



**DARLINGTON**

Borough Council

# Planning Applications Committee Agenda

1.30 pm

Wednesday, 1 September 2021

Council Chamber, Town Hall, Feethams, 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 August 2021 (Pages 3 - 16)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 17 - 18)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 19 - 20)
  - (a) 83 Stanhope Road South, Darlington (Pages 21 - 30)
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 III**

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

8. 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.

9. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 20 August 2021 (Exclusion Paragraph No. 7) –  
Report of the Chief Executive  
(Pages 31 - 42)

- 10 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

- 11 Questions



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

**Tuesday, 24 August 2021**

**Town Hall**

**Darlington.**

#### **Membership**

Councillors Allen, Clarke, Cossins, Heslop, Mrs D Jones, Laing, Lee, Lister, McCollom, Sowerby, 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

**PLANNING APPLICATIONS COMMITTEE**

Wednesday, 4 August 2021

**PRESENT** – Councillors Mrs D Jones (Chair), Allen, Clarke, Heslop, Laing, Lee, McCollom, Sowerby, Tostevin and Wallis

**APOLOGIES** – Councillors Cossins, Lister and Tait.

**ALSO IN ATTENDANCE** – Councillor Curry.

**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).

**PA24 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

**PA25 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 7 JULY 2021**

**RESOLVED** – That the Minutes of this Committee held on 7 July 2021, be approved as a correct record.

**PA26 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

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| A3  | <p>Implementation Limit (Three Years)</p> <p>The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p><b>Reason:</b> To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>  |
| E3  | <p>The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.</p> <p><b>Reason -</b> In the interests of the visual amenities of the area.</p> |
| PL  | <p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,<br/>^IN;</p> <p><b>Reason:</b> To define the consent.</p>   |
| CL2 | <p>Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase</p>   |

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|     | <p>2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p> |
| CL3 | <p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>   |
| CL4 | <p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.</p>                                   |

|     |   |
|-----|---|
|     | <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>  |
| CL5 | <p>Any contamination not considered in the Phase 3 Remediation and Verification Strategy, but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.</p> <p><b>Reason</b> - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>  |
| CL6 | <p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report 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. 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> |

**PA27 12 - 18 SKINNERGATE, DARLINGTON**

**21/00556/DC** - Demolition of existing shops/warehouses at 13/18 Skinnergate and 2 Raby Terrace, erection of 6 no. three bed houses, 6 no. two bed three storey flats and 3 no. ground floor (Use Class E) units with 3 no. two storey flats over. Renovation of 12 Skinnergate and adjoining extension to provide 1 no. (Use Class E) unit to ground floor and 1 no. two storey flat over, including demolition of existing extensions, landscaping and other associated works.

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

(previously circulated), the views of the Council's Conservation Officer, Highways Engineer, Transport Policy Officer and Environmental Health Officer; the observations of Historic England and The Council for British Archaeology; the views of the Lead Local Flood Authority, Northumbrian Water and the Durham County Council Archaeology Team; three letters of objection received, and the views of one objector, whom the Committee heard).

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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a) Drawing Number Z0-XX-DR-A-040001 P2 3D Views
  - b) Drawing Number Z0-XX-DR-A-040002 P2 3D Views
  - c) Drawing Number Z0-XX-DR-A-040003 P2 3D Views
  - d) Drawing Number Z0-XX-DR-A-040004 P2 3D Views
  - e) Drawing Number Z0-XX-DR-A-040005 P2 3D Views
  - f) Drawing Number Z0-XX-DR-A-040006 P2 3D Views
  - g) Drawing Number Z0-XX-DR-A-040007 P2 3D Views
  - h) Drawing Number Z0-XX-DR-A-040008 P2 3D Views
  - i) Drawing Number Z0-XX-DR-A-041001 P1 Photorealistic 3D View 01
  - j) Drawing Number Z0-XX-DR-A-041002 P1 Photorealistic 3D View 02
  - k) Drawing Number Z0-XX-DR-A-041003 P1 Photorealistic 3D View 03
  - l) Drawing Number Z0-XX-DR-A-910003 S1 P2 Site Plan – Proposed
  - m) Drawing Number Z0-00-DR-A-910001 S1 P2 Site Location Plan
  - n) Drawing Number Z0-XX-DR-A-030002 S1 P2 General Arrangement Sections
  - o) Drawing Number Z0-XX-DR-A-030001 S1 P2 General Arrangement Sections
  - p) Drawing Number Z0-XX-DR-A-020102 S1 P2 General Arrangement Elevations
  - q) Drawing Number Z0-XX-DR-A-020101 S1 P2 General Arrangement Elevations
  - r) Drawing Number Z0-02-DR-A-010100 S1 P2 General Arrangement Plan - Second Floor
  - s) Drawing Number Z0-01-DR-A-010100 S1 P2 General Arrangement Plan - First Floor
  - t) Drawing Number Z0-00-DR-A-010100 S1 P2 General Arrangement Plan -Ground Floor
  - u) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00137 PO1 Contributing Impermeable Areas
  - v) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00135 PO1 Flow Control Manhole Detail S5
  - w) Drawing Number 8313-BGP-00-ZZ-DR-C-52-00134 PO1 Attenuation Details
  - x) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00133 PO1 Manhole Schedule
  - y) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00132 PO1 Drainage Details
  - z) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00131 PO1 Drainage Details
  - aa) Drawing Number 08313-BGP-00-ZZ-DR-C-52-00130 PO1 Proposed Drainage Strategy
  - bb) Drawing Number Z0-XX-DR-A-911003 S1 P1 Party Walls -Additional Surveys Required
  - cc) Drawing Number Z0-XX-DR-A-911002 S1 P1 Party Wall Types
  - dd) Drawing Number Z0-XX-DR-A-911001 S1 P1 - Site Demolitions and Party Walls
3. No development shall commence on site until the Crime Prevention through Environmental design (CPtED) principles set out in the response from the Durham Constabulary Crime Prevention Unit have been given full consideration by the developer. Precise details of measures that can be implemented within the approved

development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In order to achieve a satisfactory form of development in the interests of the general amenity of the area.

4. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

**REASON** - To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework. Required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented

5. Prior to the commencement of the development, including any demolition works, a Demolition Management Plan and a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plans shall include a method statement detailing the process of securing No 12 Skinnergate (Grade II listed building) and the dismantling of the adjoining buildings; a dust action plan, the proposed hours of demolition and construction and deliveries, vehicle and pedestrian routes, road maintenance and signage, site parking, and material storage areas. The development shall not be carried out otherwise than in complete accordance with the approved details

**REASON** - In the interests of highway and pedestrian safety; the general amenity of the area and to protect the heritage asset during the demolition and construction phase of the development

6. Notwithstanding condition 5 there shall be no use of mechanical tools for the demolition works around or directly adjoining No 12 Skinnergate (Grade II listed building)

**REASON** - To protect the heritage asset during the demolition phase of the development

7. Prior to the commencement of the development, precise details of works within the public highway on Raby Terrace shall be submitted to and approved in writing by the Local Planning Authority. The details include footway works, dropped kerbs, tactile paving, and road markings and signage associated with residents parking. The development shall not be carried out otherwise than in complete accordance with the approved details

**REASON** - In the interests of highway safety

8. 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 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;

- 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 CS16 and the National Planning Policy Framework 2021

- 9. CL2 - Phase 2 Site Investigation Strategy
- 10. CL3 - Phase 2 Investigation Works
- 11. CL4 - Phase 3 Remediation and Verification Strategy
- 12. CL5 - Construction/Remediation works
- 13. CL6 - Phase 4 Verification and Completion Report
- 14. No buildings shall be built above damp proof course level, until full joinery details for all shop fronts (Scale 1:10 – 1:20) and all windows and doors (internal and external) (Scale 1:10 – 1:20) have been submitted to and approved, in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In the interests of the visual appearance of the development and the significance of the street scene and Town Centre Conservation Area

- 15. No buildings shall be built above damp proof course level, until precise details of all materials to be used throughout the approved development (including samples where required) have been submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be restricted to the materials and finishes for all dormer extensions; details of all means of enclosure; all brick types, brick bones, coursing and banding details, mortar and plaster mixes; roof tiles; rainwater goods; treatments of all dormers and bay windows; window materials designs and colour schemes; and details of render (including finishes and colour). The development shall not be carried out otherwise than in complete accordance with the approved details

**REASON** - In the interests of the visual appearance of the development and the significance of the street scene and Town Centre Conservation Area

- 16. No buildings shall be built above damp proof course level, until a scheme for all hard and soft landscaping, including planting schemes and floor levels for the site have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

**REASON** - In the interests of the visual appearance of the development and to ensure safe, convenient and attractive access for pedestrians and disabled persons.

- 17. No buildings shall be built above damp proof course level, until a scheme of proposals for



reducing carbon emissions has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consider measures such as solar water heaters; photovoltaic panels; low carbon boilers underfloor heating and air source heat pumps and the development shall not be carried out otherwise than in complete accordance with the approved details

**REASON** - To achieve a satisfactory form of development in the interests of climate change.

18. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

**REASON** - To comply with Paragraph 205 of the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

19. Prior to the occupation of the development, precise details of a scheme to provide an historic interpretation of No 2 Raby Terrace shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - To provide a record of the non-designated heritage asset

20. Prior to the occupation of the dwellings hereby approved, details of the glazing and ventilation strategy to meet the requirements of Table 1 in the Apex Acoustics Report 8886.1A submitted with the application shall be provided to and agreed in writing with the Local Planning Authority. The agreed specification for glazing and ventilation shall be fitted into the dwellings hereby approved prior to their occupation and shall be retained and maintained thereafter for the lifetime of development.

**REASON** - In the interest of protecting the amenities of the future occupants of the development

21. Prior to the occupation of the any dwellings with a commercial element on the ground floor and a residential element to the floor above hereby approved, details of the specification of the floor construction between the two elements shall be submitted to and agreed in writing with the Local Planning Authority. The specification must satisfy the requirements of Table 11 of the Apex Acoustics Report 8886.1A submitted with the application, suggested construction methods are also provided in this report. The agreed specification for flooring shall be fitted into the dwellings hereby approved prior to their occupation and shall be retained and maintained thereafter for the lifetime of development.

**REASON** - In the interest of protecting the amenities of the future occupants of the development

22. Prior to the occupation of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the

development shall not be carried out otherwise than in complete accordance with the approved details and the parking and storage arrangements shall be retained and maintained thereafter for the lifetime of development.

**REASON** - In the interests of promoting sustainable modes of transport

23. A Level 3 Recording (in accordance with guidance contained within the Historic England document "Understanding Historic Buildings - A Guide to Good Recording Practice") shall be carried for No 2 Raby Terrace prior to the demolition of the building. Copies of the Recording shall be deposited at the County Durham Historic Environment Record, and archiving required as part of the mitigation strategy shall be deposited at an agreed repository. This may include full analysis and final publication.

**REASON** - To comply with paragraph 205 of National Planning Policy Framework 2019 to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

24. Prior to the commencement of the development precise details showing the removal of the existing vehicular access on Raby Terrace, and the reinstatement of footways shall be submitted to and approved in writing by the Local Planning Authority.

**REASON** - In the interests of highway and pedestrian safety

25. The development shall not be carried out otherwise than in complete accordance with the approved Flood Risk Assessment (FRA) & Drainage Philosophy dated 28th April 2021 and the following mitigation measures detailed within the FRA

- a) Discharge to NW combined sewer restricted to 5l/s
- b) 60m<sup>3</sup> of storage provided

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.

26. The buildings 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 is in place for the lifetime of the development.

27. Development shall be implemented in line with the drainage scheme contained within the approved Flood Risk Assessment (FRA) & Drainage Philosophy dated 28th April 2021. The drainage scheme shall ensure that foul and surface water flows discharge to the combined sewer at manhole 7402. The surface water discharge rate shall not exceed the available capacity of 5 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 National Planning Policy Framework 2021

28. The development shall not be carried out otherwise than in complete accordance with the mitigation and compensation measures set out in the document entitled "Bat Survey Report: St Mary's Association Club, former Argos building and adjoining structures, Skinnergate, Darlington" produced by Barrett Environmental Limited dated June 2020 unless otherwise agreed in writing by the Local Planning Authority

**REASON** - In the interest of biodiversity enhancement.

29. The commercial units shown on the approved plans, shall be used for retail purposes (Class E) purposes only as set out within the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) and for no other purpose or purposes whatsoever, including other purposes within Class E without express planning consent of the local planning authority.

**REASON** - To ensure that the local planning authority retains control over the future uses of the units in the interests of safeguarding the amenities of the area and the occupants of the residential development.

## **PA28 LAND ADJACENT TO 2 MILL LANE REDWORTH**

**21/00627/OUT** - Outline application with all matters reserved except access for the erection of up to 2 no. dwellings.

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Durham County Council Archaeology Team, three letters of objection received, and the views of the Applicant's Agent, whom the Committee heard).

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

1. The approval of the Local Planning Authority shall be obtained with respect to the following reserved matters prior to the commencement of the development: -
  - a) appearance
  - b) landscaping
  - c) layout
  - d) scale

Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

2. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

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

3. The planning application made in pursuance of condition 1 shall not propose more than two dwellings.

**REASON** - For the avoidance of doubt.

4. Prior to or at the same time as any reserved matters application relating to [layout etc.], details of the windows to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details on glazing specifications including its acoustic performance and details of any trickle vents which shall be installed for all windows in habitable rooms that have a direct line of sight with the A6072, to ensure internal noise levels in accordance with BS8283:2014 'Guidance on sound insulation and noise reduction for buildings' are achieved. Thereafter, the development shall not be carried out otherwise than in complete accordance with the details approved.

**REASON** - To safeguard the amenities of the future occupants of the development.

5. 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 details for inspection and wheel washing, a dust action plan, the proposed hours of construction and deliveries, vehicle routes, vehicle sizes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In the interests of highway safety and the general amenity of the local area.

6. Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and shall be permanently retained thereafter.

**REASON** - In the interests of highway safety and to promote the use of sustainable modes of transport.

7. Prior to the commencement of the development precise details of a bin storage facility and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

**REASON** - In the interest of the amenity of the local area.

8. Prior to the commencement of the development precise details of the private access road including construction details, drainage, materials, a sealed surface at the junction with the adopted highway and turning facilities shall be submitted and approved in writing by

the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

**REASON** - In the interests of highway safety.

9. Prior to the commencement of the development precise details of a scheme to enhance the ecological value of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.

**REASON** - To comply with the biodiversity net gain requirements set out in the National Planning Policy Framework 2021.

10. Prior to the commencement of the development, precise details for the disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** - In order to achieve a satisfactory form of development.

11. No development shall commence until a written scheme of investigation setting out a programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

**REASON** - To safeguard any Archaeological Interest in the site, and to comply with Part 16 of the National Planning Policy Framework 2021.

12. The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

**REASON** - To comply with Paragraph 205 of the National Planning Policy Framework 2021, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

**PA29 K PREMIER EXPRESS, 172 YARM ROAD, DARLINGTON**

**21/00122/FUL** - Conversion of shop (Use Class E) to HMO (Use Class C4) including removal of shopfront and alterations to front elevation, pitched dormer to front roof slope, alterations and additional windows and doors, erection of fencing to create separate rear amenity space, new side access gate, removal of chimney stack and associated works (Amended Plans to show change from large HMO (Sui generis) to HMO (C4) and removal of rear dormer extensions received 28th May 2021).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the Council's Private Housing Sector, twelve letters of objection received, and the views of the Applicant's Agent and one objector, whom the Committee heard).

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

1. 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.

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

2. The materials used in the external surfaces of the proposal hereby permitted shall be carried out in all respects in accordance with the details provided within the application and plan drawings (20-044/05/B- Proposed Plans, 20-044/07/C- Proposed Elevations) submitted therewith and approved by the Local Planning Authority.

**REASON** - To ensure that the external appearance of the development is of an appropriate design and quality in accordance with Policy CS2.

3. PL Approved Plans Conditions

The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,

- 20-044/01 Rev A Site Location plan
- 20-044/05 B Amended Proposed Plans
- 20-044-06 B Proposed Plans 2
- 20-044/07 C Amended Proposed Elevations
- 20-044/08 B Amended Proposed Sections
- 20-044/09 B Amended Existing Proposed Site Plans
- 20-044/10 B Amended Coloured Front Elevation

4. The secure cycle parking and bin storage facilities shown on drawing number 20-044/05/B 'Proposed Plans' shall be made available in accordance with the details shown on the plan prior to the property hereby permitted first being brought into use. Thereafter these facilities shall remain available for the lifetime of the development.

**REASON** – To ensure the site can be accessed by sustainable means of transport and in the interest of general amenity.

**PA30 21 LANGHOLM CRESCENT, DARLINGTON**

**21/00460/FUL** - Erection of part single storey rear extension with partial glazed roof and part two storey rear extension. Loft conversion including construction of 2 no. dormer windows to rear, 2 no. roof lights to front roof slopes and associated works (as amended by plans received 03/06/2021).

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

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

1. 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.

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

2. Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

**REASON** - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

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

Proposed Floor Plans Drawing No. L020143-004 dated April 2021  
Proposed Elevations Drawing No. L020143-005 Rev A dated April 2021

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

**PA31 45 CLARE AVENUE, DARLINGTON**

**21/00417/TF** - Felling of 1 no. Horse Chestnut (T13) and 1 no. Beech (T17) protected under Tree Preservation Order 1970 (No.3) (Amended description).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Arboricultural Officer, eight letters of objection received, one letter of representation received from the adjoining Carmel College, and the views of the Applicant, one supporter and one objector, whom the Committee heard).

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

1) The felling 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) Not later than the next planting season immediately following the felling of the trees hereby permitted, 1 No. Beech Tree (*Fagus sylvatica*) and 1 No. Horse Chestnut Tree (*Aesculus hippocastanum*) (16cm girth, containerised tree or airpot) shall be planted as close to the original trees as possible. The replacement trees shall be deemed to be included in the preservation order under which this consent is given, as though it had originally been specified therein. Thereafter the applicant shall provide written confirmation that the replacement trees have been planted in accordance with the terms

of this condition within 28 days of the planting. Should the replacement trees die, or become seriously diseased, the landowner must replace the trees as per the original replacements.

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

- 3) All work 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.

## **PA32 NOTIFICATION OF APPEALS**

The Chief Executive reported that:-

Albert Hill Properties Ltd have appealed against this Authority's decision to refuse permission for erection of 2.4m high steel palisade perimeter fence with gates to east and west boundary Land At 21 Garden Street, Darlington (21/00471/FUL)

Bellway Homes Limited (Group Office) have appealed against this Authority's decision to refuse permission for residential development comprising up to 150 dwellings with all matters reserved except for means of access - a roundabout on Burtree Lane to Land North of Burtree Lane, Darlington, DL3 0XD (19/01072/OUT)

Mr and Mrs N Tyers have appealed against this Authority's decision to refuse permission for Change of use of land to Gypsy/Traveller site including erection of 4 no. amenity buildings, siting of 4 no. mobile homes, 4 no. touring pitches and 4 no. transit van spaces, access road and associated works to Land off Neasham Road/Burma Road, Hurworth Moor, Darlington, Co Durham, DL2 1PZ (20/00822/FUL)

Mr Robert Cunningham has appealed against this Authority's decision to refuse permission for Change of use of land to Gypsy/Traveller site including erection of 5 no. amenity buildings, siting of 5 no. mobile homes, 5 no. touring pitches with car parking, access road and associated works to Land Opposite Sovereign House, Hurworth Moor, Darlington, DL21PZ (20/00889/FUL)

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

## **PA33 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.

## **PA34 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 23 JULY 2021 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA23/Jul/2021, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 23 July 2021.

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



When the time comes for the application to be considered, the Chair will use the following running order:

[This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour, however, to ensure that the opportunity to make representations are made in a fair and balanced way.]

- Chair introduces agenda item;
- Officer describes proposal;
- Applicant or agent may speak;
- Members may question applicant/agent;
- Up to 3 objectors may speak
- Members may question objectors;
- Up to 3 supporters may speak
- Members may question supporters;
- Parish Council representative may speak;
- Members may question Parish Council representative;
- Ward Councillor may speak;
- Officer summarises key planning issues;
- Members may question officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

**Committee Date – 1 September 2021**

**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> |
|------------------------------------|-------------------------|
| 83 Stanhope Road South, Darlington | 21/00553/FUL            |

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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE:** 1<sup>st</sup> September 2021

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**APPLICATION REF. NO:** 21/00553/FUL

**STATUTORY DECISION DATE:** 15<sup>th</sup> July 2021

**WARD/PARISH:** COLLEGE

**LOCATION:** 83 Stanhope Road South

**DESCRIPTION:** Construction of raised deck seating area with stepped access, 2 no. privacy panels to north and east sides and storage beneath (Retrospective Application)

**APPLICANT:** Mr Jamie Smith

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**RECOMMENDATION:** REFUSE PERMISSION (see details below)

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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?keyVal=QSXM85FP0C200&activeTab=summary>

#### APPLICATION AND SITE DESCRIPTION

1. The application site relates to a two storey terraced house located on the eastern side of Stanhope Road South located near to the town centre. There is a back alley to the rear of the terrace. Raby Street and West Powlett Street are located to the rear of Stanhope Road South, to the east. The surrounding area is predominantly residential in nature. No.81 Stanhope Road South adjoins the application property to the north with No.85 located to the south. The property includes a rear garden area which backs onto the rear alley way. There are high level brick walls along the boundaries to the rear of the application site. The application site is located within the West End Conservation Area.
2. This retrospective planning application seeks permission for the construction of a raised deck seating area with a height of approximately 2.5m including the seating. The brick boundary

wall to the rear of the application site is approximately 2.9m in height. The application also includes the erection of two timber privacy panels to the north and east sides of the platform. The panelling on the eastern side is fixed to the outside of the brick boundary wall. The panels measure approximately 3.7m in width along the east side and 3.2m along the north side and have a total height of approximately 0.9m above the height of the boundary wall. There is also timber panelling to the south and west elevations, at a lower height of 0.1m above the boundary wall height. There is also a staircase which has been erected for access onto the platform which is located to the west of the platform.

3. The platform and screening have been constructed of timber. The structure had originally been built as a storage space within the garden and has been adapted to become a platform and seating area for the purpose of maximising the sun in this section of the garden.

### **MAIN PLANNING ISSUES**

4. Site History:

13/00625/FUL. Erection of rear boundary wall and roller shutter door for vehicular access. GWC. 15.10.2013.

13/00626/CAC. Conservation Area Consent for demolition of rear boundary wall and outhouse. GWC. 17.10.2013.

5. The main planning issues to be considered are:

- a) Visual Amenity and Designated Heritage Assets
- b) Residential Amenity

### **PLANNING POLICIES**

6. The relevant Local Plan policies include those seeking to ensure the proposed development:

- a) Will be located inside development limits defined on the proposals map in accordance with Policy E2 of the Saved Local Plan.
- b) Is in keeping with the character, design, and external appearance of the property, is in keeping with the sites surroundings and protects the amenity and privacy of neighbouring properties (H12 of the Saved Local Plan 1997)
- c) Makes efficient use of land and existing buildings and reflect Darlington's distinctive, natural, and built characteristics that contribute to the character of the local area and its sense of place (CS2 of the Core Strategy).
- d) Protects and enhances the distinctive character of the Borough's built, historic, natural, and environmental townscapes, landscapes, and strong sense of place (CS14 of the Core Strategy)

7. The National Planning Policy Framework 2021 is also relevant in assessing how a development will impact on heritage assets.
8. Paragraph 194 of the NPPF 2021 sets out that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
9. Paragraph 197 of the NPPF 2021 states that in determining applications, local planning authorities should take account of:
  - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness
10. Paragraph 199 of the NPPF states that when considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
11. Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
12. Paragraph 206 of the NPPF sets out that Local Planning Authorities should look for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) sets out that special regard must be paid to the desirability of preserving Conservation Areas and the character and appearance of that area.

## **RESULTS OF TECHNICAL CONSULTATION**

14. No technical consultees have been consulted on this proposal.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

15. The application has been publicised by way of site notice and neighbour letters in accordance with Article 15(5)(a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

16. There has been 1 letter of objection submitted with the main points summarised below:

- Visual Amenity – Structure is not in keeping and looks unsightly, fence panels should be on inside of wall
- Privacy – Fence panels should extend to the end of walls as there are currently views into bedroom/bathroom windows.

17. There have been 4 letters of support submitted with the main points summarised below:

- Not intrusive
- Maximises space
- Panels are sympathetic to surrounding area
- No impact on neighbouring properties

## **PLANNING ISSUES/ANALYSIS**

### **(a) Impact on Visual Amenity and Designated Heritage Assets**

18. Saved Policy H12 of the Local Plan sets out that alterations and extensions to existing dwellings will be permitted provided that they are in keeping with the character, design, and external appearance of the property, they are in keeping with the street scene and surrounding area, they maintain adequate privacy in the rooms, gardens, and other outdoor areas of nearby buildings.

19. In isolation the raised deck seating area and stepped access has little impact on the visual amenities of the surrounding area or on the character of the West End Conservation Area within which it is located. The deck is enclosed on its north, south, and western sides by a dark painted timber fence approximately 0.9m in height which projects only marginally above the existing brick boundary walls to the north and east. Timber screening panels have however been erected around the north and east sides of the decked seating area, attached to the outside of the boundary wall on timber batons, to provide privacy to the decked area and to limit the opportunities for overlooking of neighbouring properties from this raised area.

20. The panels are 1.8m in height from the base of the raised deck and extend above the height of the existing boundary wall by approximately 0.9m. The screening panels are highly visible



from the rear alley ways which run to the rear of Stanhope Road South and between Raby Street and West Powlett Street to the east. The rear boundaries of neighbouring properties along Stanhope Road South are of a lower level than the erected fenced screening and are generally constructed of brick. Whilst it is acknowledged that there are some slight variances in heights of the rear walls, the rear boundaries maintain a relatively level height and a consistent appearance which contributes to the character of the area.

21. The rear brick wall boundaries contribute to the character of the rear lane. It is considered that the addition of the fencing positioned 0.9m (approx.) above the general height of the neighbouring boundary walls appears out of character when viewed from the rear lane and introduces a stark and incongruous feature within the streetscene. It is further considered that the differing materials of the panelling appear out of keeping with the existing character of the rear alley way. It is therefore considered that the proposed fencing would be contrary to Policy H12 due to the impacts on the visual amenity of the surrounding area.
22. It is acknowledged that there are differing materials in the streetscene, including to the rear of No. 75 Stanhope Road South located towards the north of the terrace where a timber planter has been constructed above the rear boundary wall. Although this has been taken into consideration the application is considered on its own merits. In this case the proposed fencing would be significantly higher than the above neighbouring rear boundary and would appear more of a contrasting feature than the neighbouring black painted timber boarding. Furthermore, the Local Planning Authority consider that accepting the proposed fencing would set a precedent for the development of the boundaries to the rear, potentially leading to an increased variance in features to the detriment of the existing character.
23. The rear boundaries of properties on the east side of Stanhope Road South forms the boundary of the West End Conservation Area. These rear boundaries form part of the character of the Conservation Area, albeit in a less prominent location. As set out above, it is considered that the screen fencing has an adverse impact on the visual amenities of the rear of the property and surrounding area which in turn has an unacceptable impact on the character of the Conservation Area, contrary to Policies CS2 and CS14 of the Core Strategy and the requirements of the NPPF, 2021 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA).
24. The impact of the screen fencing on the West End Conservation Area would be less than substantial and at the lower end of the scale of harm. Paragraph 202 of the NPPF allows the harm to be weighed against any public benefits arising from the proposal. In this instance, the applicant has suggested there is potential to alter the screening by altering materials, lowering the height, and adding greenery to enhance the aesthetics of the lane which would support the College Ward's 'love your lane' initiative. In this instance it is considered that a reduction in height of the fencing to would increase overlooking to neighbouring properties resulting in an unacceptable loss of privacy. A change in materials or screen planting is not considered sufficient to overcome concerns regarding visual impact as set out above. Therefore, any perceived public benefit arising from the development to support the 'love your lane' initiative would be outweighed by impacts on privacy and visual

impact. The public benefit would not outweigh the harm to the character of the conservation area in this instance, contrary to the NPPF 2021.

### **(b) Residential Amenity**

25. The option to remove the existing screening has been considered by the Local Planning Authority in order to address the adverse impacts on visual amenity and on the character of the West End Conservation Area. However, due to the height of the raised platform and seating which has a height of approximately 2.5m, approximately 0.4m below the height of the existing brick boundary wall, it is considered that the removal of the screening would result in an unacceptable loss of privacy to neighbouring properties (No's 81 and 85 Stanhope Road South) either side. There would be direct overlooking of windows to the rear of these properties and rear gardens from the raised platform. There would also be views across the rear alley way towards the rear of residential properties located on West Powlett Street and Raby Street, although at a further distance away. It is considered that the loss of privacy to neighbouring properties would be contrary to Policy H12 of the Saved Local Plan.
26. It has been acknowledged that support for the proposal has been received from 4 neighbouring properties, however protection is required against the loss of privacy to neighbouring properties, including any future occupants.
27. An alternative option and suggestion which would suitably address the concerns regarding the visual amenity and neighbouring privacy impacts would be to lower the height of the existing platform to such a level so that the existing brick boundary wall provided adequate privacy between neighbouring properties and their gardens so that further screening would not be necessary. This has been considered by the applicant however it has been confirmed that they do not intend submitting any further amendments to the submitted plans as they wish to maintain the storage space below the platform and receive the maximum amount of sunlight from the platform at its current height. Therefore, based on the current proposals including the timber screening it is recommended that the proposal should be refused.

### **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 raised deck seating area with stepped access, storage beneath and 2no. privacy panels to the north and east sides, by way of the height and appearance of the timber screening panels would appear out of character within the existing rear back lane and would introduce an incongruous feature within the streetscene. It is considered that the timber screening

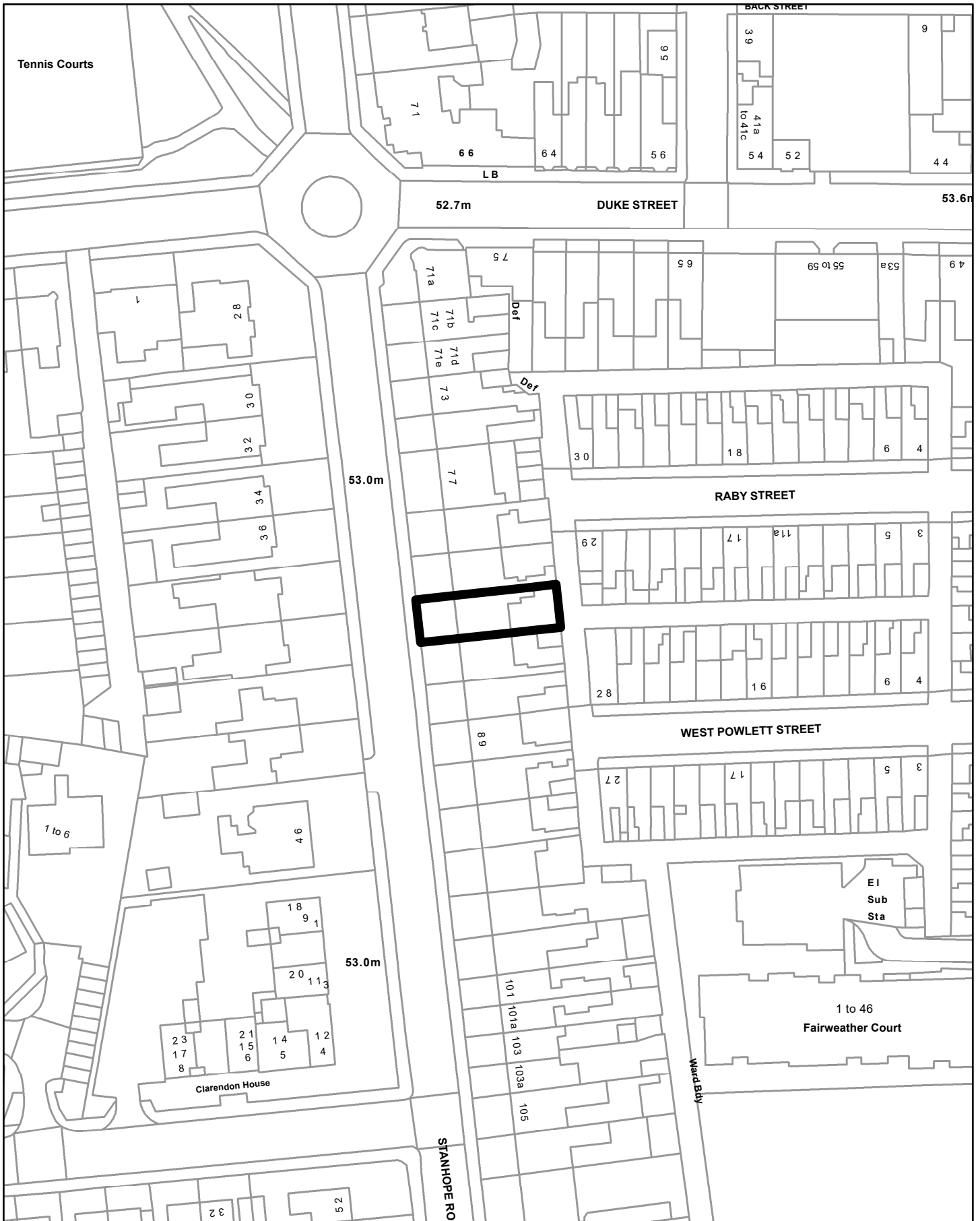
element would be contrary to Saved Local Policy H12 due to impacts on the visual amenity of the surrounding area. It is further considered that the removal of the screens would result in direct overlooking to neighbouring properties and gardens consequently resulting in a loss of privacy for these neighbours' contrary to Saved Policy H12.

30. It is further considered the proposed timber screening has a harmful impact to a level of less than substantial harm to the significance of the West End Conservation Area, a designated heritage asset. It is considered that there are no sufficient public benefits put forward that would outweigh the harm. Therefore, the proposals are considered to be contrary to CS2 and CS14 of Darlington's Core Strategy 2011, relevant policies within the NPPF 2021 and section 72 of the Listed Buildings and Conservation Areas Act 1990.

Accordingly, it is recommended **THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:**

1. In the opinion of the Local Planning Authority the timber screen fencing erected around the raised decked area to protect the amenities of neighbouring properties is a stark and incongruous feature in the streetscene which results in harm to the character of the West End Conservation Area in which it is located. The timber screen fencing is therefore considered contrary to Saved Policy H12 of the Borough of Darlington Local Plan, 1997 and Policies CS2 and CS14 of the Darlington Core Strategy Development Document 2011. The proposed level of harm would amount to less than substantial harm to the heritage asset and there are no public benefits put forward that would sufficiently outweigh the harm to the character and appearance of the West End Conservation Area. Contrary to Paragraph 202 of the NPPF 2021 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. Without the timber screen fencing the raised deck seating area would have an unacceptable impact on the amenities of neighbouring properties due to overlooking and the development is also considered contrary to the requirements of Saved Policy H12 of the Borough of Darlington Local Plan, 1997 in this regard.

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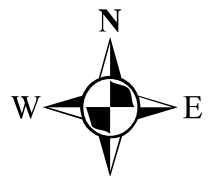


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**Planning Ref No: 21/00553/FUL**

DARLINGTON BOROUGH COUNCIL

Page 29



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