



**DARLINGTON**

Borough Council

# Planning Applications Committee Agenda

1.30 pm, Wednesday, 22 March 2023

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 1 March 2023 (Pages 5 - 16)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 17 - 18)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 19 - 20)
  - (a) 44 Merrybent, Darlington (Pages 21 - 34)
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 Glenn McGill has appealed against this Authority's decision to refuse permission for removal of 2 No. radio masts (non-retractable) and erection of 1 No. (retractable) telescopic sliding radio mast to rear at 28 Neville Road, Darlington (22/01121/FUL)

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

**PART III**

**EXCLUSION OF THE PUBLIC AND PRESS**

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

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

10. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting

11. Questions

12. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 10 March 2023 (Exclusion Paragraph No. 7) –  
Report of the Chief Executive  
(Pages 35 - 44)



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

**Tuesday, 14 March 2023**

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

**Membership**

Councillors Allen, Cossins, Haszeldine, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, Marshall, McCollom, Sowerby and Tait.

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

This page is intentionally left blank

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 1 March 2023

**PRESENT** – Councillors , Allen, Cossins, Haszeldine, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, Marshall, McCollom, Sowerby and Tait.

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

### PA66 DECLARATIONS OF INTEREST

Councillor Mrs. Jones declared a non-pecuniary interest in Minute PA70 below, as a Director on the Teesside International Airport Management Board of Director’s, and left the meeting during consideration of the application.

Councillor Heslop declared a non-pecuniary interest in Minute PA69 below, having provided some practical advice to the Objector at the previous meeting immediately following that meeting.

### PA67 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 1 FEBRUARY 2023

**RESOLVED** – That the Minutes of this Committee held on 1 February 2023, be approved as a correct record.

### PA68 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p><b>Reason</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
----	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### PA69 23 LANGDALE ROAD

**22/01228/CU** - Change of Use from dwelling house (Use Class C3) to short term serviced accommodation (Sui Generis) (Retrospective Application).

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Highways Engineer and Environmental Health Officer, six objections received, and the views of the Applicant’s Agent and one Supporter, whom the Committee heard).

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

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

a) Drawing Number 001 – Existing and Proposed Floor Plans

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

2. The property shall only be let as a single booking at any one time (also known as 'entire household let') with a maximum of four residents per booking, unless otherwise agreed in writing by the Local Planning Authority.

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

3. The owners/operators of the accommodation shall maintain an up-to-date register of the details of all bookings made and shall make this information available at all reasonable times to the Local Planning Authority.

**REASON** - To allow records to be made available to assist in any monitoring of condition (3) of this planning permission.

4. This permission shall be personal to Petina Properties Limited only and shall not enure for the benefit of the land. In the event of Petina Properties Limited no longer being the owner of the premises the use shall revert to the use as a single residential dwelling (Use Class C3)

**REASON** - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent uses in the event of Petina Properties Limited no longer owning the premises.

5. Within one month of the date of this permission, details of contacts of the letting agents shall be circulated to the three properties on either side of 23 Langdale Road, and to the six properties opposite, to enable any noise nuisance and disturbance issues to be readily reported, and that the details of contacts be recirculated every six months thereafter.

**REASON** - To ensure that the residential amenity of nearby property is carefully monitored and issues resolved in an efficient manner.

## **PA70 LAND AT TEESSIDE INTERNATIONAL AIRPORT, TEESSIDE AIRPORT ROAD**

**22/01182/FUL** - Proposed aviation village incorporating 5 no. aircraft hangars for aircraft maintenance, repair, overhaul (MRO) and painting operations, 1 no. fixed base operation (FBO) building for business aviation, car parking with vehicular access, apron areas for aircraft dismantling, manoeuvring and parking, associated landscaping, security fencing, drainage and external lighting works (Geophysical Report, Landscape Masterplan and Strategy and Landscape & Visual Impact Assessment received 23 November 2022; External Lighting Report received 5 December 2022; amended plans and supporting information

received 16 and 19 December 2022; archaeology report received 20 December 2022; amended Landscape Plan; amended Ecology Report and additional Justification Note received 25 January 2023; 7 February 2023 and 16 February 2023).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Travel Planning Officer, Ecology Consultant, Highways Engineer, Public Rights of Way Officer, Transport Policy Officer and Environmental Health Officer. It was also noted that Northumbrian Water, Northern Gas Networks, the Environment Agency, the Air Traffic Engineering Manager at Teesside International Airport, the Lead Local Flood Authority, Durham County Council's Archaeological Team and National Highways had not objected to the proposed development. Members also took into consideration fifteen objections from ten households, and the views of the Applicant's Agent and two Objectors, whom the Committee heard).

**RESOLVED** – That, upon satisfactory completion and signing of a Section 106 Agreement, Planning Permission be granted subject to the following conditions:

1. A3 - Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
  - a) Drawing Number JBA 22/307-SK02 Rev G – Landscape Masterplan
  - b) Drawing Number 1501-GTA-26-00-GA-A-0001 Rev P11 – Proposed MRO/FBO GA Plan
  - c) Drawing Number 1501-GTA-26-00-GA-A-0002 Rev P02 – Proposed MRO GA Plan
  - d) Drawing Number 1501-GTA-26-00-GA-A-0003 Rev P02 – Proposed WH GA Plan
  - e) Drawing Number 1501-GTA-26-00-GA-A-0004 Rev P02 – Proposed NH & Paintshop GA Plan
  - f) Drawing Number 1501-GTA-26-RF-GA-A-0001 Rev P03 – Roof Plan
  - g) Drawing Number 1501-GTA-3Z-00-LP-A-0003 Rev P02 – Site Plan
  - h) Drawing Number 1501-GTA-ZZ-00-LP-A-0001 Rev 05 – Red Line Plan
  - i) Drawing Number 1501-GTA-26-XX-GA-A-1001 Rev P04 – Proposed FBO Plans
  - j) Drawing Number 1501-GTA-26-XX-SE-A-0001 Rev P04 – Proposed MRO Elevations
  - k) Drawing Number 1501-GTA-26-XX-SE-A-0002 Rev P01 – Proposed MRO Site Elevations
  - l) Drawing Number 1501-GTA-26-XX-SE-A-1001 Rev P02 – Proposed FBO Elevations

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

3. Within 12 months of the commencement of the development a Public Transport Strategy, addressing how public transport can be used to improve the accessibility the Airport in accordance with Policy IN2 of the Darlington Local Plan 2016 - 2036, shall be submitted to the Local Planning Authority for its written approval.

**REASON** - To improve sustainable transport connectivity for Teesside International Airport

4. Prior to the first occupation of any building hereby permitted, the recommendations of the Public Transport Strategy approved under condition 3 shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**REASON** - To improve sustainable transport connectivity for Teesside International Airport

5. Prior to the commencement of the development a vehicle swept path analysis shall be submitted to and approved in writing by the Local Planning Authority. The analysis shall support the movement framework for emergency vehicles, refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals and the development shall not be carried out otherwise than in complete accordance with the approved details

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

6. Prior to the first occupation of the site, full and precise details of vehicles access (Roundabout arm and Priority Junction) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include carriageway alignment/geometry and details of connectivity to the existing footway/cycleway on St Georges Way, crossing points, signage and tactile paving in accordance with DfT Guidance Note LtN 1/20 or as otherwise agreed with the Highways Authority. The development shall not be carried out otherwise than in complete accordance with the agreed scheme which shall be constructed prior to first occupation of the site unless otherwise agreed in writing with the Local Planning Authority.

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

7. Prior to the commencement of the development, a site-specific Construction Management Plan 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. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
  - b. Methods for controlling noise and vibration during the 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.

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

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

- 8. The electric vehicle charging points shown on the approved plans shall be a minimum of a single phase 13 amp socket. The charging points shall be in place prior to the first occupation of the development and shall remain during the lifetime of the development

**REASON** - To comply with policy IN4 of the Darlington Local Plan 2016 - 2036

- 9. Prior to the first occupation of the development hereby approved, a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and National Highways. The Travel Plan shall be added to the ModeshiftStars Community / Modeshift Stars Business site and the Travel Plan shall be continued in accordance with the details contained therein, including attaining Bronze Standard with 12 months of the commencement of the use unless otherwise agreed in writing by the Local Planning Authority

**REASON** - To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, and in the interests of road safety and to reduce single occupancy car travel and to encourage and promote sustainable transport

- 10. Within the day-time period (07:00 – 23:00) all aircraft maintenance activities within the MRO hangers shall be undertaken with the doors closed whenever possible.

**REASON** - In the interest of the amenity of the surrounding area

- 11. During the night-time period (23:00 – 07:00) the doors to the MRO hangers shall be kept closed at all times except when being used to access the building.

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

- 12. The paint spray booth inside Narrow Body Hanger 4 shall not be used outside of the times 07:00-23:00 for the spraying of aircraft.

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

- 13. No maintenance activities which produce a noise audible beyond the site boundary

shall be undertaken during the night-time period (23:00 -07:00).

**REASON** - In the interest of the amenity of the surrounding area

14. No tear-down activities or dismantling of aircraft shall take place outside of the designated 'tear-down' area and any such activities within the designated area shall not take place outside the hours of 08:00-1800 Monday to Friday.

**REASON** - In the interest of the amenity of the surrounding area

15. No aircraft mounted APUs shall be operated on stationary aircraft any further north in the proposed development than the position shown in figure 5.1 & 5.2 of the Anderson Acoustics noise assessment (dated December 2022) submitted with the application unless the aircraft is inside a hanger building.

**REASON** - In the interest of the amenity of the surrounding area

16. Prior to the installation of any fixed external plant, equipment or machinery associated with the development hereby approved, a noise impact assessment shall be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142: – 'Method for rating and assessing industrial and commercial sound.' The rating level (LAr,Tr), as defined in BS4142, from external plant, machinery or equipment associated with the development (whether operating individually or when all plant is operating simultaneously) shall not exceed the day-time and night-time criteria set out in the table in paragraph 5.5 of the Anderson Acoustics noise assessment (dated December 2022) when assessed at dwellings on 'The Crescent'. If deemed necessary by the Local Planning Authority appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained, operated and maintained in accordance with the approval for the lifetime of the development.

**REASON** - In the interest of the amenity of the surrounding area

17. No engine testing is permitted within the red-line boundary associated shown on Drawing Number 1501-GTA-ZZ-00-LP-A-0001 Rev P05. Engine tests will still be permitted elsewhere on the airport site with the permission of air-traffic control in accordance with current operating procedures for the airport.

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

18. No construction 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 the amenity of the area.

19. No stockpiles of waste from the dismantling of aircraft shall be stored anywhere

onsite other than within the designated aircraft 'tear down' area.

**REASON** - In the interests of the visual appearance of the site and the wider surrounding area.

20. Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and CLR11) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination sources, hazards and impacts. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

**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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

21. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and CLR11) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

**REASON** - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

22. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The Phase 3 Remediation and Verification works shall be conducted,

supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.

**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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

23. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

**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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

24. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

**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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

25. The development shall not be carried out otherwise than in complete accordance with the document entitled "Teesside International Airport, Willis Aviation Village, External Lighting Report" produced by LY MEP Building Services Consultants Limited dated October 2022 unless otherwise agreed in writing by the Local Planning Authority

**REASON** - In the interests of the visual appearance of the development and the surrounding area

26. Notwithstanding condition 25, external lighting associated with the proposed extended external aircraft apron must be switched off when there are no activities taking place in this area which require illumination.

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

27. Development shall not commence 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, the Lead Local Flood Authority and the Environment Agency. Thereafter the development shall take place in accordance with the approved details.

**REASON** - To prevent the increased risk of flooding from any sources and to protect the local water environment in accordance with the National Planning Policy Framework 2021

28. No construction, excluding any demolition and ground preparation works shall commence on site until a further Instrument Flight Procedures (IFP) assessment has been carried out to prove that there is no impact on the IFP's, or mitigation has been agreed with the Airport Authority and submitted to and approved in writing by the Local Planning Authority.

**REASON** - To avoid structures on the application site endangering the safe movement of aircraft and the operation of Teesside International Airport.

29. No construction, excluding any demolition and ground preparation works shall commence on site until the Terma Radar and VHFTx sites have been relocated as agreed with Teesside International Airport.

**REASON** - To ensure the development does not endanger the safe movement of aircraft or the operation of Teesside International Airport through interference with communication, navigational aids and surveillance equipment

30. No solar panels shall be installed until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority.

**REASON** - To ensure the development does not endanger the safe movement of aircraft or the operation of Teesside International Airport through interference with communication, navigation and surveillance equipment or glint and glare issues.

31. No building shall be occupied within any part of the site until a Highways Operational Management Plan (HOMP) covering any Use Class E, B2 and B8 operations has been submitted to and approved in writing by the Local Planning Authority in liaison with the Local Highway Authority and National Highways. The HOMP shall include but not be limited to the shift change times associated with the development. The shift change times for occupiers within the development will need to be off-set by at least one hour from morning and afternoon peak hour traffic.

**REASON** - To ensure that the A66 continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

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

**REASON** - To safeguard any archaeological interest in the site.

33. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

**REASON** - To safeguard any archaeological interest in the site.

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

- a) Detailed design of the surface water management system.
- b) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- c) A management plan detailing how surface water runoff from the site will be managed during the construction phase.
- d) Details of adoption responsibilities.

**REASON** - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Policy DC2 of the Darlington Local Plan 2016 – 2036 and the National Planning Policy Framework 2021

35. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated 13th October 2022.

**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

36. The development hereby permitted shall be constructed to BREEAM 'Very Good' standard or better as set out in the Design and Access Statement dated October 2022 submitted with the application.

**REASON** – To comply with the requirements of Local Plan Policy DC1.

37. Prior to the first occupation of any building hereby permitted, a Statement shall be 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.

38. The development shall not be carried out otherwise than in complete accordance with the mitigation measures and tree protection plan contained within the document entitled “Arboricultural Survey Arboricultural Impact Assessment Arboricultural Method Statement Tree Protection Plan” produced by Elliott Consultancy Limited dated October 2022

**REASON** - In the interests of the visual appearance of the development and the surrounding area

39. The development shall not be carried out otherwise than in complete accordance with the recommendation set out within the approved document entitled “Report ID INCA 2022 – 50. Preliminary Ecological Assessment & Biodiversity Metrics” produced by Philip Roxby & Ian Bond dated December 2022 (received by the Council on 16th February 2023) and the Landscape Strategy (Report JBA LS 02 Ver 1”, including the need to ensure habitats to the west and north of the site are protected from additional light pollution through an appropriate mitigation strategy, unless otherwise agreed in writing by the Local Planning Authority

**REASON** - To ensure the proposed development meets the biodiversity net gain requirements set out in the National Planning Policy Framework 2021 and policy ENV8 of the Darlington Local Plan.

40. 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.

**REASON** - In the interests of the visual amenities of the area.

41. The cycle parking provision hereby approved shall be in place prior to the first occupation of the development and shall remain in situ during the lifetime of the development.

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

**PA71 NOTIFICATION OF DECISION ON APPEALS**

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

Dismissed the appeal by Town & Country Advertising Limited against this Authority's decision to refuse permission for the erection of a 2 metre fence on a side garden replacing an existing fence at 12 Redworth Road, Darlington, Durham, DL3 0BL (22/00716/FUL)

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

**PA72 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.

**PA73 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 16 FEBRUARY 2023 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA65/Feb/23, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 16 February 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;
- Members may question applicant/agent;
- Up to 3 objectors may speak
- Members may question objectors;
- Up to 3 supporters may speak
- Members may question supporters;
- Parish Council representative may speak;
- Members may question Parish Council representative;
- Ward Councillor may speak;
- Officer summarises key planning issues;
- Members may question officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

This page is intentionally left blank

**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

**Committee Date – 22 March 2023**

**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:-**

---

<b>Address/Site Location</b>	<b>Reference Number</b>
44 Merrybent, Darlington	23/00056/FUL

This page is intentionally left blank

## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE: 22 March 2022**

---

<b>APPLICATION REF. NO:</b>	23/00056/FUL
<b>STATUTORY DECISION DATE:</b>	22 March 2023
<b>WARD/PARISH:</b>	Heighington and Coniscliffe / Low Coniscliffe and Merrybent
<b>LOCATION:</b>	44 Merrybent, Darlington
<b>DESCRIPTION:</b>	Change of use of the detached garage building from garages with home office above to garages with business office above (Retrospective Application)
<b>APPLICANT:</b>	Mr John Bates

---

**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/>

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

1. This application site relates to a detached garage with an office above at 44 Merrybent within Darlington. Adjacent to the East is No.42 and adjacent to the West is No.46 Merrybent. To the front (North) of the application site is the main road followed by further residential dwellings.
2. The proposed business use is in operation at the first floor of this home office and so retrospective consent is sought. At the ground floor is the garage which is not intended to be used in association with this proposed business.
3. The first floor has been set up to accommodate three members of staff, including the applicant. The remaining two include the daughter of the applicant who also lives at 44 Merrybent and another member of staff who works part time at 25 hours a week, between 9am – 2pm Monday - Friday.

4. The proposed business, named JBL Services Ltd, involves servicing and repairs to catering and refrigeration equipment within mainly nursing homes and schools across the Northeast of England. The business has eight members of staff and only three work within the detached garage building, the remaining five work remotely from home, carrying out service repairs to different customers across the Northeast. The business operates between Monday-Friday at 9am-5pm and no service or repair works are carried out at this building.
5. It should be noted that the Planning Statement refers to an overall staff level of nine, with six staff working remotely. However, at the end of January (after the submitted Planning Statement) one staff member left. It has not been considered necessary to update the Planning Statement for this aspect which confirms remote staff working numbers, but it is highlighted here for clarity. This is because the applicant submitted a response to neighbouring objections and reference is made to one less staff member than was highlighted in the Planning Statement.

#### **MAIN PLANNING ISSUES**

6. The main planning issues are whether the proposed change of use would be acceptable in terms of its impact upon:
  - (a) Principle of Development
  - (b) Character
  - (c) Amenity
  - (d) Highway Safety
  - (e) Nutrient Neutrality

#### **PLANNING POLICIES**

7. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan and Low Coniscliffe & Merrybent Parish Neighbourhood Plan, which seek to ensure that new development:
8. From the Darlington Local Plan;
  - Reflects the presumption in favour of sustainable development contained within the NPPF and to secure developments wherever possible that would bring economic, social and environmental benefits to the Borough (*Policy SD1*).
  - Will be approved without delay where planning applications accord with policies within the development plan, or where there are no relevant development plan policies, permission will be granted unless policies within the NPPF provide clear reasons for refusing the development or any adverse impacts of the development significantly outweigh its benefits (*Policy SD1*).
  - Takes into account the role and function of places based on the following hierarchy of settlements;
    - Rural Villages - The character and setting of these Rural Villages, including their relationship within the surrounding countryside, will be protected and where possible enhanced. Development shall make efficient and sustainable use of existing buildings and infill opportunities. (*Policy SH1*).

- Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
  - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
  - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
  - Will be suitably located and acceptable in terms of noise and disturbance, artificial lighting, vibration, emissions from odour, fumes, smoke, dust etc and commercial waste (*Policy DC4*).
  - Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).
9. From the Low Coniscliffe & Merrybent Parish Neighbourhood Plan;
- Maintains the character of the locality, with consideration to appearance, size, scale and density of the proposal (*Policy LCM 8: Design*).
  - Provides adequate refuse and recycling storage that is incorporated into the scheme to minimise visual impact (*Policy LCM 8: Design*).
  - Does not prejudice the amenity of future occupiers or occupiers of adjacent properties in terms of overshadowing, loss of light, dominance, loss of privacy, noise or general disturbance (*Policy LCM 8: Design*).
  - Will not result in unacceptable levels of noise, air or water pollution (*Policy LCM 8: Design*).
  - Will be supported where it can be demonstrated that development;
    - Will provide safe vehicular, cyclist and pedestrian access
    - Will not significantly impact upon traffic flows on the highway network or that appropriate mitigation measures can be secured and undertaken
    - Makes satisfactory off-road parking provision (*Policy LCM 18: Transport and New Developments*).

#### RESULTS OF TECHNICAL CONSULTATION

10. In summary;
- |                             |                |
|-----------------------------|----------------|
| Highway Development Control | No objection   |
| Environmental Health Unit   | No objection   |
| Parish Council              | Not Supported. |
11. No highway objections have been raised by the Council's Highways Development Control Officer. They have reviewed the information and supporting Planning Statement, commenting that with just three members of staff working at the premises, sufficient car parking is demonstrated. They also note that there would be sufficient space to internally accommodate deliveries from vans.

12. The Environmental Health Officer noted that no service or maintenance work is to be carried out at the premise and there is no defined workshop area. They noted the frequency of deliveries, with most orders being sent directly to the customers. In addition, the officer observed from the submitted information that the workforce on site is small and that staff would operate during daytime opening hours. Consequently, they do not envisage any issues associated with noise and have not objected to the application.
13. The Parish Council have not supported this application, commenting on the limited substantiated facts to hand at that time. They note the information indicating a mainly office related activity with minimal site traffic, but due regard has been given to the objections raised by local residents who have commented on the frequency of commercial vehicles visiting the site. They are also aware of a recent accident involving a vehicle associated with the site, which they state reinforce resident concerns. They feel that residents are being impacted by activities on site and cannot support an application which would impact/ detract from local amenity.

#### **RESULTS OF PUBLICITY AND NOTIFICATION**

14. A total of three objection comments have been received by the following properties with the main concerns bullet pointed below. It has been confirmed that the comments from Paul Crudass have been submitted as both a ward councillor and individual representation.
  - Mr Richard Bell, 46 Merrybent
  - Mr Paul Crudass, 81 Merrybent
  - Mr Clive Bennett, 67 Merrybent
  - Scale of commercial activity out of character to residential area.
  - Multiple commercial vehicles / deliveries seen regularly on site.
  - Delivery vehicles do not use the internal parking area due to locked electronic gates to entrance of application site and so they park on the main highway.
  - Staff entering the site do not have direct access to electronic gates and have to wait for them to be opened.
  - Impact to highway safety due to number of commercial vehicles and large delivery vehicles.
  - Access not suitable for amount of commercial and residential vehicles.
  - A road traffic accident occurred from one of the companies' vans manoeuvring into the site.
  - There is storage of commercial goods within the garage.
  - The business creates noise disturbance and hours of operation unsuitable.
  - Impacts from commercial waste.
15. The applicant has done a written response to address each of the above points. Where relevant, such response comments have been included within the officer report, but the full response comment can also be viewed in full online at: <https://publicaccess.darlington.gov.uk/online-applications/>



## PLANNING ISSUES/ANALYSIS

### (a) Principle of Development

16. The application site is located within the limits to development and it is considered to be within a sustainable location given the nearby transport links. Additionally, given the scale of the use, it is not considered to significantly undermine economic growth in other locations across this borough.
17. Local policy SH1 states that rural villages should ensure development makes efficient and sustainable use of existing buildings. This business has utilised an existing building within the development limits of this settlement which is considered acceptable in terms of being a sustainable location and still utilising an efficient use for this building. It is considered, that the proposed use at the first floor makes an efficient use of the space to allow the applicant and staff to work more flexibly around the Northeast.
18. Adaptation for businesses is referenced within the NPPF paragraph 81;  
  
*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.*
19. The proposal is considered broadly in line with the above national policy as the business has been adapted for viability reasons, owing to the nature of the business changing over the years. Originally staff would repair and store items within a workshop and storage unit as part of the previous premise. This workshop area is no longer required as staff now work remotely at the customers premises. Additionally, a member of office staff retired, leaving only three members of staff (including the applicant) to work in the office. Consequently, this resulted in a unit that was too large for the business needs in which only a small office space for three staff would be required. Furthermore, at the time the lease was due for renewal, there was an increase of 30% for the rent and service charges and required a six-year commitment.
20. As a result of Coronavirus pandemic, people were advised to work from home. After this period the applicant recognised that the home garage would be a viable option to manage the business from. This is because the first floor of what was the home office, would provide the required downgrade in floor size for the business requirements. The operation and nature of this business also lends itself well to remote working. As such, it can be seen that the applicant has adapted the business needs to address the viability constraints of a larger unit that was no longer required. On balance, for the reasons given above, it can be understood why this garage was chosen to manage this business and in principle, given paragraph 81, the adaptation of a business can be supported.
21. It is also not considered unreasonable for the applicant to work from home as part of his business. The detached garage incorporated a home office at the first floor prior to this business operation. The proposed use is to allow a change for three members of staff to work at the first floor. The business is managed from this office space with the main operations of the business carried out on site across the Northeast.

22. As such, this proposal is considered a special circumstance because the applicant already lives at the plot, the daughter who works at the business also currently lives at the plot and the other member of staff is part time. The staff who work here mainly carry out office related activities. As such an office use is still being carried out here, albeit the intensification has increased threefold and the business is managed here, resulting in a change of use, but creating a unique and personal situation to the applicant.
23. As such, the nature of this office use as well as the scale of this proposed business, it is not considered to be unacceptable in principle, subject to the other material planning considerations to be assessed below. However, given the special circumstances of this case, it is considered reasonable to place a condition to restrict the proposed use to just this business model for the applicant and no other occupier or business. This means that the permission belongs to the applicant and not the land or building and so when they move on, the permission will lapse. In effect, any new business use cannot be operated without obtaining planning permission.

**(b) Character**

24. No external changes are proposed to the existing garage and so the visual amenities are not considered to be impacted upon.
25. It is accepted that the running of an office can differ to that of a residential context. However, the activities of an office use are not considered to be inappropriate for a residential area. This is taking into account the scale of the office as well as the activity levels set out by the applicant. As such, this proposed business is considered to be appropriate to the home use and wider residential area and would not unduly harm the wider context of this settlement.
26. Objection comments reference the intensification of the site, but when taking into account the Planning Statement which can be included in the list of approved documents, the level of activity is considered suitable for a domestic dwelling. It has been confirmed that no servicing or repairs would be carried out on site and that deliveries are to the customers unless it cannot be accommodated. As such the operations of an office use are not considered to be such a high active use as to significantly impact upon the residential character of the area. With regards to deliveries, the applicant has indicated that this would be a couple of times a week and that he would then deliver these items to the customers and there would also be the occasional visit from staff to pick up / drop off items. Such delivery activity at this proposed level is not considered to be significantly different to what a domestic property can receive delivery wise which has become a common aspect in this present day.

27. With regards to the objection comments about the storage of business items within the garage, it has been confirmed that there is a mix of domestic and business items. The reason for the business items being stored within the garage is because the larger unit has been closed down and for now some of the items have been stored within the garage until they can be moved on. In isolation, the storage of business items on a domestic property does not necessarily require planning consent. The Planning Statement also states that it is not the intention that business items will be stored within the garage in the long term. Therefore, on balance and based on this information, it is considered that the current items are permissible to be stored on site and the Planning Statement makes clear that no business items are to be kept in the garage. This temporary commercial storage situation is not considered to impact upon the character of the area and is also not considered to be an indication of the level of commercial activity.
28. With regards to commercial waste, this has been discussed with the applicant and it is noted that there is a commercial bin stored within the garage for office refuse. It is understood there is currently a contract in place for this bin which was signed in the previous premise and this contract does not expire until January 2024. Cancelling this would result in an early termination payment which is why this bin is still being used. However, it is not considered unacceptable to have a bin in association with a business and refuse collection for a small office use is considered to be of a low frequency. Furthermore, this can be stored within the garage and should not therefore impact upon the character of this plot, though it is understood that the applicant would not be looking to renew this particular contract for this refuse bin.
29. On balance, the proposed change of use is not considered to adversely impact upon the character of this area and would generally comply with local policies DC1 and LCM8. This is also taking into account that the business can be conditioned to not be operated by other future occupants. A further condition can be applied regarding no servicing or repairs to take place which therefore results in a scale and level of activity that is not considered to significantly impact upon the wider residential character of the area.

**(c) Amenity**

30. Consideration is given to the siting of the garage unit in relation to the orientation of neighbouring dwellings. It is considered that are sufficient distances for these operations to not harmfully affect amenity levels. This is also taking into account the small scale of the proposed use as well as the activities associated with an office use which do not typically generate a lot of noise and disturbance. The staffing levels for the proposed office space are considered acceptable and therefore controlled by way of a condition.
31. A condition has been attached to control the hours of operation between 8:30am – 6pm, Monday – Friday and this has been considered suitable. While the Planning Statement says the hours of operation are between 9am – 4pm/5pm, it is considered reasonable to allow a degree of flexibility for the staff that may arrive earlier or need to work later than 5pm.

32. As already noted, two conditions have been attached regarding a personal permission and for there to be no service, repair or maintenance. The former condition type will ensure that no other business is operated from this building. This condition will ensure that the amenity of neighbouring properties in the future can be assessed and safeguarded. The latter condition would assist in safeguarding current amenity levels as it would restrict the use to office operations only.
33. Overall, the proposed use is not considered to adversely impact upon amenity levels and would comply with local policies DC4 and LCM8. This is also taking into account that the Environmental Health Unit have raised no objections and so the noise and general activities associated with this business are considered acceptable.

**(d) Highway Safety**

34. The proposed scheme is not considered to create a highway safety issue and this is taking into account the comments from the Highways, Development Control Officer.
35. As already noted only three members of staff work on site and there is ample parking within the application site to park these vehicles. As these vehicles (as well as the residential vehicles) can be accommodated within the site, it is not considered that there would be any need to park on the main road, thus the main highway flow would not be affected by staff parking.
36. The extent of hardstanding also gives the ability for delivery vehicles to be able to park and manoeuvre within the site. It is noted that there are objection comments which refer to such vehicles parking on the main highway. However, this not due to a lack of space within the application site. As such, because delivery vehicles can be accommodated, it is not considered that a highway safety objection can be raised. Nevertheless, it should be noted that there are no restrictions from parking on the main highway which can occur at any time, regardless of this business operation. But the Planning Statement says that when packages are delivered to the office, the delivery vehicles pull into the gates of this plot, with no commercial vehicles being parked on the main road.
37. This point is further emphasised within the applicant's response comment, who states that the access to the plot is set back from the main road by 4 metres, allowing enough space to drive a vehicle in while the driver waits for the gates to open.
38. With regards to the electronic gates, an objection comment has stated that vehicles cannot enter the site because the staff and delivery drivers do not know the code. The applicant has refuted this comment, confirming that staff members and anyone else visiting the site know the code or have a key fob for the gates to allow access into the premises. The comments also say that the courier for the delivery of items for the business is generally the same person who has the access codes to the gates. Nevertheless, should there be a person who does know the access code, there is space in front of the access to allow a parked vehicle to wait while the gates open. As most the staff and anyone else who frequents the property knows the access code, it is considered that this situation of a parked vehicle in front of the electronic gates should be infrequent. There are also doorbells on the entrance of the access gates to call for access into the premise.

39. Objection comments also reference a high level of commercial vehicles being present on site on a daily basis. However, the Planning Statement has set out that deliveries will be to customers and where this is not possible, the deliveries will be sent to the office and the applicant would then deliver these packages to the engineers on site. The statement says that these deliveries occur a couple of times a week. In addition to this, one member of staff who works remotely but is often within the surrounding area of Darlington, may visit the office up to twice a week to either collect or drop off items. This level of activity is considered suitable and the Planning Statement will be approved within the documents list to ensure the operations set out for the business can be adhered too. Nevertheless, the extent of hardstanding is considered suitable to allow deliveries and staff to visit the site.
40. An objection comment has stated that the access to the site is not suitable for the level and extent of commercial vehicles. There is also reference to a road traffic accident occurring as a result of the business.
41. With respect to the road traffic accident, the applicant has commented that the accident was as a result from a third party. The applicant explains that the accident occurred outside of his property when a third party vehicle hit the back of a JBL vehicle that was pulling into his driveway. After this impact the third party vehicle then carried on out of control and hit another van that was parked on the main road, outside of 46 Merrybent, that was carrying out works to this neighbouring property. The incident was caught on the applicant's house CCTV and sent to the insurance companies who confirmed that the fault was with the third party driver.
42. Notwithstanding the above comments, further discussions were had with the Highways Officer regarding this accident and upon reviewing a five-year period of recorded accident data, there was no indication to suggest there would be a significant adverse highway safety issue regarding the access onto the main highway of Merrybent. The access into the application site also exceeds visibility standards for a 40mph road as well as there being sufficient space to turn within the curtilage of this property to allow vehicles to enter and exit in a forward gear.
43. Local policies DC1, IN4 and LCM18 all seek to support proposals that provide safe and suitable vehicular access and parking as well as not creating a significant impact upon traffic flows to the detriment of highway safety. It is considered that the proposal provides sufficient off-road parking provision and therefore safe and suitable parking provision is provided. Consequently, there is no requirement to park on the main highway and so the traffic flow would not be impacted upon. The access has also been deemed acceptable. Therefore, the proposal is not considered to create an adverse highway safety issue.

**(e) Nutrient Neutrality**

44. As of March 2022, Natural England advised that Darlington Borough Council is within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. This means under the Habitats Regulations, that Darlington Borough Council must now carefully consider the nutrients impacts of development proposals on habitat sites. Particular regard is had to developments that create overnight accommodation or those that impact upon water quality.

45. Two toilets have been installed at the ground floor, under the stairs and access to the first floor office. However, these works are considered of a small scale and serve workers within the borough. Therefore, based on the guidance from Natural England, the proposed works are considered to fall outside the scope of Nutrient Neutrality.

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

46. 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. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

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

47. 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**

48. The proposal is considered to be acceptable in principle and would not unduly harm the character of the wider area or the amenity of the neighbouring occupiers. It is also considered that the proposal would not have an adverse impact upon highway safety or nutrient neutrality. The proposal is considered to meet both national and local planning policy and it is therefore recommended that the application be Approved with Conditions for the reasons specified above.

#### **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. Approved Plans and Statement

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

Reference Number	Date
OFFICE LAYOUT	18 January 2023
PLANNING STATEMENT	18 January 2023
LOCATION PLAN	24 January 2023

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

2. Personal Permission

This permission shall be personal to JBL Services Ltd only and shall not enure for the benefit of the land. In the event of JBL Services Ltd no longer being the owner of the premises the use shall revert back to the use as a home office space as part of the residential dwelling (Use Class C3).

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent uses in the event of JBL Services Ltd no longer owning the premises.

3. Restriction on Business Works

No servicing, repairs or maintenance in association with the hereby approved business is to take place in either the hereby approved office space or ground floor domestic garage.

Reason: To control the level of development for the avoidance of any doubt and to safeguard the amenities of adjacent residential occupiers.

4. Staff Numbers

The levels of staff working at the hereby approved office, shall be no more than 3 members of staff at any one time, as indicated on drawing 'OFFICE LAYOUT' (dated 18.01.2023).

Reason: To control the level of activity and for the avoidance of any doubt.

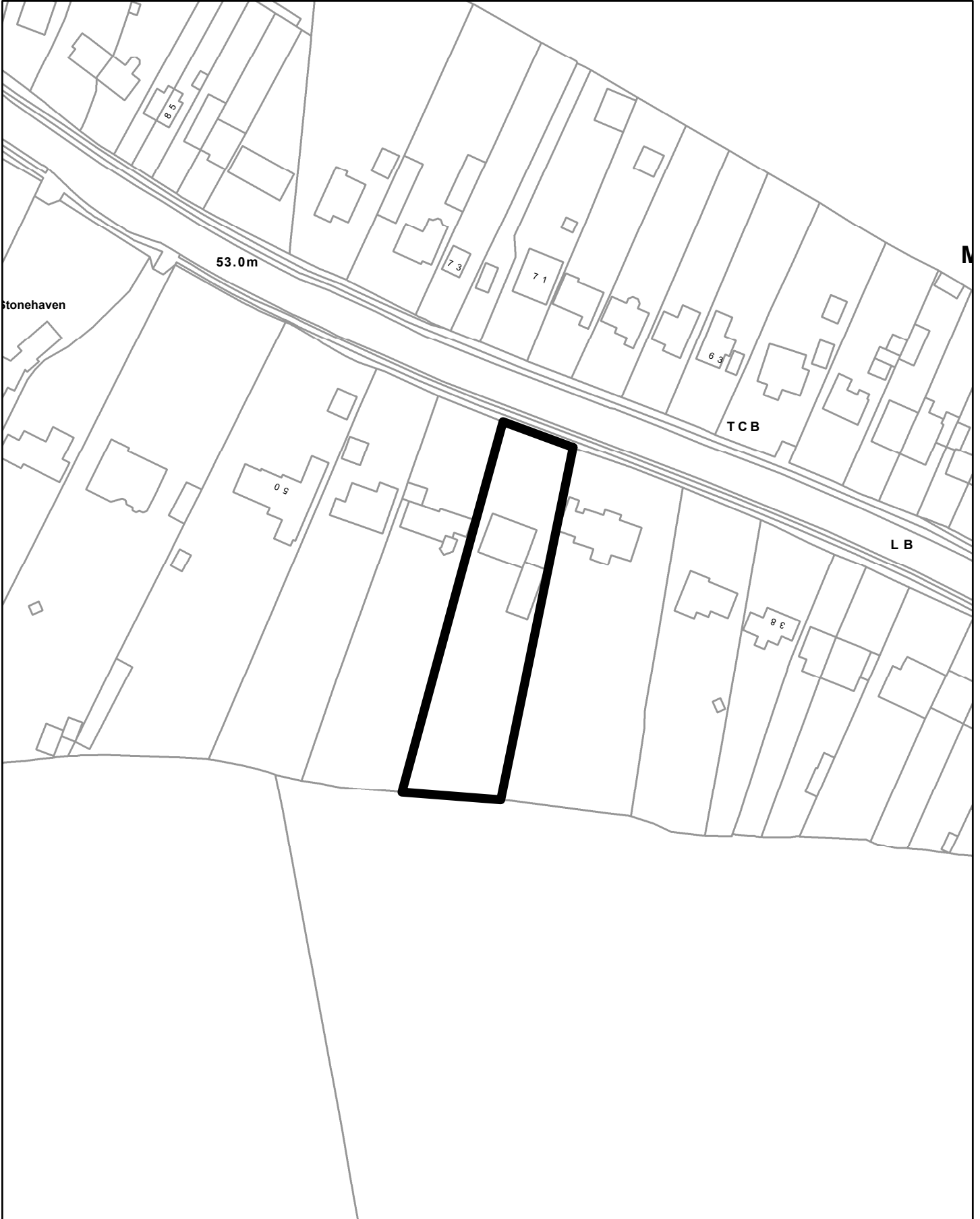
5. Operation Hours

The hereby approved office use shall not be open for business outside the hours of 8:30am - 6:00pm Monday to Friday. Deliveries associated with the use shall not take place outside of the permitted hours of operation.

Reason: In order to control the level of activity and to safeguard the amenities of adjacent residential occupiers.

This page is intentionally left blank



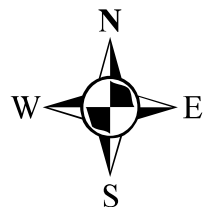


© Crown copyright All Rights Reserved Licence Number 100023728 2023

**Planning Ref No: 23/00056/FUL**

DARLINGTON BOROUGH COUNCIL

Page 33



SCALE 1:1500

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank