



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 6 November 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 9 October 2024 (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) Land North Of Coniscliffe Road (Pages 21 - 38)
 - (b) 11A Brinkburn Road And 2,4,6 Chandos Street (Pages 39 - 50)
 - (c) Red Hall Cottage, Harringay Crescent (Pages 51 - 60)
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: -

Andrew Verity has appealed against this Authority's decision to refuse permission for works for replacement and relocation of the boundary fence and additional hardstanding to front of dwelling (Retrospective Application) (Re-submission) at 12 Manor Road, Hurworth Place, Darlington, DL2 2HJ (24/00521/FUL)

Recommended – That the report be received
(Pages 61 - 64)

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 25th October 2024 (Exclusion Paragraph No. 7) – Report of the Chief Executive (Pages 65 - 74)
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, 29 October 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, 9 October 2024

PRESENT – Councillors Haszeldine (Chair), Ali, Anderson, Bartch, Beckett, Cossins, Kane, Lawley, Lee, McCollom and Tostevin.

APOLOGIES – Councillors Allen and Robinson.

ABSENT – Councillor Laing.

ALSO IN ATTENDANCE – Councillors Mrs Scott and Snedker.

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

PA26 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA27 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 SEPTEMBER 2024

RESOLVED – That the Minutes of this Committee held on 4 September 2024, be approved as a correct record.

PA28 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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| A3 | <p>Implementation Limit (Three Years) 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> |
| CL2 | <p>Prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 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</p> |

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| | <p>associated works shall be carried out without the prior written agreement of the Local Planning Authority.</p> <p>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.</p> |
| CL3 | <p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and 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.</p> <p>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.</p> |
| CL4 | <p>Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and 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.</p> <p>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</p> |

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| | to receptors, in accordance with the National Planning Policy Framework. |
| CL5 | <p>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.</p> <p>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.</p> |
| CL6 | <p>The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the 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.</p> <p>A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, 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.</p> <p>The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.</p> <p>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</p> |

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| Framework. |
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PA29 ELM RIDGE GARDEN CENTRE, CONISCLIFFE ROAD, DARLINGTON

23/00769/FUL - Demolition of existing buildings, erection of a convenience food store (Class E(a)) at ground floor with office accommodation to first and second floors (Class E(g)(i)), alterations to vehicle and pedestrian accesses including additional pedestrian access and associated parking and landscaping (Additional Existing Elevations and Floor plans received 12 October 2023; Amended plans and additional reports received 8 July 2024; amended plan received 12 August 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Environmental Health Officers, Ecology Officer, Transport Planning Manager, Lead Local Flood Authority Manager and Senior Arboricultural Officer, Northern Gas Network, forty-three letters of objection received, four letters of support received, and the views of the Applicant's Agent, two Objector and a Borough Councillor, whom the Committee heard).

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

GENERAL

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number L022074 005 Rev D Proposed Elevations
 - b) Drawing Number 5041/1 Detailed Landscape Proposals
 - c) Drawing Number L022074-002 Rev D Site Layout Plan
 - d) Drawing Number L022074-007 Rev A Proposed Materials
 - e) Drawing Number L022074-011 Pedestrian and Vehicular Access Points
 - f) Drawing Number D 1003 Rev A Proposed Offsite Highway Improvements
 - g) Drawing Number L022074-005 Rev C Proposed Extensions
 - h) Drawing Number L022074-008 Rev A Location and Block Plan
 - i) Drawing Number L022074-003 Rev C Ground & First Floor Plans
 - j) Drawing Number L022074-004 Rev A Second Floor Roof Plans
 - k) Drawing Number MD01708/0100 Proposed Drainage Strategy

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

SCULPTURE

3. The public art installation as shown on the approved plans shall be installed prior to the first occupation of the development or within such extended period which may be agreed in writing by, the Local Planning Authority.

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

MATERIALS

4. Notwithstanding the details shown on the approved plans, precise details of the external materials (including samples) to be used in external surfaces of the building and boundary walls where new entrances are being inserted shall be submitted to an approved in writing by the Local Planning Authority prior to any building being constructed above damp proof course. The development shall not be carried out otherwise than in complete accordance with the agreed details.

REASON – In the interests of the visual appearance of the development and the local area.

HIGHWAYS

5. Prior to the first occupation of the development, the following schemes of off-site highway mitigation measures must be completed on site:

- a) Improved pedestrian crossing points as indicated on Drawing P2149 D – 1003 Rev A, at: Elm Ridge Roundabout
- b) Site access and bus stop relocation works at Site of former Elm Ridge Garden Centre Coniscliffe Road

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of the schemes and their interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON - To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

6. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users 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 retained for their intended purpose at all times.

REASON - To provide for appropriate on-site vehicle facilities in the interests of highway

safety and the general amenity of the development.

7. Notwithstanding the requirements for a Stage1/2 RSA at submission of detailed design, further independent Stage 3 & 4 Road Safety Audits must be carried out in accordance with GG119 - Road Safety Audits or any superseding regulations. Audits Shall Cover all off-site highway works within the public highway. The design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within a timescale to be agreed in writing with the Local Planning Authority.

REASON - To ensure that the design is appropriate in the interests of the access, safety, and convenience of highway users.

8. No building shall be constructed above damp proof course until precise details of secure cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum. The development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

REASON - To comply with policy IN4 of the Local Plan and the guidance in LTN 1/20 on Cycle Infrastructure Design.

9. The four EV charging points shown on Drawing Number L022074-002 Rev D shall be installed and be available for use prior to the first occupation of the development hereby approved.

REASON – In order to accord with Policy IN4 of the Local Plan.

10. The disabled parking bays shown on Drawing Number L022074-002 Rev D shall be installed and be available for use prior to the first occupation of the development hereby approved.

REASON – In order to accord with Policy IN2 of the Local Plan.

DEMOLITION AND CONSTRUCTION MANAGEMENT PLAN

11. No development, including demolition works, must commence until a site-specific Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- 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" 2009.
- c) Details of any temporary construction access to the site including measures for removal following completion of construction works.
 - d) Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - e) The parking of contractors' site operatives and visitor's vehicles.
 - f) Areas for storage of plant and materials used in constructing the development clear of the highway.
 - g) Details of the measures to be taken for the protection of trees.
 - h) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
 - i) Warning Signage.
 - j) Road maintenance.
 - k) Details of security lighting that is to be used during the construction period.

REASON - In the interest of public safety and amenity

AMENITY

12. Construction and demolition work, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interest of residential amenity.

13. No building shall be constructed above damp proof course until precise details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person has been submitted to and agreed in writing to the Local Planning Authority. The scheme should specify the position of ventilation, fume, or flue outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

14. No building shall be constructed above damp proof course until precise details of any ventilation and fume extraction systems to be installed including details of the emissions, methods of treatment to remove odour, particles or droplets and discharge points have been submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

15. No building shall be installed above damp proof course until precise details of external lighting to be installed on site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type of light appliance, the height and position of fitting, illumination levels and light spillage. The development shall not be carried out otherwise than on complete accordance with the approved details and the lighting approved shall be installed and maintained in accordance with the approved details.

REASON – In the interests of residential amenity.

16. No building shall be constructed above damp proof course until precise details for the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity.

17. No building shall be constructed above damp proof course until details of new boundary treatments to the rear of No 271 Coniscliffe Road and Elm Ridge Cottage, Carmel Road South have been submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approved details and the boundary treatment shall be erected prior to the first occupation of the development and shall not be repaired or replaced other than in accordance with the approved plans.

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.

18. The existing Leyland Cypress hedging on the eastern boundary shown to be retained as part of the approved landscaping plan (Drawing Number 5041/1) shall not be removed or reduced in height below 3m without the consent of the local planning authority to whom a planning application shall be made.

REASON – In the interest of the residential amenity.

19. The existing privet hedging on the southern boundary shown to be retained as part of the approved landscaping plan (Drawing Number 5041/1) shall not be removed or reduced in height below 2.5m without the consent of the local planning authority to whom a planning application shall be made.

REASON – In the interest of the residential amenity

HOURS OF OPENING AND DELIVERIES

20. The convenience store and offices hereby approved shall not operate outside the hours of 06:00-22:00 Monday to Sunday.

REASON – Should any variance to the operating hours be sought at a later point, consideration of the matter should be referred to the Planning Applications Committee for determination. In the interests of residential amenity

21. The delivery and despatch of goods to and from the site, including waste collection, shall not occur outside the hours of 07:00 and 20:00 on Mondays to Saturday, and not outside of the hours of 10:00 and 15:00 on a Sunday.

REASON – Should any variance to the hours pertaining to the delivery and despatch of goods, including waste collection, be sought at a later point, consideration of the matter should be referred to the Planning Applications Committee for determination. In the interests of residential amenity.

LAND CONTAMINATION

22. CL2 - Phase 2 Site Investigation Strategy.

23. CL3 – Phase 2 Investigation Works.

24. CL4 - Phase 3 Remediation and Verification Strategy.

25. CL5 - Construction/Remediation works.

26. CL6 - Phase 4 Verification and Completion Report.

ECOLOGY

27. Prior to the commencement of the development, a Habitat Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved Plans.

REASON – In the interest of securing biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

28. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations (Paragraph 7.6) of the approved document entitled “Preliminary Ecological Appraisal “Low Impact” Ecological Impact Assessment for Elm Ridge, Darlington DL3 8DH” dated May 2023 and produced All About Ecology unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of biodiversity and habitats.

29. Notwithstanding the details shown on the approved plans, no building shall be constructed above damp proof course until precise details of the swift bricks/boxes and bat bricks/boxes shall be submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development and shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of biodiversity and habitats.

TREES

30. The development hereby approved shall not be carried out otherwise than in complete accordance the mitigation measures and tree protection measures contained with the approved document entitled “Arboricultural Method Statement inc. Impact Assessment Ref: ARB/CP/3116” dated May 2023 and produced by Elliott Consultancy Limited unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interest of the visual appearance of the development.

LANDSCAPING

31. The landscaping scheme shown on Drawing Number 5041/1 D 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. Any trees, hedges or shrubs removed, dying, severely damaged or becoming seriously diseased within thirty years of planting shall be replaced by trees, hedges and shrubs of similar size and species to those originally approved and planted.

REASON - To ensure a satisfactory appearance of the site and to improve the visual amenities of the locality.

DRAINAGE

32. 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 and full Flood Risk Assessment.
- 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.

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 Local Plan and the National Planning Policy Framework 2023

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

- a) Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building.
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

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

PA30 NOTIFICATION OF DECISION ON APPEALS

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

- (a) Dismissed the appeal by Mrs L Brunton against this authority's decision to refuse permission for consent to undertake work to a tree protected by a Tree Preservation Order at Garden Cottage, Low Middleton, Middleton St George, Darlington, DL2 1AX (Ref No 22/00575/TF).

RESOLVED – That the report be received.

PA31 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.

PA32 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 20 SEPTEMBER 2024 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA25/Sept/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 20 September 2024.

RESOLVED - That the report be noted.

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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 – 6 November 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 |
|---|-------------------------|
| Land North Of Coniscliffe Road | 24/00747/RM1 |
| 11A Brinkburn Road And 2,4,6 Chandos Street | 24/00863/FUL |
| Red Hall Cottage, Harringay Crescent | 23/00081/FUL |

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6th November 2024

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| APPLICATION REF. NO: | 24/00747/RM1 |
| STATUTORY DECISION DATE: | 13 November 2024 |
| WARD/PARISH: | Heighington And Coniscliffe/Low Coniscliffe And Merrybent |
| LOCATION: | Land North Of Coniscliffe Road Darlington |
| DESCRIPTION: | Application for reserved matters approval relating to appearance, landscaping, layout and scale for the erection of 475 No. dwellings attached to outline permission 17/00632/OUTE dated 28 May 2024 (Outline planning application for the erection of up to 535 Dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access) (additional plans and reports received 3 September 2024; amended plans received 16 October 2024) |
| APPLICANT: | Taylor Wimpey North Yorkshire |

RECOMMENDATION: GRANT APPROVAL 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=SHE35TFPIET00>

APPLICATION AND SITE DESCRIPTION

1. Outline planning permission (reference number 17/00632/OUTE) was granted in May 2024 for the erection of up to 535 dwellings, landscaping, ancillary works and wider highway mitigation measures with all matters reserved except access at the application site, subject to a Section 106 Agreement and planning conditions.

2. The Section 106 Agreement secures 20% of the overall number of dwellings within the site being provided as affordable housing. The Agreement also seeks financial contributions towards:
 - 1) A Public Transport contribution
 - 2) Off site Public Rights of Way Improvements and Walking Routes in the vicinity of the site
 - 3) Travel Plan Contributions
 - 4) Off site Highway Improvements Works on the A66 Trunk Road to be carried out by National Highways
3. The next stage is for the applicant to submit an application for Reserved Matters which provides more detail than was shown in the outline planning application and to also submit an application or applications to discharge planning conditions attached to the outline planning application. Outline permissions cannot be implemented until a Reserved Matters application has been approved and the appropriate planning conditions have been satisfied and discharged.
4. This is an application for Reserved Matters relating to appearance, landscaping, layout and scale only for the erection of 475 No. dwellings within the application site.
5. These are the only Matters that can be considered as part of this submission.
6. The access arrangements for the site were agreed and approved under the outline planning permission. This planning application also confirms that 95 dwellings will be affordable units in accordance with planning policy and the Section 106 Agreement.
7. An application seeking to discharge the planning conditions attached to the outline planning permission has yet to be submitted by the applicant. Such applications will consider matters relating to flood risk and drainage, nutrient neutrality, noise, phasing plans, construction impacts, land contamination, ecology, certain highway matters, tree protection measures etc in more detail.

Statement of Community Involvement

8. Prior to submitting the application, a community consultation exercise was commissioned by the applicant in order to establish the views of nearby residents and local stakeholders. On behalf of Taylor Wimpey, ELG Planning consulted local residents and other local stakeholders to engage with them with regards to the planning and development process.
9. A Statement has been submitted in support of the planning application which confirms that the exercise consisted of the distribution of approximately 350 leaflets

among the local area, a public consultation event, consultations with Ward Councillors and the Parish Council and details being provided on the applicant's website.

10. In response to the feedback, amendments to the scheme included the provision of a mown grass land area to create a 'kick about' area, an enhanced planting scheme where appropriate and improvements to the entrance with replacement hedging provided at the front of site with Coniscliffe Road and the provision of a walled entrance feature.
11. Following the submission of the planning application, amended plans have been received which
 - Update the landscape scheme to address ecology comments.
 - Show all private drives with bin collection points where the drive exceeds 25m.
 - Show a turning space where private drives exceed 25m in length to allow for turning of delivery vehicles.
 - Show amendments to the visibility splays to the southern area of the site. Plots 79 and 103 – 106 have been repositioned to ensure that the visibility splay is within the adoptable highways area. The verge and footpath in front of these properties have been realigned to suit the visibility splay.
 - Show a footpath link provided between the shared surface by plots 4 / 13 onto the main footpath along the spine road.
 - Show the removal of a substation adjacent to plot 200 as it is no longer required.

Environmental Impact Assessment

12. The outline planning application was supported by an Environmental Statement covering traffic and transport, air quality and noise impacts. The conclusions of the Environmental Statement demonstrated that the development proposals considered at outline planning stage would not give rise to any significant environmental effects. The Reserved Matters scheme sits entirely within the parameters considered by the Environmental Statement and the outline planning application. In fact, the number of proposed houses forming this Reserved Matters application is less than that which was considered as part of the outline planning application.
13. Following the submission of an EIA Screening Opinion on behalf of the applicant, the local planning authority considered that the development proposals which form the Reserved Matters submission will not result in any additional significant environmental effects by virtue of the scale, location and nature of the proposed development that have not already been considered, and it was therefore considered that no further information was required in accordance with Part 3, Regulation 9 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

MAIN PLANNING ISSUES

14. 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 (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
15. Another material consideration in the determination of this application is the Low Coniscliffe & Merrybent Neighbourhood Plan (2019) as whilst the site is adjacent to the urban area it is located within the Neighbourhood Area Boundary.
16. The redevelopment of the site for residential purposes have been established by the granting of the outline planning permission reference number 17/00632/OUTE. The main issues to be considered here are whether this proposed development is acceptable in the following terms:
 - a. Appearance
 - b. Landscaping
 - c. Layout
 - d. Scale
 - e. Nutrient Neutrality
 - f. Planning Conditions

PLANNING POLICIES

17. Alongside the National Planning Policy Framework 2023, the relevant policies within the Darlington Local Plan and the Low Coniscliffe and Merrybent Neighbourhood Plan are as follows.

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
DC5: Skills & Training
H1: Housing Requirement
H2: Housing Allocations
H3: Development Limits
H4: Housing Mix
H5: Affordable Housing
ENV3: Local Landscape Character
ENV4: Green & Blue Infrastructure
ENV5: Green Infrastructure Standards
ENV6: Local Green Space
ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN3: Transport Assessments and Travel Plans
IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure

Low Coniscliffe & Merrybent Neighbourhood Plan 2018 – 2036

LCM 1: Landscape
LCM 2: Tranquillity
LCM 3: Green Infrastructure
LCM 5: Biodiversity
LCM 6: Wildlife Corridors
LCM 7: Local Green Space
LCM 8: Design
LCM11: General Location of New Development
LCM12: Housing
LCM 15: Infrastructure
LCM 18: Transport and New Developments
LCM 19: Public Rights of Way

Other relevant documents

National Planning Policy Framework 2023
Supplementary Planning Document Design for New Development

RESULTS OF TECHNICAL CONSULTATION

18. The Council's Public Rights of Way Officer, Climate Change Officer, Arboricultural Team Leader, Environmental Health Officer, Lead Local Flood Authority Officer and Transport Policy Manager have raised no objections.
19. The Council's Play Area Manager welcomes the play area provision and has provided further advice on the play equipment and maintenance regimes.
20. Northern Gas Networks have raised no objections.
21. National Highways have raised no objections to the planning application.
22. The Air Traffic Engineering Manager for Teesside Airport was consulted on the application as the use of SUDs basins can attract fowl that can impact on aircraft safety. The Manager has raised no objections.
23. Following the submission of amended plans, the Council's Highways Engineer and Ecology Officer have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

24. Following the Council's notification and publicity exercises, two comments and five objections have been received.
25. One comment raised no objections to the principle of the development provided that the development includes appropriate infrastructure for the increase in road traffic; for surgeries, schools, shops, public houses, water supply, flood risk and drainage.
26. The second comment does not object to the planning application but suggests further landscaping in and around the beck, to the rear of the Baydale Beck, on the north western corner of the site and around SUDs basins. The comment also suggests making footpaths around the site into Bridleways, relocating the play area and pumping station and ensuring the spine road is the same width as West Park with passing places.
27. The objections can be summarised as follows:
- *Concern over school places, shops, GP practices, traffic management on Coniscliffe Road and disposal of sewage and surface water.*
 - *The development will change the look and feel of the area which is popular with dog walkers.*
 - *Impact on wildlife*
 - *Insufficient landscaping for the site as a whole especially to border the northern section of the existing Bridleway. The housing is too close, and the landscape buffer should be enlarged.*
 - *The scheme does not include bungalows which does not accord with the Neighbourhood Plan*
 - *The site is not sustainable when considered on its own merits and appears to be dependent on the planning permission for Land south of Staindrop Road*
 - *Measures to mitigate for increased traffic, antisocial behaviour and increased foot traffic on the Teesdale Way are expected.*
 - *The application should not be determined until planning conditions relating to a phasing plan, off site highway works and flooding and drainage have been agreed and signed off.*
28. Objections have been submitted on behalf of the Low Coniscliffe and Merrybent Parish Council. The objections considers that certain elements of the proposed development do not comply with the Low Coniscliffe and Merrybent Neighbourhood Plan, the Darlington Local Plan and the National Planning Policy Framework. The comments can be summarised as follows:
- *Concern that in order to meet the needs of an ageing population, there are no bungalows which should be an important part of the housing mix.*
 - *Concerns regarding the level of landscaping at the southern part of the site, adjacent to the A67.*

- *Concern regarding the proximity of the right of way to proposed dwellings, particularly at the northern part of the site and the potential impact of this on both users of the route and the need to create a safe and secure environment for residents.*

PLANNING ISSUES/ANALYSIS

29. Outline planning application ref no 17/00632/OUTE was based on a wider Masterplan considered in conjunction with a scheme to the north submitted under planning application ref no: 17/00636/OUTE for up to 985 dwellings, a convenience store, a GP and land for a primary school which was also approved in 2024.
 30. The Masterplan showed the indicative arrangement of how the two sites would be linked together by a central spine road, new buildings, the street pattern and the arrangement of development blocks, alongside the layout of green infrastructure (open space, landscape habitats, walking and cycling routes). There is a planning condition attached to 17/00632/OUTE stating that any Reserved Matters application shall be carried out in broad accordance with the Masterplan (“the Indicative Development Framework Plan”).
 31. It is noted that the Reserved Matters application is for the erection of No 475 dwellings which is within the parameters of the outline planning permission (535 dwellings). The reduction on the overall number of dwellings is due to the site constraints and the need to comply with appropriate planning policy requirements.
- a) Appearance**
32. This consideration relates matters such as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 33. The proposed development comprises a mix of 2, 3 and 4 bed dwellings across the site. The mix of accommodation is distributed across the site to ensure that all tenures are well integrated within the new community and create mixed neighbourhoods. The house types provided for all tenures are identical with regards to elevational treatment and internal space standards providing a consistent level of design and provision of accommodation across the development.
 34. There is a range of contemporary house types and elevational styles and materials to create variation within the street scene and wider development. The range of house types used across the development also allows for varying roof lines and plot widths. The palette of materials includes rough cast ivory render, red multi and red brickwork; cottage red and anthracite/slate grey roof tiles; stone heads and cills, white windows, black garage doors and windows.
 35. Traditional detailing similar to that found within the local context is incorporated in the facade designs with the use of brick string courses, dentil courses to eaves and

verges and brick corbels. A hierarchy of detailing is used across the development depending upon the size and location of the property.

36. Notwithstanding the above, precise details of the materials for the development will form part of a future Discharge of Condition application.
37. More prominent dwellings are located at approach points to create gateway buildings with rendered facades which will provide points of reference and orientation when moving around the development.
38. All house types have been designed to meet National Space Standards. In addition, 77% of all dwellings will meet the requirements of Building Regulations M4(2) and 9% of all dwellings will meet the requirements of Building Regulation M4(3) in line with Policy H4 of the Local Plan and condition 43 of the outline planning permission ref no 17/00632/OUTE.
39. Along the main spine road and exposed corners of lower density development, brick walls with timber panelling are proposed. Close boarded fencing provides plot boundaries. Timber knee rail fencing is used at key points within the development to define the boundaries between dwellings adjacent to any area of public open space but is restricted to areas within close proximity to the SUDs basins.
40. Whilst a scheme for mitigating noise from road traffic and the Baydale Beck Public House will be considered in detail as part of a future Discharge of Condition application, the application has been supported by a Noise Assessment and the proposed development has included acoustic walling and fencing where appropriate. These measures take the form of a mix of 2m, 2.5m and 3m high fencing and walls. The visual appearance of these features is considered to be acceptable and the landscaped areas, where located adjacent to such features, will soften their visual appearance and ensure that they integrate into the local street context. The Council's Environmental Health Officer has raised no objection to the principle of the proposed layout and mitigation measures.
41. It is considered that the appearance of the proposed development complies with policy DC1 of the Local Plan and policies LCM1, LCM8 and LCM12 of the Low Coniscliffe and Merrybent Neighbourhood Local Plan.

b) Landscaping

42. This consideration relates matters such as the treatment of land (other than buildings for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

43. The proposed development includes landscaped areas which are connected by pedestrian and cycle routes. The areas are a mix of informal recreation areas, amenity spaces, wildlife areas, an informal kick about area and an equipped play area. Existing trees, hedges and watercourses would be integrated into the areas of open space and the spine road design includes a green verge to allow for planting. Ecological features have been incorporated into the development such as bat, bird and bee boxes and hedgehog holes to fences. Each dwelling will have its own private amenity space. SuDs basins, swales and wetland areas are incorporated as part of the landscaping proposals providing wetland habitats that will form an integral part of the green infrastructure.
44. The proposed landscaping scheme uses appropriate planting with a large number of native species and also appropriate non-native species. Further amendments have been made to increase areas of general purpose meadow mix to allow for improved wildlife connectivity across the site at the request of the Council's Ecology Officer.
45. The layout allows green corridors through the development, with the eastern Baydale Beck corridor and western corridor adjacent to the Merrybent Community Woodland being the most valuable for wildlife. The allocation statement at appendix b of the Local Plan (2016-2036) identifies that the site is adjacent to Broken Scar Local Wildlife Site and there is opportunity to create enhanced habitat links to this site. The layout plan demonstrates that these enhanced habitat links across the site between the Local Wildlife Site and also with the Community Woodland to the west have been provided and landscaping corridors have been incorporated along the Beck and between the community woodland and wildlife site. Appropriate levels of landscaped areas have been provided along the eastern and northern edges of the site.
46. Care has been taken to orientate the proposed dwellings or to have dual frontage dwellings overlooking the open space to give natural surveillance of these areas.
47. The southern edge of the built form of the development has been set back from Coniscliffe Road to allow for a landscaped buffer comprising meadow mix, grass and hedge planting and standard and heavy standard tree planting in order to compliment the adjacent community woodland and Merrybent Drive frontages. The set back of the dwellings is further than shown on the Masterplan submitted in support of the outline planning application.
48. The landscaping scheme would be maintained by a private management company and the details of the maintenance regime will be secured as part of the Section 106 Agreement attached to the outline planning permission.
49. The Council's Arboricultural Team Leader and the Ecology Officer have raised no objections to the proposed landscaping scheme following the submission of amended plans. It is considered that the landscaping scheme, in terms of planting proposals, links and corridors and buffer zones have had regard to the requirements

of DC1, ENV, ENV4, ENV5, ENV7, ENV8 of the Local Plan and LCM1, LCM3, LCM4, LCM5, LCM6, LCM8 and LCM12 of the Low Coniscliffe and Merrybent Neighbourhood Local Plan.

50. The extent of landscaped areas and the corridors shown on the landscaping plans is on broad compliance with the Masterplan for the site and planning conditions 33 and 49 attached to outline planning permission 17/00632/OUTE.

c) Layout

51. This consideration relates to matters such as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
52. The layout, which follows the principles of the Masterplan, comprises three parcels of development which are defined by site constraints and separated by areas of open space/landscaping and the central spine road.

Southern Development Cell

53. This cell will be Phase 1 and comprises dwellings on either side of the spine road with properties orientated to face outward along the spine road and the Public Right of Way to the west. The proposed internal road pattern is defined with streets running perpendicular to the spine road forming smaller pockets of development served off shared surfaces. This creates links across the site to the existing bridleway along the western boundary. Dwellings fronting onto the spine road are served off private drives allowing for a lower density of built form and a landscaped verge running alongside the road. The frontage onto Coniscliffe Road has been revised to provide a greater stand-off at the entrance to the site and feature entrance walls are proposed at the entrance with Coniscliffe Road to clearly mark the arrival at the site. Details of the feature wall will be secured via a planning condition.

Northern Western Development Cell

54. This cell will be Phase 2 and has been designed to provide an outward facing development with an active frontage to the open space and the adjacent countryside. This northern parcel is separated from the north eastern development cell by the large central area of open space which incorporates new footpaths and a range of landscaping. Frontage parking has been reduced to provide a better mix of hard and soft landscaping and there is an informal kickabout area and equipped play area.

North Eastern Development Cell

55. This is Phase 3 and has also been designed to provide an outward facing development with frontages to the open spaces and the beck. Additional paths have been created within the open space to create a circular walking route around the site and to connect with future developments to the north. The Safe Route to School runs through this part of the site connecting the site to the wider area via an existing bridge crossing.

56. There are highway and parking related planning conditions attached to the outline planning permission which will need to be considered in detail as part of future Discharge of Condition applications, but generally the layout is largely compliant with the standards required for adoption as public highway as part of an agreement under Section 38 of the Highways Act 1980. Following requests by Officers, further amendments have been made to the layout which are listed in paragraph 10 of this report and the Council's Highways Engineer has raised no objections to the amended development.
57. Details relating to EV charging spaces, cycle parking and bus stop locations and infrastructure would be the subject to future Discharge of Conditions applications. However, the proposed layout includes good footpath and cycleway links and a Safe Route to School via the PROW network and existing bridge crossing. The spine road includes a cycle route along its eastern edge before crossing onto its western edge as it approaches the northern boundary of the site. Whilst this is not fully compliant with non statutory guidance within Cycle Infrastructure Design - LTN I/20, it does result in a reduction in hardstanding and infrastructure alongside the spine road and allows for visual improvements through the provision of landscaping along this important travel route into and through the site.
58. A Public Bridleway runs north south through the site and a Public Footpath link runs east west and these routes have been integrated into the layout of the site. A Rights of Way Strategy will be submitted at a future date as part of a Discharge of Condition application, but the Council's Public Rights of Way Officer has advised that the surface treatments for the routes are acceptable including the fact that the existing surface of the Bridleway will be retained but improved where necessary.
59. The proposed layout is in broad accordance with the Masterplan submitted in support of the outline planning application and the impact of the built form on the public rights of way was considered as part of determining that application. It was recognised that the routes will undoubtedly provide a completely different user experience when development is complete. There are pedestrian linkages onto the Bridleway from the southern development cell and internal roads will cross this route at two separate points within the northwestern development cell.
60. The proposed dwellings will either face directly onto the Bridleway or be dual aspect properties to give natural surveillance along the route as it progresses along its north south direction through the site. The route will have landscaped areas in either side of it and there will be a mix of hedging and boundary fencing along the edges of the route where it passes through the northeastern development cell. Again, it is recognised that the users of the routes will have a different experience, but the bridleway will have a minimum width of 3m and the corridor in which the bridleway sits is considerably wider and generally includes a minimum gap of 1m between the edge of the path and the plot boundary. On the eastern edge of the bridleway the stand-off to boundary fences / paths varies between 3m and 9m but

is generally circa. 5m for the majority of the length of the northern section of
bridleway.

61. The proposals ensure that the bridleway sits within a green corridor and the addition of hedgerows (there currently are none on this section of the bridleway) and wildflower planting (meadow mix as specified on the landscape scheme) in the spaces around the bridleway itself will significantly enhance the ecological value of this corridor and along ensure that it is a green and pleasant route. The Council's Rights of Way Officer has not objected to the planning application.
62. The site layout plan shows the location of SUDs basins, and a Drainage Statement has been submitted in support of the planning application. These matters would be considered in detail as part of a Discharge of Condition application.
63. The site layout plan includes the erection of a pumping station adjacent to the spine road and alongside a SUDs basin. The precise details of the station would be subject to future Discharge of Condition applications, but the station will be expected to be built to adoptable standards, including enclosures, and it would then be maintained by either Northumbrian Water or the private management company.
64. The equipped play area would be located in the northwestern development cell. Details of the play area have been submitted with the application which show the area being enclosed and comprising appropriate features such as swings, seating areas, slides etc. This would be maintained by the private management company. The contents of the play area have been amended following general advice from the Council's Play Area Manager.
65. Policy H4 of the Local Plan states that housing developments will be encouraged to provide an appropriate mix of housing types, sizes and tenures which have regard to local needs. A suitable housing mix should also give consideration to a site's location, physical constraints, character and surrounding context. Policy LCM 12 of the Neighbourhood Plan states that new developments within housing development limits will be supported where it delivers house types, sizes and tenures to meet identified needs even though it must be highlighted that the application site is not within the settlement boundaries of the Neighbourhood Plan. Comments have been made with regard to the development not including bungalows which is noted but neither the Local Plan or the Neighbourhood Plan make specific reference to developments having to include such house types and there is no planning condition attached to the outline planning permission to secure the inclusion of bungalows within the development. The development will include a percentage of affordable homes and also homes which are built to meet M4 requirements of the Building Regulations in order to provide quality living environments for residents both now and in the future.
66. The separation distances between the dwellings would generally accord with the Council's Supplementary Document on Design for New Development.

67. Overall, it is considered that the proposed layout is acceptable, and the development would accord with the Masterplan, policies DC1, DC4, IN2, IN4 of the Local Plan and policies LCM1, LCM2, LCM8, LCM1, LCM12, LCM18, LCM19 of the Low Coniscliffe and Merrybent Neighbourhood Plan

d) Scale

68. This consideration relates to matters such as the height, width and length of each building proposed within the development in relation to its surroundings.

69. The site is currently open fields with limited residential development immediately adjacent to the site. Directly opposite the entrance to the application site on Coniscliffe Road, is the village of Low Coniscliffe. At the northern edge of the village there is a new development by Robertson Homes which provides 37 new dwellings comprising a mix of bungalows and detached 4, 5 and 6 bed properties. The centre of the village comprises of older cottage dwellings along Gate Lane with more recent properties typically larger two storey dwellings.

70. Merrybent Drive lies to the west of the site. Properties consist of mainly 2 and 3 storey properties in terraced and semi-detached blocks with a central green providing a focal point within the development.

71. The existing urban edge of Darlington lies to the east of the development site. Properties are primarily late twentieth century development of detached one / two storey dwellings.

72. The proposed dwellings are all two storey properties which reflect the local environment and context.

73. The proposed development would accord with policy DC1 of the Local Plan policies LCM1, LCM8 and LCM12 of the Low Coniscliffe and Merrybent Neighbourhood Local Plan.

e) Nutrient Neutrality

74. Nutrient neutrality was considered and addressed at the outline permission stage which this Reserved Matters application relates to. As a result, there is no requirement for it to be considered again as the mitigation is secured by the conditions on the outline permission which will need to be formally discharged at the necessary stages.

f) Planning Conditions

75. As stated throughout this report, there is a need for the developer to submit an application or applications to discharge planning conditions attached to outline planning permission 17/00632/OUTE. The conditions cover a wide range of issues and technical matters. Whilst these applications have yet to be submitted for consideration, this does not prevent Members from determining this Reserved

Matters application. If this application is approved, the developer would then submit the Discharge of Condition application based on the approved layout.

THE PUBLIC SECTOR EQUALITY DUTY

76. 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. As stated in this report, a percentage of dwellings will be constructed to meet Part M of the Building Regulations, and the highway and footpath network will include appropriate crossing points for persons with mobility issues.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

77. 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

78. This is a Reserved Matters application following the grant of outline planning permission (ref no 17/00632/OUTE) to redevelop the site for residential purposes. The only matters to be considered as those relating to appearance, landscaping, layout and scale. Having considered these matters, the proposed development is acceptable, having had regard to the Masterplan for the site and the appropriate policies within the Darlington Local Plan 2016 – 2036 and the Low Coniscliffe and Merrybent Neighbourhood Plan.

GRANT PERMISSION SUBJECT TO THE FOLLOWING PLANNING CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 4061/1 Rev D Detailed Landscape Proposals
 - b) Drawing Number 4061/2 Rev D Detailed Landscape Proposals
 - c) Drawing Number 4061/3 Rev D Detailed Landscape Proposals
 - d) Drawing Number 4061/4 Rev D Detailed Landscape Proposals
 - e) Drawing Number 4061/5 Rev D Detailed Landscape Proposals
 - f) Drawing Number 4061/6 Rev D Detailed Landscape Proposals
 - g) Drawing Number 4061/7 Rev D Detailed Landscape Proposals
 - h) Drawing Number 4061/8 Rev D Detailed Landscape Proposals
 - i) Drawing Number 4061/9 Rev D Detailed Landscape Proposals

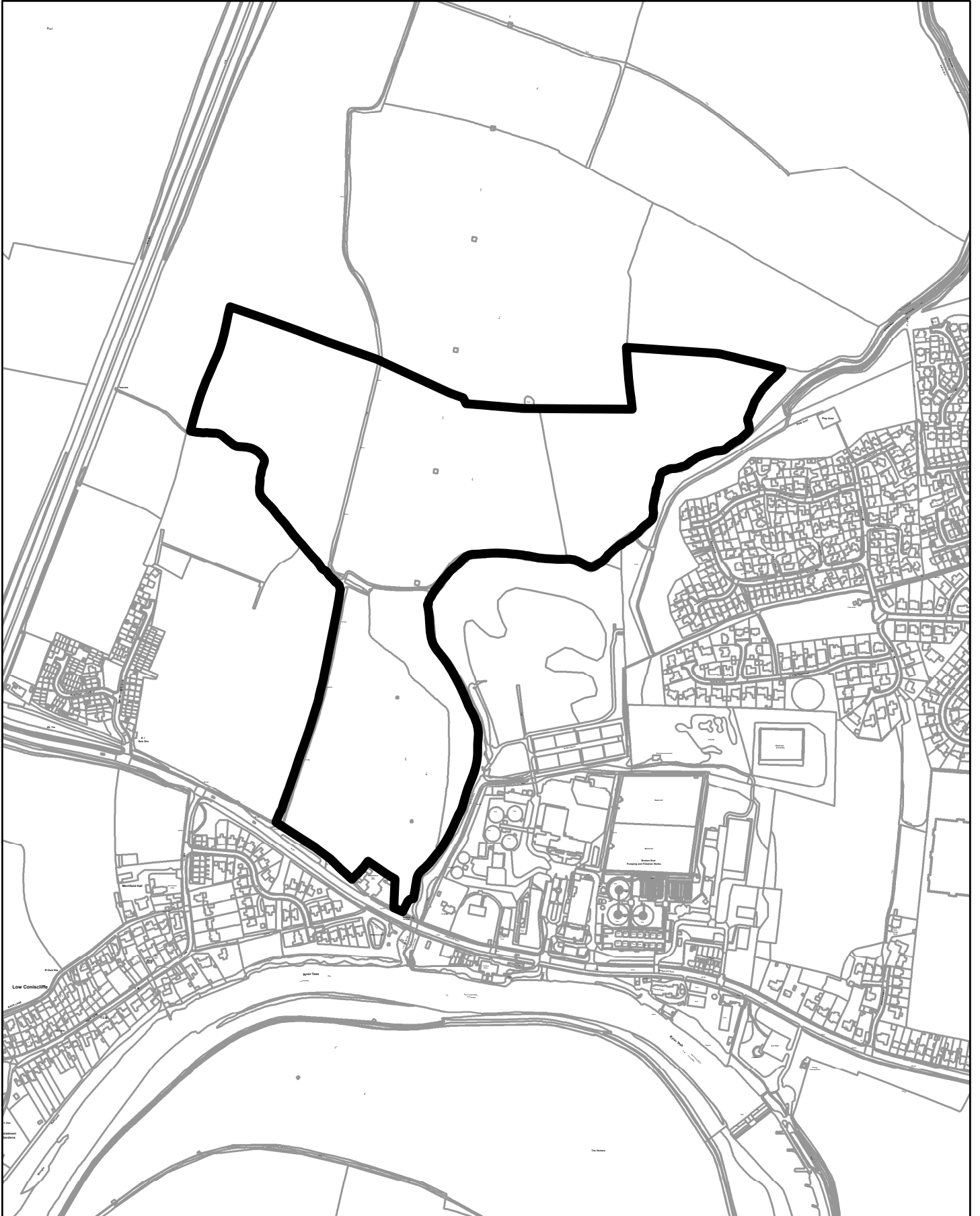
- j) Drawing Number 4061/10 Rev D Detailed Landscape Proposals
- k) Drawing Number 4061/11 Rev D Detailed Landscape Proposals
- l) Drawing Number 4061/12 Rev D Detailed Landscape Proposals
- m) Drawing Number 4061/13 Rev A Composite Plan
- n) Drawing Number PL02 Rev H Proposed Site Layout
- o) Drawing Number PL02 Rev E Boundary Treatment Plan
- p) Drawing Number PL04 Rev C Surface Treatment Layout
- q) Drawing Number PL05 Rev C Material Layout
- r) Drawing Number PL06 Rev G Coloured Plot Layout
- s) Drawing Number PL07 Rev B Phasing Plan
- t) Drawing Number PL08 Rev C EV Charging Points Plan
- u) Drawing Number EMT41/2021/PL2 Rev C Plumdale Plans
- v) Drawing Number EMT41/2021/PL3 Rev C Plumdale Elevations
- w) Drawing Number EMT41/2021/PL3 Rev C Plumdale Elevations (Render)
- x) Drawing Number PL11 Detached Garage Plans and Elevations
- y) Drawing Number PL12 Detached Double Shared Garage Plans and Elevations
- z) Drawing Number PL13 Boundary Treatment Details
- aa) Drawing Number SS01 Rev B Example Street Scenes
- bb) Drawing Number EMA22/2021/PL2 Rev C Beaford Plans
- cc) Drawing Number EMA22/2021/PL3 Rev B Beaford Elevations
- dd) Drawing Number EMA32/2021/PL2 Rev C Brambleford Plans
- ee) Drawing Number EMA32/2021/PL3 Rev C Brambleford Elevations
- ff) Drawing Number EMA43/2021/PL2 Rev C Colford Plans
- gg) Drawing Number EMA43/2021/PL3 Rev C Colford Elevations
- hh) Drawing Number EMA43/2021/PL3 Rev C Colford Elevations (Render)
- ii) Drawing Number EMA46/2021/PL2 Rev D Rightford Plans
- jj) Drawing Number EMA46/2021/PL3 Rev D Rightford Elevations
- kk) Drawing Number EMA46/2021/PL3 Rev D Rightford Elevations (Render)
- ll) Drawing Number EMA47/2021/PL2 Rev D Shilford Plans
- mm) Drawing Number EMA47/2021/PL3 Rev D Shilford Elevations
- nn) Drawing Number EMA47/2021/PL3 Rev D Shilford Elevations (Render)
- oo) Drawing Number EMAP11/12/2021/PL2 Rev B Allstead/Bamstead Plans
- pp) Drawing Number EMAP11/12/2021/PL3 Rev A Allstead/Bamstead Elevations
- qq) Drawing Number EMAP41/2021/PL2 Rev B Witherstead Plans
- rr) Drawing Number EMAP41/2021/PL3 Rev B Witherstead Plans Elevations
- ss) Drawing Number EMAW32/2021/PL2 Inglethwaite Plans
- tt) Drawing Number EMAW32/2021/PL3 Inglethwaite Elevations
- uu) Drawing Number EMG31/2021/PL2 Rev C Byrneham Plans
- vv) Drawing Number EMG31/2021/PL3 Rev C Byrneham Elevations
- ww) Drawing Number EMG31/2021/PL3 Rev C Byrneham Elevations (Render)

- xx) Drawing Number EMG43/2021/PL2 Rev C Hubham Plans
- yy) Drawing Number EMG43/2021/PL3 Rev C Hubham Elevations
- zz) Drawing Number EMG43/2021/PL3 Rev C Hubham Elevations (Render)
- aaa) Drawing Number EMG44/2021/PL2 Rev C Kitham Plans
- bbb) Drawing Number EMG44/2021/PL3 Rev C Kitham Elevations
- ccc) Drawing Number EMG44/2021/PL3 Rev C Kitham Elevations (Render)
- ddd) Drawing Number EMT31/2021/PL2 Rev C Aynesdale Plans
- eee) Drawing Number EMT31/2021/PL3 Rev C Aynesdale Elevations
- fff) Drawing Number GTC 3 SS 0012 R2 2 Close Coupled SubStation

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

2. Prior to the first occupation of the development, precise details of the walled entrance feature shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details. The entrance feature shall be constructed prior to the completion of the development and shall be retained for the lifetime of the development.

REASON – In the interests of the visual appearance of the development

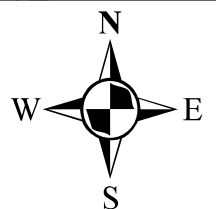


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Planning Ref No: 24/00747/RM1

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6TH November 2024

| | |
|---------------------------------|--|
| APPLICATION REF. NO: | 24/00863/FUL |
| STATUTORY DECISION DATE: | 13 November 2024 |
| WARD/PARISH: | Pierremont |
| LOCATION: | 11A Brinkburn Road And 2,4,6 Chandos Street |
| DESCRIPTION: | Enlargement of the internal floor area of the existing shop and alterations including single storey rear extension, new shop front with new entrance and removal of bricked up bay windows. New front access door for first floor flat on east elevation, removal of chimneys, render to north elevation together with associated works; relocation of three existing refrigeration units onto rear elevation at first floor level (Amended plan received 20 September 2024) |
| APPLICANT: | Mr Jaskaran Singh |

RECOMMENDATION: GRANT PERMISSION PURSUANT 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=SJ87JWFPKKA00>

1. The planning application site is located on the corner of Brinkburn Road and Chandos Street. The site comprises a mini market shop (Nos 11A Brinkburn Road and Nos 2 and 4 Chandos Street) and a terraced dwelling (No 6 Chandos Street). The first floor accommodation for No 6 Chandos Street extends above part of the mini market. A separate entrance off Brinkburn Road currently leads to a separate first floor flat above the remainder of the mini market.

2. There are yards to the rear of the properties which contain single and two storey extensions and external plant.
3. The existing shopfront and entrance for the mini market is on Brinkburn Road whilst the Chandos Street frontage includes two bay windows and a doorway which have been infilled with brickwork (under planning permission reference number 07/00195/FUL). No 6 Chandos Street has a front door and ground floor bay window and retains its domestic appearance.
4. The surrounding area is primarily in residential use interspersed with retail and hot food outlets on some of the junctions of Brinkburn Road and the connecting streets.
5. Planning permission (ref no: 22/01293/FUL) has been previously granted on the site for alterations and extensions to the existing shop, to convert No 6 Chandos Street into part of the shop at ground floor and to create 2 no. self contained 3 bed apartments above. The permission also included the erection of part two storey, part single storey rear extensions, a new shop front including new entrance and the removal of the bricked up bay windows, alteration/additional first floor windows, a replacement roof and removal of chimneys, render to all elevations and associated works.
6. This is a revised planning application is for the following works:
 - a) Internal alterations and single storey extension to enlarge the mini market floor area by 30m².
 - b) A single storey rear extension to include the extended mini market floor space and to provide cycle and bin storage areas and staff kitchen.
 - c) A new shop front on Brinkburn Road/Chandos Street with the entrance on the street corner
 - d) Removal of bricked up bay windows on Chandos Street to be replaced by part of the new shop front.
 - e) A new front access door for the first floor flat off Chandos Street (replacing the existing door on Brinkburn Road)
 - f) Removal of chimneys,
 - g) Render to Brinkburn Road elevation together with associated works.
 - h) Relocation of three existing refrigeration units onto rear elevation of existing first floor extension
7. No 6 Chandos Street would remain as a dwelling with living accommodation above part of the mini market. A separate flat would remain above the rest of the mini market with access off the new door on Chandos Street rather than Brinkburn Road.
8. Following a site visit, the single storey extension has been built and two of the refrigeration units have already been installed on the rear wall of the existing first floor extension. Amended plans have been submitted to show the extension with a sloping roof and the relocation of three refrigeration units rather than four as originally proposed.

MAIN PLANNING ISSUES

7. The main planning issues are whether the proposed development is acceptable in the following terms.
 - a) Planning Policy
 - b) Residential Amenity
 - c) Impact on Visual Appearance of the Surrounding Area
 - d) Highway Safety and Parking Provision
 - e) Nutrient Neutrality

PLANNING POLICIES

8. The relevant policies within the Darlington Local Plan 2016 – 2036 are as follows:

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

H3: Development Limits

TC5: Retail Impact Assessments

IN2: Improving Access and Accessibility

RESULTS OF TECHNICAL CONSULTATION

9. The Council's Highways Engineer and Environmental Health Officer have raised no objections.
10. The Architectural Liaison Officer from Durham Constabulary has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Following the Council's publicity and notification exercises, three letters of objection have been received. The objections can be summarised as follows:
 - *The proposal will attract antisocial behaviour.*
 - *The proposal will lead to an increase in children vaping and buying them from the store.*
 - *The proposal will lead to an increase in litter left on the streets.*
 - *The proposal will lead to parking problems for residents.*
 - *An existing bus stop prevents the owner from parking his van and car outside the entrance to the shop.*
 - *The new entrance and external alterations will mean the owner parking on Chandos Street taking away parking spaces for residents of Chandos Street*
 - *Residents cannot park outside their own door due to customers using the shop.*
 - *Parking has already been lost to give buses a clear run down the street.*

- *Unloading taking place at the bus stop is already an issue already as well as children as young as 14/15 filling up the pavement meaning pushchairs and the elderly have to walk on the road.*
- *During the building works there will be more mess than what's there already, the scaffolding will hinder buses and the general public.*
- *Traffic around the area is already quite problematic especially during rush hour traffic with McDonald's and Morrisons around the corner and my fear is that if this goes ahead during the building process it will only become worse.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

12. 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).
13. The proposed development is located within the development limits of the main urban area of Darlington as set by Policies SH1 and H3 of the Local Plan. The proposed development therefore accords with said policies, which seek to achieve the locational strategy for new development in the Borough by establishing development limits, within which development will generally be acceptable in-principle subject to compliance with other relevant national and local policies .
14. The shop is located outside of Darlington Town Centre and the District and Local Centres identified in the Local Plan. However, the increase in the floorspace of the shop does not exceed the threshold set out Policy TC5 of the Local Plan which requires that proposals for retail (convenience and comparison) and leisure development generating over 500sqm additional floorspace outside Darlington town centre and which are not identified in the Local Plan policies will be required to undertake an Impact Assessment.

b) Residential Amenity

15. The application site is located on the end of a terraced street within a residential area. The previous planning application indicated that the existing hours of operation for the shop are 07:00 to 21:00 Monday to Saturday and 08:00 to 20:00 on a Sunday and Bank Holiday and there is no indication that these would change as a result of the proposed development. Any changes to the opening times of the premises would be a matter for the Council as Licensing Authority.
16. Whilst not a material planning consideration, the applicant is looking to improve the customer experience within the enlarged retail area rather than expand the variety and quantity of products available. The applicant hopes to enlarge the retail area in order to allow for a more spacious arrangement of aisles and merchandise compared to the current layout.

17. With regard to the comments made on the sale of vapes, this is a matter for the applicant to control and to ensure that they follow the appropriate legislation around the sale of vapes and also alcohol. These are not material planning considerations for this planning application.
18. With regard to litter, it is considered that the small increase in retail space that is being proposed will not result in significant levels of litter. There should be an expectation that customers will use the litter bins which can be found in walking distance of the premises or take litter home.
19. With regard to antisocial behaviour, the proposal is to slightly increase the retail area of an existing shop, and it is not introducing a new retail unit into the area. The applicant will have security systems in place and the Architectural Liaison Officer from Durham Constabulary has not objected to the planning application.
20. Having a small section of the shop frontage on Chandos Street would not result in any adverse conditions for the properties on the opposite side of the street in terms of outlook or how the building will be accessed, including noise from the comings and goings associated with the repositioned entrance to the corner of the building.
21. When considering the previous application, it was deemed appropriate to secure sound insulation measures to mitigate the impact of any sound transmissions between the shop and the living accommodation above. A planning condition was imposed and has yet to be discharged and therefore it will be reinstated on any new approval.
22. Amended plans have been received which show the relocation of three refrigeration units onto the rear wall of an existing first floor rear extension. This extension houses the bathrooms for both units of living accommodation above the mini market. The bathroom windows are located on the north and south facing walls of this extension whilst the equipment is located on the west facing solid wall. The Council's Environmental Health Manager has advised that the Environmental Health Team have received no complaints about the units that have already been installed and they have no objections to the overall proposals.
23. It is also considered that the units will not have such an adverse impact on the outlook at the dwellings to the rear on Fairfield Street to merit a reason to refuse the application on such grounds.
24. The proposal no longer includes a first floor extension to the rear and as the first floor is already in residential use, the current situation remains unchanged in terms of privacy impacts with the dwellings to the rear on Fairfield Street.
25. Overall, it is considered that the proposed redevelopment of this site to slightly enlarge the retail area of an existing store in a residential area would not have an

adverse impact on the amenities of the neighbouring dwellings and the scheme would accord with policies DC4 of the Local Plan in this regard.

c) Impact on Visual Appearance of the Surrounding Area

26. The application site is located on a prominent corner. The existing shop front is fairly modern which would be replicated as part of the redevelopment of the building. However, the entrance would be located on the corner of the building and the shopfront would also extend around onto Chandos Street replacing two infilled bay windows (which were previously shop windows and display areas).
27. The loss of the bricked up bay windows would be an improvement for this part of Chandos Street in visual terms and the rendering of part of the building would not have any adverse impact on the street scene as it is an external finish found elsewhere in the locality. The use of render would remove the mismatch of the existing brickwork on parts of the building. The removal of the chimney pots (due to the internal reconfiguration for the apartments) is acceptable and they have already been removed as part of the reroofing of the building. The rear extension has been amended by the inclusion of a pitched roof.
28. The external refrigeration units are positioned at a higher level due to the majority of the rear yard being developed and built over with the single storey extension. The number and type of refrigeration equipment units is not excessive, and they are commonly found on retail premises in urban areas, even at higher levels. The units would not be out of place for this type of premises and would not have an adverse impact on the visual appearance of the area.
29. There are no external alterations being proposed to No 6 Chandos Street and so it would retain its existing domestic appearance.
30. Overall, the external alterations to the building would not have an adverse impact on the visual appearance of the street scene and would accord with policy DC1 of the Local Plan in this regard.

d) Highway Safety and Parking Provision

31. The application site is in a highly sustainable location with a pair of bus stops on Brinkburn Road in very close proximity. The applicant is looking to improve the existing retail unit for the local community who will be able to access the premises on foot.
32. The increase in retail floorspace is very modest and the additional traffic generation from such an increase is not considered to present any traffic impact or significant increase in parking demand and as such can be accommodated on the local highway network without the requirement of further assessment work.
33. In response to the highway related objections, it is correct that private cars or vans are not permitted to park within a bus stop and the servicing of the shop can be

done from the highway from the double yellow lines located on the corner of Chandos Street, as parking on double yellows is permitted provided a vehicle is actively being loaded/unloaded. Should this not be available, the rest of Chandos Street has unrestricted parking, available on a first-come first-served basis.

34. There is a significant amount of on street parking freely available within Chandos Street. Whilst understandably, residents will always wish to park directly outside of their own homes for reasons of convenience and surveillance, parking on the highway is on a first come first served basis with no right to reserve parking outside an individual's dwelling. It is however evident that sufficient capacity is available for residents within the wider street.
35. The Council will prioritise public transport over private car parking and will not remove a bus stop to provide additional on street parking. Busses do not rat-run through residential streets, rather they follow set routes designed to maximise catchment area. The bus stop referred to, is located on the opposite site of Brinkburn Road, and as such provides a different service/destination, it is not a replication of the same provision within 50m.
36. It is considered that the proposed relocation of the entrance door and reinstatement of bricked up windows will not be detrimental to residents parking provision. The proposed extension of the retail space is just 30 square metres. The Tees Valley Design Guide parking standards advise that retail stores under 1000 square metres should have 1 parking space per 30 square metres, which equates to additional parking demand of 1 space. Based on this level of demand, there is no evidence on which to recommend refusal, whereby National Planning Policy Framework 2023 guidance requires a 'severe' residual impact on the highway network. This will also have no impact on residential amenity where existing residents would be inequitably displaced by shop customers given the additional demand only equates to one single parking space.
37. The parking requirements for the reconfigured residential units does not result in the need for an increase in parking provision from the existing arrangement with, 1.5 spaces per apartment being equal to the existing situation. The retail shop will be serviced from the highway as is the existing arrangement, with the double yellow lines across the Chandos Street elevation being available for loading and unloading purposes, ensuring that the bus stop on Brinkburn Road is not obstructed. In curtilage bin storage is available for both the retail and residential elements of the development.
38. The placement of scaffolding on the highway requires a license from the Council and is a separate process outside of the determination of this planning application.
39. The submitted plans show cycle parking for the dwellings within a cycle store in the remains of the rear yard area and parking provision for the shop in a mixed bin store/cycle store within the extended building. The provision is considered to be

acceptable, and a planning condition is recommended which secures the cycle parking being put in place prior to the commencement of the retail use and occupation of the dwellings.

40. The proposal is considered to comply with policies DC1, H8 and IN4 of the Local Plan in this regard.

e) Nutrient Neutrality

41. As this proposal will not result in an increase in the number of residential units, nutrient neutrality would not apply to this application.

PUBLIC SECTOR EQUALITY DUTY

42. 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. Darlington Association on Disability (DAD) has not objected to the planning application provided that the new shopfront incorporates a level access, as per the existing entrance. This can be secured via a planning condition which has been agreed with the Agent, acting on behalf of the applicant and DAD. On such basis, the proposal would comply with policy IN2 of the Local Plan

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

43. 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

44. This planning application, which includes a proposal to increase the retail area of an existing shop, is considered to be acceptable in general planning policy terms. The comments made by residents have been taken into account and it is considered that the development does not raise any highway safety and parking concerns or general amenity concerns. The overall appearance of the development is acceptable. The proposed development will accord with the appropriate policies within the local development plan.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:

- a) Drawing Number L022085A 004 Proposed Ground and First Floor Plans
- b) Drawing Number L022085A 007 Proposed Block Plan
- c) Drawing Number L022085A 005A Proposed Elevations
- d) Drawing Number L022085A 006 Existing and Proposed Side Elevation
- e) Drawing Number L022085A 001 Site Location Plan
- f) Marstair Refrigeration Condensing Units Installation and Technical Manual

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

3. Prior to the commencement of the development hereby approved, a scheme of sound insulation measures to mitigate the impact of any potential sound transmission between the shop and first floor apartments, shall be submitted to, for approval in writing by, the Local Planning Authority. Thereafter any agreed mitigation shall be implemented in full and maintained in accordance with the approved details prior to the occupation of the residential apartments, and thereafter shall be retained and maintained for the life of the development.

REASON: To safeguard the amenities of the future occupants of the first floor apartments

4. The cycle parking and bin store provision shown on the approved plans shall be in situ and available to use prior to the first occupation of the apartments and the operational commencement of the extended retail use on the ground floor. Thereafter, the provision shall be retained and maintained for the life of the development.

REASON: To encourage the use of sustainable modes of transport

5. Notwithstanding the details shown on the approved plans, the entrance within the new shopfront shall include a level access into the shop premises. The level access shall be in place prior to the operational commencement of the extended retail use and shall be retained and maintained for the lifetime of the development.

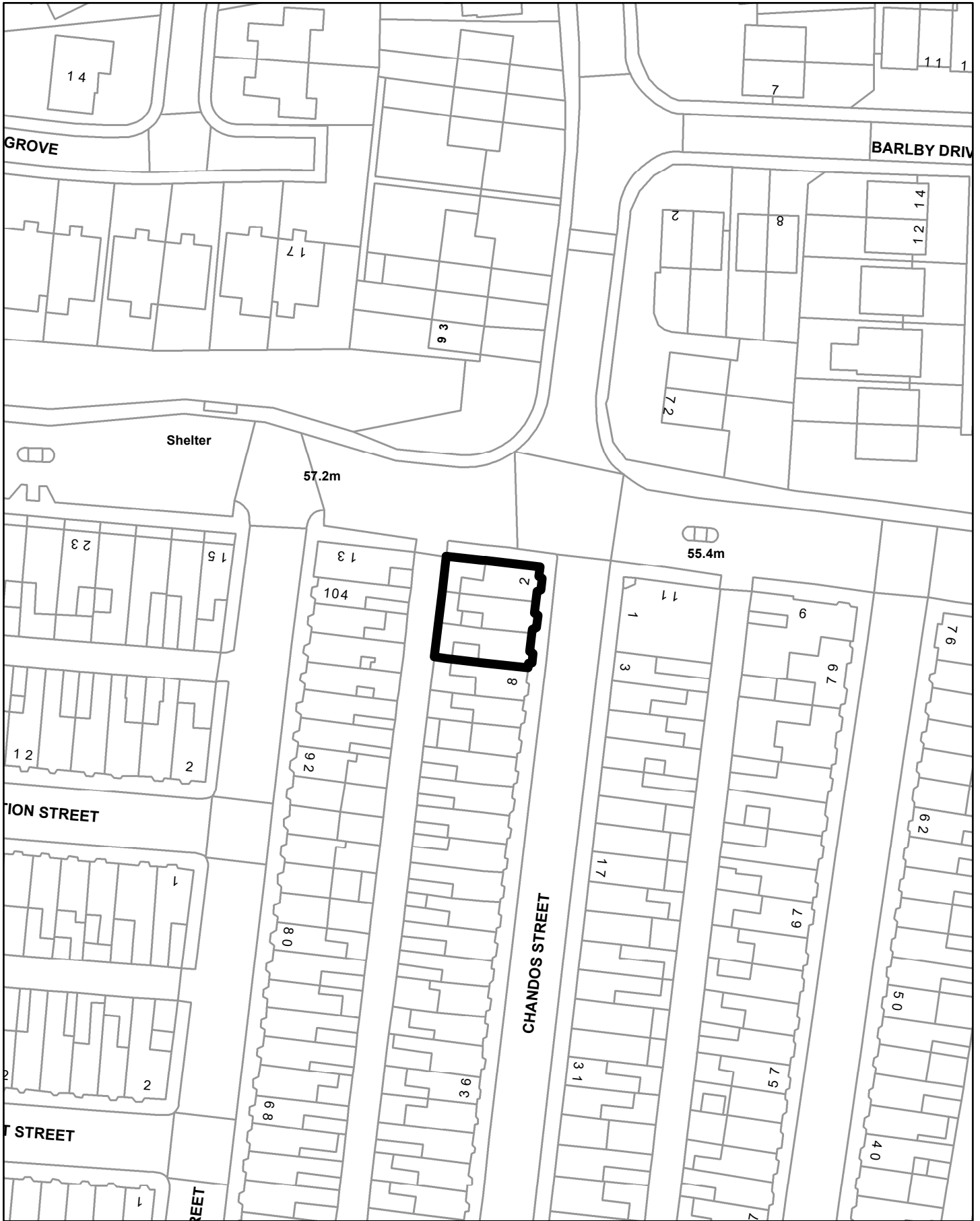
REASON - In order to ensure the retail shop is accessible for all in accordance with Policy IN2 (Improving Access and Accessibility) of the Darlington Local Plan 2016 - 2036

INFORMATIVES

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.

The applicant is advised that any new signage on the shopfront may require the submission of a separate planning application for advertisement consent.

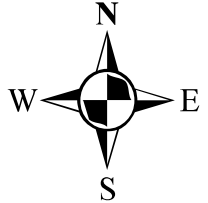
This approval does not remove the need for the applicant to ensure the development meets with current Building Regulations and has consideration of the Housing, Health and Safety Rating System (HHRS) to ensure that the scheme does not contain any Category 1 hazards. The HHRS was introduced under the Housing Act 2004 and came into effect on 6 April 2006.



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Planning Ref No: 24/00863/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6th November 2024

| | |
|---------------------------------|---|
| APPLICATION REF. NO: | 23/00081/FUL |
| STATUTORY DECISION DATE: | 21 st February 2023 Extension of Time Agreement 11 th November 2024 |
| WARD/PARISH: | Red Hall and Lingfield |
| LOCATION: | Red Hall Cottage Harringay Crescent DARLINGTON DL1 2TB |
| DESCRIPTION: | Removal of existing rear utility extension and erection of a single and two storey extension to rear and single storey side extension. Erection of single storey extension to the front elevation (retrospective) and detached double garage with office above (as amended by plans received 30/06/2024, 18/09/2024 and 15/10/2024) |
| APPLICANT: | Mr David O'Neill |

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROY0D3FPGWT00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a semi-detached, two storey dwelling known as Red Hall Cottage, with the adjoining dwelling known as Red Hall Villa. The two properties are shown on historic maps from the early 1900s and surrounded by open countryside until the Red Hall Estate was built in the early 1970s and which now surrounds the properties to the east, west and south. Access to both properties is taken off Harringay Crescent. The application property sits in a long, narrow plot with much of its amenity space to the front and side.
2. The northeastern edge of the garden is included within Group 13 of Tree Preservation Order 1952 No. 1, however there are no trees within the rear garden of the property. A Public Right of Way (Footpath No. 55) runs to in an east-west direction to the north of the property. Beyond this a substantial belt of mature trees separates this part of the Red Hall Estate from the residential development on the former Red Hall stables site and recreation ground to the

north and north west, both of which lie within the Haughton-Le-Skerne Conservation Area.

3. This application was submitted following an enforcement enquiry and seeks retrospective permission for the erection of a single storey extension to the front elevation (conservatory). This extension has been built from blockwork which is still to be rendered and measures approximately 7m in length, approximately 3.3m wide and which sits under a clear PVC panelled flat roof which is approximately 2.6m in height. This extension has high level windows on the south and west elevations and the east elevation is predominately glazed.
4. The proposal has been amended since it was first submitted and now also includes:
 - Removal of existing rear utility extension and erection of a two-storey rear extension which is to have a matching eaves height and an overall ridge height of approximately 8.3m, a width of approximately 6.5m and a depth of approximately 4m
 - Erection of single storey extension to the rear which is to sit under a mono pitch roof with three roof lights and which has a projection of approximately 1.5m, a width of approximately 6.5m, an eaves height of approximately 2.6m and a ridge height of approximately 3.4m
 - Erection of a single storey side extension which is to sit under a flat roof with roof window and which has a projection of approximately 2m, a width of approximately 3.3m and a height of approximately 3m
 - Erection of a detached double garage with office above which is to have a depth of 6m, a width of 5m and which is to sit under a dual pitch roof with a ridge height of 5.2m and an eaves height of 2.8m. This structure is to have two rooflights on the west elevation and one window on the north elevation at first-floor level.
5. In terms of materials the proposed extensions are to be clad in a natural white render; the pitched roofs of the house and garage are to be covered in matching black, flat Marley tiles; whilst the GRP for the flat roof side extension is to be grey in colour. Windows and doors are to have a black woodgrain finish, whilst the roof of the flat roof extension to the front elevation is to have a PVC panelled clear roof.

MAIN PLANNING ISSUES

6. The main planning issues to be considered are whether the proposed development is acceptable in the following terms:
 - a) Impact on Visual Amenity
 - b) Impact on Residential Amenity
 - c) Highway Safety and Parking Provision
 - d) Impact on Trees
 - e) Other Matters.

PLANNING POLICIES

7. The application site is located within the development limits for the urban area as identified by the Policies Map of the Darlington Local Plan (2016 – 2036). The relevant planning policies are as follows:

Darlington Local Plan (2016:2036)

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity
IN4: Parking Provision including Electric Charging Points

National Planning Policy Framework, 2023 (NPPF).

RESULTS OF TECHNICAL CONSULTATIONS

8. No objections have been raised by the Council's Highways Engineer or Senior Arborist in regard to the amended proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Following the Council's publicity and notification exercise, three letters of objection have been received in regard to the amended plans which are summarised as follows:
- *Loss of light to habitable rooms of neighbouring properties*
 - *Addition of double height extension to north elevation would obstruct our views westward across the tree line*
 - *Loss of privacy would cause me stress and discomfort*
 - *Not notified of proposals*
 - *Work has started on a double height garage which is being built hard up against the fence line and the roof structure appears to project beyond the property boundary*
 - *Stretching his boundaries and curbing being removed along footpath in order to park his van*
 - *Garage is too close to my property; is not the required distance away and once will have an impact on my privacy and health*
 - *Property now resembles a builder's yard and dumping ground given that many different projects have been started and not finished, council do not come back to finish and sign off work and current state and appearance of site is causing pest issues*
 - *I would have no objections to a single storey extension on the understanding it was completed in a reasonable timeframe and the area was left presentable and tidy.*

PLANNING ISSUES/ANALYSIS

a) Impact on Visual Amenity

10. Policy DC1 of the Darlington Local Plan (2016-2036) sets out that good design is required to create attractive and desirable places where people want to live, work and invest. Proposals should also reflect the local environment and create an individual sense of place with distinctive character, whilst the detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. Proposals should also take into account the need to safeguard or enhance the important views and vistas; and that the layout of the development maximises opportunities for natural surveillance.
11. The dwelling is one of a pair of semi-detached properties which have been much altered and extended over the years. Although they retain some architectural features the properties are now largely enclosed by houses on the Red Hall Estate to their south, east and west sides, although the application property is more open to views from the open space to its eastern

side and from the public footpath to the north. There are very few opportunities for any longer ranging views.

12. It is acknowledged that the proposed extensions to the property are extensive, with extensions to the front, rear and side as well as the detached garage to the front. An existing single storey extension to the rear of the property is to be removed to make way for the side and rear extension and a large timber outbuilding in the north east corner of the site has recently been removed.
13. The design of the two-storey extension has been amended to replace a flat roof with a double pitched roof, which better reflects the character and appearance of the property. Overall, the extensions are considered to be well-designed and are to be constructed of matching materials in keeping with a number of cosmetic changes that the applicant has made to the property which include replacing the existing pebbledash render at first floor level with a natural white smooth render, the replacement of white uPVC windows with black frames and replacing the red roof covering with black tiles, which are seen as positive changes. The removal of the rear extension, which is clad in cream horizontal boarding, and the timber outbuilding is also seen as an improvement to the property.
14. The ground floor extensions to the property will largely be hidden from view by the existing boundary treatment, although the two-storey element will be visible above the hedge, particularly from the north and east, as will the proposed detached garage. In view of their scale, design and use of matching materials, the proposed extensions are not considered to adversely impact upon the character and appearance of the application property or wider area given that the site is well enclosed and it only visible from its immediate surroundings. The proposal would therefore respond positively to local context and would accord with Policy DC1 of the Local Plan.

b) Impact on Residential Amenity

15. Policy DC4 of the Local Plan is relevant with regards to protecting the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. Considerations include access to sunlight and visual dominance.
16. The property is bounded by Red Hall Villa to the west, by Nos 11, 15, 17, 19 and 21 Trafford Close are to the east of the site and No. 9 Trafford Close and No. 30 Haringay Close are to the south. There are no residential properties to the north of the site.
17. Properties on Trafford Close have small front gardens approximately 6m in length, with open frontages or low means of enclosure and with a pavement to the front of these gardens. In between the application site and the footpath is a triangular piece of land which is approximately 12m in width at the north and approximately 2m in width at the south and runs the full length of the application site's eastern boundary.
18. Nos 11 and 15 Trafford Close are the closest residential properties to the proposed detached garage, with No. 15 being approximately 12m away and No. 11 being approximately 11m away. Concerns have been raised in that the proposed garage is too close to the residential properties on Trafford Close and that the garage will have an impact on privacy and loss of light.

19. The fence line along the eastern boundary ranges in height from approximately 1.8m to 2.4m and the proposed garage has an eaves height 2.8m and due to lower land levels within the site the eaves height would be approximately 0.5m higher than the fencing. Therefore, it would be the roof of the garage that would be the most visible to the properties on Trafford Close. The pitched roof will rake away from the boundary and in view of the separation distance the garage is not considered to have an unacceptable overbearing impact or result in any significant loss of light or outlook to these properties or their front garden areas.
20. Concerns have also been raised regarding loss of privacy and the proposed rooflight on the eastern roof slope which faced onto Trafford Close has been moved to the western roof slope which faces into the application property. There are no other windows on the east elevation. In the interests of protecting residential amenity a planning condition will secure that no windows can be added to either the east elevation or the eastern roof slope without the written permission of the Local Planning Authority. It is also considered appropriate to recommend that a condition on any grant of planning permission be imposed which restricts the use of the garage for purposes incidental to the enjoyment of the dwelling house in the interests of amenity.
21. Whilst acknowledging that there is a large window on the north elevation of the garage at first floor level which will serve the office, direct views will be onto the garden of the application property and onto the triangular open space which runs along the eastern boundary. While some views onto the front gardens of some of the properties on Trafford Close will be possible, these will be oblique views only and it is worth noting that the gardens are currently open to public view from the pavement and open space to the front. This existing situation will not be made significantly worse by the proposed garage.
22. The proposed two storey extension is to the north of the site and is to be set in from the northern boundary by between 7m and 10m given the angled shape of the site and is to be set in approximately 4m from the eastern boundary. It is also to be built up to the boundary with Red Hall Villa which shares the western Boundary.
23. Red Hall Villa has been extended by a single storey L-shaped extension which contains a separate porch and utility room. Whilst there are no windows on the rear elevation at first floor level and the proposed two storey extension will raise no amenity issues in regard to this property. Nor will the addition of the three rooflights in the proposed single storey rear extension given their height and angle.
24. The site is enclosed by high timber fencing which will provide adequate screening for all but the high-level window of the single storey extension which runs along the front boundary with Red Hall Villa. Although this window will be visible above the fencing it is to be opaque glazed, and this will be secured in perpetuity by planning condition. Therefore, there will not be an adverse loss of privacy from any of the additional window openings at ground floor level.
25. Concern has also been raised regarding loss of privacy from the addition of the two-storey rear extension. A new bedroom window in the east elevation will be introduced at first-floor level. There are two existing bedroom windows on the eastern elevation of the original dwelling facing Trafford Close and the addition of a further secondary bedroom window will not significantly increase overlooking of the properties on Trafford Close. The main bedroom window is to be in the north elevation overlooking the applicant's own rear garden and onto trees and the public footpath to the north. It should also be noted that the additional window in the east elevation will be in excess of 21 metres away from the nearest properties at 19 and

21 Trafford Close that being the recommended separation distance between principal elevations, as set out in the Council's Design SPD. Furthermore, the two-storey extension is not considered to be significantly overbearing when viewed from the adjacent properties given the adequate separation distances.

26. Concerns have also been raised regarding noise, potential disruption and works being carried out at unsociable hours. It is not usually considered appropriate to restrict construction hours by planning condition for smaller scale and householder development since such concerns can adequately be dealt with under Environmental Protection legislation.
27. Overall, it is considered that the proposed development would not have an unacceptable impact upon the amenities of the existing properties in the locality and would accord with policy DC4 of the Local Plan in this regard.

c) Impact on Highway Safety and Parking Provision

28. The original proposal included the installation of fencing and gates along the southern boundary and concerns had been raised that existing curbing had been removed along the footpath and that the applicant was encroaching on land outside of his control.
29. These elements of the application have now been removed from the proposal and the Highway Engineer has raised no objections to the proposal given that all works are now within the applicant's own land and within the redline boundary which accurately reflects the extents of the public highway. The proposal would therefore accord with policies DC1 and IN4 of the Local Plan.

d) Impact on Trees

30. There is a semi-mature Cypress tree in the north east corner of the adjacent garden (Red Hall Villa). The Council's Senior Arborist has raised no objection given that the proposed development will not have any impact on this tree.

e) Other Matters

31. Concerns have been raised regarding the untidy condition of the application site and that many different projects have been started and not finished. It is acknowledged that various elements of the proposal are retrospective, including the front extension and the garage which is partially built. This work has been carried out at risk although the applicant has ceased work pending the outcome of this application. The proposed scheme will facilitate the removal of the horizontal boarded rear extension, and the applicant has already removed a large timber outbuilding towards the rear of the site, as well as undertaking some cosmetic changes to the property which will improve its overall appearance. Should permission be granted Officers will continue to monitor the condition of the site to ensure it remains in an acceptable condition.
32. A further point of objection relates to various works encroaching outside the application site boundary and land within the applicant's ownership. As set out elsewhere in this report, the proposed boundary gates and fencing to the south of the site, which were outside of the curtilage of the property have been removed from the application, and the Highway Engineer has raised no objection to the application. Temporary roof trusses had been erected over the garage which overhung the applicant's eastern boundary. The overhanging material has been

removed and inspected on site and the garage as built so far remains within the application site as shown on the submitted plans.

THE PUBLIC SECTOR EQUALITY DUTY

33. 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

34. 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

35. The proposed enlargement of the property including the detached garage would not significantly materially detract from the character and appearance of the existing dwelling, its setting or the wider area and would comply with saved Policy DC1 of the Darlington Local Plan 2016-2036. Nor would the proposal have an unacceptable impact on highway safety or upon the amenities of neighbouring properties in terms of loss of light or outlook or privacy to these properties and there are no tree issues. The proposal therefore complies with relevant Local Plan Policies and the NPPF and

ACCORDINGLY, IT IS RECOMMENDED THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

1. A3 Implementation Limit (Three Years)

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

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

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy DC1 of the Darlington Borough Local Plan 2016-2036.

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

Proposed Plans (Ground and First Floor) Drawing No. 04B dated 15/10/2024
Proposed Plans (Garage, ground and first floor) Drawing No. 05 Rev A dated 28/06/2024
Proposed Elevations Drawing No. 06B dated 15/10/2024
Proposed Garage Elevations Drawing No.07A dated Oct 2022
Proposed Site Plan Drawing No. 10E dated 18/09/2024
Proposed Roof Plan Drawing No. 11A dated 15/10/2024
Email received 14/10/2024 confirming external materials

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

4. The domestic garage hereby approved shall be used for the purpose's incidental to the enjoyment of the dwellinghouse known as Red Hall Cottage only and shall not be used for any commercial purposes.

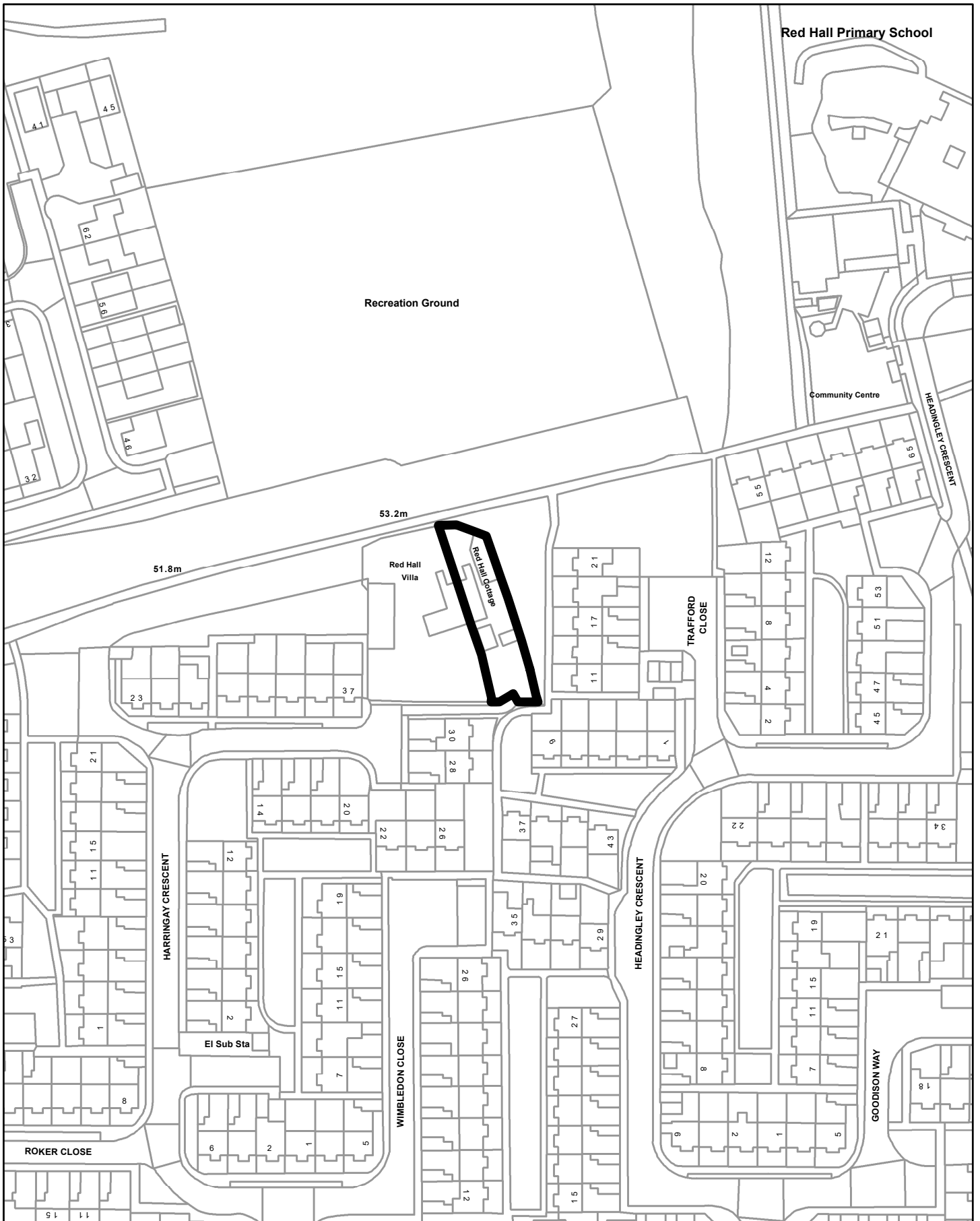
REASON: In the interests of residential amenity and to enable the Local Planning Authority to obtain control over the development.

5. No additional windows or other glazed openings shall be formed in the eastern wall or roof slope of the garage hereby approved without the prior written consent of the Local Planning Authority.

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

6. Notwithstanding details approved in Condition 3 (approved plans), the high-level window on the rear elevation of the front extension which has been built up to the shared boundary with the property known as Red Hall Villas shall be made from opaque glazing and shall not be repaired or replaced other than with opaque glazing.

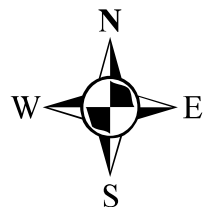
REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.



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Planning Ref No: 23/00081/FUL

DARLINGTON BOROUGH COUNCIL



SCALE 1:1250

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Case Officer
Darlington Borough Council
Dept of Development
Town Hall
Feethams
Darlington
Co Durham
DL1 5QT

Your Ref: 24/00521/FUL
Our Ref: APP/N1350/D/24/3353901

22 October 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Andrew Verity
Site Address: 12 Manor Road, Hurworth Place, Darlington, Co. Durham, DL2 2HJ

I have received an appeal form(s) and documents for this site. I am your case officer, if you have any questions, please contact me.

I have checked the papers and confirm that the appeal(s) is valid. If I find out later for any reason this is not the case, I will write to you again.

The procedure and starting date

The appellant(s) has requested the written representations procedure. We have applied the criteria and considered all representations received, including the appellant(s) preferred choice. We consider that the Householder Appeals Service (HAS) is suitable and we intend to determine this appeal(s) by this procedure.

If you believe the HAS is not appropriate for this appeal(s), you should email us immediately setting out the reasons why you think this is so. Please note there must be exceptional reasons for us to agree to a procedure other than the HAS.

The date of this letter is the starting date for the appeal(s). The timetable for the appeal(s) begins from this date.

Sending documents to us and looking at the appeal(s)

For HAS appeal(s) we expect to work with you electronically, and will correspond with you by email. Only in exceptional circumstances will we send you a hard copy in the post.

Where applicable, you can use the Internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate> .

The following documents must be sent within this timetable.

By 5 working days from the start date

You must notify any person notified or consulted in accordance with the Act or a development order and any other interested persons who made representations to you about the application that the appeal(s) have been made. The HAS procedure does not offer an opportunity for interested parties to comment at the appeal stage. However, any representations they may have made to you regarding the original planning application will be forwarded to us and the Inspector will take full account of these representations when deciding the appeal(s).

You will need to set out how the interested persons can withdraw their earlier comments if they wish to do so.

You should also advise them that the appeal documents can be viewed at your offices (or on your website) and that the Inspector's decision (when it is issued) and information regarding the progress of this appeal(s), can be accessed via GOV.UK—(<https://www.gov.uk/appeal-planning-inspectorate>). You should also tell them they can request a paper copy of the appeal decision when it is issued, from your office.

You must send me a copy of a completed appeal questionnaire, which should include all supporting documentation, preferably via GOV.UK. Please also send a copy of the questionnaire and documents to the appellant(s) using their preferred method of communication as specified on their appeal form(s).

While you have no right to submit an appeal statement, you should draw the Inspector's attention to any factual inaccuracies or matters in the grounds of appeal that are materially different to those referred to at application stage. This should be in the form of a short note setting out only the inaccuracies/material differences and should not include areas involving a value judgement. You should email your comments to me alongside the questionnaire or sooner if you recognise it is necessary, quoting the case reference number above.

Site visit

We will arrange for one of our Inspectors to visit the appeal site. The Inspector will conduct the site visit alone. If it is decided that the Inspector needs to enter the site we will write to the appellant(s) advising of the need to attend in order to provide access for the Inspector. Inspectors will not accept any documents or discuss the appeal at the site visit. You are not required to attend the site visit.

Costs

The appellant(s) has been directed to the information regarding costs contained in the Department for Communities and Local Government's Planning Practice Guide available on GOV.UK at <https://www.gov.uk/guidance/appeals>. If you wish to make an application for an award of costs, you must do so within 14 days of this letter. Any application received later than this will be treated as "out of time" and will not be considered. You should also be aware that costs can be awarded at the initiative of the Inspector.

Further information

Further information about the appeals process, can be accessed at GOV.UK - <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>. I recommend that you read the relevant guidance.

Yours sincerely,

Michael Joyce

Michael Joyce

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

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