



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 7 February 2024
Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 10 January 2024 (Pages 5 - 20)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 21 - 22)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 23 - 24)
 - (a) Rose Villa, Timmys Lane, Hurworth Darlington (Pages 25 - 44)
 - (b) Pierremont Methodist Church, Vancouver Street (Pages 45 - 64)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Appeals –

The Chief Executive will report that: -

Mr Kieran Meredith has appealed against this Authority's decision to refuse permission for Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and removal of condition 3 (garage/car parking) attached to planning permission 21/01226/FUL dated 12 December 2021 (Erection of a two storey side extension to provide a garage/dining room with bedroom above) to permit the conversion of garage into habitable space, the replacement of the garage door with a window, and the provision of 1 no. additional car parking space to the front (amended description) at 32 Clowbeck Court, Darlington, DL3 0BB (23/00823/FUL)

Recommended – That the reports be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

9. To consider the Exclusion of the Public and Press –

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

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 26 January 2024 (Exclusion Paragraph No. 7) – Report of the Chief Executive (Pages 65 - 76)

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, 30 January 2024

**Town Hall
Darlington.**

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Kane, Laing, Lawley, Lee, McCollom, Robinson and Tostevin.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections Officer, Operations 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, 10 January 2024

PRESENT – Councillors Cossins (The Mayor) and Haszeldine (Chair), Anderson, Beckett, Kane, Laing, Lawley, Lee, McCollom and Robinson.

APOLOGIES – Councillors Ali, Allen, Bartch and Tostevin.

ALSO IN ATTENDANCE – Councillors Pease and Snedker.

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), Paul Dalton (Democratic and Elections Officer) and Olivia Hugill (Democratic Officer).

PA58 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA59 TO APPROVE THE MINUTES OF THE MEETINGS OF THIS COMMITTEE HELD ON 6TH DECEMBER 2023 AND 20TH DECEMBER 2023

RESOLVED – That the Minutes of the meetings of this Committee held on 6 December 2023 and 20 December 2023 be approved as a correct record.

PA60 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

<p>A3</p>	<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>
<p>B4</p>	<p>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.</p> <p>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.</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>Reason - 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, ^IN;</p> <p>Reason - To define the consent.</p>

PA61 LAND TO THE WEST & SOUTH OF STATION ROAD, STATION ROAD, MIDDLETON ST GEORGE, DARLINGTON

21/00529/FUL - Demolition of existing agricultural buildings and structures and development of 260 no. dwellings including access, open space, landscaping, sustainable drainage systems and associated infrastructure and works (Amended plans received 18th September 2023) (Amended description) (BNG information received 24th October 2023)

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Highways Engineer, Public Rights of Way Officer, Transport Planning Officer, Ecology Officer and Environmental Health Officer, the views of the Historic Environment Record Officer, the Local Lead Flood Authority, Natural England, and National Highways, thirty-one letters of objection, twenty-six additional letters of objection reported at the meeting, two letters of support reported at the meeting, four letters of representation, the views of the Friends of the Stockton and Darlington Railway, the objections of Middleton St. George Parish Council, and the views of the Applicant, an Objector, a representative of the Parish Council and the Ward Councillor, whom the Committee heard.)

RESOLVED – Subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 within six months to secure planning obligations that are appropriate to the development covering:

- i) Strategic Network Improvements.
- ii) Education Contribution.
- iii) Public Transport Contribution.
- iv) Sustainable Transport Contribution.
- v) Travel Plan Contribution.
- vi) Former Stockton and Darlington Railway Contribution.
- vii) Landscape Management Clause.
- viii) Delegate to officers to negotiate a contribution towards a community use in Middleton St George.

that Planning Permission be granted subject to the following conditions:

1. A3 Implementation limit (3 years)
2. PL Accordance with plan
 - Site Location Plan PLN1 Rev C
 - Layout Plan/General Arrangement 30020 PLN GA Rev L
 - Branford A20.1 M42 PD
 - Butler A20.1 PD
 - Cranford A20.1 M42 PD
 - Dawson A20.3 PD – updated December
 - Ferguson A20.1 PD
 - Fraser A20 PD
 - Harrison – A20.1 PD
 - Hartford M42 A20.1 PD
 - Langford M4 2 A20.1 PD
 - Milford M4 2 A20.1 PD
 - Newford A20.1 PD
 - Sanderson A20.1 PD
 - Stanford NDSS M4 2 A20 PD
 - Sutton A20.1 PD
 - Wilson A20.1 PD
 - PLN 3 Basic EFBT Rev D
 - PLN 5 Noise Mitigation Plan Rev D
 - PLN 8 Indicative Adoption and Management Plan Rev E
 - PLN 9 Affordable Unit Plan Rev E
 - PLN10 PROW diversion plan rev E
 - PLN11 Key Pedestrian Route plan Rev D
 - Landscape Strategy Masterplan – P21- 0714.001 L
 - LVIA – P21- 0714.002 C
 - Proposed Materials Palette PLN SCH2 – Rev A – September 2023
 - Culvert Crossing QD2079 FW 04 18 Rev B
 - Surface Water Management Plan SH SWM Rev B
 - Engineering Layout QD2079 -03-01 - A
 - External Works Sheet 1 QD2079 -04-01-B
 - External Works Sheet 2 QD2079 -04-01-A
 - External Works Sheet 3 QD2079 -04-01-A
 - External Works Sheet 4 QD2079 -04-01
 - FRA DS 20075 Station Road MSG V1
 - QD FRA Addendum – October 23
 - QD Drainage Calcs SW 08 09 23
 - QD Drainage Calcs FQ 08 06 23
 - Road Sections Sheet 1 QD2079 – 05 -01
 - Road Sections Sheet 2 QD2079 – 05 -02
 - Impermeable Areas QD2079 – 03 -02
 - Manhole Schedules QD2079 – 03 -03
 - Engineering Layout QD2079 – 03 -01 B

3. The development hereby permitted shall be built in accordance with the approved plans listed at Condition 2 unless a further planning application specific to one or more of the severable areas is submitted and approved by the Council in substitution for that part of the approved development. If such an application is approved, the remaining severable areas may still be developed as approved in this planning permission, it being intended that this Planning permission should permit each severable area separately and severably from the others.

REASON - For the avoidance of doubt.

4. B4 External Materials

5. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing (excluding demolition and site access work) 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.

6. E3 Landscaping (Implementation)

7. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement and PLN7 Tree Protection Plan Rev E (Brindle & Green, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. Notwithstanding the approved specification, none of the following activities shall take place within the segregated protection zones in the areas of the trees.

- a) The raising or lowering of levels in relation to existing ground levels.
- b) Cutting of roots, digging of trenches or removal of soil.
- c) Erection of temporary buildings, roads, or carrying out of any engineering operations.
- d) Lighting of fires.
- e) Driving of vehicles or storage of materials and equipment.

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

8. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards

and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted plans.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036

9. The boundary treatment for each dwelling as specified on the submitted drawings (30020.PLN.EFBT Rev D), shall be in place prior to the occupation of the dwellings hereby approved.

REASON – In the interests of visual and residential amenity.

10. The development shall not begin (excluding demolition and site access works) until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units.
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing.
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved).
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with Council Housing Policy.

11. No development (excluding demolition and site access works) shall commence until details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interests of visual and residential amenity.

12. Prior to the first occupation of any dwelling nearby approved the applicant will:

Submit the details of and then, once subsequently agreed with the LPA install, a suitable ventilation strategy for the houses shown to require it on the Storey Homes Northeast Drawing No. 30020.PLN.NOI Revision D submitted with the application.

The ventilation strategy must (as a minimum) allow the building to be ventilated in accordance with the appropriate building regulations without the need to open a window. Future residents should however retain the ability to open a window to provide purge ventilation if they choose to do so. The proposed ventilation strategy must, when providing

whole dwelling ventilation, not exceed noise levels of:

- o 26dB LAeq, nT in bedrooms, and
- o 30 dB LAeq, nT in living rooms.

when measured according to BS EN ISO 16032

And when providing extract ventilation, sound from any type of mechanical ventilation system shall not exceed:

- o 26 dB LAeq, nT in bedrooms, and
- o 35 dB LAeq, nT in living rooms, and
- o 45 dB LAeq, nT in kitchens, sanitary accommodation and bathrooms

when measured according to BS EN ISO 16032.

The approved strategy must be thereafter retained and maintained for the lifetime of the development.

REASON – In the interests of residential amenity.

13. Prior to the first occupation of plots 1 and 256 on Drawing No. 30020.PLN.NOI REVISION D submitted with the application, the applicant will install the required noise mitigation measures around garden areas in plots 1, and 256 as shown to be required in the njd noise assessment dated August 2023 reference NJD21-0037-001R/R3 submitted with the development.

REASON – In the interests of residential amenity.

14. Prior to the commencement of the development, a site-specific Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) The dust emissions mitigations measures set out in Table 6 of the njd Air Quality Assessment shall be implemented as part of the CMP.
- b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.
- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of site where the site compound and construction staff welfare facilities will be situated, loading and delivery areas, any temporary site lighting, and the proposed build route through the development.
- e) Details of wheel washing for site vehicles.
- f) Road Maintenance.
- g) Warning signage.
- h) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

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

15. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

16. Prior to the first occupation of the development, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

17. The proposed water efficiency measures including the appropriate fittings shall be installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 110 litres and shall be maintained as such thereafter.

REASON - To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

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. The development hereby approved shall not be commenced (excluding demolition and site clearance), 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: • Detailed design of the surface water management system; • A build program and timetable for the provision of the critical surface water drainage infrastructure; • 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 Local Plan and the National Planning Policy Framework.

22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 26th March 2022/Addendum FRA dated 2nd of October 2023 and the following mitigation measures detailed within the FRA.

Discharge to Watercourse restricted to 49.87 l/s 4060m³ 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.

23. The buildings hereby approved shall not be brought into use until: -

I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.

II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON - To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

24. Development shall not commence (excluding demolition and site clearance) until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

25. Prior to the commencement of the development (excluding demolition and site clearance) precise details of offsite highway works must be submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed 'Ghost Island' Junction access in accordance with DMRB CD123 along with details of footways which link to the surrounding cycling/pedestrian infrastructure. The agreed works must be completed prior to occupation of the first dwelling.

REASON - In the interests of highway safety.

26. Prior to the commencement of the development (excluding demolition and site clearance) precise details of traffic calming features within the development required as part of the implementation of a 20mph speed limit, must be submitted to and approved in writing by the Local Planning Authority.

REASON - In the interests of highway safety.

27. Prior to the commencement of the development precise details of each phase of the development (phasing plan) must be submitted to and approved in writing by the Local

Planning Authority. Details shall include vehicle and pedestrian connectivity to surrounding infrastructure, with turning facilities sufficient to accommodate an 11.2m refuse vehicle.

REASON - In the interests of highway safety.

28. Prior to commencement of works on site, a Road Safety Audit shall be carried out for all of the works within the public highways and the scope of the Audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON - In the interests of highway safety.

29. Prior to the occupation of the development, a plan to show details of pedestrian / cyclist crossing points within the development, shall be submitted to and approved in writing by the Local Planning Authority. The crossing points shall be constructed in accordance with the approved details prior to the occupation of the development and shall remain in place thereafter.

REASON – In the interests of highway safety.

30. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and always retained for their intended purpose.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

31. The development shall not be carried out otherwise than in complete accordance with the submitted Travel Plan (Proposed Residential Development Station Road, Middleton St George Travel Plan Report No. 784-B048157/ 2, Tetra Tech, September 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

32. Prior to the first occupation of the development hereby approved, details of secure cycle parking shall be submitted to, and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the agreed details prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

33. Prior to the first occupation of the development hereby approved or each phase of the development, details of the type and location of an electrical socket suitable for charging electric vehicles for each property with a dedicated garage or parking space, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the

dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

34. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON - To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

35. Prior to the commencement of the development an updated 30-year Biodiversity and Ecological Management Plan (BMMP) or a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and operated in full accordance with the measures contained within the final approved Plan, including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority for the lifetime of the development hereby approved.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

36. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Impact Assessment (Station Road Middleton St George, E3 Ecology, September 2023) (except in respect of the number of barn owl and bat and bird boxes which should exceed the numbers proposed with details to be submitted as part of an overall wildlife features plan (condition 40)) unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

37. On submission of the final landscape design required by condition 6, a final BNG calculation will be undertaken and the BNG metric and supporting report provided to the LPA for approval.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

38. Development works to which the consent applies must not take place; between 1st March and 31st August or at any time while barn owls are nesting and until temporary alternative provision has been made in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority. If development

occurs during barn owl nesting season, then a check of potential nesting sites must be conducted prior to any works being undertaken.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

39. No building and construction work shall take place within 30 metres of any part of the site containing material evidence of barn owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which the consent applies) within 3 days of work commencing.

REASON – To ensure that nesting barn owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife and Countryside Act (1981).

40. Prior to the commencement of development, a Plan outlining the wildlife features (to include bat, bird and barn owl boxes as well as hedgehog highways and a series of hibernacula and refugia for hedgehogs, amphibians, and invertebrates to the southern and western borders of the site) shall be submitted to and approved in writing by the LPA. The Plan should be reviewed by an appropriately experienced ecologist prior to submission. The agreed Plan shall show the number, specification of the wildlife features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwelling on which they are located and retained thereafter. The agreed Plan shall show the number, specification of the wildlife features and where they will be located, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. All approved features shall be installed prior to first occupation of the dwellings hereby approved.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

41. Within 3 months of completion of all of the relevant dwellings a report from an appropriately qualified ecologist confirming that all wildlife features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the LPA. In the interim, photographic evidence will be provided to the Council ecologist for dwelling specific wildlife features prior to the occupation of each dwelling for information purposes unless otherwise agreed in writing with the LPA.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

42. Prior to the commencement of the development otter survey results from installed cameras shall be submitted to the Local Planning Authority for review. A pre-commencement survey should be conducted prior to any works being undertaken on the site within 30m of the watercourse and a report sent to the Local Planning Authority for approval.

REASON - To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

43. A sensitive lighting design plan shall be submitted prior to the commencement of the development (excluding demolition and site access work) or within such extended time as may be agreed in writing by the Local Planning Authority. The plan shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. Dark corridors should be mapped out and included within the lighting plan. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON – To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

44. No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to the local planning authority and the Environment Agency for review and approval. The CEMP should include:

- A detailed biosecurity plan which includes a biosecurity protocol to prevent the introduction of crayfish plague, signal crayfish, and other invasive non-native species to the site.
- Pollution prevention measures to address the risk of siltation to the watercourse during construction of the site, including the construction of the culvert.
- A species protection plan for white-clawed crayfish (WCC), consisting of a pre-works check methodology, toolbox talks for contractors prior to any/all works around the watercourse, and a procedure to follow in the event WCC are encountered during the works. This should be developed by a licenced WCC ecologist and informed by a survey.
- A scheme for the long-term management of the landscape buffer around the watercourse within the development site. Once agreed, the CEMP should always be available on site so that it can be referred to by contractors.

REASON - No CEMP has been submitted to support this application. This raises risks of mitigation measures going unimplemented during construction of the development and therefore of an offence being committed under the Wildlife and Countryside Act (1981, as amended)

Note: Should the 106 Agreement not be completed within the prescribed period without written consent of the Council to extend this time, the minded to approve status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Darlington Local Plan 2016-2036, without any further reference to the Planning Committee.

PA62 3 OAK TREE CLOSE, MIDDLETON ST GEORGE

23/01097/TF - Work to 1 no. Oak Tree protected under Tree Preservation Order (no.2) 1997 (T.2) - Containment pruning; up to 30% reduction in crown size.

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

RESOLVED - That consent be refused.

REASON - The Oak tree (T2) protected under Tree Preservation Order (No. 2) 1997 is in good form and condition and is a highly valuable tree in the street scene, contributing to the visual amenities of the area, and as such remains worthy of protection by a Tree Preservation Order. Without sufficient justification, the proposed crown lift of up to 30% would result in a loss of natural form to a protected tree in acceptable condition with no safety concerns. The proposed development would therefore have a detrimental impact upon the amenity value of the tree itself and that of the surrounding area, contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).

PA63 4 WELLINGTON DRIVE, MIDDLETON ST GEORGE

23/00804/FUL - Erection of an entrance porch to front elevation and conversion of loft into habitable space with an increase in ridge roof height, pitched dormer extension to rear and installation of roof lights.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Development Control Section, four letters of objection, a general representation comment and one further comment received on the amended proposals.)

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

1. Time Limit

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 (as amended).

2. Approved Plans

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

Plan Reference Number	Date
L023030 – 001	14 August 2023
L023030 – 101	14 August 2023

L023030 – 003	14 August 2023
L023030 – 004 REV B	15 November 2023
L023030 – 005 REV B	19 December 2023

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

3. Materials

The materials used in the construction of the external walls and roof of the development hereby approved, shall match those within the existing main dwelling.

REASON - In the interests of visual amenity and to ensure a satisfactory form of development.

4. Obscurely Glazed and Non-Opening Window

The hereby approved rear dormer window demonstrated on drawing L023030 – 005 REV B (dated 19th December 2023) to be located to the east / rear of the host dwelling, shall have obscure glazing to a minimum level 4 and shall be non-opening. The obscurely glazed and non-opening windows shall be installed prior to the occupation of the loft conversion and shall be retained for the lifetime of the development.

REASON - In the interests of the amenity of the neighbouring properties.

5. Obscurely Glazed Roof Light

The hereby approved rear / eastern Velux roof light as demonstrated on drawing L023030 – 005 REV B (dated 19th December 2023) of the development, shall be obscurely glazed to a minimum level 4. The obscurely glazed window shall be installed prior to the occupation of the loft conversion and shall be retained for the lifetime of the development.

REASON - In the interests of the amenity of the neighbouring properties.

PA64 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had:-

Allowed the appeal by Mr. Geoff Wood against this Authority's decision to refuse planning permission for the erection of a 1.83m high fence to the side and rear boundaries of the property at 2 Fox Close, Darlington, DL2 2HG (23/00311/FUL)

RESOLVED – That the report be received

PA65 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.

PA66 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 28TH DECEMBER 2023 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA54/Dec/2023, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 28th December 2023.

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 explains and advises Members regarding the proposal;
- Applicant or agent may speak (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- 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 – 7 February 2024

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
Rose Villa, Timmys Lane, Hurworth Darlington	23/00987/FUL
Pierremont Methodist Church Vancouver Street	22/00797/OUT

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 February 2024

APPLICATION REF. NO:	23/00987/FUL
STATUTORY DECISION DATE:	6 th December 2023
WARD/PARISH:	HURWORTH
LOCATION:	Rose Villa Timmy's Lane Hurworth Darlington DL2 2AJ
DESCRIPTION:	Demolition of the existing dwelling, barn, stables, outbuildings, and erection of 1 no. wheelchair accessible detached dwelling with supporting facilities together with a detached garden studio/store and parking provision (BNG Assessment and metric received 7th December 2023)
APPLICANT:	Lucas Whitehouse acting by his Deputy IMTC Ltd

APPLICATION AND SITE DESCRIPTION

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=S209K7FPGHS00>

1. The application site is situated along and accessed from Timmy's Lane to the east end of Hurworth and consists of an existing detached 5-bedroom dormer bungalow with a detached garage sitting within a site of some 0.8 hectares with pasture land to the north, surrounded largely by hedgerows and trees. To the east of the existing dwelling, and within the application site, is a large agricultural barn together with outbuildings.
2. The site is bounded by the Cree Beck to the north / east. The site is predominantly within Flood Zone 1 and all current buildings lie within this zone, however a section of the site immediately adjacent to the Cree Beck lies within Flood Zones 2 and 3. The site is crossed by a Public Right of Way (Public Footpath Hurworth 6) in a roughly east to

west orientation. Hurworth Conservation Area ends at the entrance to Timmy's Lane, approximately 100m from the application site.

3. Planning permission is sought for the erection of a replacement dwelling for a family of four, including a child, who has significant specific mobility and support needs due to having quadriplegic cerebral palsy. The specialist facilities and ancillary spaces which have been identified by an occupational therapist include: a hydrotherapy pool, therapy and sensory rooms and full-time carers accommodation alongside additional space for specialist equipment and adequate circulation space to ensure the whole dwelling remains accessible. The submissions states that the applicant wishes to ensure the proposed building maintains the appearance of a dwelling with a domestic scale and maintains the comfort and appearance of a well-designed family home. Access would remain from Timmy's Lane with the existing driveway position retained, approximately 150m from the public highway.

MAIN PLANNING ISSUES

4. The main issues for consideration are:

- (a) Principle of the development
- (b) Impact on heritage assets
- (c) Visual and residential amenity
- (d) Highways
- (e) Public Rights of Way
- (f) Surface Water and Flood Risk
- (g) Ecology
- (h) Nutrient Neutrality
- (i) Other matters

PLANNING POLICIES

5. The relevant planning policies in the determination of this application are as follows:

National Planning Policy Framework (2023)

Darlington Local Plan 2016 – 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk and Water Management

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

H7: Residential Development in the Countryside

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

ENV7: Biodiversity and Geodiversity and Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

6. No objections in principle have been raised by the Council's Highways Engineer, Public Rights of Way Officer, Ecology Officer, or Environmental Health Officer, subject to conditions.

RESULTS OF PUBLICITY AND NOTIFICATION

7. Four Letters of objection have been received, raising the following concerns:
 - Construction impacts on amenity (dust emissions impact on air quality, construction traffic, obstruction, and congestion of lane).
 - Impact on biodiversity.
 - Proposed diversion of public right of way (near to Cree Beck which may flood at times and next to a working farm entrance).
 - Scale of proposal.

PLANNING ISSUES/ANALYSIS

a) Principle of the development

8. The proposed development is located outside of the development limits for Hurworth set by Policies SH1 & H3 of the Local Plan and is therefore classified as occurring in the open countryside. Residential development is generally not considered to be acceptable in principle outside of development limits. However, Policy H7 of the Local Plan sets out criteria whereby residential development in the open countryside may be permitted. In this case, since the proposal is for a replacement dwelling in the open countryside, Policy H7 states that development will only be permitted if the following criteria apply:
 - a) There is no detrimental effect on the character, appearance, historical context and amenities of the site and surroundings.
 - b) The existing dwelling has a lawful use, has not been abandoned, and is not a caravan, mobile home, or other temporary structure.
 - c) The size of the new replacement dwelling is not significantly larger than the original house volume or footprint.
 - d) The number of new dwellings is no more than the number of dwellings to be demolished and replaced.
 - e) They are positioned on the footprint of the existing dwelling, unless a more appropriate location is identified for landscape, highway safety, neighbouring residential amenity, or other environmental reasons.

9. The proposed development responds well to H7 criteria a, b, & d. At present, the existing buildings on the site do not relate well to their setting on the edge of a conservation area and are an unattractive addition to the edge of the village and the open countryside - particularly when viewed from the south and east. The proposed development would be a significant improvement on present circumstances and is likely to have a positive effect on the character and appearance of the site. Whilst in terms of criteria c and d, the replacement dwelling does not strictly meet this requirement in that it is larger in volume and footprint than the existing dwelling, it is considered that, in addition to the positive improvements to the character and appearance of the site, there are additional considerations that, on balance, justify a deviation from this criterion in this instance, as follows:
- The dwelling has been specifically designed for the needs of a child with disabilities and includes areas for therapy and care, including specific carers accommodation. Whilst these are part of the overall building for functional reasons, they have been specifically designed as specialist areas and ancillary accommodation, specifically referenced as 'main house' and 'support facilities with the latter elements designed to be the subservient element. When viewed from Timmy's Lane, it is apparent that the two-storey element which comprises the 'main house' screens the other proposed (specialist area and ancillary) buildings on site, with the 'main house' element sitting comfortably among the existing nearby buildings.
 - With the above in mind, the replacement dwelling with its specialist areas and ancillary accommodation is significantly less in volume and footprint than the overall site building footprint, which includes the agricultural building and outbuildings whose removal will significantly improve the appearance of the site (the present site footprint is 955m² with a volume of 4165m³ and the replacement dwelling (including specialist areas and ancillary accommodation) will have a total of 773m² in area and a volume of 2787m³)).
 - The deviation from the existing footprint relates only to the increased size of the replacement dwelling. However, the new dwelling does utilise the area of the site that the existing dwelling (and agricultural building and outbuildings) is located, and it is therefore considered that the proposal complies with the intentions of criterion e.
10. In view of the above, the proposal is considered, on balance to be acceptable in the context of the requirements of H7 and this is considered further elsewhere in this report.
11. In view of the reasons for the application which are set out in the introduction of this report, the proposed development also accords with the aims of Policy DC3 – Health and Wellbeing. Although the policy was not written in such a way as to explicitly deal with individual circumstances, it does provide general support to developments in the Borough that support improvements to health and well-being, and one of its intentions as set out in the reasoned justification is to allow people to remain independent in their own homes.

b) Impact on heritage assets

12. The proposed development is situated outside of Hurworth Conservation Area, which extends as far as the entrance to Timmy's Lane, approximately 100m from the site. However, the site can reasonably be considered to be part of the setting of the conservation area.
13. As set out above in terms of the consideration of the proposal in the context of Policy H7, the existing buildings on the site do not relate well to their setting on the edge of a conservation area and are an unattractive addition to the edge of the village and the open countryside - particularly when viewed from the south and east. The proposed development would be a significant improvement on present circumstances and responds well to the local context, in terms of its scale, form, height, layout, materials, and colouring. As a result, it is likely to have a positive effect on the character and appearance of the site and in turn, beyond site level, which includes the setting of the Hurworth Conservation Area. The proposal complies with policy ENV1 in this regard.

c) Visual and residential amenity

Design, layout, and impact on visual amenity

14. The application site lies on the edge of the village, and the site is therefore partially seen in the context of the open landscape to the east of the village. Given its position between village and countryside, the applicant has sought to give due consideration to the sites context and has considered the guidance within the Design of New Development Supplementary Planning Document (Design SPD) in this regard, along with their own study of local rural buildings in landscape settings, to help guide the architecture, layout, and massing of the development. The applicant also submitted an analysis of buildings within the village, focussing on dwelling disposition, architectural detailing, and materials.
15. The proposals consist of three pitched roof volumes which are aligned north to south and single storey flat roof elements running east to west. The pitched roof volumes reduce in scale from west to east to respect the transition between village and open countryside. Due to the alignment of the buildings, their perceived scale is reduced when viewed from the predominant available open views to the north and south. The applicant has sought to soften the appearance of the buildings with the use of timber cladding. As the buildings step down in scale, the use of timber cladding increases, again mindful of their proximity to the open countryside.
16. The scale of the dwelling has been informed by nearby buildings on Timmy's Lane, which set the datum for the ridge height of the highest roof volume. The layout and orientation have been designed to respond to neighbouring buildings with the two-storey element positioned perpendicular to the neighbouring dwelling on Timmy's Lane. When viewed from Timmy's Lane, it is apparent that the two-storey element screens the other

proposed buildings on site, with this element sitting comfortably among the existing nearby buildings.

17. The applicant has selected materials that will both provide a high-quality finish and have a connection to the character of the local area. The proposal utilises dark, natural materials to sit comfortably in the context of the site, with a sensitive contemporary design. Proposed materials are light, handmade bricks for plinth to reference the locally distinctive 'Pease' brick, sustainably sourced larch timber cladding to be treated with a dark mineral based finish to achieve a matt finish referencing local agricultural buildings; red zinc pitched roofs which provide a low maintenance alternative to the clay tile and zinc rainwater goods, coping and flashing.
18. Windows frames would be high-quality aluminium to provide a minimal frame set deep into the reveal to soften the appearance of reflections from windows. Also provided is a green, wildflower roof for the connecting flat-roof elements of the building, to both contribute to towards the biodiversity on site and to help deal with rainwater.
19. The garden area would be zoned to include areas for an accessible play space, a kitchen garden and native planting with the wider site to become a wildflower meadow. Boundary treatments include native hedgerows, estate railings and low-level masonry walls.
20. To allow for the proposed development, some tree removal would need to take place and as such, as Arboricultural Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (Elliott Consultancy Limited, July 2023) was submitted in support of the application. Tree cover on the main body of the site is minimal with only small, low-quality, and immature trees located around the buildings. More mature and significant tree cover includes trees and hedgerows to the north of the paddock alongside the Cree Beck. A total of 11 trees and two small groups of trees would require removal to allow construction. Of the 11 trees, 10 are classified as being of low quality (category c) and one was classified as requiring removal regardless of the proposals due to poor structural condition (category u). The two small groups were classified as of low quality (category c).
21. Overall, the above assessments conclude that the Arboricultural impact of the development is very low, and any visual impact is limited due to the existing trees lack of stature / long-term value. To ensure no damage to retained trees and hedgerows during construction works, a Method Statement is provided, and a planning condition is recommended to secure implementation in accordance with this.
22. The above tree loss is mitigated by the proposed replacement tree planting within the site, as part of the submitted landscape scheme, which will provide better quality long-term tree cover and hedgerow planting on the site. The proposed planting is a mixture of native and fruit-bearing species and totals 14 trees within the redline boundary of the site, and 35 in the blue line boundary of the site (which consists of both the application site and the land to the north, which is also within the control of the applicant).

23. Overall, the proposal is considered to respond well to the local context in terms of its scale, form, height, layout, materials, and colouring. The proposed tree removal is satisfactorily mitigated with the proposed landscaping scheme and the development is considered to sit comfortably between its village and countryside setting. The proposal is considered to comply with policies DC1, ENV1 and H7 in this regard.

Residential amenity General

24. The replacement dwelling would be situated on the same site as an existing dormer bungalow. It would be sufficiently separated from neighbouring dwellings as to not raise any privacy or amenity issues and complies with the requirements of policies DC1 and DC4 in this regard.

Land contamination

25. The application has been submitted with a Phase 1 Preliminary Risk Assessment report prepared by Ergo Environmental Ltd dated July 2023 (Report ref: 23-1595-R01/Rev A) which considers potential contamination risks associated with the redevelopment of the site for residential use with a replacement dwelling taking into account the footprint of the proposed dwelling. The report takes into account the historical use of the development site and surrounding area. Historically the site has comprised undeveloped agricultural land bisected by a track until c.1954 when a small structure was recorded in the south-western area of the site, with further development including Thorn Villa and adjacent structures (c.1968 and c.2012). The site is not in close proximity to former landfill(s), or other historic potentially contaminative land uses.
26. A site walkover has been undertaken and a conceptual site model is derived identifying potential contaminant linkages. While no asbestos containing materials were identified during the site walkover, given the age of the buildings it is possible that ACM may be present, in addition a stockpile of waste material and evidence of ash/burnt material was identified. Further land contamination work, including intrusive investigation work, is recommended and therefore the Environmental Health Officer has recommended contaminated land conditions CL2 – CL6 (covering the requirement for a Phase 2 Site investigation Strategy, and implementation of the work, a Phase 3 Remediation and Verification Strategy, and implementation of the works, including any contamination discovered during construction / remediation works, not previously identified, and finally, a Phase 4 Verification and Completion report) be attached to any planning permission. The requirement is that the above site investigation works would take place after the proposed demolition works are complete. Significant made ground is not anticipated however this is to be reviewed in terms of ground gas risk as necessary and again while risks to controlled waters is considered low/moderate, this to be confirmed during subsequent intrusive investigation works.

Noise

27. There are two plant rooms showing on the proposed floor plan but given the distance of the proposed dwelling from the next nearest residential property, the Environmental Health Officer is satisfied that noise from these will not be an issue.

Construction impacts

28. Given the size of the proposed dwelling to be constructed and that access to/from the site is via a narrow lane with other residential properties nearby, the Environmental Health Officer has recommended that a Construction Management Plan condition be attached to any permission, together with the standard construction activity times condition.
29. Overall, the proposal is acceptable in respect of its impacts on visual and residential amenity subject to the conditions set out above, and the proposal complies with policies DC1, DC3, DC4 and ENV1 in this regard.

d) Highways

30. The demolition of the existing dwelling and replacement with a larger new build property does not raise any fundamental highway concerns, given that it is not considered to demonstrate a substantive increase in vehicle movements. The existing access arrangements will remain the same with the property being located approximately 150m from the nearest point of public highway on Strait Lane. Timmy's Lane is privately owned & maintained, and as such any right of access and maintenance liability would be a private matter and not something under the control of the Highways Authority. Whilst it is generally of an unmade construction and devoid of a dedicated pedestrian footway to provide a level, accessible and lit route, it should be noted that the dwelling is a replacement dwelling and this represents the current situation.
31. Similarly, whilst the Highways Engineer would generally advise that the numbers of dwellings served from a private drive does not exceed five units, the proposal does not increase the number of dwellings, rather it is to provide the facilities required to support the additional and needs of the occupiers.
32. Parking provision is related to dwelling size, with ample parking being demonstrated within the large in curtilage area of the plot the dwelling is to occupy. Sufficient space is available for vehicles to enter and exit in a forward gear, along with provision of additional parking for carers and visitors as required by the needs of the family. Parking provision for the proposed replacement dwelling includes eight spaces which can be categorised as: three covered external spaces, including one large vehicle space to accommodate a specialist vehicle with wheelchair access all with access to electric vehicle charging; two spaces for carers; three additional spaces, two of which are for therapist and healthcare visitors.

33. Policy IN4 sets out a requirement that every new residential property which has a garage or dedicated marked out residential car parking space within its curtilage should include an electrical socket suitable for charging electric vehicles. The minimum requirement would be a single phase 13-amp socket. A planning condition is recommended to allow submission and agreement of such details and subsequent implementation and retention.
34. The site is located in excess of the 25m maximum walking distance from the public highway for refuse collection and these arrangements are proposed to continue as they do at present.
35. Subject to a condition requiring a Construction Management Plan, and a condition requiring an EV charging point, the Highways Engineer has raised no objections to the proposed development and the proposal complies with policies DC1 and IN4 in this regard.

e) Public Rights of Way

36. Policy IN1 identifies protecting and enhancing Public Rights of Way as a key priority for the Local Plan. The proposed development will involve the diversion of Footpath No. 6 in the Parish of Hurworth. At present the recorded route of Hurworth Footpath 6 runs diagonally across the site. It is proposed to re-route this footpath in a northerly and then easterly direction following discussions between the applicant and the Public Rights of Way Officer. The new route will be applied for as a diversion to the current Right of Way, as a separate process. The Public Rights of Way Officer has stated the following:

'The development plan is current crossed by a recorded Public Right of Way, specifically Public Footpath Hurworth 6, in a roughly east to west orientation. The current definitive line of this footpath is obstructed by several existing hedgerows and an existing small building within the confines of this proposed development. The applicant has recently submitted a Section 119 application under the Highways Act (1980) to divert the Public Footpath'.

37. Several objections raise concerns regarding the proposed diversion of the footpath. Whilst the formal footpath diversion is a separate application process, impacts on public rights of way is a material planning consideration. It is noted that some residents have raised concerns regarding the proposed route which runs alongside the Cree Beck, and the potential for flooding. It is considered that the site does present opportunities for diversion of the footpath and given the location, there is potential for the diversion to retain a good degree of user experience. There are several options available to the applicant in terms of the route, which could address the concerns of residents due to the openness of the wider site and it is considered that an appropriate solution can be achieved through the separate footpath diversion process. As the development does not propose the loss of the right of way and seeks to achieve the above diversion on nearby land, the proposal is considered to comply with policy IN1 in this regard.

f) Surface Water and Flood Risk

38. Policy DC2 sets out guidance relating to Flood Risk and Water Management for new development sites in the Borough. The development is of a small scale such that it does not meet the thresholds for consultation with Northumbrian Water, Environment Agency, and the Lead Local Flood Authority. The proposed building is situated within Flood Zone 1. It is noted that the northern edge of the site lies within Flood Zones 2 and 3 however documents submitted show that this area of the site remains grassland and represents no increased flood risk.
39. Any development would need to provide suitable drainage as part of its construction and this would be secured under the Building Regulations legislation and through relevant other permissions required from the water authority and as such, there is not specific conflict with Policy DC2.

g) Ecology

40. Policy ENV7 sets out the overarching principles for the protection of sites and features of biodiversity and geodiversity importance. Development will be refused if significant adverse effects to biodiversity or geodiversity, either alone or in combination, cannot in the first instance be avoided, adequately mitigated, or, as a last resort, compensated for. Development will be expected to minimise the impact on and provide net gains for biodiversity, including establishing coherent and resilient ecological networks.
41. The requirement for biodiversity net gains is reiterated in policy ENV8 of the Local Plan which also states that this should be demonstrated by using the Defra Biodiversity Metric. The policy sets out the assessment and mitigation process applicants are required to follow. The Environment Act outlines a minimum requirement of 10% biodiversity net gain, but this will not come into force for smaller sites until later in the year. Presently, the requirement is that the development achieves a net gain in biodiversity.
42. The application was supported by an Ecological Appraisal (OS Ecology, October 2023) and a Biodiversity Net Gain Assessment (OS Ecology, December 2023). The reports make several observations including the following:
- The habitats in the proposed development area being largely built development and gardens, are of low ecological value with the larger grassland field area is of local value.
 - The site is of local value to bats. There is a low risk of the buildings being used during the winter hibernation period.
 - The site provides several foraging and nesting opportunities for birds and is of local value to bird species.
 - The site is likely to be of local value to hedgehog.

43. The Ecological report identifies several impacts should the development take place, including the following:

- Loss of habitats of up to local value.
- Loss of bat day / feeding roosts.
- Loss of foraging resource through demolition of barns.
- Disturbance to bat commuting and foraging habitats.
- Loss of bird nesting and foraging habitats of local value.
- Harm or disturbance to bird species if vegetation clearance / building demolition is undertaken during the nesting bird season (March to August inclusive).
- Risk of harm or entrapment to hedgehog and other small mammals during site works.

44. The Ecological report identifies several avoidance measures which were incorporated into the design including the following:

- The woodland, hedgerows and scattered trees outside the development area will be retained.
- External lighting that may affect the site's suitability for bats will be avoided. If required this will be limited to low-level, minimising the use of high intensity security lighting with lighting directed inward toward the development rather than out towards the surrounding habitats.
- Most of the other neutral grassland in the north of the site will be retained.

45. The Ecological report goes on to recommend a mitigation and compensation strategy, including the following:

- Prior to works which will impact on the roosts within Building 2 (barn) a Natural England mitigation licence will be obtained. If this is not obtained before May 2024, updating bat surveys will be required.
- Demolition of the bungalow (Building 1) will be completed to a detailed method statement for bats.
- Building demolition/vegetation clearance works will not be undertaken during the nesting bird season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
- Retained trees will be protected from damage in line with the recommendations in BS5837:2012 (as dealt with in the Arboricultural Method Statement).
- Works will not be undertaken during the bird nesting season (March to August inclusive) unless the site is checked by an appropriately experienced ecologist and nests are confirmed to be absent.
- Bat roosting features in the form of five integrated bat boxes will be incorporated into the development.
- Two bat boxes will be erected on retained mature trees in the wider site.

- Landscape planting shall include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- Tree and shrub planting within the site will utilise native species.
- Loss of hedgerows/trees will be compensated for through additional hedgerow/tree planting within the wider site.
- Landscape planting should seek to provide wildlife corridor habitat around the site boundaries as well as throughout the site.
- Grassland areas within the site will be sown with a wild seed mix to create species rich grasslands around site boundaries.
- Integrated swift bricks will be incorporated into the proposed new structures within the site¹⁸. These bricks should be incorporated onto the northern elevation of structures and situated away from windows.
- Nest boxes should be installed within the site owners land holding. Boxes should be installed on retained buildings or incorporated into new structures. Boxes should be suitable for a range of species, particularly starling and house sparrow.
- Hedgehog hibernacula should be installed within the site to provide additional opportunities for such species.

46. The Biodiversity Net Gain Assessment concludes that the proposal results in a net gain of 0.33 habitat units and 0.69 hedgerow units. This achieves a net gain as required by Policy ENV7 and ENV8.

47. The Biodiversity Management and Monitoring Plan includes a list of species proposed for the native hedgerow, the proposed meadow mixture for the enhanced grassland, and outlines that the urban trees will be a mix of native and fruit bearing species. It identifies the key management and maintenance plans for achieving the proposed net gains, with specified intervals for monitoring. The Council's Ecology Officer is satisfied that by following the BNG Assessment and BMMP the development will meet the requirements of the Local Plan and on this basis has raised no objections. Planning conditions are recommended to secure adherence to the above documents.

h) Nutrient Neutrality

48. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Tees mouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.

49. The Natural England Tees mouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.

50. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either

alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.

51. Due to being a replacement dwelling, of approximately the same nutrient impact, current guidance from Natural England is that the proposed development will not need to demonstrate nutrient neutrality.

i) Other matters

52. The application states the following regarding the sustainability credentials of the scheme:

'The scheme has been designed to respond to its environmental situation; sun path, orientation, prevailing wind have all been considered during the development of the proposals. The building itself will have excellent sustainable credentials. Energy consumption will be minimised in many ways, including in the technical detail of the buildings. Using principles of highly insulated roofs, high specification windows and a quality airtight shell will ensure minimal energy usage, and the house will be serviced by a highly efficient ground source heat pump to allow for the use of renewable energy. On site energy generation via roof mounted solar PV panels will contribute to the overall sustainability of the dwelling. The embodied energy of the buildings is a key concern; materials will be certified and sourced locally wherever possible. Materials will be high quality, long lasting, natural materials. Timber frame construction will be used where appropriate to reduce the embodied energy involved in the buildings. The building will be designed to exceed building regulations and to minimise energy use'.

53. The commitment in the application to producing a building with excellent sustainable credentials and utilising on-site energy generation via roof-mounted solar panels, is welcome and complies with Policy DC1 in that the application demonstrates how measures have been implemented to reduce carbon emissions from the development and reduce the need for energy consumption.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION

55. In summary, overall the proposed replacement dwelling is considered to be acceptable in the context of Policy H7. The proposed development complies with the other relevant policies in the development plan and has an acceptable impact on heritage

assets. Subject to the proposed conditions the development would be acceptable in respect of highway safety, ecology, trees, and residential and visual amenity.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

GENERAL

1. A3 Implementation limit (3 years)
2. PL Accordance with plan

Site Location Plan

PL1001 Proposed site plan.

PL1003 Proposed roof plan.

PL2001 Proposed house elevations.

PL2002 Proposed courtyard elevations.

PL2003 Proposed Garden studio / store elevations.

SK1002 Proposed ground, first floor and garden studio plans.

1480-100 Landscape Strategy

LANDSCAPE AND MEANS OF ENCLOSURE

3. E3 Landscaping (Implementation)
4. The proposed boundary treatment as shown on the submitted plan (1480_100) shall be installed prior to the occupation of the dwelling hereby approved and shall be retained as such thereafter.

REASON – In the interests of amenity.

CONSTRUCTION IMPACTS

5. Prior to the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plans shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - 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 demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b) Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.

- c) Construction Traffic Routes, including parking areas for staff and visitors.
- d) Details of wheel washing.
- e) Road Maintenance.
- f) Warning signage.
- g) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON – In the interests of amenity and highway safety.

- 6. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of amenity.

LAND CONTAMINATION

- 7. 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 because 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.

- 8. Prior to the commencement of each phase 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 Land Contamination: Risk Management (LCRM)) 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 because 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.

9. 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 because 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.

10. 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 because 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.

11. 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 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 because 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.

ECOLOGY

12. The development shall be carried out and operated in full accordance with the submitted Biodiversity Management and Monitoring Plan (BMMP) (OS Ecology, December 2023), including provision for future monitoring, reporting and any necessary amendment of management measures, or such other alternative measures which may subsequently be approved in writing by the Local Planning Authority.

REASON: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

13. The development shall not be carried out otherwise than in complete accordance with the recommendations set out within the Ecological Appraisal (Land off Timmy's Lane, Hurworth, OS Ecology, October 2023) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works, and biodiversity net gain are secured.

TREES

14. The development shall not be carried out otherwise than in accordance with the recommendations and tree protection measures set out in the submitted 'Arboricultural Impact Assessment and Arboricultural Method Statement (Elliott Consultancy Limited, July 2023) unless otherwise agreed in writing by the Local Planning Authority.

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

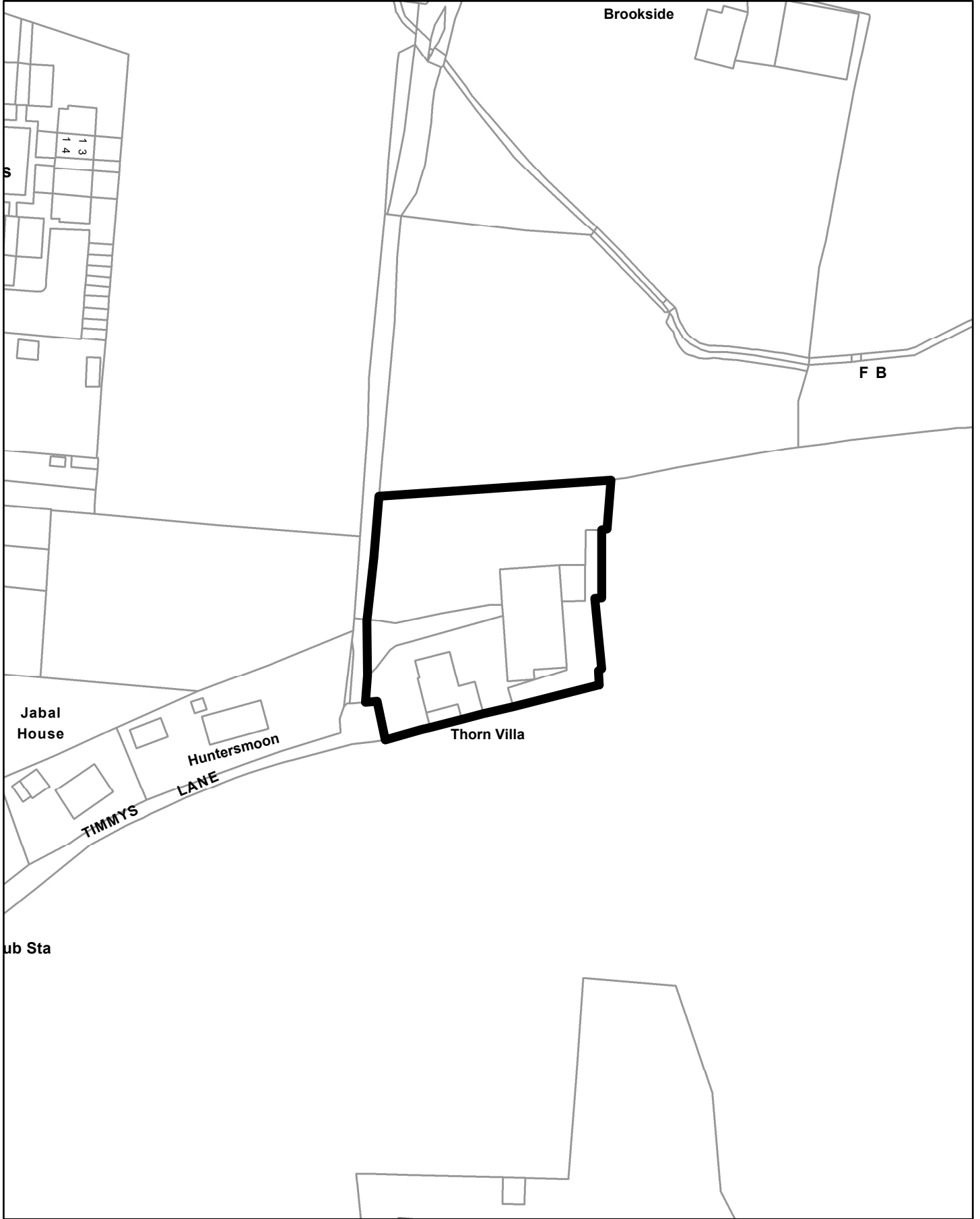
EV CHARGING POINT

15. Prior to the first occupation of the development hereby approved details of the type and location of an electrical socket suitable for charging an electric vehicle, shall be submitted to, and approved by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwelling and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

INFORMATIVES

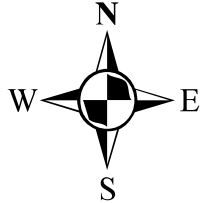
Pigeons/birds can be known to roost and nest under solar panels. The Applicant may wish to consider the installation of bird proofing mesh to prevent access for birds.



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Planning Ref No: 23/00987/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7 February 2024

APPLICATION REF. NO:	22/00797/OUT
STATUTORY DECISION DATE:	14 February 2024
WARD/PARISH:	Pierremont
LOCATION:	Pierremont Methodist Church Vancouver Street
DESCRIPTION:	Outline application with matters reserved except access, appearance, layout and scale for the demolition of former chapel and the erection of 8 no. dwellings (Phase 1 Desk Top Study received 31 March 2023; and amended plans received 5th September 2023; Nutrient Calculator and Provisional Nutrient Certificate received 14 December 2023)
APPLICANT:	Mr Hughes and Graham

RECOMMENDATION: GRANT PERMISSION 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=summary&keyVal=RF7GV8FPM6S00>

APPLICATION AND SITE DESCRIPTION

1. The application site comprises the Pierremont Methodist Church building, now vacant, and its enclosed garden area to the rear. The site is located on the corner of Craig Street, Vancouver Street and Vine Street within a predominately residential area.
2. Outline planning permission is sought for the demolition of the Church building and the erection of eight, three bedroom dwellings on the site. The application includes details of the access and parking arrangements and the appearance, layout and scale of the

development, with only details of hard and soft landscaping reserved for future consideration as a Reserved Matters submission.

MAIN PLANNING ISSUES

3. The main considerations for this planning application are whether the development is acceptable in the following terms:
 - a) Planning Policy
 - b) Loss of Community Facilities
 - c) Non Designated Heritage Matters
 - d) Nutrient Neutrality
 - e) Highway Safety, Access and Parking Matters
 - f) Impact on the Character and Appearance of the Surrounding Area
 - g) Residential Amenity
 - h) Land Contamination
 - i) Ecology
 - j) Flood Risk and Drainage

PLANNING POLICIES

4. The relevant local development plan policies are:

Darlington Local Plan 2016 - 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

H4: Housing Mix

ENV1: Protecting, Enhancing & Promoting Darlington's Historic Environment

ENV3: Local Landscape Character

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

IN10: Supporting the Delivery of Community and Social Infrastructure

Other relevant documents

National Planning Policy Framework 2023

Supplementary Design Guide for New Development

RESULTS OF TECHNICAL CONSULTATION

5. The Council's Transport Policy Officer, Environmental Health Officer, Highways Engineer and Ecology Officer have raised no objections to the development.

6. Northern Gas Networks have raised no objections.
7. Northumbrian Water have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

8. Following the Council's notification and publicity exercises on the original planning application, 17 letters of objection and one letter of representation were received. The objections can be summarised as follows:

- *The parking provision are not sufficient for occupants, visitors etc.*
- *The development is totally out of character with the existing terraces in Vancouver Street*
- *Parking in the street is already at a premium due to hospital workers/visitors and customers at local shops/tanning salon and has increased substantially in recent years with Residents Parking introduced. Additional traffic is a concern.*
- *Concern over noise, road closures, light pollution, construction traffic during demolition and construction period*
- *Loss of natural daylight*
- *Totally incongruous to the area in terms of both scale and height*
- *Potential property devaluations*
- *Local schools and health care services are already overstretched.*
- *More congestion, pollution and dangers to pedestrians*
- *Loss of the Church Garden will impact on insects, bees.*
- *New dwellings do not reflect design of Church or existing dwellings.*
- *Loss of garden will impact on openness in the local area.*
- *Development could impact on access to existing back yards.*
- *Increase in noise pollution from cars driving down rear, cobbled lanes.*

9. The letter of representation stated:

- *Overall, we are positive about new houses being built but what is the expected timeframe for the project, can it be confirmed that permit street parking will not be affected by the building work and will the back lane between Vine Street and Craig Street be affected by access arrangements as the lane is used for various things by the community*

10. No further objections were received following the notification exercises carried out by the Council in April 2023 and September 2023 following the submission of a Phase 1 Desk Top Study and then amended plans.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

11. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National

Planning Policy Framework (2021) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).

12. The application site is located within the development limits for the urban area and therefore the principle of the development is acceptable subject to compliance with other national and local plan policies.

b) Loss of Community Facilities

13. Policy IN10 of the Local Plan states that the loss of any community facilities will only be permitted if it can be demonstrated that:

- a) there are sufficient other suitable alternative community facilities either within the neighbourhood or accessible nearby; or
- b) the community facility is no longer needed; or
- c) there is no management and funding resources existing or that could be generated within the local community that could secure and sustain a facility that meets identified local needs; or
- d) the community facility cannot be secured or sustained through the partial redevelopment of the site.

14. The planning application states that the building ceased to function as a place of worship in 2011 when the congregation moved to the Well Methodist Church on North Road. The Well Methodist Church provides community services such as a coffee shop, a charity and second hand shop, playgroup and a community garden. Other Methodist Churches include Cockerton Church on The Green. The site has been on the market for sale since 2021.

15. It is evident that whilst the proposal will result in the loss of a community facility, the congregation that the building was used by have found and moved to alternative facilities and that the facility is no longer required for that community purpose. No evidence has been presented to the local planning authority which states otherwise or that other parties have expressed any interest in retaining the building for other community purposes. The proposal would comply with a) and b) of Policy IN10 of the Local Plan and therefore the loss of the building can be supported in policy terms.

c) Non Designated Heritage Matters

16. The application site is not within a Conservation Area and the Church is not a listed building. However, the building does have a degree of heritage significance which merits consideration in this planning decision, but which does not meet the criteria for being a designated heritage asset, such as being a listed building. As a result, the building would be considered a non designated heritage asset.

17. Policy ENV1 of the Local Plan states that proposals which would remove or harm the significance of a non-designated heritage asset will only be permitted where the benefits are considered to outweigh the harm. Proposals should seek to avoid harm to those features, including setting, which contribute to the significance of a non-

designated heritage asset, through measures such as good design. Policy ENV1 echoes the requirements of paragraph 209 of the National Planning Policy Framework 2023.

18. The building holds limited architectural interest. The Church building is a two storey brick built building with a hipped roof and projecting eaves. The rear elevation has been extended and altered with not particularly attractive flat roofed extensions and the windows are modern PVC replacements with no historic value. There are elements of ashlar detailing below first floor windows with stone headers and chamfered cills to the ground floor windows and the main double doors are timber, with glass panels above and a moulded stone door surround with a geometric fan piece. There are two stained glass windows in the west elevation. The Church is of a simple design and is a common example of 1930s public architecture, with evidence of subsequent adaptations and alterations.
19. With regard to its historic interest, the building was constructed for the purpose of being a Sunday School, and by 1945, it became registered for marriages and the School was refurbished into the Church by installing a communion rail, a Lincoln organ and stain glass windows. It was converted to a Church when it became apparent there would be no need for a separate Church and Sunday School in the Pierremont area. The Church holds some historical interest, with it being illustrative of the changing popularity in the Methodist Movement.
20. Overall, the church has limited architectural interest but some historical interest due to its connection with Methodism in Darlington and due to its age.
21. The proposal would result in the demolition of the building and in accordance with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023, the loss of the building must be balanced against the benefits of the proposed development. The use of the building as a Church has ceased and the Methodist Community in Darlington have found premises elsewhere resulting in the Methodist Community no longer having a purpose for the building. The proposed development for eight dwellings would result in a housing scheme, on a brownfield site in a highly sustainable location, which would create short term economic benefits during the construction phase and more long term economic benefits to the local shops etc. The development would also contribute, albeit on a limited scale, to the Council's housing supply and a building, which is currently vacant and could attract antisocial behaviour, would be removed and the site brought back into use.
22. It is considered that the benefits that would be derived from the development would outweigh the impact of losing this building, which is of heritage interest in historical terms only rather than in architectural terms as well. To offset the loss of the building, planning conditions have been imposed to ensure that a historic recording of the building takes place prior to its demolition and a report is then held in the Historic Environment Record.

23. The proposed development would therefore accord with Policy ENV1 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

d) Nutrient Neutrality

24. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
25. The information required to enable the local planning authority, as competent authority, to undertake a screening assessment and where necessary appropriate assessment is provided by the applicant's submitted nutrient budget calculator and Provisional Credit Certificate. This information is considered sufficient to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
26. The nutrient budget calculator demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.
27. The applicant has used Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs used within this calculator are considered to be satisfactory and are an accurate reflection of the site and its location. This proposal for eight dwellings would increase the total annual nitrogen load arising by 12.5 kgs per year. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 12.5 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 12.5 kgs that needs to be mitigated.
28. A countersigned provisional credit certificate obtained from Natural England has been submitted which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition has been recommended to ensure that the required and necessary mitigation is secured and in place. This condition sets out that prior to the first occupation of the proposed dwellings the final signed credit certificate needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and in place.
29. The local planning authority, as the competent authority, considers that the proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.

30. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they have raised no objection to the findings of the Appropriate Assessment subject to the imposition of the aforementioned planning condition.

e) Highway Safety, Access and Parking Matters

31. Typically, terraced dwellings do not have in curtilage parking and are instead reliant upon on-street parking. This is characteristic of the surrounding streets and the wider Denes area, however, in order to reduce additional on street parking demand, the proposed development includes a single in curtilage space for each dwelling, which is accessed via the rear lane.

32. Careful design of the boundary treatments and gates across the rear yard areas has been used to ensure adequate visibility for safe access and egress via the rear lane, with reduced height fencing adjacent to the highway and gates which open inwards with a clear width of 3.2m to enable turning manoeuvres as demonstrated on the swept path analysis drawings submitted in support of the planning application. A planning condition has been recommended that the means of enclosure shown on the submitted plans, cannot be replaced or repaired with any other forms of enclosure without the occupant first obtaining planning permission in the interests of retaining appropriate visibility onto the lane.

33. Furthermore, a further planning condition has been imposed to restrict permitted development rights for extensions and detached buildings within the curtilage of the dwellings to ensure that the yard areas can still be used for the purpose of parking a vehicle, even if a dwelling was to be extended.

34. The in-curtilage parking spaces also enable the provision of electric vehicle charging points for each dwelling within private land ensuring trailing cables will not be placed within the public highway (Policy IN4 of the Local Plan).

35. All the dwellings have three bedrooms, although Unit 8 includes an additional office/box room on the first floor (which could be converted to be further bedroom).

36. The Tees Valley Design Guide (TVDG) advises that three bed dwellings should generally have two car parking spaces per unit, whilst four bed dwellings should have three parking spaces. This would equate to the development needing a total provision of 17 spaces. In this instance, each dwelling would have a single in curtilage parking space in the rear yard and the remaining parking provision reliant on on-street parking.

37. However considerable scope for reduction to the normally advised standards may be acceptable where a site is demonstrated to be in a highly sustainable location or where other parking provision can be accommodated offsite.

38. The site is conveniently located to the public transport network, with there being multiple bus services available within 400m of the site, which meets the criteria set out with Policy IN2 of the Local Plan. The site is also surrounded by safe walking routes and local amenities, such as local shops, school, college, hospital, doctors, pharmacy and it is relatively close to Darlington Town Centre. The site is close to various cycle routes, and it is welcomed to see that cycle storage has been considered for the development. A planning condition has been imposed to ensure that the cycle storage is in line with the most recent cycle guidance issued (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020) which states that for long stay requirement for residential cycle parking should be 1 space per bedroom.
39. It is clear from the above that the site is in a highly sustainable location, with excellent links to public transport, where alternative modes of transport are available which help reduce reliance upon private car ownership and it has close walking distances to bus stops and amenities.
40. Notwithstanding the sustainable location of the development, additional on-street car parking can be accommodated across the site frontage on Vancouver Street and on the side elevations on both Craig Street and Vine Street. This offers the potential to accommodate an additional nine vehicles based on a requirement of 6m of length for an on-street space. It would therefore be difficult to justify refusal on a shortfall of parking, where on street provision is available, or to evidence that existing residents would face an unacceptable residential amenity impact through displacement of existing parking usage, where on street parking is located directly next to the development frontage. Existing parking restrictions in the form of double yellow lines are located at key junction locations to prohibit parking at dangerous locations which would otherwise obstruct safe levels of visibility needed for pedestrians to cross or driver visibility at junctions.
41. A further consideration is that the parking demands associated with the previous use of the site and building can be compared and offset from the proposal. The existing former Church building, most recently used as a community facility, would have generated vehicle movements and parking demand when in use. Based on an approximate floor area of 240m this would equate to a requirement of 24 spaces, given the Tees Valley Design Guide standard or 1 space per 10sqm of public floor area for use as a community centre. As a result, the parking demand for the proposed development is less than the previous usage.
42. The provision of a single in-curtilage space per dwelling offers reasonable mitigation for parking demand and is a reasonable compromise demonstrating 50% of the normal recommended provision. This acknowledges the nature of terraced streets, such as those in this area, which are unlikely to fully meet parking demand and that the site is in a sustainable location with viable alternative modes of travel.
43. A review of the most recent 5-year period of Police incidents shows that there have been no recorded personal injury collisions within the immediate vicinity of the site.

Whilst there are a small number of 'minor' injury collisions on Craig Steet, there is nothing to suggest that there would be an adverse impact from a minor development of eight dwellings, especially when offset from the previous use.

44. Whilst the details contained within the submitted Construction Management Plan are generally acceptable from a highway safety perspective, the site is fully bounded by public highway and a such all accesses required for construction will be via the adjacent highways. In the interests of monitoring any potential risk of damage to the adjacent footways and rear lane, a pre-commencement planning condition to secure that survey is undertaken jointly by the applicant and a representative of the Councils Highway team (Section 59) is recommended. The applicant/developer is thereafter responsible for and liable for any damage incurred during the construction phase.
45. Having considered the parking provision, local amenities and public transport links to the surrounding area and the on and offsite parking measures included within the development proposal, the proposal is considered to be acceptable, whilst not fully compatible with policy IN4 of the Local Plan.

f) Impact on the Character and Appearance of the Surrounding Area

46. The surrounding area comprises primarily terraced, two storey, housing with rear yards and on street parking. The proposed development consists of a terrace of dwellings with amenity/yard areas to the rear which will provide one parking space. Each dwelling is two storey with a second floor of accommodation within the roof space. The dwellings would be constructed from brick with slate roof tiles, but the precise details of the materials will need to be secured by a planning condition.
47. Each dwelling has a ground floor bay window adjacent to the front entrance with brick cills and headers above and below each opening. Chimneys are arranged on each party wall and there is a small area of defensible space to the front of each property.
48. The development would generally accord with the guidance contained within the Council's adopted Supplementary Planning Document on Design for New Development in terms of design, scale, form and layout which is reflective of the existing dwellings in the local area.
49. Whilst the site would be redeveloped for residential purposes and would result in the loss of the open, garden area, the garden is a private area and the addition of further housing would not be out of keeping with the character of the area. The loss of the garden would change but not adversely harm the visual appearance of the street scene and the are other public open spaces in the locality of the site that can be enjoyed by residents.
50. The proposed development would accord with Policy DC1 of the Local Plan in this regard.

51. The following standards from the Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings) have been applied which ensures not just full compliance, but exceedance of the housing mix requirements set by policy H4 of the Local Plan.

- a) 3 dwellings are compliant with M4(1) Category 1 Visitable dwellings.
- b) 4 dwellings are compliant with M4(2) Category 2 Accessible and adaptable dwellings.
- c) 1 dwelling is compliant with M(3) Category 3 Wheelchair user dwellings.

52. The hard and soft landscaping for the development will be submitted as a Reserved Matter application for future consideration.

g) Residential Amenity

53. The proposed terrace is slightly taller than the existing dwellings opposite in order to facilitate additional accommodation in the roof space and it is acknowledged that the separation distance between the habitable windows of existing and proposed dwellings would not comply with the guidance (21m proximity distance) set out in the Design SPD. It is acknowledged that the development will have an impact on the existing dwellings in terms of overlooking and privacy, especially those that are currently facing onto the garden of the application site. Therefore, a balanced judgement has to be made as to whether the impacts are significant enough to recommend a refusal of planning permission on such grounds.

54. It is not uncommon to find within the traditional, terraced areas of the Borough, proximity distances between dwellings that do not fully comply with current guidance. The proposed development follows the characteristics, proximity distances and built form of the existing streetscape and local area, and it would not be possible to redevelop the site to fully accord with the guidance. It is considered that, on balance, the spatial relationship between the existing and proposed dwellings still achieves an acceptable level of amenity for both existing and future occupants and the relationship ensures that the development is reflective of the local area in visual terms.

55. In terms of outlook from the dwellings on the opposite side of Vancouver Street, it is fully acknowledged that the views from these dwellings will change from a partially open site to a row of dwellings. Sectional plans submitted in support of the application show that the new dwellings would be a slightly taller than the dwellings opposite. The planning system is not necessarily intended to protect an outlook that a resident may enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity. The proposed development would maintain an acceptable standard of amenity when viewed from across the street.

56. The dwellings to the north and south would face onto blank gable walls and whilst the rear yards of the dwellings to the west would be overlooked by the development, these areas are already overlooked by their existing neighbouring dwellings. It is also

considered that the new terrace of dwellings would not be overbearing when viewed from the neighbouring dwellings and their amenity areas.

57. The Construction Management Plan submitted in support of the planning application details measures to minimise disturbance, including noise and dust, during the demolition and construction phase of the development. Measures include, but not limited to, the use of water sprays to dampen down dust and it has been confirmed that any 24 hour remote security monitoring equipment would be battery operated removing the need to use a generator on site. The Council's Environmental Health Officer considers that the mitigation measures within the Plan are acceptable, and the Plan would be secured by a planning condition, along with a further condition to control the hours of demolition, construction and deliveries.
58. It is considered that, on balance, the development would be acceptable in terms of its impact on the amenities of the existing dwellings (policy DC3 and DC4 of the Local Plan)

h) Land Contamination

59. A Phase 1 Desk Study Report has submitted in support of the planning application which considers the historical use of the site and surrounding area and potential contamination risks on the development based on the proposed highly sensitive end use i.e., residential use.
60. The Phase 1 Report includes a review of historical maps, details of a site walkover and derives a conceptual ground hazard model based on source-pathway-receptor linkages. Earliest maps showed the site to be undeveloped farmland and by 1915 the site forms the Methodist Church and is surrounded by residential properties for around 100m.
61. The Phase 1 Report identifies sources of potential contamination associated with the building on the site itself (boiler house/room) and from possible made ground as well as the proposed demolition. Intrusive investigation works are recommended including chemical analysis of samples and ground gas monitoring (only if made ground is present over 1m). The Council's Environmental Health Officer has raised no objections to the application but has recommended land contamination conditions are attached to any planning approval. The development would, subject to the planning conditions, be compliant with Policy DC1 of the Local Plan in this regard.

i) Ecology

62. The planning application has been supported by a Preliminary Ecological Assessment. The Assessment concludes that there are no important habitats present on site and the existing building has limited potential roost features. Surveys revealed no bat roosts and there was a low number of bats present around the site. No other protected or additional species were found due to the size and nature of the development and there is unlikely to be any significant impact on local wildlife. The Assessment includes a method statement for the demolition of the Church building and recommends that bat and bird boxes are included within the new builds and all demolition works should take

place outside of bird breeding season unless surveys for the presence of birds are carried out by qualified ecologists.

63. The Council's Ecology Officer has advised that the findings of the Assessment are acceptable, and the surveys have been carried out in accordance with appropriate guidelines. It is agreed that there is no requirement for any further surveys provided that the recommendations outlined in the Report are secured via appropriate planning conditions. However, whilst there is a negligible risk to bats, if work does not commence on site until after May 2024, a further update survey will be required to ensure that conditions on site have not changed and that bats have not moved into the building.

64. Under Policy ENV 7 and Policy ENV 8 of the Local Plan, biodiversity must be enhanced where possible. As such, the new buildings should contain bat features such as bat bricks, swift bricks; and where gardens are provided there should be provision for hedgehog highways to enable dispersal of hedgehogs. A condition has been imposed to secure the submission of a plan for the locations of these as requested by the Council's Ecology Officer.

j) Flood Risk and Drainage

65. The application site is within Flood Zone 1 with a low flood risk. Foul and surface water would be disposed of by the existing mains sewers. Northumbrian Water have requested the imposition of a planning condition to secure the submission of a scheme for the disposal of foul and surface water. The development would accord with Policy DC2 of the Local Plan in this regard.

THE PUBLIC SECTOR EQUALITY DUTY

66. 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. The development would be constructed to meet Part M of the Building Regulations.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

68. This outline planning application includes information on the access, appearance, layout and scale of the proposed development with only details of hard and soft landscaping remaining for future submission.

69. The planning application site is in a highly sustainable location within the development limits of the urban area. The proposal involves the loss of a vacant building which would be classed as a non designated heritage asset for historical rather than architectural reasons and also a community facility. The proposal has been considered against the criteria set out in policies ENV1 and IN10 of the Local Plan and the National Planning Policy Framework 2023 and there are benefits derived from the scheme to support and justify the loss of the building. The proposal has been amended to provide some off street parking provision for the scheme and whilst on street parking is also being relied upon, the site is in located in close proximity to bus stops, the cycle network and local amenities. The proposal is considered to be acceptable in amenity terms with the built form replicating the existing street scape and proximity distances between dwellings in this location. The design of the terrace of dwellings is sympathetic with the character and appearance of the surrounding area. The development is acceptable in terms of land contamination, drainage and flood risk and ecology subject to the imposition of appropriate planning conditions.
70. The applicant has purchased the required number of nutrient credits to mitigate the impact of the development on the Teesmouth and Cleveland Coast SPA. Appropriate planning conditions have been imposed with the agreement of Natural England.

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) Landscaping

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 hereby permitted shall be carried out in accordance with the following approved plans:

- a) Drawing Number L021098 012 REV E – Proposed Site Layout Plan
- b) Drawing Number L021098 014 REV B – Proposed Elevations and Cross Section
- c) Drawing Number L021098 017 REV B – Swept Path Analysis
- d) Drawing Number L021098 013 – Proposed Floor Plans
- e) Drawing Number L021098 010 – Site Location Plan and Block Plan

REASON: For the avoidance of doubt

3. The application(s) made pursuant to condition 1 shall not propose more than eight dwellings.

REASON: For the avoidance of doubt

4. 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.

5. Prior to the first occupation of the development hereby approved, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017

6. Prior to the commencement of the development, a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2023

7. Prior to the commencement of the development, including any demolition works and site clearance, a methodology for a Historic England-style Level 2 building record of the Church building shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with Policy ENV1 of the Darlington Local Plan and the National Planning Policy Framework 2023 because the building is a non-designated heritage asset.

8. No building shall be constructed above damp proof level until precise details of the external materials to be used in the carrying out of this permission have been submitted to, and approved by, the Local Planning Authority 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.

9. No development shall be constructed above damp proof course until precise details of secure cycle parking have been submitted to, and approved in writing by the Local Planning Authority. The cycle parking shall meet current guidance contained (Cycle Infrastructure Design - Local Transport Note 1/20 July 2020) and shall be implemented in accordance with the agreed details prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON – To encourage the use of sustainable modes of transport to and from the development.

10. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON- To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan

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

REASON: To comply with Policy ENV1 of the Darlington Local Plan and the National Planning Policy Framework 2023 because the building is a non-designated heritage asset and therefore the developer is required to record and advance understanding of the significance of the heritage asset to be lost through demolition, and to make this information as widely accessible to the public as possible.

12. CL2 - Phase 2 Site Investigation Strategy
13. CL3 – Phase 2 Investigation Works
14. CL4 - Phase 3 Remediation and Verification Strategy
15. CL5 - Construction/Remediation works.
16. CL6 - Phase 4 Verification and Completion Report
17. The development hereby approved shall not be carried out other than in complete accordance with the submitted Construction Management Plan by Wardman Brown unless otherwise agreed in advance with the Local Planning Authority.

REASON – In the interests of residential amenity and highway safety

18. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 14.00 Saturday with no activities on Sunday or

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

REASON – In the interests of residential amenity

19. Notwithstanding the Construction Management Plan and condition 17), prior to commencement of the development, the Developer shall enter into an agreement under Section 59 of The Highways Act 1980 with Darlington Borough Council, as the Highway Authority, to safeguard the Public Highway from damage caused by any construction activities or construction traffic serving the development hereby approved. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.

REASON: In the interest of highway safety

20. The electric vehicle charging points (minimum requirement of a single phase 13 amp socket) shown on the approved plans, shall be installed prior to the occupation of the dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

21. The boundary fencing to the rear of the dwellings hereby approved shall be erected in complete accordance with the approved plans prior to first occupation of any dwelling and shall be maintained in accordance with the details as approved for the lifetime of the development. The fencing shall not be replaced or altered without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON: In the interests of highway safety and visibility onto the rear lane

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON – In order to ensure the provision of adequate off-street parking accommodation for each dwelling.

23. The development hereby approved shall comprise a minimum of 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and a minimum of 9% meeting M4 (3 a or b) wheelchair user dwellings standard as detailed in the submitted “Planning Statement incl Heritage Impact Assessment” produced by ELG Planning dated 2022.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036

24. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations set out in the document entitled “Preliminary Ecological Appraisal “Low Impact” Ecological Impact Assessment” produced by All About Ecology and dated August 2022. However, should work on the site not commence by the end of May 2024, a further update survey for bats shall be carried out to investigate whether conditions onsite have changed. If new surveys are necessary, an updated survey report shall be submitted to the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the updated survey.

REASON: In order to secure ecological enhancements for the development

25. No development shall be constructed above damp proof course, until precise details of ecological enhancements such as, but not limited to bat bricks, swift bricks have been submitted to and approved in writing by the Local Planning Authority. The details shall include the design, location and number of such features, together with a commitment to being installed under the instruction of an appropriately qualified ecological consultant. The development shall not be carried out otherwise than in complete accordance with the agreed details which shall be installed prior to the first occupation of the dwellings hereby approved.

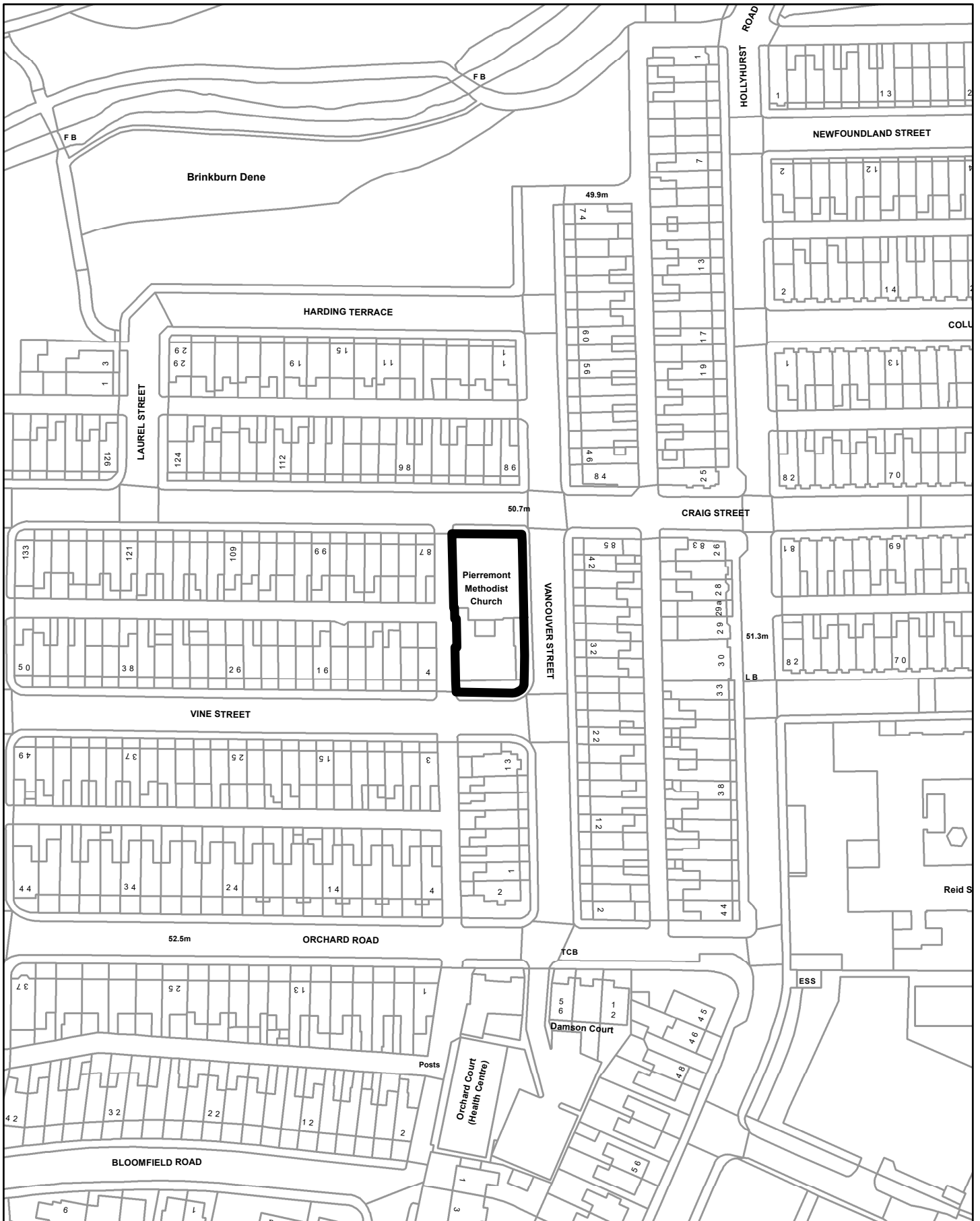
REASON: In order to secure ecological enhancements for the development

INFORMATIVES

Street Naming and Numbering

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.

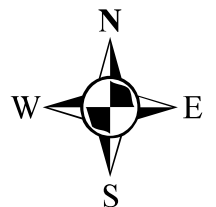
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Planning Ref No: 22/00797/OUT

DARLINGTON BOROUGH COUNCIL



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