



**DARLINGTON**

Borough Council

# Planning Applications Committee Agenda

1.30 pm, Wednesday, 4 December 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 6 November 2024 (Pages 5 - 10)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 11 - 12)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 13 - 14)
  - (a) 41 Belgrave Street, Darlington, DL1 4AP (Pages 15 - 24)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

## **PART II**

8. Notification of Decision on Appeals -

The Chief Executive will report that the Inspectors appointed by the Secretary of State

for the Environment have: -

Dismissed the appeal by Mr Abobaker Omar against this authority's decision to refuse permission for change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation (amendment to opening hours to 11.00 until 21.00 Monday to Sunday including Bank Holiday received 1 December 2020) at K & S Peacock, 55 Neasham Road, Darlington, DL1 4AG without complying with a condition attached to planning permission Ref 20/00963/FUL, dated 18 February 2021.

**Recommended** – That the report be received.  
(Pages 25 - 26)

9. Notification of Appeals -

The Chief Executive will report that: -

APP/N1350/C/24/3349389 - Enforcement Notice Appeal by Mr William Porrett at Land on the North-west side of Brickyard Farm Cottage, Neasham Road, Hurworth Moor, Darlington, DL2 1DL (23/01270/FUL)

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

### PART III

#### EXCLUSION OF THE PUBLIC AND PRESS

10. 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.

11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 22nd November 2024 (Exclusion Paragraph No. 7) – Report of the Chief Executive (Pages 27 - 38)

12. 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

13. Questions



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

**Tuesday, 26 November 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](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

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**PLANNING APPLICATIONS COMMITTEE**

Wednesday, 6 November 2024

**PRESENT** – Councillors Haszeldine (Chair), Allen, Anderson, Beckett, Cossins, Kane, Laing, Lawley, Lee, McCollom and Tostevin.

**APOLOGIES** – Councillors Ali and Bartch.

**ABSENT** – Councillors Robinson.

**ALSO IN ATTENDANCE** – Councillor Mrs Culley.

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

**PA33 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

**PA34 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 9 OCTOBER 2024**

**RESOLVED** – That the Minutes of this Committee held on 9 October 2024 be approved as a correct record.

**PA35 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION**

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

**24/00747/RM1** - 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).

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Public Right’s of Way Officer, Climate Change Officer, Arboricultural Team Leader, Environmental Health Officer, Lead Local Flood

Authority Officer, Transport Policy Manager and Play Area Manager, Northern Gas Networks, National Highways, the Air Traffic Engineering Manager for Teesside Airport, the Council's Highways Engineer and Ecology Officer, two comments and five letters of objection received, the objections of Low Coniscliffe and Merrybent Parish Council, and the views of the Applicant's Agent, two Objectors and a Borough Councillor, whom the Committee heard).

**RESOLVED** – That Reserved Matters Approval be granted 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.

3. Prior to the commencement of Development, a revised plan showing improved landscaping around the SUDS ponds and the pumping station shall be submitted to and approved by the LPA. The development shall thereafter be carried out in accordance with these details.

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

**(2) 11A BRINKBURN ROAD AND 2,4,6 CHANDOS STREET**

**24/00863/FUL** - 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).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer and Environmental Health Officer, Durham Constabulary's Architectural Liaison Officer, three letters of objection received, and the views of the Applicant and the Applicant's Agent, whom the Committee heard).

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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans 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.



**(3) RED HALL COTTAGE, HARRINGAY CRESCENT**

**23/00081/FUL** - 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).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer and Senior Arborist, three letters of objection received, and the views of the Applicant, whom the Committee heard).

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

1. A3 Implementation Limit (Three Years)

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

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

2. The 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.

#### **PA36 NOTIFICATION OF APPEALS**

The Chief Executive reported 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 hard standing to front of dwelling (Retrospective Application) (Re-submission) at 12 Manor Road, Hurworth Place, Darlington, DL2 2HJ (24/00521/FUL).

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

#### **PA37 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.

#### **PA38 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 25TH OCTOBER 2024 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA32/Oct/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 25 October 2024.

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

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

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

- Chair introduces Agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- Officer summarises key planning issues;
- Members may question Officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

**Committee Date – 4 December 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.**
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**Index of applications contained in this Schedule are as follows:-**

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<b>Address/Site Location</b>	<b>Reference Number</b>
41 Belgrave Street, Darlington, DL1 4AP	24/00962/CU

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**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**  
**COMMITTEE DATE: 4<sup>TH</sup> DECEMBER 2024**

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<b>APPLICATION REF. NO:</b>	24/00962/CU
<b>STATUTORY DECISION DATE:</b>	12 <sup>th</sup> December 2024
<b>WARD/PARISH:</b>	Bank Top And Lascelles / Darlington Urban Area
<b>LOCATION:</b>	41 Belgrave Street, Darlington
<b>DESCRIPTION:</b>	Change of use from single dwelling (use class C3) to holiday lets/serviced accommodation for short and long term let (use class Sui Generis) (retrospective)
<b>APPLICANT:</b>	Mr Johannes Baelemans

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SKMSNOFP0M900>

**APPLICATION AND SITE DESCRIPTION**

1. This application site relates to an end of terrace property located at 41 Belgrave Street within Darlington. The application site is situated on a corner plot setting, with the main highway to the north and a shared access alleyway to the West and South of the site. It is situated within a residential estate, with No.43 Belgrave Street adjoining the application site to the East.
2. Retrospective planning permission is sought for a change of use from a dwelling to a holiday let and serviced accommodation for short and long term lets. This would be operated all year round for either holiday makers or those traveling to work in this location.
3. The submitted planning statement states that the property would be used for short stay accommodation, specialising in providing accommodation for traveling contractors coming to work within the area. It states that the typical stay length is between 7-30 days and the average occupancy is between 4-6 people. The property is cleaned on average about once a week and on longer stays it is cleaned every 10-14 days, with fresh linen also provided. Bills are included with the stay and waste is collected every week.

4. Whilst not specifically referenced within the submitted planning statement, it has been confirmed with the applicant that on occasion they do receive holidaymaker bookings at the property.
5. The applicant also confirmed that the property is booked by one person who will confirm how many people will stay at the property. It is not their intention to let out individual rooms, so whoever makes the booking, has access to the entire house. They also confirmed that 3 of the 4 bedrooms have a double bed, so there is scope to have up to 7 individuals within this household.
6. The description has been amended to change the use from Use Class C1 to a Sui Generis Use. This has been done for planning accuracy but does not fundamentally change what is proposed at this application site. In addition, whilst the floor plans do not scale, given the nature of the development and that the works are retrospective, it is considered that this amount and type of information is appropriate to determine this application.

### **MAIN PLANNING ISSUES**

7. The main planning issues are whether the proposed retrospective works are acceptable in terms of their impact on:
  - (a) Principle of Development
  - (b) Character
  - (c) Amenity
  - (d) Highway Safety
  - (e) Nutrient Neutrality
  - (f) Residual Matters

### **PLANNING POLICIES**

8. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
  - Reflects the presumption in favour of sustainable development contained within the NPPF and to secure developments wherever possible that would bring economic, social and environmental benefits to the Borough (*Policy SD1*).
  - Will be approved without delay where planning applications accord with policies within the development plan, or where there are no relevant development plan policies, permission will be granted unless policies within the NPPF provide clear reasons for refusing the development or any adverse impacts of the development significantly outweigh its benefits (*Policy SD1*).
  - Takes into account the role and function of places based on the following hierarchy of settlements;
    - Darlington Urban Area – will be the focus of future development, which will aim to maintain its role as a leading sub-regional centre for transport connectivity, services, employment, retail and leisure. Sustainable and accessible locations will be selected to enable further development (*Policy SH1*).



- Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
  - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
  - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
  - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
  - Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
  - Will be suitably located and acceptable in terms of noise and disturbance, artificial lighting, vibration, emissions from odour, fumes, smoke, dust etc and commercial waste (*Policy DC4*).
  - Adheres to the separation distances within the guidance set out in the Design of New Development SPD (*Policy DC4*).
  - Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).
9. The application has also been considered alongside the Darlington Design of New Development SPD.

## **RESULTS OF TECHNICAL CONSULTATION**

### Highway Development Control

10. The submitted plans show that one additional bedroom is proposed on the ground floor, increasing bedrooms from the existing 3No. to 4No. Based on this, the total predicted parking demand would therefore be increased by just one space.
11. It would be difficult to recommend a highways refusal on a very minor intensification of use, as it is accepted that one additional vehicle could be parked on the public highway in the near vicinity of the address without either a highway safety concern, or inequitably displacing the parking of other nearby residents.
12. Overall, no highway objections are raised to the proposal.

### Environmental Health

13. Having considered the plans, I have no further queries or comments to make on the application.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

14. Four letters of objection were received at the time of writing, by the following properties with the main concerns bullet pointed below. Full comments are available online at the weblink provided at the beginning of this report.

- The building is being used for short term let without planning permission in place. Concerns that there could be future breaches and disregard for regulations and impacts to neighbours.
- Impact upon local parking for the street.
- Overflowing refuse waste which can attract vermin. Commercial bins should be used.
- A rise in the number of bins to the frontage would be out of character for the street.
- Noise impacts from occupants and vehicle doors slamming during early mornings and late evenings.
- The development has caused anti-social behaviour. Vandalism to the house has occurred.
- The property is not being maintained
- Key safe was stolen and replaced, locks were never changed
- Concerns of health and safety i.e. no fire escapes in place

## **PLANNING ISSUES/ANALYSIS**

### **(a) Principle of Development**

15. Local policy SD1 seeks to promote sustainable development, which should be granted unless policies or national policies provide clear reasons for refusing development. Local policy SH1 states that the Darlington Urban Area will be the focus of future development, by being a sustainable and accessible location. The application site is located within an established residential estate which is an urban area and consequently within the development limits. As such, the application site is considered to be located within a sustainable location and the proposed development is considered acceptable in this regard.
16. The development is therefore considered to be acceptable in principle, subject to compliance with the remaining material planning considerations.

### **(b) Character**

17. No external alterations are proposed to the building and so physically the building is not considered to adversely impact upon the character of the area. Whilst a concern has been raised about the rise in bins to the frontage being out of keeping, at the time of the site visit, two domestic bins were located outside the site frontage. This is not considered to appear necessarily out of place for a dwelling type building and is not therefore considered to create an adverse impact upon the character of the street scene. However, the use of commercial bins (as suggested by one objector) would be more noticeable and not considered appropriate to the character of the street scene.
18. With regards to the proposed use, a short-term let for either holiday makers or those traveling for work, is considered to be a different form of residential accommodation. This is taking into account that such individuals are likely to be out during the day for either visiting attractions or working and returning in the evening, effectively using the property as a base to stay. This is not considered to be too dissimilar to a dwelling house in which residents are likely to be coming and going for either work or leisure activities.

19. On balance, the use of this property is not considered to appear so significantly out of context as to adversely impact upon the character of both this plot and street scene.

**(c) Amenity**

20. Neighbouring objections have raised noise concerns from both the occupants themselves or those coming and going from the property via vehicle doors slamming. Whilst sympathetic to these concerns, the associated activities of the proposed use are noted above and are considered in part to be relatively comparable to a domestic dwelling. Such noise from an individual or them leaving the property could occur from an occupant from a domestic dwelling. It should also be noted that the property would be booked out in full by one person as opposed to individual room lettings. This would ensure that only one booking is taken at a time for that group of people to use the application site. Consequently, this allows better control for the applicant managing the property in that the guests are likely to be aware of their conduct whilst on the property. The planning statement has also stated that should guest issues arise they will deal with them as quickly as possible to keep disruption as little as possible.
21. Notwithstanding the above and as already noted, the average occupancy is between 4-6 people. Therefore, consideration is given to the fall-back position in that a small HMO (House in Multiple Occupation) could be implemented under the permitted development rights, which allows 6 individuals to live at the property. Consequently, 6 individuals could live at this application site regardless of these proposed works. The only difference would be that the proposed development allows a group booking for individuals looking to holiday in the area or work within the area, thus allowing a degree of control in how this and guests are managed. Conversely, a HMO allows up to 6 unrelated individuals to live within a property, sharing basic facilities and thus this is not managed by a third party company. As a result, the impact and associated activities are considered to be similar, though arguably the application site may be better managed
22. Environmental Health have reviewed the scheme and raised no objections. Overall, whilst sympathetic to the noise concerns, it is not considered that the proposed development would create a significant impact as to warrant a reason for refusal. However, given the fall-back position and the nature of a short-term let, it is considered appropriate to limit the maximum amount of individuals at any one time to 6. This would ensure that the associated activities are no greater than what can be achieved under the permitted development rights of a HMO. It would also be in line with the average occupancy set out by the applicant.
23. With regards to concerns about overflowing refuse, at the time of the site visit, there were no signs of such refuse waste overflowing. Whilst this situation may have occurred in the past, it should be noted that the bins are collected weekly and owing to the amount of people who would reside at this property, two domestic bins are considered appropriate for the property.
24. With regards to the concerns about anti-social behaviour, there is no evidence before the Local Planning Authority that the proposed use would encourage, create or contribute to

crime and anti-social behaviour. However, should any such issues arise, these would fall under separate legislation that can be dealt with under another statutory body such as the Police and Enforcement Officers. The paint spill at the front of the property is not a matter that can be controlled or removed under the planning regulations.

**(d) Highway Safety**

25. Neighbouring concerns have stated that the proposed development has impacted upon local parking, referencing that up to 3 vehicles use on-street parking that are associated with the proposed use. However, the development has only increased the number of bedrooms by one and this situation has been reviewed by Highway Development Control. On balance, they cannot recommend a highways refusal on this minor intensification of use. This is taking into account that the increase by one bedroom would result in one additional vehicle needing to be accommodated within the public highway. As such, due to this small increase, it is not considered to significantly displace parking of other vehicles as to warrant a highways reason for refusal in this instance.
26. Therefore, on balance, the proposed development is not considered to significantly impact upon parking and thus highway safety.

**(e) Nutrient Neutrality**

27. As of March 2022, Natural England advised that Darlington Borough Council is within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. This means under the Habitats Regulations, that Darlington Borough Council must now carefully consider the nutrient impacts of development proposals on habitat sites. Particular regard is had to developments that create overnight accommodation or those that impact upon the water quality.
28. As the proposed use is for short term accommodation and this has been limited to 6 individuals, then it is considered to be similar to the numbers of a small HMO. A small HMO of up to 6 individuals is considered to be similar to a domestic dwelling, thereby there would be no net gain in residential dwelling units. However, if 7 individuals were on this site, then it is likely that the matter of nutrient neutrality would apply to this development. Because the development will be limited to 6 individuals, then it is considered that the proposed works can be scoped out of the matter of nutrient neutrality.

**(f) Residual Matters**

29. One of the concerns raised by neighbours was that the works are completed and that there could be future breaches and disregard for regulations. However, it is up to the applicant to apply for planning permission and the Local Planning Authority will determine each application on its own merit. Therefore, whilst the general concerns are appreciated, there is no bias when determining retrospective applications and they cannot solely be refused on the basis of the works being completed.

30. Other concerns stated that the property is not being maintained and that when the key safe was stolen, the locks were not changed. These are not matters that can be controlled or considered further under the planning regulations.
31. Another concern stated that no health and safety regulations are being followed such as there being no fire escapes being in place. This will be up to the management of the property by the applicant and likely subject to other legislative powers such as through building control or licensing. Nevertheless, based on the proposed development, there is no reason to doubt that the appropriate fire escapes are not in place and that generally health and safety is not being followed.

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

32. 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**

33. 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**

34. It is recommended that the application be Approved with Conditions for the reasons specified Above.

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

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

Plan Reference Number	Date
Location Plan	30 September 2024
Drawing 1	18 October 2024
Drawing 2	18 October 2024

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

2. Booking / Number of Individuals

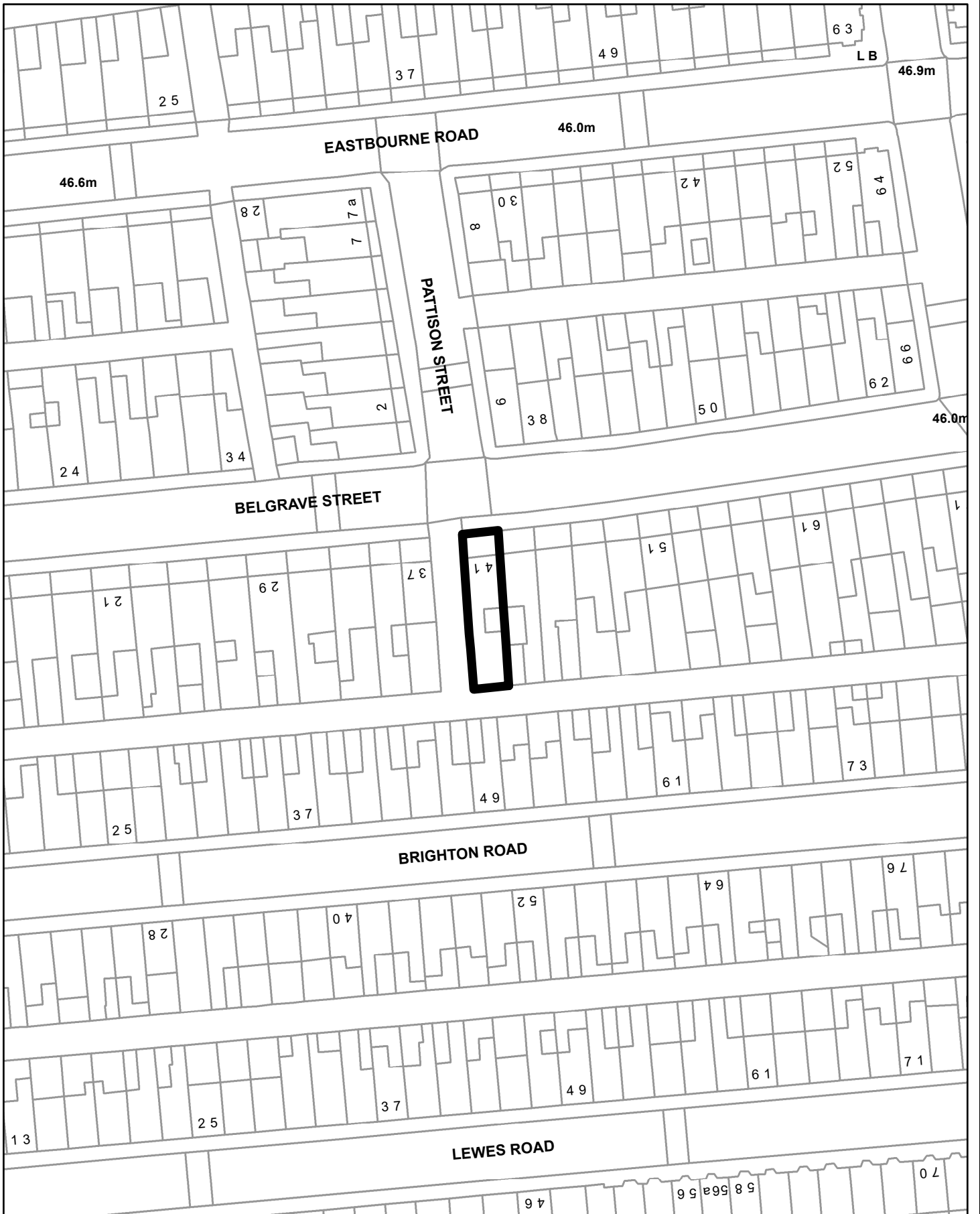
The property shall only be let as a single booking at any one time (also known as an 'entire household let') with a maximum of six residents per booking, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure the development does not fall within the scope of nutrient neutrality.

3. Monitoring

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

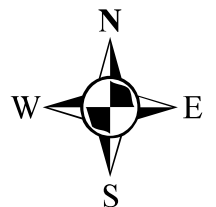
Reason: To allow records to be made available to assist in any monitoring of condition 2 of this planning permission.



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**Planning Ref No: 24/00962/CU**

DARLINGTON BOROUGH COUNCIL



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## DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

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<b>APPLICATION REF. NO:</b>	23/01224/FUL
<b>APPEAL REF. NO:</b>	APP/N1350/W/24/3343677
<b>LOCATION:</b>	55 Neasham Road, Darlington
<b>DESCRIPTION:</b>	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 2 (opening hours) attached to planning permission 20/00963/FUL (Change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation) dated 18 February 2021 to permit a change in opening hours from 11am - 9pm Monday to Sunday to 11am - 10pm Monday to Sunday (Amended Description)
<b>APPLICANT:</b>	Mr Abobaker Omar

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**PLANNING OFFICER: CHRISTINA MCALPINE**

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**REASON(S) FOR REFUSAL:**

*In the opinion of the Local Planning Authority, the proposed variation of condition 2, by virtue of extending the operating hours, would increase the noise and disturbance levels to the detriment of residential amenity. This extension of operating hours and close proximity to nearby residential dwellings would harmfully affect the levels of residential amenity that are currently and could reasonably be expected to be enjoyed, contrary to Local Policy DC4 of the Darlington Local Plan and the National Planning Policy Framework.*

**BRIEF SUMMARY:**

- The application sought to vary the existing hours of operation from a closing time of 9pm to 10pm, Monday to Sunday.
- This variation was refused due to amenity impacts via noise and disturbance to residential amenity.
- The inspector dismissed the appeal on planning procedural grounds; as the hours of operation were specifically mentioned within the description (that the business would close at 9pm), the variation could not be considered as it would amend the original description.
- The hours mentioned in the original description were in brackets, to notify neighbours on the original application of what the hours had been changed. This method is how neighbours are notified of any changes within a planning application. This is to be discussed within the planning team as to whether the process of neighbour consultation should be amended i.e. to include the nature of the change within the main body of the letter sent to neighbours, rather than within the main description.

**KEY POINTS TO NOTE:**

The appeal was dismissed because the planning merits could not be considered.

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

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of the Local Government Act 1972.

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