planting. A mature ash tree is to be felled to make way for the stable block although further compensatory tree planting is proposed elsewhere within the site, to be secured by planning condition. Existing trees further along the northern boundary of site, adjacent to the public right of way, are to be retained and will limit views of the proposed arena from this aspect, albeit the lighting columns will be visible above the trees.

Views from the south are more open and although most development within the village is located to the north of Barmpton Lane, there is some sporadic development to the south side, including another dwelling and smallholding to the west, and as such the proposed development would not appear as isolated features in the wider landscape. The size of the arena and the number and height of lighting columns has been reduced in order to reduce the visual impact of the proposal in the wider landscape and on the basis of these amendments, the proposal is considered to have an acceptable impact on the character and appearance of the surrounding area.

The stable block and arena are to be used by the applicants' and their family for their own personal use. This would be controlled by planning condition. As such, activity levels associated with the proposed development would be at a level appropriate to this edge of village location without adversely impacting upon the amenities of nearby properties in terms of the use of the arena and additional comings and goings of vehicles. The Environmental Health Officer recommends that a condition preventing the use of the floodlights between the hours of 21.00 and 07.00 daily be attached to minimise the impact of the lights and to ensure that residents are not disturbed from the floodlights during this period.

### **Flooding**

The lower part of the application site is in Flood Zones 1 and 2 and part of the proposed arena would fall within the flood zone. A Flood Risk Assessment (FRA) has been submitted to assess the volume of flood water likely to be displaced as a result of the proposed arena and associated earthworks. The FRA recommends that a compensatory floodplain storage scheme be formed to the south west of the arena, which will require some further remodelling of this part of the site, although this will not necessitate any significant change in levels and the overall gently sloping nature of the site will still be evident.

On this basis, the Environment Agency raise no objection to the proposal subject to a condition to secure these works and the proposal complies with Policy CS16.

### **Highway Safety**

Concerns regarding additional vehicular activity and the suitability of the existing single width road are noted. On the basis that the arena and stables are to be used for the applicants' personal use, the proposal is unlikely to generate a significant increase in vehicle movements. The Highway Engineer advises that there is sufficient space within the site for most vehicles and horseboxes to turn to leave the site in a forward gear and on this basis, no highway objection is raised.

### **Ecology**

An Ecological Appraisal of the site has been submitted with the application which assesses the impact of the proposed development on the ecological value of the site. The Appraisal concludes that overall, the site is considered to be of low ecological value. The buildings to be demolished and the tree to be felled are of low to moderate value to roosting bats and nesting birds. The paddock, which comprises nettles, dock and common grass is also of low ecological value and of consequent low value to commuting and foraging badgers and reptiles. In order to further minimise impact to protected species, the appraisal sets out several mitigation and compensatory measures which are to be secured by planning condition. The proposal therefore complies with Policy CS15.

### **Land Contamination**

The application has been submitted with a Phase 1 Desk Top Study which considers the risk of contaminated land impacting on the site. The Environmental Health Officer has considered the report and advises that in view of the nature of the proposed development, no further conditions are necessary relating to contaminated land. On this basis the proposal complies with the requirements of Policy CS16.

### **THE PUBLIC SECTOR EQUALITY DUTY**

In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

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

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

### **CONCLUSION**

The principle of erecting a stable block and riding arena for the applicants' use adjacent to their dwelling and in an edge of village location complies with relevant saved Local

Plan Policies. The scheme has been amended to reduce the size of the arena and the number and height of floodlights such that the proposal will not have an unacceptable impact on visual and residential amenity or on highway safety and conditions restricting the use of the stables and arena for purposes incidental to Meadowside, limiting the hours of use of the floodlight and securing ecological mitigation measures are proposed.

## **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. PL (Approved plans)
  - (a) Proposed site plan and elevations, drawing number 190125 03 Rev. D
  - (b) Proposed plans and elevations, drawing number 190125 04 Rev. A
3. The development shall be carried out in accordance with the Proposed Site Plan and Elevations (19\_00835\_FUL-PROPOSED\_SITE\_PLAN\_ELEVATIONS-1660059) and the Amended Flood Risk Assessment (19\_00835\_FUL-AMENDED\_FLOOD\_RISK\_ASSESSMENT-1660063 by Flood Risk Consultancy LTD – Revision C – December 2019) and the following mitigation measures it details:
  - (a) A floodplain compensatory storage scheme providing 203.37m<sup>3</sup> volume shall be positioned to the south-west of the site and must be fully implemented in advance of the equestrian arena development. The compensation shall be retained and maintained thereafter for the lifetime of the development.

REASON – To reduce the risk of flooding to the proposed development and future occupants and to ensure there is no net loss to floodplain capacity which could increase flood risk elsewhere.

4. The floodlights associated with the outdoor arena hereby approved shall not be used between the hours of 21:00 and 07:00 daily.

REASON – In the interests of residential and visual amenity

5. The stable building and riding arena hereby permitted shall be used only by the occupiers of the property known for the time being as Meadowside, Barmpton for purposes incidental to the use of the property and shall not be used a commercial enterprise.

REASON – The Local Planning Authority considers the proposal to be suitable for use only by the applicants and any future occupiers of Meadowside for purposes incidental to the enjoyment of the dwelling. Any commercial use is likely to increase the number of traffic movements from the site over than



generated by the existing dwelling and these additional traffic movements are likely to create conditions prejudicial to highway safety and residential amenity.

6. The ecological mitigation and enhancement measures set out in Section 5 of the Naturally Wild Preliminary Ecological Appraisal 'The Stables, Barmpton' AP-19-02 dated August 2019 shall be implemented in full. In addition, no development shall take place until precise details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) Details of bird and bat boxes to be installed on the site
- (b) Details of compensatory tree planting scheme

Thereafter the approved details shall be implemented in full prior to the stable block and arena hereby permitted being first brought into use, and the bird and bat boxes shall be maintained in accordance with the approved details for the lifetime for the development. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or a similar size and species to those original approved and planted.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity)

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

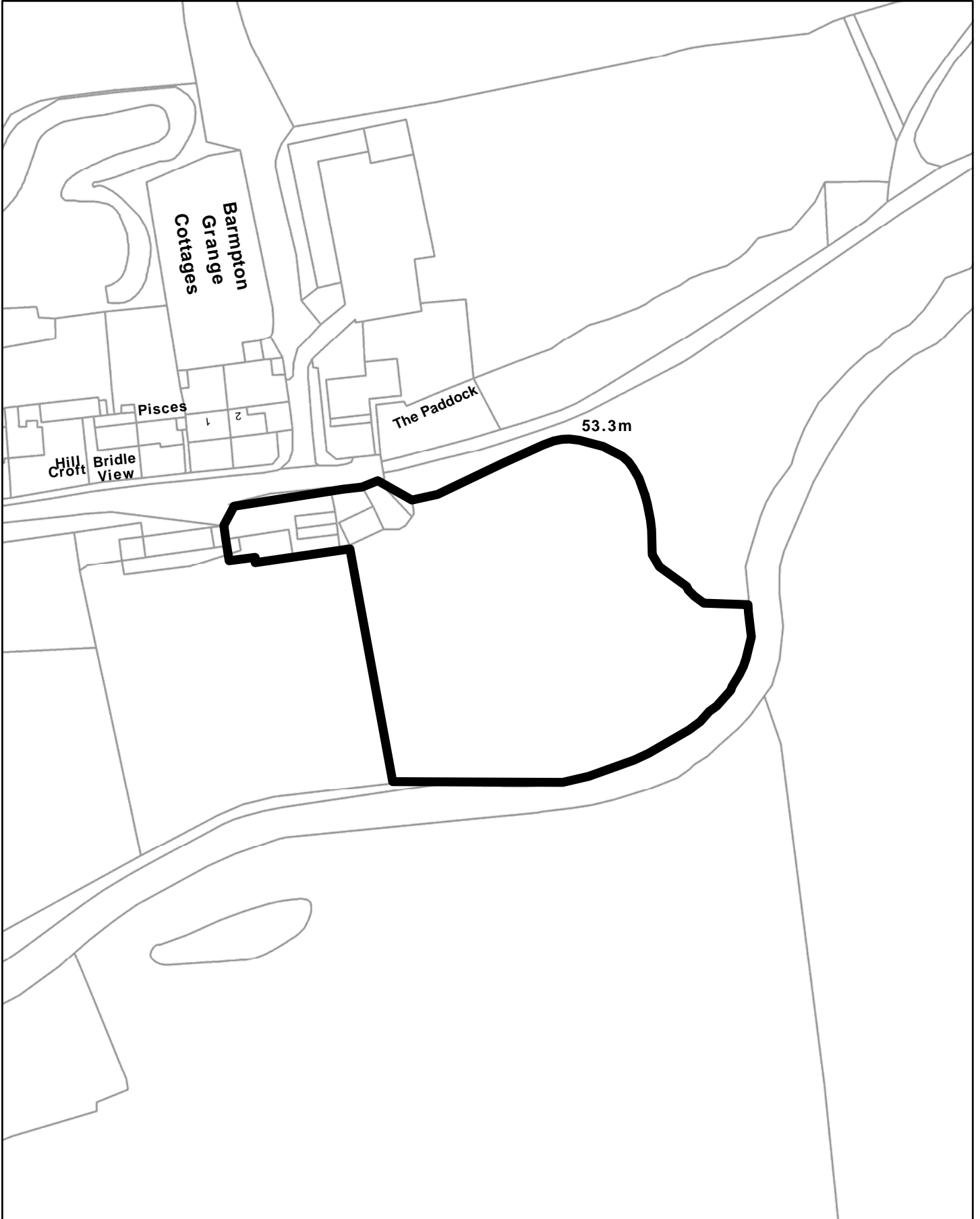
##### **Saved Policies of the Borough of Darlington Local Plan 1997**

- E2 – Development Limits
- E4 – New Buildings in the Open Countryside
- E12 – Trees and Development
- R15 – Horse Related Development

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

- CS2 – Achieving High Quality, Sustainable Design
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

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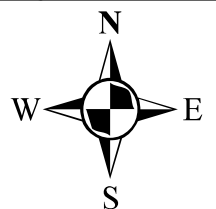


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**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5<sup>th</sup> February 2020**

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<b>APPLICATION REF. NO:</b>	19/01074/CU
<b>STATUTORY DECISION DATE:</b>	12 <sup>th</sup> January 2020
<b>WARD/PARISH:</b>	Bank Top & Lascelles Ward
<b>LOCATION:</b>	Fir Tree House Residential Home, 37 Pease Street, Darlington
<b>DESCRIPTION:</b>	Change of use of care home to a House in Multiple Occupation
<b>APPLICANT:</b>	Mrs Sarah Ward

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#### **APPLICATION AND SITE DESCRIPTION**

It is proposed to change the use of this unoccupied residential care home for up to 8 people with special needs to a house in multiple occupation for 11 residents.

There are no alterations proposed to the exterior of the property and only minor internal changes according to the submitted plans. The existing rear garden area is extensive and part of it is to be used for car parking for 11 vehicles.

Pease Street is a narrow back street off Yarm Road fronted by residential terraces with only on street parking.

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

#### **PLANNING HISTORY**

The relevant planning entries are:

95/00707/MISC – Two storey rear extension for extra bedrooms and bathrooms – Approved January 1996.

05/01232/FUL – Two storey rear extension and conservatory – Approved March 2006

## **RESULTS OF CONSULTATION AND PUBLICITY**

Following the Council's publicity exercises relating to the original submission, nine letters of objection were received together with a petition from 46 local residents objecting to the proposals.

The letters of objection can be summarised as follows:

- Additional residents will put unacceptable strain on drains and sewage.
- Not enough space on site for sufficient car parking resulting in overspill onto very congested road.
- Potential for anti-social behaviour from residents who will be transient
- Proposal very different to a residential care home. A lot more noise will be generated.
- Lack of refuse disposal facilities.
- Loss of trees etc with the new car park construction.

### **Consultee Responses**

The **Council's Highways Engineer** has raised no objection.

The **Environmental Health Officer** has no objections to the application.

The **Darlington Association on Disability** have no objection to the proposals but note that the existing ramps etc need renovating to bring them up to a reasonable standard.

### **PLANNING POLICY BACKGROUND**

The relevant local and national development plan policies are:

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

Saved Policy H17 – Concentrations of Houses in Multiple Occupation  
Saved Policy H18 – Houses in Multiple Occupation in Other Areas

### **PLANNING ISSUES**

The main issues to be considered are:

- Impact on residential amenity
- Impact on local car parking and road safety

The relevant Local Plan policy H18 referred to above includes the following narrative:

THE SUBDIVISION INTO SMALL DWELLINGS OF LARGE DWELLINGS,  
DWELLINGS UNSUITABLE FOR SINGLE FAMILY OCCUPATION, OR NON-  
RESIDENTIAL BUILDINGS IN RESIDENTIAL SURROUNDINGS OTHER THAN

THOSE THE SUBJECT OF POLICY H17, WILL NOT BE PERMITTED WHERE THIS WILL HAVE A MATERIAL ADVERSE EFFECT ON:

1. THE QUIET AND PRIVATE ENJOYMENT OF OTHER DWELLINGS AND GARDENS;
2. THE ADEQUACY OF AVAILABLE OFF STREET PARKING AND AMENITY SPACES;
3. THE FREE AND SAFE FLOW OF TRAFFIC; AND
4. THE VISUAL AND NOISE CHARACTERISTICS OF THE SURROUNDINGS

Providing these criteria can be met by the proposed development, then normally planning permission would be granted provided the property is not located within an area where there is already a high concentration of houses in multiple occupation as set out in Saved Policy H17, or where the proposal is involves the sub-division of a small two-storey family house (115m<sup>2</sup> or less). The application property is not a small family house or located within one of these areas.

### **Impact on residential amenity**

The existing (albeit non-operational) use for this property is as a residential home for people with special needs for a total of 8 residents, which whilst not generating many visits or traffic movements from the residents themselves, would be likely to be the subject of regular visits from friends and relatives of those residents, staff, medical professionals etc in the same way as other types of care home for the elderly.

The proposed use is for a house in multiple occupation, for up to 11 residents. There will be a certain amount of activity generated by the proposed use in terms of the day to day comings and goings residents and associated traffic movements, but the nature of the use is such that car ownership is likely to be limited and impacts on local residents restricted to levels similar to those created by a care home use.

This Authority has not been made aware of any problems in the area relating to sewage and drainage that would be exacerbated by the proposed use.

Whilst anti-social behaviour may be considered to be a material consideration, there is no evidence we are aware of to suggest that the granting of planning permission for the use of a property as a house of multiple occupation would result in such problems occurring in this location. Other similar establishments in Darlington do not appear to have experienced such issues.

### **Impact on local car parking and road safety**

Parking provision for a total of 11 vehicles is proposed, with a further 2 spaces available informally, within the area to the side of the property. This level of provision is suitable for the proposed use and the Highway Engineer advises that this level of car parking provision will ensure that traffic generated by the new use will not have a material impact on on-street parking as there are sufficient spaces provided to cater for the likely traffic generated. Road safety will not be compromised for similar reasons.

Furthermore, the site is in sustainable location being close to the town centre and within 250m walking distance of the nearest bus stops on Yarm Road, as well as good access

to the town's cycle infrastructure. The Council's Highway Engineer raises no objection on this basis.

### **Other matters**

The on-site trees and bushes that will be affected by the new car park are not protected by a Preservation Order or Conservation Area designation and could be removed at any time providing the provisions of the Wildlife and Countryside Act are taken into account. Refuse will be disposed of as with the original use of the property as a care home.

### **CONCLUSION**

The proposal involves the change of use of a vacant former care home to a house in multiple occupation. A certain amount of disturbance and traffic impacts have been in place for a number of years at this location, and the "fall back" position remains that of a care home and its associated activity levels and traffic generation.

It is considered therefore that the use of the property as proposed, as well as bringing a somewhat dilapidated building/site back into use, will not cause loss of amenity to local residents over and above that currently possible, sufficient to warrant refusing planning permission.

### **THE PUBLIC SECTOR EQUALITY DUTY**

In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

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

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

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
2. The development shall be carried out in complete accordance with the approved plans as detailed below:
  - (a) Proposed Car Park Layout Plan – 2100-01
  - (b) Proposed Floor Plan – 05.217.01



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. The car parking area hereby approved shall be completed before the occupation of the property as a house in multiple occupation. Details of the surfacing and layout to be agreed by the Local Planning Authority prior to construction.

REASON: In the interest of residential amenity and road safety.

4. The completed car park shall remain available for use during the occupation of the property as a house in multiple occupation

REASON: In the interest of residential amenity and road safety

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

**Borough of Darlington Local Plan 1997**

Saved Policy H17 – Concentration of Houses in Multiple Occupation

Saved Policy H18 – Houses in Multiple Occupation in Other Areas

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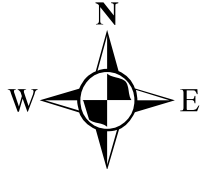


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