

Planning Applications Committee Agenda



**1.30 pm Wednesday, 25 November 2020
via Microsoft Teams**

In accordance with Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held on a virtual basis. Members of the Public can view a live stream of the meeting at:

<https://www.darlington.gov.uk/livemeetings>

Due to the changes made surrounding meetings during the Coronavirus pandemic, please note the following changes to the Planning Protocol:

- a. That the Applicant may attend but will not be permitted to make a presentation to Committee, and just be there to answer questions.**
- b. That, following the publication of the Agenda/Reports, the Applicant and Supporters/Objectors may submit a statement in writing up to 1.30pm on the Tuesday prior to the meeting which will either be circulated to Committee Members or read out by the Planning Officer at the meeting. Any statements should be submitted to the Planning Services Team, Room 401, Town Hall, Feethams, Darlington, DL1 5QT.**
- c. That people may approach their Ward Members (who are allowed to attend the meeting) and request that they put their views to Committee.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 28 October 2020 (Pages 1 - 16)
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 17 - 18)

- (a) The Hall Dinsdale Park, Middleton St George, Darlington, DL2 1UB - 20/00513/FUL (Pages 19 - 28)
 - (b) The Hall Dinsdale Park, Middleton St George, Darlington DL2 1UB - 20/00439/LBC (Pages 29 - 36)
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 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 :-

Dismissed the appeal by Mr Waistell against this Authority's decision to refuse consent to undertake work to a tree protected by a Tree Preservation Order. 47 Blackwell Lane, Darlington, DL3 8QF (20/00022/TF) (Copy of Inspector's decision letter attached)

RECOMMENDED – That the report be received.
(Pages 37 - 40)

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 13 November 2020 (Exclusion Paragraph No. 7) – Report of Director of Economic Growth and Neighbourhood Services (Pages 41 - 50)
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, 17 November 2020

Town Hall
Darlington.

Membership

Councillors Allen, Clarke, Cossins, Heslop, C L B Hughes, 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 Officer, 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 or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 28 October 2020

PRESENT – Councillors Mrs D Jones (Chair), Allen, Clarke, Cossins, Heslop, C L B Hughes, Johnson, Keir, Lee, Marshall, McCollom, Tait, Tostevin and Wallis.

APOLOGIES – Councillor Lister.

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).

PA44 DECLARATIONS OF INTEREST

Councillor Cossins declared a non-pecuniary interest in Minute PA47 below, as a Member of the Co-operative Party.

Councillor Marshall declared a non-pecuniary interest in Minute PA50 below, having held discussions with both the Applicant and Objectors as the Ward Councillor.

PA45 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 30 SEPTEMBER 2020

RESOLVED – That the Minutes of this Committee held on 30 September 2020 be approved as a correct record.

PA46 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>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.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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PA47 VANTAGE POINT SITE, FAVERDALE, DARLINGTON

18/00694/FUL - Erection of a 1,900sqm (GIA) supermarket (A1 use), 1,900 sqm (GIA) retail store (A1 use) and a 167sqm (GIA) and drive-thru unit (A1/A3 use) with associated parking for 263 cars, ancillary service and delivery areas, landscaping and new access (amended Planning Policy Statement and Retail Policy Statement received 29 November 2018, additional Sequential Test document received 5 February 2019; additional Employment Land Viability Report received 30 April 2019; amended plans received 31 May 2019; drainage information received 29 August 2019; additional Retail Impact Assessment received 26 September 2019

and Retail Assessment information received 14 May 2020 ; amended drainage information received 28 May 2020 and 8th July 2020).

In line with Members' instructions at the Ordinary Meeting of the Planning Applications Committee on 30 September 2020, where Members were minded to grant planning permission contrary to Officer recommendation, the submitted report set out the reasons for granting planning permission and the associated conditions which should be attached to the permission for Members' consideration.

In introducing the submitted report, the Head of Planning, Development and Environmental Health advised Members of legal advice received in relation to considering this application in light of a subsequent application received in relation to an adjacent site. It was noted that the two applications were substantially different, and therefore the advice was that consideration of this application could proceed.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), an objection received from Co-op's inhouse Town Planning Manager, a representation received from Royal Pilgrim Communications, and a representation received from a resident of Daylesford Grove).

RESOLVED – That Planning Permission be granted subject to the completion of a Section 106 Agreement within six months to secure financial contributions towards the following:

- A public transport contribution to improve the Faverdale Outbound stop with raised kerb and shelter and the Faverdale Inbound with a shelter. The obligation for this would be £15,440.
- A sustainable transport contribution to improve and maintain footways and cycleways close the site including improvements to Faverdale Black Path and a potential shared use path continuing along Faverdale. The obligation would equate to £52,600.

And the following Planning Conditions:

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

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

- a) XX-DR-A-91-1003 P4 - Site - Proposed - Lidl - ECO Store Type
- b) RF-DR-A-01-0002-S3-P4 - General Arrangement Plan - Roof – Lidl
- c) XX-DR-A-01-0001-S3-P4 - Proposed Ground Floor GA Plan – Lidl
- d) XX-DR-A-02-0001-S3-P4 - General Arrangement Elevations – Lidl
- e) XX- -DR-A-91-0002-S3-P30 - Proposed Site Plan - Home Bargains /

Starbucks

- f) XX-DR-A-91-0008-S3-P4 - Site Location Plan
- g) XX-DR-A-91-0010-S3-P8 - Proposed Boundary Treatments
- h) XX-DR-A-91-0014-S3-P7 - Proposed Master Plan - Planning Issue
- i) RF-DR-A-01-0002-S3-P1 - General Arrangement Plan - Roof - Home Bargains
- j) XX-DR-A-01-0001-S3-P5 - Proposed Ground Floor GA Plan - Home Bargains
- k) XX-DR-A-02-0001-S3-P5 - GA Elevations - Home Bargains
- l) PML B1 00 DR A 0001 P3 – Starbucks Building
- m) 2043-100-P-001 – Proposed Access Arrangement onto Faverdale – General Arrangement
- n) LD(13)-ED-01 INFO 03 – Landscape Details Sheet 1
- o) LD(13)-ED-02 INFO 03 – Landscape Details Sheet 2
- p) XX-DR-A-91-0015-S3-P2 – Substation Layout

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

3. The units identified as ‘Lidl’ and ‘Home Bargains’ on Masterplan reference XX-DR-A-91-0014-S3-P7 shall be used for Class A1 retail and for no other purpose (including any other purpose within the same Use Class as identified by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON - In the interests of retail planning policy.

4. The unit identified as ‘Starbucks’ on Masterplan reference XX-DR-A-91-0014-S3-P7 shall be used for Class A1/A3 purposes and for no other purpose (including any other purpose within the same Use Class as identified by the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON - In the interests of retail planning policy.

5. The unit identified as ‘Lidl’ on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 1,900 square metres gross internal area of which no more than 1,256 square metres shall be used for net retail sales. Of this, not more than 1,005 square metres shall be used for convenience goods sales, and not more than 251 square metres shall be used for comparison good sales.

REASON - In the interests of retail planning policy

6. The unit identified as ‘Home Bargains’ on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 1,858 square metres gross internal area of which no more than 1,486 square metres shall be used for net retail

sales. Of this, not more than 669 square metres shall be used for convenience goods sales, and not more than 818 square metres shall be used for comparison good sales.

REASON - In the interests of retail planning policy

7. The unit identified as 'Starbucks' on Masterplan reference XX-DR-A-91-0014-S3-P7 is limited in size to 167 square metres gross internal area.

REASON - In the interests of retail planning policy.

8. There shall be no internal sub-division of any unit hereby approved.

REASON - In the interests of retail planning policy.

9. The development hereby approved 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 restricted to Greenfield rates and 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;

- a. Detailed design of the surface water management system for each phase of the development;
- b. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- c. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- d. 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 site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved FAVERDALE DEVELOPMENT Drainage Strategy and the following mitigation measures detailed within

- a) Total surface water discharge from the proposed development will not exceed 7.3l/sec
- b) Sufficient storage to contain the 1 in 100+40% cc will be accommodated in the car parking areas of Home Bargains and Lidl stores

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 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.

11. The building hereby approved shall not be brought into use until:-

- a) 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.
- b) 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 are in place for the lifetime of the development.

12. The unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not operate outside the hours of 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of safeguarding the amenity of the area.

13. The unit identified as "Home Bargains' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not operate outside the hours of 0800 to 2200 Monday to Saturday (including Bank Holidays) and 1000 to 1600 on Sundays unless otherwise agreed in writing by the Local Planning Authority

REASON - In the interest of safeguarding the amenity of the area

14. Deliveries and waste collection to the unit identified as 'Lidl' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not take place outside the hours of 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays.

REASON - In the interests of safeguarding the amenity of the area.

15. Deliveries and waste collection to the unit identified as "Home Bargains' on Masterplan reference XX-DR-A-91-0014-S3-P7 shall not take place outside the hours of 0600 to 2200 Monday to Saturday; 1000 to 1800 on Sundays and 0800 to 1800 on Bank Holidays.

REASON - In the interests of safeguarding the amenity of the area.

16. 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 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.

17. 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.

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.

18. 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 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.

19. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination 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.

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.

20. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. 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, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. 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.

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.

21. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- a. A preliminary risk assessment which has identified all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
 - b. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASON - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

22. Prior to any part of the approved development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

REASON - To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

REASON - To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

24. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

REASON - To prevent the creation of pathways for contaminants in made ground, soils and superficial geology to reach the underlying principal aquifer.

25. Prior to the commencement of the 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. Methods for controlling noise and vibration during the 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.
 - b) Hours of construction (including internal works) and deliveries.
 - c) Details of any security fencing to be erected during the construction phase.
 - d) Construction Traffic Management Plan and Routes, including parking areas for staff and visitors.
 - e) Details of wheel washing.
 - f) Road Maintenance.
 - g) Warning signage.

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

REASON - In the interests of highway safety and safeguarding the amenity of the area

26. No noise emitting fans, louvres, ducts or any other external plant associated with this permission shall be installed on or within the curtilage of the units hereby approved until a scheme to reduce noise and vibration has been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

27. Prior to occupation of each unit, a full lighting impact assessment for the lighting proposals, undertaken by an independent qualified assessor for the unit shall take place and be agreed in writing with the Local Planning Authority. This should include:

- a) A description of the proposed lighting units including height, type, angling and power output for all lighting
- b) Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of sensitive neighbouring properties;
- c) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the Local Planning Authority. The relevant light sensitive receptors to be used in the assessment to be agreed with the Local Planning Authority in advance of the assessment.
- d) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
- e) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light).
- f) Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

REASON - In the interests of residential amenity and the visual appearance of the locality.

28. The development shall not be carried out otherwise than in complete accordance with Section 7 – Mitigation of the document entitled “Faverdale Industrial Estate, Darlington. Noise Impact Assessment” Revision O2/Final dated 6 July 2018 and produced by Royal HaskoningHDV unless otherwise

agreed in writing by the Local Planning Authority.

REASON - In the interests of residential amenity and the visual appearance of the locality.

29. The development shall not be carried out otherwise than in complete accordance with the document entitled "External Materials Schedule" Version 02 dated July 2018 and produced by Space Architects unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of the visual appearance of the development.

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the biodiversity enhancements set out in Section 6.4 of the document entitled "Preliminary Ecological Appraisal. Faverdale, Darlington" dated June 2018 and produced by ITP Energised. The mitigation and enhancement work shall include the erection of boxes as set out below, in locations to be agreed by a suitably qualified ecologist but positioned to face outwards from the centre of the development:

- a) Drive Thru building: House Sparrow & Starling
- b) Supermarket building: Bat, Swift & House Sparrow or Starling
- c) Retail store: Tree Sparrow (multiple holes), Starling and Swift.

REASON - In the interests of biodiversity of the development.

31. The lighting scheme to be approved under condition 27 must take account of any foraging and commuting behaviour of nocturnal mammals such as bats and the biodiverse greenspace to the north of the site. Lighting should be in line with the Institution of Lighting Professionals and Bat Conservation Trust Guidance Note 08/18: Bats and Artificial Lighting in the UK – Bats and the Built Environment Series (ILP and BCT, 2018), and lighting should be directed to where it is needed and in order to reduce light spillage.

REASON - In the interests of biodiversity of the development.

32. Site clearance shall only take place outside of bird nesting season unless under the supervision of a suitably qualified ecologist.

REASON - In the interests of existing habitats on the site.

33. Prior to the commencement of the development, precise details showing the offsite highway works including the creation of the site access junctions onto Faverdale, widening of Faverdale to incorporate improved pedestrian/cyclist facilities, potential relocated bus stops and revised signing, lining including Traffic Regulation Orders along Faverdale, and Keep Clear markings opposite Faverdale Road shall be submitted to and approved in writing by the Local Planning Authority.

REASON - In the interest of highway safety.

34. Prior to the occupation of the first unit, a servicing and delivery schedule to control the operations on site shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include but not limited to the maximum size/type of vehicle to be used (16.5m) its drop off location within the site and times of deliveries.

REASON - In the interest of highway safety.

35. The development shall not be carried out otherwise than in complete accordance with the document entitled "Framework Travel Plan, Faverdale, Darlington" dated 6th July 2018 and produced by Fore unless otherwise agreed in writing by the Local Planning Authority.

REASON - To encourage the use of sustainable modes of transport.

36. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any work commencing and, upon approval of such schemes, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

37. Prior to the occupation of any part of the development hereby approved, a scheme to make provision for the charging of electric vehicles shall be submitted to and approved by the Local Planning Authority and thereafter implemented and maintained for the lifetime of the development.

REASON – To comply with paragraph 110 of the NPPF, 2019.

PA48 PROSPECT HOUSE, MIDDLETON ROAD, SADBERGE

20/00154/FUL - Demolition of existing conservatory and erection of two storey rear extension, erection of canopy over patio, alterations to rear porch roof and insertion of sun tube to main rear roof, demolition of outbuilding and erection of single storey annexe with mezzanine level (as amended by plans received 09.07.20).

(In making its decision the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Highway Officer and the Senior Arboricultural Officer, the objections of the Parish Council, four letters of objection, and the responses to questions asked by Members of the Applicant's Agent during the meeting).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the email received 19 August 2020 from the Agent.

REASON – To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Saved Local Plan Policy H12 and Policy CS2.

3. The development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Prospect House, Middleton Road, Sadberge and shall not be independently occupied.

REASON – To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit, which would be contrary to the development plan, and in order that the Local Planning Authority is able to exercise control over the future development of the site.

4. No additional flank windows or other glazed openings shall be formed in any of the walls of the extension or annex hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

5. No demolition, site clearance or building operations shall be commenced until fencing of a height of not less than 2 metres has been erected around the trees, adjacent to the site. The distance of the fence from the trunk of each tree on the perimeter of the group shall be whichever is the greater distance of the following:-

- a. five metres from the base of the tree; or
- b. the area described by the limit of the spread of the branches of the tree.

Such fencing is to be maintained during the course of the development to the satisfaction of the Local Planning Authority.

REASON - To enable the Local Planning Authority to ensure the retention of the trees on the site and their protection from damage, in the interests of visual amenity.

6. Tree Protection (During development)
None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority: -
 - (i) the raising or lowering of levels in relation to the existing ground level;

- (ii) cutting of roots, digging of trenches, removal of soil;
- (iii) the construction of buildings, roads or the carrying out of other engineering operations;
- (iv) the lighting of fires;
- (v) driving vehicles over the area below the spread of the branches of the tree; and
- (vi) the storing of materials or equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

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

- 8069 (-9) 1 - Existing Site and Location Plan
- 8069 (21) 2 - Rev C – Proposed Elevations
- 8069 (-9) 3 - Rev B – Proposed Roof on Site Location Plan
- 8069 (00) 4 - Rev B – Proposed Ground Floor Layout Plan and Tree Plan
- 8069 (00) 5 - Rev B – Proposed First Floor Layout Plan
- 8069 (00) 6 - Rev C – Proposed Roof Plan (larger Scale)

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

PA49 MARCHBANK SCHOOL, BARNES ROAD

20/00664/TF - Works to various trees protected under Tree Preservation Order (No 1) 1951 in accordance with arborists report (as amended by arborists report received 14.10.20).

(In making its decision the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Senior Arboricultural Officer, and three letters of objection received).

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

1. The pruning works hereby permitted shall be undertaken within two years of the date of this permission.

REASON - To accord with the provisions of The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

2. The pruning works hereby permitted shall be carried out in accordance with the details specified in the submitted tree report entitled 'Mowden Hall, Darlington – TPO Works Schedule (Amended)' by The Environment Partnership.

REASON – To safeguard the health of the trees.

3. All pruning works to trees shall be carried out to BS Specification 3998 (as amended) and are to be carried out by a qualified and insured arborist.

REASON - To safeguard the health of the trees.

PA50 THE MOWDEN, STAINDROP ROAD, DARLINGTON

20/00768/FUL - Erection of canopy over existing external seating area to front elevation.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), three letters of objection received and ten letters of support. Members were also informed that, subsequent to the publication of the Agenda for this meeting, further objections from the three original objectors had been received, one further letter of support had been received, and that a letter from the Agent had been received).

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

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

1920-011-001(A1) Rev A Existing and Proposed layout, elevations and site plan

REASON – To define the consent

3. An acoustic barrier/fence with a minimum height of 2 metres shall be installed along the side boundary between the Mowden and 3 Boundary View. Specifications of this barrier/fence shall be submitted to and agreed in writing by the Local Planning Authority prior to the erection of the canopy hereby approved. The erection of the barrier/fence shall thereafter be undertaken prior to the use of the canopy in accordance with the agreed scheme and shall be retained and maintained thereafter.

REASON – To minimise any adverse effect upon the neighbouring residents from noise pollution.

4. Within one month of the erection of the canopy, the existing temporary marquee shall be removed from the site.

REASON – In the interests of residential amenity.

PA51 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.

PA52 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 16 OCTOBER 2020 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA43/Sept/2020, the Director of Economic Growth and Neighbourhood Services submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 16 October 2020.

RESOLVED - That the report be noted.

BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 25th November 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.**

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

Address/Site Location	Reference Number
The Hall Dinsdale Park, Middleton St George, DARLINGTON DL2 1UB	20/00513/FUL
The Hall Dinsdale Park, Middleton St George, DARLINGTON DL2 1UB	20/00439/LBC

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 25 November 2020

APPLICATION REF. NO:	20/00513/FUL
STATUTORY DECISION DATE:	24 August 2020 (EOT 27 th November 2020)
WARD/PARISH:	HURWORTH
LOCATION:	The Hall Dinsdale Park Middleton St George Darlington DL2 1UB
DESCRIPTION:	Formation of hard landscaping to unit 4 & 5 including erection of stone walls, steps, paving and creation of 2.no car parking spaces to unit 4, erection of 1.8m wall and gates to units 4 and 5 and erection of 800mm wall to the southern boundary of unit 4 (Amended description)
APPLICANT:	TYNESIDE INVESTMENTS LIMITED

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCOL39FP17000>

APPLICATION AND SITE DESCRIPTION

1. The application site is situated between Neasham and Middleton St George, accessed via a private road which connects Dinsdale Hall to the nearest public highway at Brass Castle. This road runs across Dinsdale Spa Golf Course and forms a legally defined right of way (Footpath No 9). It also serves an access for adjacent dwellings known as The Courtyard, which lie adjacent to the north of Dinsdale Hall.

2. The site comprises the Dinsdale Hall residential development, consisting of a three storey Grade II Listed Building and an associated wing, converted to residential dwellings. Planning permission and Listed Building Consent was granted in 2000 for the conversion with a later Listed Building application seeking some amendments, granted in 2006.
3. The conversion of units 4 and 5, situated to the northern side of Dinsdale Hall, in line with the original permission is soon to be underway as the planning permission remains extant. These Grade II listed buildings are in a dilapidated state and in need of significant investment. This application seeks planning permission for external landscaping works to units 4 and 5 and the internal courtyard immediately adjacent to the units, to include:
 - Formation of hard landscaping to units 4 and 5, to include the erection of stone walls, steps and paving;
 - The creation of two parking spaces to part of grassed area to the west of unit 4;
 - Removal of existing timber close boarded fence adjacent to unit 4 and its replacement with an 800mm reclaimed brick wall with natural stone coping with wrought iron gate to provide access;
 - Erection of a 1.8m reclaimed brick wall with natural stone coping within the internal courtyard between units 4 and 5 to define and provide private amenity space for the units together with a 1.8m high timber leg and brace gate, with rear emergency access maintained.
4. A separate Listed Building application has been submitted and is dealt with elsewhere on this agenda under application reference 20/00439/LBC.

MAIN PLANNING ISSUES

5. An extant planning permission is in place for the conversion of units 4 and 5. This application seeks permission for works related to the landscaping and boundary treatment within the plots and therefore the relevant issues in the determination of the application are as follows;
 - (a) Impact on Heritage Assets
 - (b) Impact on Visual and Residential Amenity
 - (c) Highway Safety

PLANNING POLICIES

6. Relevant planning policies include those seeking to ensure that new development:
 - Makes efficient use of land, buildings and resources, reflects the character of the location area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (CS14)

- protects and where possible, improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community (CS16);
7. In accordance with the statutory duties set out in 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess.

RESULTS OF TECHNICAL CONSULTATION

8. No objections in principle have been raised by the Council's Highway Engineer and Public Rights of Way Officer. The application has been subject to several amendments and further to these changes, the Conservation Officer raises no objections, however, does have concerns regarding some proposed tanking which is dealt with within this report.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Neasham Parish Council has raised no objections to the proposed development.
10. Eight objections have been received including two petitions containing 16 and 20 signatures respectively, and these raise the following issues:
- Not in keeping with previous consents;
 - Impact on heritage assets;
 - Impact on visual amenity;
 - Omits a rear emergency access;
 - Parking will allow additional vehicles to use road to the north of the eastern access; This is unadopted and in poor condition;
 - All parking should be accommodated to the grounds of Dinsdale Hall and accessed via the main access gates;
 - Parking will probably spill over to the visitor parking area meant for residents of The Courtyard, Riverbanks and The Hall;
 - Access from the main parking area for unit 5 has been omitted;
 - Not clear where the parking would be provided for unit 5;
 - Adversely affects the visual appearance of the historic courtyard;
 - Currently no pedestrian access to units 4 and 5 due to the unauthorised erection of a timber fence;
 - A wall should be erected at the southern end of unit 4 garden to prevent people entering a private estate;
11. Several objections have referred to a planning condition on the original approval requiring access road improvements are undertaken prior to the occupation of any of the dwellings. This has previously been investigated as a separate issue by the Enforcement Officer and it is established that the time period to enforce this condition has passed, and therefore the Council are unable to require the works are carried out. This is a separate matter and not relevant to the determination of this

planning and the related listed building application, which relates solely to works to the landscaping and boundary treatment for units 4 and 5.

12. Several objections have referred to fenestration treatment and privacy issues. The developer is implementing an existing planning permission in line with previously agreed details and these issues are not relevant in the determination of this application which relates solely to the landscaping and boundary treatment for units 4 and 5.
13. Several objections raise the issue of the applicant, who now owns the freehold Of Dinsdale Hall and Grounds, as the landlord of the leasehold apartments within Dinsdale Hall, referring to their legal obligations in terms of the leasehold deeds and plans. These issues are noted however they are separate civil matters which cannot form the basis of the determination of this planning application but are rather matters that should be dealt with separately between parties.

PLANNING ISSUES/ANALYSIS

(a) Impact on Heritage Assets

14. The unit 4 and 5 buildings in question are Listed at Grade II under the Listing for the Grade II, Dinsdale Park Residential School. The House was constructed in 1829. The buildings are located to the north side of the main house. Looking at the historic OS maps they appear on the first edition maps. There have been alterations to the buildings, however these buildings contribute to the character of the estate as a whole and form an integral part of the significance of the site.
15. Several amendments have been made to the proposals in response to concerns raised by the Council's Conservation Officer, and issues raised by objection. The main changes relate to the use of appropriate materials, to ensure that the proposed alterations to the external areas are in keeping with and do not adversely impact on the significance of the Grade II Listed Building and allow views across the site which add to the setting of the building, to be maintained. This has been achieved with the amendments that are detailed in the following section of this report.
16. Overall, whilst it is noted that the proposed changes will have an impact on the building in changing the appearance of part of the site, the impact brought about by these changes is considered to be 'less than substantial' and any harm is considered to be significantly outweighed by the improvements to the appearance of, and the maintenance and retention of these dilapidated buildings, brought about by the implementation of the approved scheme. The applicant considers that the landscaping and boundary treatment proposals are required in order to secure the viability of the conversions.
17. The Conservation Officer also requested that a 20mm gap is left between the proposed paving to the side of Unit 4, and the building to allow movement of moisture and this has now been incorporated into the plans.

(b) Impact on Visual and Residential Amenity

18. The proposal to provide the parking spaces to the grassed area to west of unit 4 has been amended further to concerns raised and this now involves the use of grasscrete reinforcing mesh to the parking area, with the remainder to remain grassed. The provision of two parking spaces in this location will not significantly impact on the amenity of nearby occupiers. The hard landscaping to the east of the parking, to consist of a retaining wall with stone coping, and Indian Sandstone steps and paving, is acceptable.
19. Reference is made within several objections to an unauthorised timber fence to the southern end of the unit 4 amenity space. This was erected by the previous owners and the applicant seeks to remedy this with the erection a reclaimed brick and natural coping stone low level wall, to be constructed in English Garden Wall bond and lime mortar, with a wrought iron gate to reinstate a pedestrian access to the units from the main entrance to Dinsdale Hall, which was the intention of the original 2000 consent, but was never implemented by the previous owners.
20. The amendments do introduce a new element into the internal courtyard area adjacent to units 4 and 5. This area is poorly maintained and has an unkempt appearance, with the applicant indicating that the area is creating security issues and is often being used as a 'dumping ground' and it is considered that the demarcation of part of the courtyard as private space will improve its visual appearance and ensure its long term maintenance, whilst providing some valuable amenity space for the occupants of the units, with the emergency access for residents of Dinsdale Hall to be maintained via the existing emergency access door. The proposed boundary treatment has been amended to include a 1.8m high English Garden Bond Wall with stone coping and this is considered acceptable both visually and from an amenity perspective. This element represents a significant improvement to the setting of the Listed Building.
21. Whilst the introduction of private amenity space to the courtyard area will result in some overlooking into the garden areas, the close nature of the units to the rest of the development always involved some mutual overlooking and given the benefits of the provision of amenity space and the improved appearance of the area, this is not considered to be a significant issue.
22. Given the close relation of the units to existing occupied properties, it is recommended that a planning condition be attached to any approval to restrict hours of construction to between 08:00-18:00 Monday to Friday and 08:00- 13:00 Saturday with no working on Sundays or Bank / Public Holidays (condition 3).
23. Overall, the proposed changes to the external areas are considered acceptable from a visual and residential amenity perspective and, subject to the above condition and the condition set out in paragraph 18 relating to external materials (condition 4), the proposals accord with Policy CS2, CS14 and CS16 in this respect.

(c) Highway Safety

24. The provision of parking spaces to the western side of Unit 4, would mean that the residents of this unit would utilise the private unmade road which runs to the north of Dinsdale Hall, and is used to access other nearby dwellings including The Courtyard and The Riverbanks. Parking and access to unit 5 would remain as previously approved, via the main entrance to the site with an allocated parking space provided to the main parking area.
25. Adequate parking provision is therefore available for the units both from within the existing main parking area, and with the introduction of dedicated parking for unit 4, which is seen as a benefit to the scheme in terms of overall viability.
26. The Highways Engineer has raised no objections to the proposals, noting that the parking arrangements are remote from the adopted highway and as such, and disputes over parking as raised by objection, are a matter of neighbour dispute and not a highway matter. The proposal does however result in the provision of additional parking which should reduce any dependence on existing parking for the occupants of unit 4.
27. Overall, the proposal is acceptable on highway grounds and accords with Policy CS2 in this respect.

THE PUBLIC SECTOR EQUALITY DUTY

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

CONCLUSION AND RECOMMENDATION

29. The proposals in respect of landscaping and boundary treatment, are considered to be acceptable in respect of their impact on heritage assets, any 'less than substantial impact' being outweighed by the benefits of implementing the scheme in the interests of the long term retention of these Grade II listed buildings, which contribute to the significance of the estate. The proposed means of securing damp proofing and details of external materials can be dealt with by planning condition, to be agreed. The proposal is acceptable in respect of visual and residential amenity and highway safety and comply with Policy CS14, CS16 and CS2 in this regard.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)

- 10 Site Location Plan
- 11 Landscaping proposed site plan
- 12 Landscaping elevations
- 02 Proposed site and Ground Floor plan

3. 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 or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

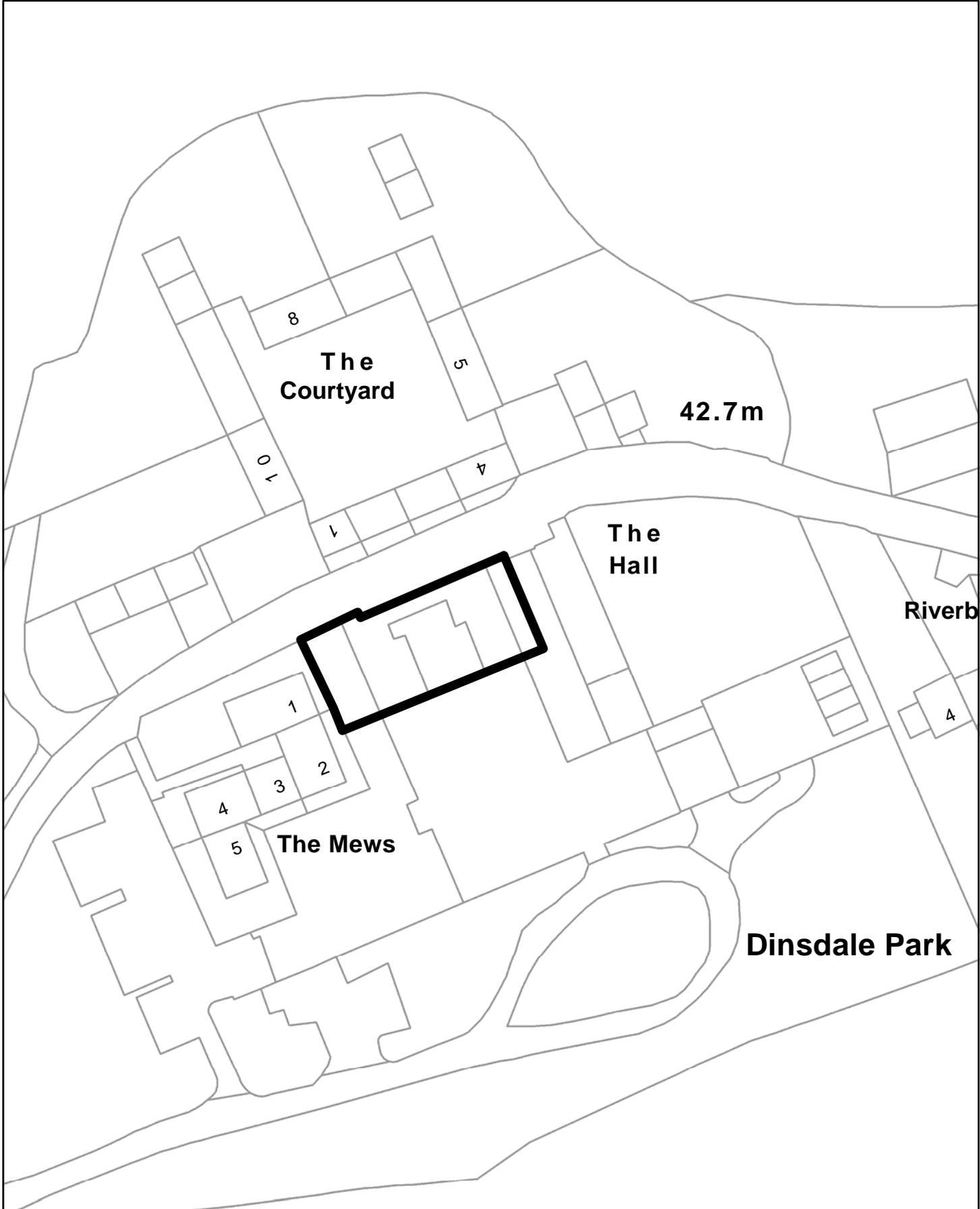
REASON – In the interest of residential amenity

4. The following details shall be submitted to and approved in writing by, the Local Planning Authority, prior to the works commencing on each element:
- a) Details of bricks, mortar mix and coping stones to walls;
 - b) Details of paving stones;
 - c) Details of gates;
 - d) Details of method of damp proofing in the area marked on drawing No. 02 as 'drained tanking system'.

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

REASON – In the interests of preserving the special historic or architectural interest of this Grade II listed building to comply with Policy CS14.

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PLANNING REF No: 20/00513/FUL

DARLINGTON BOROUGH COUNCIL

Page 27



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 September 2020

APPLICATION REF. NO:	20/00439/LBC
STATUTORY DECISION DATE:	11 August 2020 (EOT 27 th November 2020)
WARD/PARISH:	HURWORTH
LOCATION:	The Hall Dinsdale Park Middleton St George Darlington DL2 1UB
DESCRIPTION:	Formation of hard landscaping to unit 4 & 5 including erection of stone walls, steps, paving and creation of 2.no car parking spaces to unit 4, erection of 1.8m wall and gates to units 4 and 5 and erection of 800mm wall to the southern boundary of unit 4 (Amended description)
APPLICANT:	TYNESIDE INVESTMENTS LIMITED

RECOMMENDATION: GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QBPMTTFPH8000>

APPLICATION AND SITE DESCRIPTION

1. The application site is situated between Neasham and Middleton St George, accessed via a private road which connects Dinsdale Hall to the nearest public highway at Brass Castle. This road runs across Dinsdale Spa Golf Course and forms a legally defined right of way (Footpath No 9). It also serves an access for adjacent dwellings known as The Courtyard, which lie adjacent to the north of Dinsdale Hall.

2. The site comprises the Dinsdale Hall residential development, consisting of a three storey Grade II Listed Building and an associated wing, converted to residential dwellings. Planning permission and Listed Building Consent was granted in 2000 for the conversion with a later Listed Building application seeking some amendments, granted in 2006.
3. The conversion of units 4 and 5, situated to the northern side of Dinsdale Hall, in line with the original permission is soon to be underway as the planning permission remains extant. These Grade II listed buildings are in a dilapidated state and in need of significant investment. This application seeks planning permission for external landscaping works to units 4 and 5 and the internal courtyard immediately adjacent to the units, to include:
 - Formation of hard landscaping to units 4 and 5, to include the erection of stone walls, steps and paving;
 - The creation of two parking spaces to part of grassed area to the west of unit 4;
 - Removal of existing timber close boarded fence adjacent to unit 4 and its replacement with an 800mm reclaimed brick wall with natural stone coping with wrought iron gate to provide access;
 - Erection of a 1.8m reclaimed brick wall with natural stone coping within the internal courtyard between units 4 and 5 to define amenity space for the units together with a 1.8m high timber leg and brace gate, with rear emergency access maintained.
4. A separate Planning application has been submitted and is dealt with elsewhere on this agenda under application reference 20/0513/FUL.

MAIN PLANNING ISSUES

5. The main issue for consideration is:
 - Impact on Heritage Assets

PLANNING POLICIES

6. .Relevant planning policies are those seeking to ensure that new development:
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (Policy CS14)
7. In accordance with the statutory duties set out in 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess.

RESULTS OF TECHNICAL CONSULTATION

6. The application has been subject to several amendments and further to these changes, the Conservation Officer raises no objections, however, does have concerns regarding some proposed tanking which is dealt with within this report.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Several objections have been received to both the planning and listed building consent applications where comments overlap between the two applications. While eight objections including two petitions have been received to the listed building consent application, many of these objections relate to the issues for consideration under the planning application. These comments have therefore been included in associated planning report. Those matters raised in respect of the application for listed building consent are:

- Proposals will have a negative impact on heritage assets.

PLANNING ISSUES/ANALYSIS

(a) Impact on Heritage Assets

8. The unit 4 and 5 buildings in question are Listed at Grade II under the Listing for the Grade II, Dinsdale Park Residential School. The House was constructed in 1829. The buildings which are subject to this application are located to the north side of the main house. Looking at the historic OS maps they appear on the first edition maps. There have been alterations to the buildings, however these buildings contribute to the character of the estate as a whole and form an integral part of the significance of the site.
9. Several amendments have been made to the scheme in response to concerns raised by the Council's Conservation Officer, and issues raised by objection. The main changes relate to the use of appropriate materials, to ensure that the proposed alterations to the external areas are in keeping with and do not adversely impact on the significance of the Grade II Listed Building and allow views across the site which add to the setting of the building, to be maintained. These include the use of grasscrete reinforcing mesh to the proposed parking area and reclaimed brick walls in English Garden Bond with natural coping stones to the side of Unit 4 and within the rear courtyard area. Also proposed is the replacement of an unauthorised timber fence, erected by the previous owners, and its replacement with a reclaimed brick wall with natural coping stones and a wrought iron gate to reinstate a pedestrian access to the units from the main entrance to Dinsdale Hall, which was the intention of the original 2000 consent, but was never implemented by the previous owners.
10. Overall, whilst it is noted that the proposals will have an impact on the building in changing the appearance of part of the site, the impact brought about by these changes is considered to be 'less than substantial' and any harm is considered to be significantly outweighed by the improvements to the appearance of and the

maintenance and retention of these dilapidated buildings, brought about by the implementation of the approved scheme. The applicant considers that the changes proposed are required in order to secure the viability of the conversions.

11. The Conservation Officer has noted on the submitted plans the the use of a tanking system, which is a means of providing damp proofing, to part of the building where the adjacent external ground levels cannot be reduced. The Conservation Officer considers there are less intrusive measures of achieving this, and whilst no agreement has been reached on the most appropriate method, considering the buildings Grade II status, this would need to be considered further taking into account any Building Regulation requirements. It is recommended that a planning condition be attached to any approval which would require submission and agreement of these details before any such works take place. [Condition 3.]
12. The Conservation Officer also requested that a 20mm gap is left between the proposed paving to the side of Unit 4, and the building to allow movement of moisture and this has now been incorporated into the plans.[Condition 3.]
13. Subject to the above condition as set out in paragraph 11, and conditions to secure submission and agreement of external materials for the walls, coping stones, paving stones and details of the design of the proposed gates (condition 3), the proposal accords with Policy CS14 in this regard.

CONCLUSION AND RECOMMENDATION

14. The proposals in respect of landscaping and boundary treatment, are considered to be acceptable in respect of their impact on heritage assets, any 'less than substantial impact' being outweighed by the benefits of implementing the scheme in the interests of the long term retention of these Grade II listed buildings, which contribute to the significance of the estate. The proposed means of securing damp proofing and details of external materials can be dealt with by planning condition, to be agreed with the Conservation Officer. The proposal is considered to accord with Policy CS14.

LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

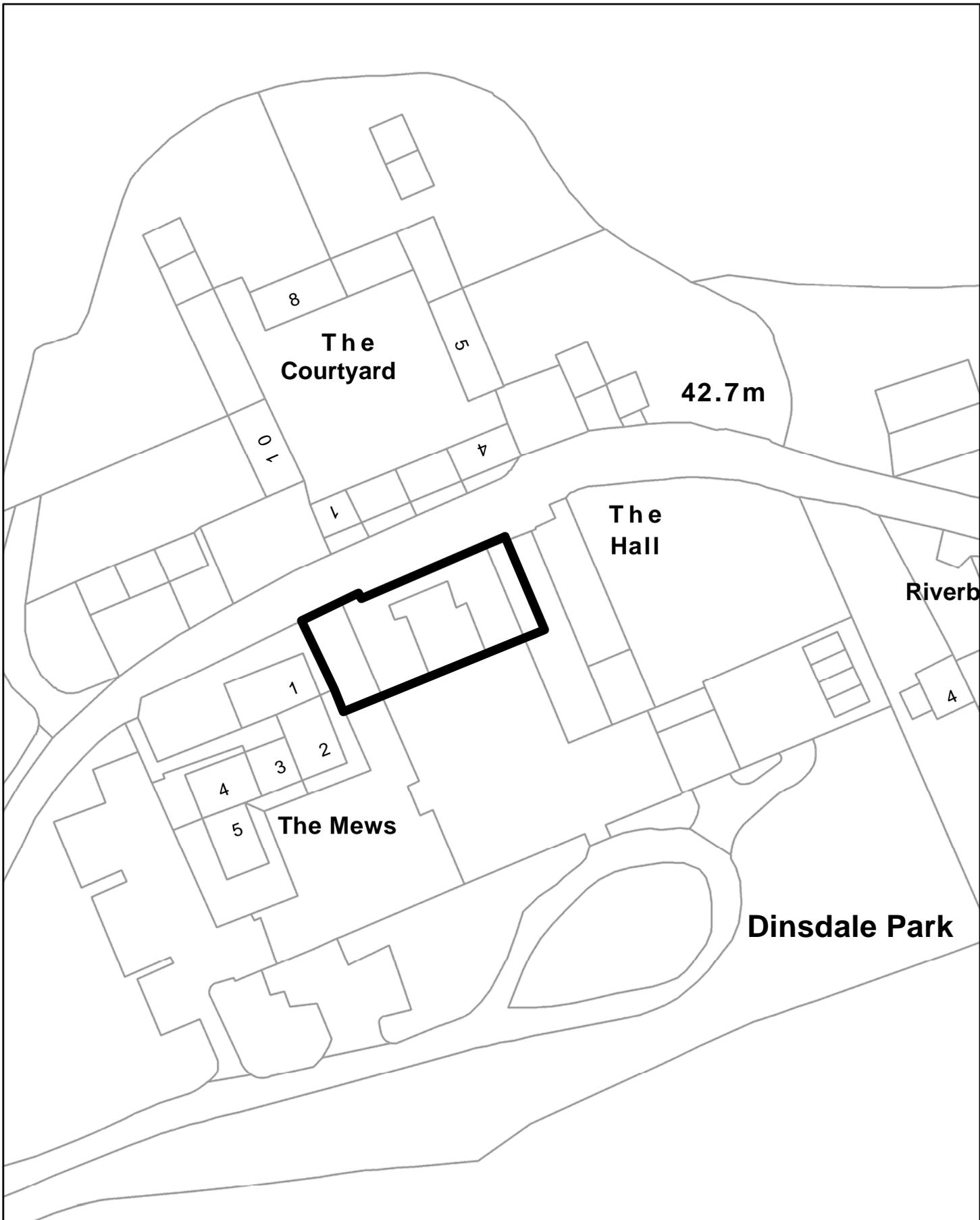
1. A5 (Standard 3-year time limit – listed buildings)
2. PL 00 (Accordance with Plans)
 - 10 Site Location Plan
 - 11 Landscaping proposed site plan
 - 12 Landscaping elevations
 - 02 Proposed site and Ground Floor plan
3. The following details shall be submitted to and approved in writing by, the Local Planning Authority, prior to the works commencing on each element:
 - a) Details of bricks, mortar mix and coping stones to walls;

- b) Details of paving stones;
- c) Details of gates;
- d) Details of method of damp proofing in the area marked on drawing No. 02 as 'drained tanking system'.

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

REASON – In the interests of preserving the special historic or architectural interest of this Grade II listed building to comply with Policy CS14.

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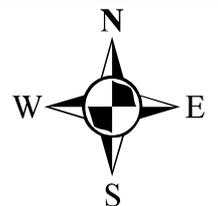


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PLANNING REF No: 20/00439/LBC

DARLINGTON BOROUGH COUNCIL

Page 35



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Appeal Decision

Site visit made on 17 August 2020

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/TPO/N1350/7835

47 Blackwell Lane, Darlington, DL3 8QF

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mr Waistell against the decision of Darlington Borough Council.
 - The application Ref: 20/00022/TF, dated 10 January 2010, was refused by notice dated 10 January 2020.
 - The work proposed is T14 – Sycamore, fell.
 - The relevant Tree Preservation Order (TPO) is The Council of the County Borough of Darlington Tree Preservation (No. 1) Order 1951, which was confirmed on 28 December 1951 and varied on 6 March 2012.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal tree is part of TPO Group 29 (G29) which is shown to include a mixed group of deciduous tree species. The validity of the TPO is questioned due to the appeal tree potentially being self-seeded. TPOs protect a tree due to its contribution to visual amenity, irrespective of whether it was planted or self-seeded. There is nothing to suggest that this mature sycamore was not present at the time the TPO was made. Moreover, in 2012 the TPO was reviewed and G29, including this sycamore, was retained as protected. Consequently, I consider that the tree is protected, and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of removal of the tree on the character and appearance of the area, and whether the reasons given for its removal justify that course of action.

Reasons

Character and appearance

4. The sycamore tree sits within a group of mature trees in the rear garden of the neighbouring property at 47 Blackwell Lane (No 47) and directly adjacent to the appellant's garden boundary at 43 Blackwell Lane (No 43). The area surrounding these gardens has a mature sylvan character with many mature trees in both public and private land.

5. The tree was surveyed in 2010 as part of an Arboricultural Impact Assessment (AIA)¹ and categorised as retention category C1. There is disagreement between the parties regarding the importance of the tree within the streetscene. From my observations, the tree has value as part of a group when seen over rooftops from Grange Road as it sits within a linear landscape feature which adds to the general character of the area. Furthermore, it forms part of a tree group seen from Blackwell Lane and the adjacent golf course where, despite sitting behind other trees, it adds depth to those groups.
6. The tree therefore has moderate visual amenity value and its removal would result in moderate harm to the character and appearance of the area. Consequently, any arguments to remove the tree must be balanced against this. It is to this justification which I now turn.

Justification

7. I acknowledge that the tree, and those around it being to the south west of the appellant's garden will block sunlight however, this is unlikely to be for the entire day. Furthermore, the tree overhangs only a modest proportion of the overall garden area with other parts unaffected. For No 47, the tree is one of four large trees within the garden, all of which will cast shade. It is not clear whether the occupant of this dwelling finds shade problematic or is actively seeking removal of this tree. Moreover, shade is an inevitable consequence of purchasing a property with surrounding trees in an area defined by its mature landscape and I therefore give this reason limited weight within my decision.
8. The submitted excerpt from the AIA states that the tree has a Safe Useful Life Expectancy (SULE) of 5-20 years. This is justified by a slight lean, decay (extent unquantified), stem damage and a fork with included bark. These issues are not elaborated upon within the AIA and the tree was classified as being in fair condition. No recent arboricultural evidence to show that the tree's condition has deteriorated has been submitted. Moreover, during assessment of the application, the Council's arborist assessed the tree's condition as reasonable with a SULE of 40 years plus.
9. I acknowledge the appellant's concern regarding potential consequences of the tree's failure. However, neither arboricultural opinion states that the tree is in poor condition or poses a safety risk and I saw nothing during my site visit which leads me to a different view. The condition of the tree therefore, currently, does not provide justification for its removal.
10. During my visit I observed that the tree has displaced and partially ingrown part of the timber boundary fence. I also have little doubt that the tree has contributed to the crack visible in the rear wall of the concrete storage-bay. However, alternative solutions to mitigate the damage do not appear to have been explored and, from my experience, it would be possible to accommodate both the tree and repair the fence and wall using appropriate engineering techniques. This reason, therefore, does not support removal of the tree.
11. I note that the appellant has planted other trees in the garden and is willing to plant more. However, this is a large tree in fair condition and any replacement would take many years to reach the same stature and level of visual amenity value. As such, replacement planting would not be sufficient to mitigate the

¹ Dendra Consulting Ltd, 43 Blackwell Lane, Darlington; Hardy_Blackwell_001AIA_R2.1.

harm that would arise to the character and appearance of the area from its removal.

12. The tree's removal would be at odds with Policy E13 of the Borough of Darlington Local Plan 1997. Reasons given regarding shading, damage to the adjacent boundary fence and wall and relating to the condition of the tree provide inadequate justification for its removal.

Conclusion

13. With any application to remove a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the visual amenity of the area. In this case, removal of this tree would result in harm to the character and appearance of the area. Insufficient justification for this course of action has been demonstrated.
14. For the reasons stated above, the appeal is dismissed

E Symmons

INSPECTOR

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