



Planning Applications Committee Agenda

1.30 pm Wednesday, 3 June 2026

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 of the Minutes of the meeting of this Committee held on 6 May 2026 (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) Parcel Mp8 (South) & Mp9, Site At Mount Pleasant Farm, Newton Lane, Darlington, DL2 2GR (Pages 15 - 28)
 - (b) Ice Flower Court, Site At Mount Pleasant Farm And Stag House Farm, Newton Lane, Darlington (Pages 29 - 40)
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 Executive Director of Economy and Public Protection will report that the Inspectors appointed by the Secretary of State for the Environment have: -
- (a) Dismissed the appeal by Miss Helen Dixon against this authority's decision to refuse permission for Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 6 (opening hours) attached to planning permission 23/01123/FUL dated 18 January 24 (Construction of a detached building in the rear garden for use as a Pilates reformer studio) to amend the opening hours to 6.00am to 8.00pm Monday to Friday; 7:00am to 2.00pm on a Saturday with no opening on a Sunday or Bank Holidays at 62 Baydale Road, Darlington, DL3 8JU (25/01027/FUL) (copy of Inspector's decision enclosed).
 - (b) Allowed the appeal by Mr Kosrat Chawshin against this authority's decision to refuse permission for Installation of external roller shutters to 2 no. windows and front entrance door (Retrospective Application) at Kos's Barbers Ltd, 142 North Road, Darlington, DL1 2EJ (25/01142/FUL) (copy of Inspector's decision enclosed).
 - (c) Dismissed the appeal by Mr Kosrat Chawshin against this authority's decision to refuse permission for Display of 3 no. internally illuminated fascia signs, internally illuminated projecting signs and barber poles (Retrospective Application) (Amended Description)) at Kos's Barbers Ltd, 142 North Road, Darlington, DL1 2EJ (25/01144/ADV) (copy of Inspector's decision enclosed).
 - (d) Dismissed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath East Of Dolphin Centre, Horsemarket, Darlington, DL1 5RP (25/01103/FUL) (copy of Inspector's decision enclosed).
 - (e) Dismissed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath East Of Dolphin Centre, Horsemarket, Darlington, DL1 5RP (25/01104/ADV) (copy of Inspector's decision enclosed).
 - (f) Allowed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath Outside 214 Northgate, Darlington, DL1 1RB (25/01105/FUL) (copy of Inspector's decision enclosed).
 - (g) Allowed the appeal by Mr Martin Brown against this authority's decision to refuse permission for Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath Outside 214 Northgate, Darlington, DL1 1RB

(25/01106/ADV) (copy of Inspector's decision enclosed).

(h) Recommended – That the reports be received.

(Pages 41 - 66)

9. Notification of Appeals - –

The Executive Director, Economy and Public Protection will report that :-

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 22 May 2026 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection
(Pages 67 - 78)

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

A handwritten signature in black ink, reading 'A. Wennington', with a horizontal line underneath.

Amy Wennington
Assistant Director Law and Governance

Tuesday, 26 May 2026

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Durham, Haszeldine, Holroyd, Kane, Laing, Lawley, McCollom and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact James McAllister, Democratic Officer, Resources and Governance 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: james.mcallister@darlington.gov.uk or telephone 01325 403122

PLANNING APPLICATIONS COMMITTEE

Wednesday, 6 May 2026

PRESENT – Councillors Haszeldine (Chair), Ali, Anderson, Beckett, Cossins, Durham, Holroyd, Kane, Laing, Lawley, McCollom and Tostevin

APOLOGIES – Councillor Allen

ABSENT – Councillor Bartch

OFFICERS IN ATTENDANCE – Lisa Hutchinson (Interim Head of Planning Development Management), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Nikita Josan (Legal and Land Charges Assistant) and Hannah Miller (Democratic Officer)

PA69 DECLARATIONS OF INTEREST

Councillor McCollom declared a non-pecuniary interest in Minute PA71(1) (Ref No. 25/00332/RM1). There were no further declarations of interest reported at the meeting.

PA70 TO APPROVE OF THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 11 MARCH 2026

RESOLVED – That the Minutes of this Committee held on 11 March 2026 be approved as a correct record.

PA71 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) BURTREE GARDEN VILLAGE PHASE 1, BURTREE LANE, DARLINGTON

25/00332/RM1 - Application for reserved matters approval relating to access (secondary), appearance, landscaping, layout, and scale for the erection of 130 No. dwellings (Use Class C3) and associated infrastructure, parking and landscaping relating to Cells L, M and O within Burtree Garden Village (Phase 1) (hybrid planning permission 22/01342/FULE dated 31 January 2025) (Amended Description).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Ecology Officer, Highway Engineer, Public Rights of Way Officer, Environmental Health Officer, Flood and Drainage Engineer, Whessoe Parish Council, the Environment Agency, National Highways, Northumbrian Water and Northern Gas Networks and the Applicant, whom the Committee heard).

RESOLVED – That approval be granted subject to the following planning conditions:

1. Unless otherwise confirmed in writing by the Local Planning Authority, the development hereby approved should be carried out in accordance with the following plans:

- Drawing Number HBE2020-011-SL Rev AG – Site Layout (Means of Enclosure)
- Drawing Number HBE2020-011-SL Rev AF – Site Layout
- Drawing Number BEE PD 00 The Beech
- Drawing Number CLO PD 00 The Clover M4 (1)
- Drawing Number CLO 05 The Clover M4 (1)
- Drawing Number DA PD 00 The Daisy
- Drawing Number DA PD 05 The Daisy
- Drawing Number FOX PD 00 The Foxglove M4 (1)
- Drawing Number FOX PD 05 The Foxglove M4 (1)
- Drawing Number HOL S 05 The Holly M4 (1)
- Drawing Number HOL PD 00 The Holly M4 (1)
- Drawing Number JA PD 00 The Jasmine M4 (1)
- Drawing Number JA S 05 The Jasmine M4 (1)
- Drawing Number MAG PD 00 The Magnolia
- Drawing Number MAG PD 05 NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number ORC PD 00 The Orchid
- Drawing Number ORC PD 05 Rev A NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number PAL PD 00 The Palm Tax Door
- Drawing Number PAL PD 05 Rev B NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number RED PD 05 NDSS & M4(3) Compliance Ground Floor Plan
- Drawing Number RED-PD-10 NDSS & M4(3) Compliance First Floor Plan
- Drawing Number RA-PD-00 The Rosemary M4(1)
- Drawing Number RA-S-05 M4(1) Compliance Plan
- Drawing Number SUN-PD-00 The Sunflower M4(1)
- Drawing Number SUN-S-05 M4(1) Compliance Plan
- Drawing Number WIL-PD-00 Rev B The Willow
- Drawing Number WIL-PD-05 NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number XX XX GA 3010 Rev P12 – Street Scene L Elevation
- Drawing Number XX XX GA 3020 Rev P10 – Street Scene M Elevation
- Drawing Number QD2392 03 01 Rev A Overall Engineering Layout
- Drawing Number QD2392 04 01 Rev A External Levels Layout Cell O
- Drawing Number QD2392 04 02 Rev A External Levels Layout Cell L
- Drawing Number QD2392 04 03 Rev A External Levels Layout Cell M
- Drawing Number QD2392 05 01 Rev A Longsections Cell O
- Drawing Number QD2392 05 02 Rev A Longsections Cell L
- Drawing Number QD2392 05 03 Rev A Longsections Cell M
- Drawing Number HBE2020-011-VIS Rev A Visibility Splays
- Drawing Number HBE2020-011-S38 Rev B Section 38 Coloured Plan
- Drawing Number HBE2020-011-ED Enclosure Details
- Drawing Number HBE2020-011-HRCP Rev B Householder Refuse Collection Points
- Drawing Number HBE2020-011-PV Rev B PV Location Plan
- Drawing Number HBE2020-011-RPP Rev B Road Phasing Plan
- Drawing Number HBE2020-011-EV Rev E Electric Vehicle Charger Layout
- Drawing Number HBE2020-011-MVP Rev E Movement Plan

- Drawing Number HBE2020-011-SST Rev B Safe Routes to School
- Drawing Number HBE2020-011-BBL Rev G Bat and Bird Box Location
- Drawing Number HBE2020-011-POS Rev F POS/MC Plan
- Drawing Number HBE2020-011-MF Rev M Materials Finish Layout
- Drawing Number 415.065301.00001-ARB-D-001 Rev A Tree Protection Plan
- Drawing Number 415.065301.00001-ARB-D-001 Rev A Tree Protection Plan
- Drawing Number DRL-GD-001 Rev B Single Garage Design
- Drawing Number DRL-GD-002 Rev E Double Garage Design
- Drawing Number DRL-GD-004 Rev F Twin Garage Design
- Drawing Number EH-SCL-001 Standard Compound Detail
- Drawing Number BGV-RAW-001 Rev B Site Location
- Drawing Number ELD PD 05 NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number ELD PD 10 NDSS & M4(2) Compliance First Floor Plan
- Drawing Number MAG PD 10 NDSS & M4(2) Compliance First Floor Plan
- Drawing Number MAG PD 05 NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number RED PD 05 NDSS & M4(3) Compliance Ground Floor Plan
- Drawing Number RED PD 10 NDSS & M4(3) Compliance First Floor Plan
- Drawing Number WIL PD 10 Rev B NDSS & M4(2) Compliance First Floor Plan
- Drawing Number WIL PD 05 NDSS & M4(2) Compliance Ground Floor Plan
- Drawing Number LD11006-001 Rev H Landscape Strategy
- Drawing Number LD11006-002 Rev G Detailed Planting Plan Sheet 1 of 2
- Drawing Number LD11006-002 Rev F Detailed Planting Plan Sheet 2 of 2
- Drawing Number NT15003-128 Rev H Detailed Landscape PROW Plan
- Drawing Entitled Material Finish 1
- Drawing Entitled Material Finish 2
- Drawing Entitled Material Finish 3
- Drawing Entitled Material Finish 4
- Drawing Entitled Parking Schedule

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

2. Notwithstanding the details shown on the approved plans and in the event of overhead powerlines not being grounded, no dwelling shall be constructed on Plot 68 until the precise details of dwelling, including house type, materials and position within the Plot have been submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details. For the avoidance of doubt, if the overhead powerlines are grounded, the dwelling on Plot 68 shall continue to be built in complete accordance with the approved plans listed in Condition 1.

REASON – The dwelling on Plot 68 is currently shown in a location encroaching the easement of the existing overhead electricity lines and there may be a requirement to amend the position and house type on Plot 68 in the event the powerlines are not being placed underground.

PA72 NOTIFICATION OF APPEALS -

The Executive Director, Economy and Public Protection reported that :-

- a) Ardent Land Limited has appealed against this Authority's decision to refuse permission for the Display of 1 No. internally illuminated free standing digital display unit (Amended description) at Meynell Retail Park, (Western Verge, facing Whessoe Road), Darlington, DL3 0YQ (25/01193/ADV).
- b) Mrs Melanie Turner has appealed against this Authority's decision to refuse permission for Part demolition of existing house to facilitate change of use of agricultural land for tourist accommodation including the siting of 3 No. holiday lodges and 3 No. hot tub enclosures with car parking, associated landscaping and gravel pathways including the creation of secondary access. Conversion of store room to form kitchen/office and garage together with landscaping and associated works (part retrospective) at Hazelfield Cottage, Elstob Lane, Great Stainton, TS21 1HP (24/00926/FUL).
- c) Mr Chris Welbourne has appealed against this Authority's decision to refuse permission for the Display of 1 No. freestanding internally illuminated LED advertising display unit at Car Park Adjacent To 28 West Auckland Road, Darlington, DL3 9EP (25/01374/ADV).

RESOLVED – That the report be received.

PA73 NOTIFICATION OF DECISION ON APPEALS

The Executive Director for Economy and Public Protection reported that the Inspectors appointed by the Secretary of State for the Environment had :-

- a) Dismissed the appeal by Verity Cheyne on behalf of BT Group Plc against this authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath Opposite 38 Blackwellgate, Darlington (25/01101/FUL) (copy of Inspector's decision enclosed).
- b) Dismissed the appeal by Verity Cheyne on behalf of BT Group Plc against this authority's decision to refuse permission for Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath Opposite 38 Blackwellgate, Darlington (25/01102/ADV) (copy of Inspector's decision enclosed).

RESOLVED – That the report be received.

PA74 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.

PA75 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 17 APRIL 2026 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA68/Mar/2026, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 17 April 2026.

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 – 3 June 2026

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
Parcel Mp8 (South) & Mp9, Site At Mount Pleasant Farm	25/01206/FUL
Ice Flower Court, Site At Mount Pleasant Farm & Stag House Farm	25/01397/RM1

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3RD June 2026

APPLICATION REF. NO: 25/01206/FUL

STATUTORY DECISION DATE: 12 June 2026

WARD/PARISH: Brinkburn And Faverdale

LOCATION: Parcel Mp8 (South) & Mp9, Site At Mount Pleasant Farm, Newton Lane Darlington
DL2 2GR

DESCRIPTION: Application submitted under Section 73 of the Town & Country Planning Act 1990 for the variation of condition 1 (approved plans) attached to planning permission 21/01111/RM1 dated 09 June 2023 (Application for reserved matters approval relating to access, layout, scale, appearance & landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 72 no. dwellings with associated landscaping and infrastructure) to permit an update to the site boundary, for the removal of plots MP9.20/21/22/23/24/25/26/27/41/42/43. House type changes for plots MP8S.1/2/3/23, MP9.13/15/16/17/18/19/37/38/39/40 and the addition of plots MP8.28/29/30/31/32/33/34 (amended description)

APPLICANT: Bussey And Armstong Projects Ltd

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T55U5XFP5300>

APPLICATION AND SITE DESCRIPTION

1. Outline planning permission (ref no: 15/00450/OUT) was granted in 2018 for residential development of up to 1200 dwellings at Mount Pleasant and Stag House Farms. The development is under construction, being brought forward in phases by different developers as part of the expansion of West Park.
2. The application site is located within the northern part of the West Park development and forms part of phases known as MP8 (south) and MP9 which are being built by the applicant, Bussey and Armstrong Projects Ltd.
3. Reserved matters approval has previously been granted (ref no: 21/01111/RM1) to construct 72 dwellings on MP9 and the southern part of MP8 and fourteen of the properties have been built or are under construction (Plots 1 to 14).
4. An application (ref no: 21/01288/CON) was submitted to discharge planning conditions attached to the outline permission in relation to layout for Phases MP8 (south) and MP9 that was approved under 21/01111/RM1. The conditions relating to the internal highway layout, a vehicle swept path analysis for the internal highways, parking and cycle parking provision have been discharged.
5. This planning application has been submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) to obtain approval for the following amendments to 21/01111/RM1:
 - Amend the site boundary of Phase MP8 and MP9 to remove plots MP9.20/21/22/23/24/25/26/27/41/42 and 43 to facilitate the development proposals submitted under application 25/01397/RM1 which forms part of this agenda
 - A substitution of house types on plots MP8S.1/2/3/23 and MP9.13/15/16/17/18/19/37/38/39/40
 - Amend the site boundary of Phase MP8 and MP9 to include seven additional plots in Phase MP8 (Plots 28/29/30/31/32/33/34)
 - As a result of these amendments the overall number of dwellings within Phase MP8 (south) and MP9 would be reduced from 72 to 66
6. Phases MP8 (south) and MP9 are bound to the north by West Auckland Road (A68) and dwellings which have been built on Phase MP6 (under planning approval 20/00364/RM1) are located to the south (Juniper Avenue, Mortimer Wheeler Drive and

Black Poplar Avenue). Bridleway No. 7 in the Parish of Archdeacon Newton runs adjacent to Edward Pease Way on the eastern boundary of the application site.

7. A separate planning application will need to be submitted to discharge any appropriate planning conditions attached to outline planning permission 15/00450/OUT which are relevant and appropriate to the redevelopment of Phases MP8 (south) and MP9. Although the issues covered by some of the planning conditions are clearly interrelated to this proposal, the separate mechanism to agree the technical details subject of the other planning conditions, is not for specific consideration as part of this planning application submission.
8. As the overall number of dwellings within Phase MP8 (south) and MP9 would reduce to sixty-six, a separate Non Material Amendment application (ref no: 25/01198/NMA) has been submitted to update the description of planning approval 21/01111/RM1. The application will be determined following a decision being made on this planning application.

MAIN PLANNING ISSUES

9. Permission granted under section 73 of the Town and Country Planning Act 1973, takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. As with 21/01111/RM1, the planning issues to be considered by this Section 73 application are restricted to:
 - a) Access (secondary)
 - b) Layout
 - c) Scale
 - d) Appearance
 - e) Landscaping
10. Interrelated with the above issues is the following considerations.
 - f) Residential Amenity
 - g) Flood Risk and Drainage
 - h) Nutrient Neutrality

PLANNING POLICIES

11. The application site is within the development limits for the urban area and therefore the proposed residential development can be supported, in principle, subject to compliance with national and local development plan policies (Policy H3 of the Local Plan). The proposal has been further established as the application site forms part of

outline planning permission 15/00450/OUT for up to 1200 dwellings. The relevant local plan policies for this planning application are as follows:

Darlington Local Plan 2016 - 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

ENV3: Local Landscape Character

ENV4: Green & Blue Infrastructure

ENV5: Green Infrastructure Standards

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

12. The Council's adopted Design SPD (2011) is also relevant.

RESULTS OF TECHNICAL CONSULTATION

13. The Council's Highways Engineer and Environmental Health Officer have raised no objections to the planning application

RESULTS OF PUBLICITY AND NOTIFICATION

14. Following the Council's publicity and notification exercises two objections and a petition with seven signatories have been received. The objections can be summarised as follows:

- *Increase the volume of motor traffic along Mortimer Wheeler Drive and Juniper Avenue.*
- *This amendment is a significant change to property types and numbers*
- *Overspill parking into surrounding streets*
- *Obstruction of carriageways*
- *Increased pressure on existing residents' parking*
- *The estate was not originally designed for this level of density or parking demand.*
- *Traffic volume entering and exiting the estate*
- *Road widths and pinch points*

- *Emergency vehicle access*
- *Refuse and service vehicle manoeuvrability*
- *Daily congestion at bends and junctions*

15. The objections also include reference to a garage conversion to living accommodation having taken place thereby reducing parking spaces for the property, increasing antisocial behaviour as residents park vehicles in locations which block access roads and create blind spots and visitors have nowhere to park. It is acknowledged in the objection that planning permission is not required to convert garages into living accommodation, but the repercussions of such works should be considered when granting planning permission.

PLANNING ISSUES/ANALYSIS

a) Access (secondary)

16. The primary access arrangements and traffic generation associated with the wider development were considered and addressed under the outline planning application 15/00450/OUT. These arrangements remain unchanged by this planning application, and it is noted that the proposal does not result in any increase of the overall quantum of development approved under 15/00450/OUT. Whilst some development phases have already been consented, significant headroom remains available under the outline consent. The revised proposal does not demonstrate traffic levels which exceed those already agreed under the outline permission and for this reason, traffic generation is not a consideration under this new application as the principle has been accepted as part of the outline consent with required mitigation secured at this time.
17. Access to Phases MP8 and MP9 would be via Mortimer Wheeler Drive and Juniper Avenue which was approved under 20/00364/RM1 (MP6). The internal road and footpath layout for Phases MP8 (south) and MP9 have been approved under the previous reserved matters submission (ref no: 21/01111/RM1) and application 21/01288/CON and remain unchanged apart from a section of highway (Hawksbeard Way) being increased in length to provide access to the dwellings on plots MP8 28/29/30/31/32/33/34. The turning head has been amended to meet the standard geometric requirements for adopted highways. The turning head would be a temporary arrangement pending the remainder of Phase MP8 being brought forward in the future. The design would be subject to further technical review as part of the Section 38 Technical Approval process which is separate to the planning application process.
18. The wider development is compliant with the Tees Valley Design Guidance for adoptable highways. This ensures that developments are safe and accessible for all modes of transport including pedestrians and cyclists. The design standards within local guidance are derived from the nationally recognised Manual for Streets (MfS) which is a DfT document. Full design appraisal and technical approval have been undertaken as part of earlier RM submissions and post planning highways technical approval. Black Poplar Avenue and Mortimer Wheeler Drive are 6.7m wide as they are designed to

enable a future bus service to enter the development as well as accommodating the access and servicing requirements of both residential development cells and the future education facility included within the wider masterplan. Swept path analysis was used to prove that road geometry was suitable for refuse vehicles and busses. MfS allows residential estates road to be constructed to a width of 4.8m. The 6.7m carriageway width is therefore resilient and reflects the wider scale and mix of the development.

19. Under the provisions of the Tees Valley Design Guide, the level of in – curtilage parking provision is related to dwelling size. Dwellings of up to and including three bedrooms require two spaces per dwelling, whilst larger dwellings of four or more bedrooms are required to have a minimum of three parking spaces. Parking for the proposed dwellings would be provided by a mix of in - curtilage driveways, integral and attached garages and detached garages. A review of the parking provision has been carried out and confirms that each dwelling has the appropriate level of in -curtilage parking based on the number of bedrooms within them. Where parking standards are fully met, overspill parking is unlikely to occur and thus present a highway safety of residential amenity concern. As TVDG standards are met, the development is in accordance with Local Plan policy and as such there are no such grounds on which to refuse the application on parking provision.
20. Under the provision of 21/01111/RM1, the Bridleway route was made separate to the estate road (Gentian Grove), had a width of 2m, with an appropriate surface finish, linking into footpath network. This route is an important route around the wider development to bus stops, shops and schools and this section replicates the design and dimensions elsewhere and remains unchanged by this planning application.
21. Whilst the comments relating to garage conversions is acknowledged, there are no planning conditions attached to the outline planning permission (ref no: 15/00450/OUT) which prevent such works from going ahead without having to first obtain planning permission.
22. The proposed development would accord with policies DC1, IN1, IN2 and IN4 of the Local Plan in this regard.

b) Layout

23. If approved, the number of dwellings within this part of Phases MP8 (South) and MP9 would be reduced from 72 to 66 properties (which would be considered under application 25/01198/NMA). The layouts of Phases MP8 (South) and MP9 have not fundamentally changed as the proposal is primarily to substitute house types within existing plots that were approved under the original reserved matters submission. The main change to the layout is the addition of Plots MP8 28 to 34. Plot MP8 28, 29 33 and 34 would be accessed off Hawksbeard Way via a shared drive and Plots 30, 31 and 32 would be accessed off Mortimer Wheeler Drive. The proposed layout of the amended scheme is acceptable and ensures that the development continues to have a high-quality layout which responds appropriately to the character of Phases MP6, MP8

(south) and MP9 as it continues to be brought forward. The proposal would be in accordance with policies DC1 and ENV3 of the Local Plan.

24. The overall unit numbers for the West Park development is governed by the outline permission 15/00450/OUT, which consented up to 1,200 dwellings. There remain approximately 300 plots to be delivered before the outline quantum is reached and there are Phases within the wider development which are still yet to be subject to full reserved matters approval (MP7, the remaining section of MP8 and MP10). The proposed development accords with the overall consented density and sits comfortably within the parameters of the outline planning permission. The acceptability of each reserved matters application must be assessed on its own merits against the outline permission, and the fact that it differs from the previous RM approval (ref no 21/01111/RM1) for the same part of the site is not a reason to refuse this planning application.

c) Scale

25. Most of the dwellings on Phases MP8 (south) and MP9 which were approved under the previous reserved matters submission (ref no: 21/01111/RM1) are two storey properties but there are two, three storey properties on corner plots (Yarm House Type) within the development. All the new house types are two storey properties and would be in keeping with the local area and built environment. The proposed development would accord with Policy DC1 of the Local Plan in this regard.

d) Appearance

26. The design of the proposed dwellings are inspired by the Arts and Crafts movement of the 19th Century which is a common theme for the parts of West Park that have been constructed by Bussey and Armstrong Projects Ltd. The dwellings selected for MP8 (south) and MP9 have been previously delivered across West Park. The two main brick colour palettes are red brick multi blend facing bricks complemented by darker red smooth faced bricks. Both are paired with ivory coloured render on certain house types. Roof tiles are a mix of clay roofing tiles, either red/orange or brown/grey. Windows are UPVC and composite doors are used throughout.
27. The development would remain high quality, designed to be reflective and sympathetic to the design and character of the dwellings that have been or are yet to be built within Phases MP8 (south) and MP9 and the neighbouring MP6 phase. The development continues to promote a high-quality, cohesive design that responds appropriately to the character of the area in accordance with policies DC1 and ENV3 of the Local Plan.

e) Landscaping

28. The soft and hard landscaping scheme primarily consists of tree planting in rear and front gardens, within public areas of open spaces and hedging around some of the front and side gardens consistent with the landscaping scheme previously approved under

reserved matters 21/01111/RM1. As well as the hedging the means of enclosure around the plots are a mix of walls, metal railings and close boarded fencing. The landscaping scheme would be managed and maintained by a private management company and it would also provide an ecological net gain.

29. The landscaping scheme would accord with policies DC1, ENV3, ENV4, ENV5, ENV7 and ENV8 of the Local Plan.

f) Residential Amenity

30. The proximity distances between dwellings would remain in accordance with the requirements set out in the Council's Design SPD.
31. The application has been supported by a Noise Assessment Report which is based on the revised site layout plan for areas MP8(south) and MP9 and looks at whether suitable noise levels in accordance with the original planning conditions will be achieved for these parts of the site given the proposed changes.
32. As was the case with the earlier reserved matters application 21/01111/RM1, there is still a slight exceedance of no more than +1dB of the upper guidance value for external amenity areas in BS8233 (55dB LA_{eq,16 hour}) in some rear gardens (even with mitigation) but there will still be parts of these gardens that achieve the upper limit. Also, the current assessment model does not account for the northern part of MP8(south) and MP9 being built out under application ref no: 25/01397/RM1 which will afford some additional protection. For some plots the external amenity areas will achieve noise levels below 50dB LA_{eq,16 hour} without enhanced acoustic boundary treatments.
33. The boundary treatment mitigation recommended for some garden areas includes acoustic barriers. There is a change in the recommended density of the barrier in the latest noise assessment (14 kg/m²) compared to the previous assessment (10 kg/m²) as well as the height requirements (from +1.8m to +4m height to now +1.8m to +2.5m).
34. In terms of ensuring required internal noise levels, the noise assessment recommends four separate façade mitigation strategies (glazing and ventilation specifications) taking into account plot, façade and floor level. This is the same as the earlier assessment/application. Based on the information submitted with the application, the Council's Environmental Health Officer has no objections, in principle, to the variation of the previously approved reserved matters application in terms of noise/layout.
35. Matters relating to land contamination and construction impacts will be dealt with by the separate mechanism of the discharge of condition process. The proposed development is considered to comply with policies DC3 and DC4 of the Local Plan

g) Flood Risk and Drainage

36. Conditions 14 and 16 attached to outline planning permission 15/00450/OUT relate to foul and surface water drainage and an application to discharge these conditions will be submitted separately. However, the proposed surface water drainage scheme has been considered on a site wide basis and the surface water from the application site will be attenuated in the SUDs infrastructure to be constructed on the Mount Pleasant farm site (MP7) under planning permission 20/00033/RM1. There construction works are presently being carried out. The development would accord with policy DC2 of the Local Plan.

h) Nutrient Neutrality

37. The planning application has been supported by a Habitat Regulations Assessment (HRA) which concludes that there will be no likely significant effect on the international nature conservation interests of the Teesmouth and Cleveland Coast SPA and Ramsar Site. The HRA provides a detailed assessment of the planning history for the Garden Village development including details of the drainage strategies for the entire wider site (MP4 – 10) which includes this application site. The Local Planning Authority can confirm that the planning history set out in the HRA is correct.

38. These drainage strategies have been previously approved under previous discharge of condition applications prior to March 2022. The approved drainage systems have been installed and are operational. As a result of considering this information, the local planning authority consider that the legal baseline for the drainage scheme has been previously set, is being complied with and nutrient neutrality can be scoped out of further considerations. Nutrient neutrality falls outside the remit of considerations for this application.

THE PUBLIC SECTOR EQUALITY DUTY

39. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

40. 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

41. This application has been submitted under section 73 of the Town and Country Planning Act 1990 (as amended) to make some changes to the previously approved Reserved Matters for Phases MP8 and MP9. The general traffic generation and highway safety impacts, visual impacts on the surrounding area and the offsite highway works were agreed at the outline planning application stage.
42. The amendments to the proposed layout still ensure good connectivity throughout and to the existing and proposed infrastructure and the development remains acceptable in terms of highway safety and pedestrian and cycling safety, especially along the existing Bridleway. The dwellings remain positioned and orientated to comply with the required proximity distances, and the landscaping scheme will bring biodiversity enhancements to the site and mitigate against the existing tree and hedge loss for this phase. The dwellings are well designed, and phases MP8 (south) and MP9 will integrate well with the surrounding area and the other phases that have been brought forward by the applicant and other developers. The proposed development would accord with the local development 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:
 - Drawing Number A200 B MP9 Bridleway Detail Plan
 - Drawing Number P500 Rev A Bridleway Section
 - Drawing Number 2021/MP8/P2829 Rev B Plot 28,29 Elevation
 - Drawing Number 2021/MP8/P2829 Rev B Plot 28, 29 Plan 1
 - Drawing Number 2021/MP8/P2829 Rev B Plot 28, 29 Plan 2
 - Drawing Number 2021/MP8/P30 Rev B Plot 30 Elevations
 - Drawing Number 2021/MP8/P30 Rev B Plot 31 Plans 1
 - Drawing Number 2021/MP8/P30 Rev B Plot 30 Plans 2
 - Drawing Number A006 Rev J MP8 & 9 Proposed Site Plan
 - Drawing Number A007 Rev C MP 8 & 9 Proposed Unit Types
 - Drawing Number A015 Rev E MP8 & 9 Boundary Types
 - Drawing Number A025 Rev C MP8 & 9 Landscape Strategy and Site Plan
 - Drawing Number 2021/MP8/P31 Rev B Plot 31 Elevations
 - Drawing Number 2021/MP8/P31 Rev B Plot 31 Plan 1
 - Drawing Number 2021/MP8/P31 Rev B Plot 31 Plan 2
 - Drawing Number 2021/MP8/P32 Rev B Plot 32 Plans 2
 - Drawing Number 2021/MP8/P32 Rev B Plot 32 Plans 1
 - Drawing Number 2021/MP8/P33 Rev B Plot 33 Elevations
 - Drawing Number 2021/MP8/P33 Ref B Plot 33 Plan
 - Drawing Number 2021/MP8/P34 Rev B Plot 34 Elevation

- Drawing Number 2021/MP8/P34 Rev B Plot 34 Plan
- Drawing Number 2021/MP9/P15 Rev B Plot 15 Elevation
- Drawing Number 2021/MP9/P15 Rev B Plot 15 Plans
- Drawing Number 2021/MP9/P16 Rev B Plot 16 Elevation
- Drawing Number 2021/MP9/P16 Rev B Plot 16 Plans
- Drawing Number 2021/MP9/P17 Rev B Plot 17 Elevation
- Drawing Number 2021/MP9/P17 Rev B Plot 17 Plans
- Drawing Number 2021/MP8S/P1 Rev A Plot 1 Elevation
- Drawing Number 2021/MP8S/P1 Rev A Plot 1 Plans 1
- Drawing Number 2021/MP8S/P1 Rev A Plot 1 Plans 2
- Drawing Number 2021/MP8S/P2 Rev A Plot 2 Elevation
- Drawing Number 2021/MP8S/P2 Rev A Plot 2 Plans
- Drawing Number 2021/MP8S/P23 Rev B Plot 23 Elevation
- Drawing Number 2021/MP8S/P23 Rev B Plot 23 Plans
- Drawing Number 2021/MP8S/P3 Rev B Plot 3 Elevations
- Drawing Number 2021/MP8S/P3 Rev B Plot 3 Plans
- Drawing Number 2021/MP8S/P13 Rev B Plot 13 Elevations
- Drawing Number 2021/MP8S/P13 Rev B Plot 13 Plans
- Drawing Number 2021/MP8S/P18 Rev A Plot 18 Elevations
- Drawing Number 2021/MP8S/P18 Rev B Plot 18 Plans
- Drawing Number 2021/MP8S/P19 Rev A Plot 19 Elevations
- Drawing Number 2021/MP8S/P19 Rev A Plot 19 Plans
- Drawing Number 2021/MP9/P37383940 Rev A Plot 37, 38, 39 & 40 Elevations
- Drawing Number 2021/MP9/P37383940 Rev A Plot 37, 38, 39 & 40 Plans
- Drawing Number 2012/MP9/P47 Rev A Plot 47 Elevation
- Drawing Number 2012/MP9/P47 Rev A Plot 47 Plan

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

2. Notwithstanding the details shown on the approved plans, every dwelling which has a garage or dedicated marked out car parking space within its curtilage shall include an electrical socket suitable for charging electric vehicles (minimum single 13 amp socket)

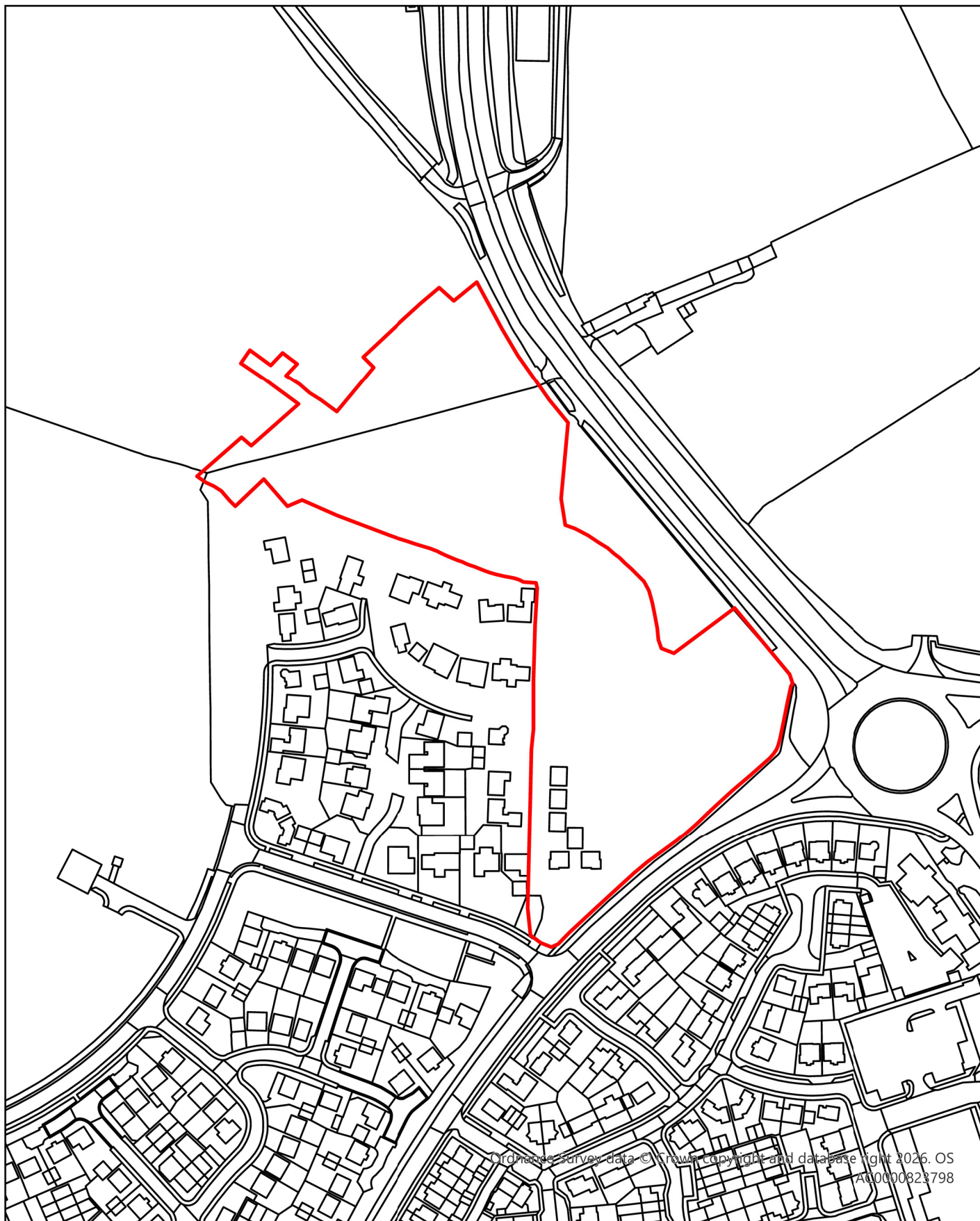
REASON To accord with Policy IN4 of the Darlington Local Plan 2016 – 2036

3. The development hereby approved shall provide suitable broadband infrastructure, ducting and connectivity

REASON: To accord with policy IN8 of the Darlington Local Plan 2016 – 2036

INFORMATIVE

In order to comply with the 1968 Countryside Act, standard metal Public Bridleway signposts will be required at both ends of the Archdeacon Newton Public Bridleway No 7, with one located by the bridleway's junction with Black Poplar Avenue and pointing north east along the route. The existing timber signpost by the A68 is in a poor state of repair so this should be replaced with another metal post pointing south west down the route.

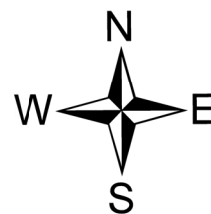


Planning Ref: 25/01206/FUL

Address
Parcel Mp8 (South) & Mp9,
Site At Mount Pleasant Farm



DARLINGTON
Borough Council
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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3rd June 2026

APPLICATION REF. NO:	25/01397/RM1
STATUTORY DECISION DATE:	12 June 2026
WARD/PARISH:	Brinkburn And Faverdale
LOCATION:	Ice Flower Court, Site At Mount Pleasant Farm And Stag House Farm, Newton Lane Darlington
DESCRIPTION:	Application for reserved matters approval relating to access, layout, scale, appearance & landscaping attached to outline planning permission 15/00450/OUT dated 31/10/2018 (Outline application for residential development comprising approximately 1200 dwellings, residential and link roads, public open space, landscaping and drainage works together with education and playing fields) for the erection of 24 no. residential apartments with associated landscaping and infrastructure
APPLICANT:	Bussey and Armstong Projects Ltd

RECOMMENDATION: GRANT RESERVED MATTERS 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=T7IH8TFPIXO00>

APPLICATION AND SITE DESCRIPTION

1. Outline planning permission (ref no: 15/00450/OUT) was granted in 2018 for residential development of up to 1200 dwellings at Mount Pleasant and Stag House Farms. The

development is under construction, being brought forward in phases by different developers as part of the expansion of West Park.

2. The application site is located within the northern part of the West Park development and forms part of phases known as MP8(south) and MP9 which are being built by the applicant, Bussey and Armstong Projects Ltd.
3. Reserved matters approval has previously been granted (ref no: 21/01111/RM1) to construct 72 dwellings on MP9 and the southern part of MP8 and fourteen of the properties have been built or are under construction (Plots 1 to 14).
4. An application (ref no: 21/01288/CON) was submitted to discharge planning conditions attached to the outline permission in relation to layout for Phases MP8 (south) and MP9 that was approved under 21/01111/RM1. The conditions relating to the internal highway layout, a vehicle swept path analysis for the internal highways, parking and cycle parking provision have been discharged.
5. This revised reserved matters application has been submitted in order to remove eleven dwellings that were approved under 21/01111/RM1 and to replace them with a two and three storey apartment building comprising 24 units set out below:
 - Ground Floor – six, two bed apartments and four, one bed apartments
 - First Floor – eight, two bed apartments and two, one bed apartments
 - Second Floor – two, two bed apartments and two, one bed apartments
6. The previously approved layout was designed with an expectation that an existing electricity tower would be removed with the overhead lines placed underground. However, this has not occurred and there is no confirmed timeframe for or if such works will occur and therefore the revised layout includes the retention of the tower and the overhead lines, resulting in the loss of eleven dwellings. The applicant considers that an apartment building is a more appropriate form of development in these circumstances and in this location.
7. This submission is a reserved matters application solely to consider those matters relating to appearance, landscaping, layout, access and scale. The principle of development is not for consideration.
8. The apartment building would be positioned within landscaped grounds with fourteen parking spaces located directly off Juniper Grove and a further twenty two spaces within a parking area accessed off Gentian Grove which has been constructed as part of the 21/01111/RM1 approval.
9. The apartment building would be located within the residential development that forms the remaining part of phases MP8 (south) and MP9. West Auckland Road (A68) forms the northern boundary of the site and dwellings which have been built on Phase MP6

(under planning approval 20/00364/RM1) are located to the south (Juniper Avenue, Mortimer Wheeler Drive and Black Poplar Avenue).

10. A separate application (ref no: 25/01206/FUL) to amend the site boundary for 21/01111/RM1, to facilitate this development, and to substitute and add house types within MP8 (south) and MP9 forms part of this Agenda.
11. A separate application will need to be submitted to discharge those planning conditions attached to outline planning permission 15/00450/OUT which are relevant and appropriate to the redevelopment of Phases MP8(south) and MP9. Although the issues covered by some of the planning conditions are clearly interrelated to this proposal, the separate mechanism to agree the technical details subject of the other planning conditions, is not for specific consideration as part of this reserved matters submission. The need to discharge the planning conditions does not prevent the approval of the reserved matters submission which deals solely with matters of access, layout, scale, appearance and landscaping.
12. As the overall number of dwellings within Phase MP8 (south) and MP9 would reduce to sixty-six, a separate Non Material Amendment application (ref no: 25/01198/NMA) has been submitted to update the description of planning approval 21/01111/RM1. The application will be determined following a decision being made on this planning application.

MAIN PLANNING ISSUES

13. The application site is within the development limits for the urban area and therefore the proposed residential development can be supported, in principle, subject to compliance with national and local development plan policies (Policy H3 of the Local Plan). The proposal has been further established as the application site forms part of outline planning permission 15/00450/OUT for up to 1200 dwellings. In terms of the main planning issues for consideration, they relate only to the reserved matters which are:
 - a) Access (secondary)
 - b) Layout
 - c) Scale
 - d) Appearance
 - e) Landscaping
14. Interrelated with the above issues is the following considerations.
 - f) Residential Amenity
 - g) Flood Risk and Drainage
 - h) Nutrient Neutrality

PLANNING POLICIES

15. The following policies within the Darlington Local Plan 2016 – 2036 are relevant:

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
H1: Housing Requirement
H2: Housing Allocations
H3: Development Limits
H4: Housing Mix
ENV3: Local Landscape Character
ENV4: Green & Blue Infrastructure
ENV5: Green Infrastructure Standards
ENV7: Biodiversity & Geodiversity & Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN4: Parking Provision including Electric Vehicle Charging

16. The Council's adopted Design SPD (2011) is also relevant.

RESULTS OF TECHNICAL CONSULTATION

17. The Council's Environmental Health Officer, Highways Engineer and Ecology Officer have raised no objections to the planning application

18. Northumbrian Water have raised no objections to the planning application

19. Durham County Council Archaeology Team have raised no objections to the planning application

RESULTS OF PUBLICITY AND NOTIFICATION

20. Following the Council's notification and publicity exercises, three letters of objection have been received from residents of Black Poplar Avenue, and the comments can be summarised as follows:

- *Highway safety concerns when entering Juniper Avenue*
- *Increase in residential density*
- *Increase in bedroom numbers*
- *Increase in car ownership*
- *Increase in traffic generation*
- *Overspill parking into surrounding streets*

- *Obstruction of carriageways*
- *Increased pressure on existing parking provision*
- *Estate was not designed for increase in density and parking demand*
- *Existing carriageways are too narrow*
- *Obstruction to emergency vehicles*
- *Impact on refuse and service vehicle manoeuvrability*
- *Reduced effective carriageway width*
- *Daily congestion at bends and junctions*

PLANNING ISSUES/ANALYSIS

a) Access (secondary)

21. The primary access arrangements and traffic generation associated with the wider development were considered and addressed under the outline planning application 15/00450/OUT. These arrangements remain unchanged by this planning application, and it is noted that the proposal does not result in any increase of the overall quantum of development approved under 15/00450/OUT. Traffic generation changes between the previously consented reserved matters and this new application is de minimis and does not present any evidence of intensification of use. Whilst some development phases have already been consented, significant headroom remains available under the outline consent. The revised proposal does not demonstrate traffic levels which exceed those already agreed under the outline permission and for this reason, traffic generation is not a consideration under this new application as the principle has been accepted as part of the outline consent with required mitigation secured at this time.
22. The internal road and footpath layout for Phases MP8(south) and MP9 has been approved under the previous reserved matters submission (ref no: 21/01111/RM1) and application 21/01288/CON and they remain unchanged by this planning application. Access to phases MP8 (south) and MP9 would be via Mortimer Wheeler Drive and Juniper Avenue (Phase MP6) which were approved under 20/00364/RM1 and 21/00440/CON. The wider development is compliant with the Tees Valley Design Guidance for adoptable highways. This ensures that developments are safe and accessible for all modes of transport including pedestrians and cyclists. The design standards within local guidance are derived from the nationally recognised Manual for Streets (MfS) which is DfT document. Full design appraisal and technical approval has been undertaken as part of earlier RM submissions and post planning highways technical approval. Black Poplar Avenue and Mortimer Wheeler Drive are 6.7m wide as they are designed to enable a future bus service to enter the development as well as accommodating the access and servicing requirements of both residential development cells and the future education facility included within the wider masterplan. Swept path analysis was used to prove that road geometry was suitable for refuse vehicles and busses. MfS allows residential estates road to be constructed to a width of 4.8m. The 6.7m carriageway width is therefore resilient and reflects the wider scale and mix of the development.

23. The proposal includes thirty six parking spaces, including accessible and electric vehicle charging spaces. This equates to 1.5 spaces per unit which meets the Tees Valley Design Guide (TVDG) standards for this form of flatted accommodation. Where parking standards are fully met, overspill parking is unlikely to occur and thus present a highway safety or residential amenity concern. As TVDG standards are met, the development is in accordance with Local Plan policy and as such there are no such grounds on which to refuse the application on parking provision.
24. The accessible parking spaces are located next to the link footways which gives most direct access to the entrance doors of the apartments. Bin storage and cycle parking is also provided, and the precise details would be agreed under a separate discharge of condition process.
25. The proposed development would accord with policies DC1, IN1, IN2 and IN4 of the Local Plan in this regard.

b) Layout

26. The apartment building and its associated parking areas and landscaped grounds would replace a row of eight dwellings which fronted onto Juniper Avenue and three terraced properties located to the rear off Gentian Grove. The proposed building would front onto Juniper Avenue to ensure that an active street frontage is retained and two of the three pedestrian entrances into the building would be from Juniper Avenue. The proposed layout of the amended scheme is acceptable and ensures that the development continues to have a high-quality layout which responds appropriately to the character of Phases MP6, MP8 (south) and MP9 as it continues to be brought forward. The proposal would be in accordance with policies DC1 and ENV3 of the Local Plan.
27. The overall unit numbers for the West Park development as a whole are governed by the outline permission 15/00450/OUT, which consented up to 1,200 dwellings. There remain approximately 300 plots to be delivered before the outline quantum is reached and there are Phases within the wider development which are still yet to be subject to full reserved matters approval (MP7, the remaining section of MP8(north) and MP10).
28. The variation from eleven dwellings to twenty four apartments within the application site is not material to the overall consented density and sits comfortably within the parameters of the outline planning permission. The acceptability of each reserved matters application must be assessed on its own merits against the outline permission, and the fact that it differs from the previous RM approval (ref no 21/01111/RM1) for the same part of the site is not a reason to refuse this planning application.

c) Scale

29. The majority of the dwellings on Phases MP8 (south) and MP9 and approved under the previous reserved matters submission (ref no: 21/01111/RM1) are two storey

properties but there are two, three storey properties on corner plots (Yarm House Type) within the development. This is also the case for the residential development on Phase MP6 to the south of the application site which were approved under reserved matters application 20/00364/RM1. As a result, the scale of the proposed apartment building, which is a mix of two and three storeys, would be keeping with the local area and built environment. The proposed development would accord with Policy DC1 of the Local Plan in this regard.

d) Appearance

30. The elevations of the apartment building are inspired by the Arts and Crafts movement of the 19th Century which is a common theme for the parts of West Park that have been constructed by Bussey and Armstong Projects Ltd, including Phases MP6, MP8 and MP9. The development incorporates large, sloping roof forms, strong gables, projecting gables and bay windows with a variation of roof heights and window opening sizes to create visual interest and to reduce the overall scale of the development.
31. The boundary treatment on with West Auckland Road (A68) would be a post and rail fence along with the existing mature hedge.
32. The palette of materials would be red roof tiles, red facing brick and cement panel sandstone panels. The palette of materials is accepted, in principle, but a condition has been imposed to secure the precise details.
33. The development would remain of a high quality, designed to be reflective of, and sympathetic to, the design and character of the dwellings to be built within Phases MP8 and MP9 which also take references from the Arts and Crafts movement. The staggered nature of the elevations and roof lines create interest and when viewed from within the application site and also from West Auckland Road (A68). The building would not be visually dominant or an overbearing addition to the street due to its proposed design and scale. The development continues to promote a high-quality, cohesive design that responds appropriately to the character of the area in accordance with policies DC1 and ENV3 of the Local Plan.

e) Landscaping

34. The visual impact of the parking areas located directly off Juniper Avenue would be softened by tree planting within the bays and hedging which runs along the rear of the bays. Hedge planting would occur around the edge of the car park off Gention Grove and the existing hedge on the boundary with West Auckland Road would be retained. The landscaping scheme also involves tree planting to support existing trees to be retained would be managed by a private management company. The landscaping scheme would accord with policies DC1, ENV3, ENV4 and ENV5 of the Local Plan.

35. To accord with comments made by the Council's Ecology Officer, the design of the building includes swift boxes and bat boxes on appropriate elevations in accordance with policies ENV7 and ENV8 of the Local Plan.

f) Residential Amenity

36. A two storey, terrace comprising four properties (plots 19 to 22) will front onto the north west elevation of the apartment building. The section of the apartment building nearest to these dwellings is also two storeys in height and the separation distance between them is 21m which accords with the requirements set out in the Council's Design SPD. There is also tree planting being proposed which will provide some screening between the buildings.
37. The dwellings to the south west, in the opposite side of Juniper Avenue are approximately 27m from the proposed apartment building and this proximity distance would accord with the requirements of the Design SPD. The dwellings to the south east would be separated from the apartment building by the car parking area and they would be 28m and 37m away from the proposed building. The presence of the parking area would not raise significant adverse amenity impacts on the dwellings to the south east. Appropriate privacy distances for all occupants would be secured and safeguarded.
38. Due to the design of the building and the proximity distances, the proposed building would not have an adverse impact on the outlook of the neighbouring properties.
39. Matters relating to land contamination and construction impacts will be dealt with by the separate mechanism of the discharge of condition process.
40. The proposed development is considered to comply with policies DC3 and DC4 of the Local Plan.

g) Flood Risk and Drainage

41. Conditions 14 and 16 attached to outline planning permission 15/00450/OUT relate to foul and surface water drainage and an application to discharge these conditions will be submitted separately. However, the proposed surface water drainage scheme has been considered on a site wide basis and the surface water from the application site will be attenuated in the SUDs infrastructure to be constructed on the Mount Pleasant farm site (MP7) under planning permission 20/00033/RM1. There construction works are presently being carried out. The development would accord with policy DC2 of the Local Plan.

h) Nutrient Neutrality

42. This application is a reserved matters application following an outline permission (15/00450/OUT) and various discharge of condition applications (20/00440/CON and

21/00690/CON) including conditions 14 & 16 which relate to drainage. The outline permission and discharge of conditions were issued prior to the requirement for development proposals of overnight accommodation to demonstrate nutrient neutrality in the Darlington Borough so could therefore continue to be implemented without having to demonstrate and achieve nutrient neutrality. This proposal will not amend foul drainage details already implemented which will discharge to the main drainage infrastructure approved under previous planning permissions (15/00450/OUT, 20/00440/CON and 21/00690/CON). Considering these factors, it can be concluded there would be no increase in nutrient impact above the already implemented drainage strategy. Therefore, it can be ruled that this proposal will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar and an appropriate assessment does not need to be undertaken. As this proposal has been screened out for nutrient neutrality purposes, Natural England do not need to be consulted.

THE PUBLIC SECTOR EQUALITY DUTY

43. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The parking provision includes disabled parking spaces close to the entrances of the apartment building and the ground floor units are accessible. The application would accord with Policy IN2 of the Local Plan in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

44. 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

45. There are no residential amenity issues, and the design and layout of the apartment building will ensure that a high quality development will be brought forward. The road and footpath arrangements are as per those approved under the previous applications (ref no: 21/01111/RM1 and 21/01288/CON) for these phases and remain unchanged by this planning application. The parking requirements for the development accord with the Tees Valley Design Guide and there are no highway objections.
46. Matters relating to land contamination, drainage, ecology, archaeology etc will be considered in detail as part of a separate discharge of condition process. However, this

reserved matters submission accords with the appropriate local development plan policies.

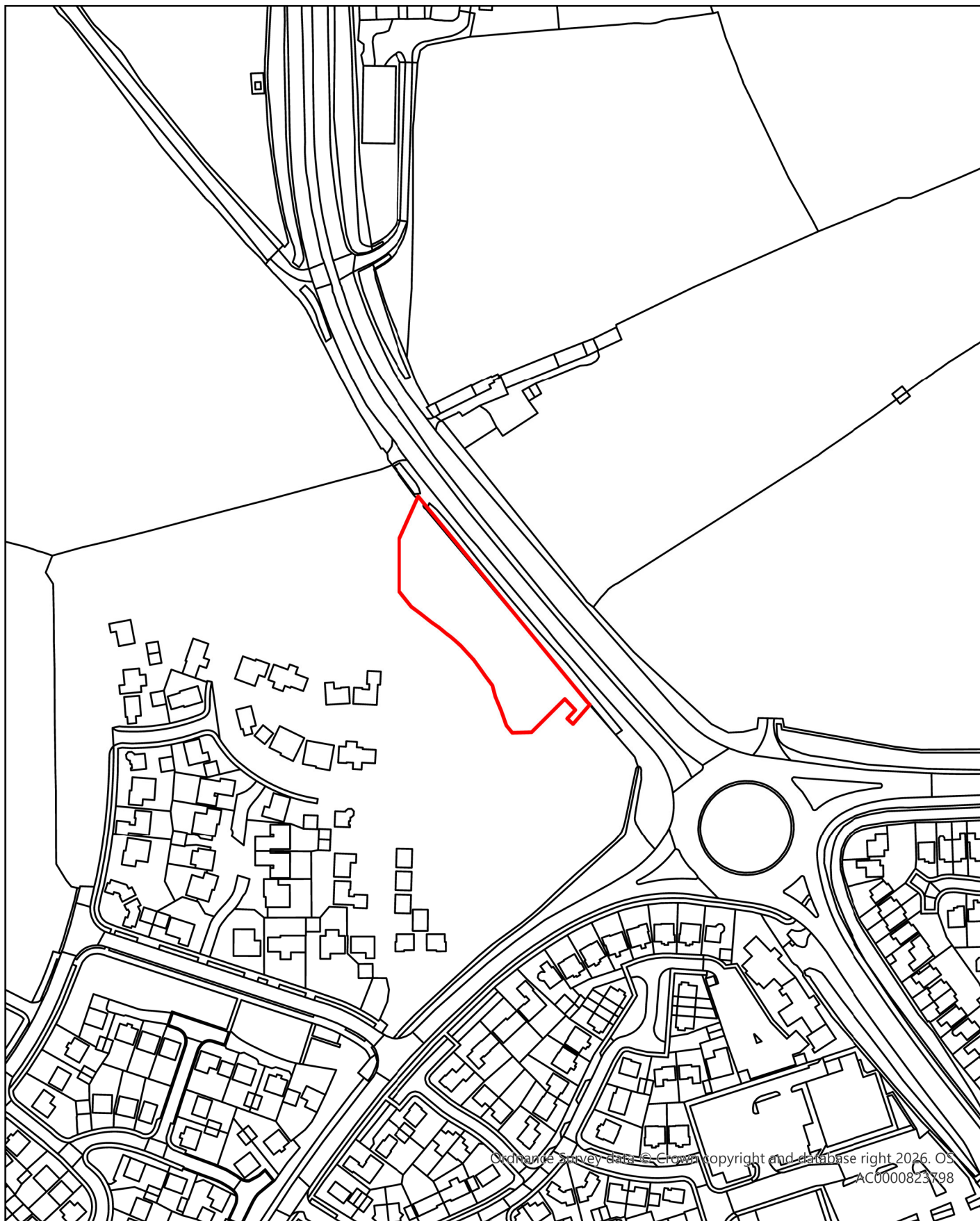
GRANT APPROVAL SUBJECT TO THE FOLLOWING PLANNING CONDITIONS:

1. Unless otherwise confirmed in writing by the Local Planning Authority, the development hereby approved should be carried out in accordance with the following plans:
 - a) Drawing Number 21-001 A005 P5 – Site Plan
 - b) Drawing Number 21-001 A015 P2 – Landscape and Boundary Strategy
 - c) Drawing Number 21-001 A200 P7 – Proposed Ground Floor
 - d) Drawing Number 21-001 A201 P7 – Proposed First Floor
 - e) Drawing Number 21-001 A202 P7 – Proposed Second Floor
 - f) Drawing Number 21-001 A203 P2 – Proposed Roof Plan
 - g) Drawing Number 21-001 A300 P5 – South East and West Elevation
 - h) Drawing Number 21-001 A301 P5 – North West and East Elevation
 - i) Drawing Number 21-001 A001 P3 – Location Plan

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

2. The building hereby approved shall not be constructed above damp proof course until precise details of all external materials to be used in the construction of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

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



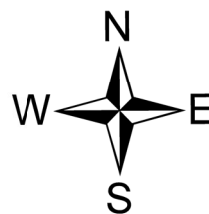
Ordnance Survey data © Crown copyright and database right 2026, OS
AC0000823798

Planning Ref: 25/01397/RM1

Address
Ice Flower Court
Site At Mount Pleasant Farm and
Stag House Farm



DARLINGTON
Borough Council
Page 39



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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NO:	25/01027/FUL
APPEAL REF. NO:	Appeal Ref: 6002591
LOCATION:	62 Baydale Road Darlington DL3 8JU
DESCRIPTION:	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 6 (opening hours) attached to planning permission 23/01123/FUL dated 18 January 24 (Construction of a detached building in the rear garden for use as a Pilates reformer studio) to amend the opening hours to 6.00am to 8.00pm Monday to Friday; 7:00am to 2.00pm on a Saturday with no opening on a Sunday or Bank Holidays
APPLICANT:	Miss Helen Dixon

ASSISTANT PLANNING OFFICER: PATRICIA BASTON

BRIEF SUMMARY:

1. The application property is a semi-detached dwelling with a long narrow rear garden. The surrounding area is predominantly residential in character; a large allotment is to the rear of the site. Planning permission was granted in January 2024 (23/01123/FUL) for the construction of a detached building within the rear garden of the property to be used as a Pilates studio by the applicant. The permission was subject to a condition (6) restricting the opening hours of the studio to protect the amenities of neighbouring properties.

KEY POINTS TO NOTE:

2. The applicant sought to vary condition 6 (opening hours) to extend the approved opening hours to offer a more flexible arrangement for her clients, particularly those wishing to attend early morning or classes later into the evening. The application proposed the following opening times:
 - Monday to Fridays 6.00am to 8.00pm and 7.00am to 2.00pm Saturdays increased from Monday 9.00am to 2.30 pm, Tuesday 9.00am to 8.00pm, Wednesday 7.00am to 2.30pm, Thursday 9.00 am to 8.00pm, Fridays 9.00am to 2.30pm and Saturdays 8.00am to 12.00 noon.

REASON(S) FOR REFUSAL:

3. In the opinion of the Local Planning Authority, the proposed extended hours of operation for the Pilates Studio, as part of a mixed use of the existing domestic property in a quiet residential street, is considered to be unacceptable as the proposal would result in an increase in traffic and noise and general disturbance on a morning and evening, when nearby residents would expect a reasonable level of peace and quiet. This level of harm on their living conditions would be contrary to Policy DC4 of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.

APPEAL DISMISSED:

4. The Inspector, whilst acknowledging that the proposed hours would offer greater flexibility for the business, considered that this would not outweigh the significant harm they identified to the living conditions of nearby residents arising from the extended hours of operation. The appeal was dismissed on this basis.

Appeal Decision

Site visit made on 9 April 2026

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2026

Appeal Ref: 6002591

62 Baydale Road, Darlington, DL3 8JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Helen Dixon against the decision of Darlington Borough Council.
 - The application Ref is 25/01027/FUL.
 - The application sought planning permission for construction of a detached building in the rear garden for use as a Pilates reformer studio without complying with a condition attached to planning permission Ref 23/01123/FUL, dated 18 January 2024.
 - The condition in dispute is No 6 which states that: *The Pilates Studio hereby approved shall not be open for business outside the hours of 9.00am - 2.30pm Monday to Friday with one early morning start (Wednesday 7.00am) and two late evenings (Tuesday and Thursday 8pm) and 8.00am till 12.00pm on a Saturday, with no opening on a Sunday or Bank Holidays. The Studio may however be used for personal use outside of these hours in regard to Pilates or for any other purposes which are incidental to the enjoyment of a dwelling house.*
 - The reason given for the condition is: *In the interest residential amenity.*
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable or necessary in respect of the living conditions of nearby residents with regards to noise and disturbance.

Reasons

3. The appeal site consists of a semi-detached dwelling with a long garden extending to the rear. It is located on a pleasant residential street with allotments to the rear. Planning permission has previously been granted for a Pilates studio at the far end of the garden, with access provided via a path and gate leading from the highway to the front.
4. The planning permission was granted subject to a number of conditions, including Condition 6 controlling the business opening hours as set out in the heading above. Various hours of operation have been referred to, but the appellant's Appeal Statement states that they are seeking to amend the opening hours to 6.00am to 8.00pm during the week, and 7.30am to 2.00pm on Saturdays.
5. The Council's Environmental Health consultee refers to a 9.00am start time being consistent with other domestic business settings. Given the residential nature of the street, I agree that a 9.00am start time is reasonable to prevent undue disturbance to neighbouring residents from the comings and goings of customers

of the business. That said, the permitted opening hours include an early start 1 day a week, and a later end time 2 days a week, which gives a degree of flexibility for the business even at unsocial hours.

6. The proposed start time of 6.00am on weekdays would introduce activity even earlier in the morning than the single extended start time currently permitted. The proposal would also extend the start time on Saturdays. Even if customers behave in a considerate manner, residents would be aware of activity generated by the business at the proposed times. This would include car movements, the shutting of car doors, people talking and noise from the movement of customers from the front of the site to the detached building to the rear. Although some customers may arrive by cycle or on foot, the movement of customers to the rear of the property would still be apparent to nearby residents.
7. This activity would be particularly intrusive due to the proximity of nearby dwellings and the quiet character of this residential street. Although the detached building is located at the far end of the long rear garden and activity within it may not be noisy, this would not be sufficient to mitigate for the noise and disturbance arising from movements generated by the business at times of day when nearby residents can expect a reasonable level of peace and quiet.
8. Although the extended closing times on weekdays and Saturdays would not be as unsocial as those proposed in the morning, they would nevertheless increase the operating hours of the business at times when nearby residents could reasonably enjoy their properties without undue disturbance.
9. The appellant sets out that the Pilates studio presently operates sporadically and at a very low level of intensity, and that sessions are managed on an appointment-only basis with staggered departure and arrival times. However, even given planning conditions controlling the use of the building and limiting the operation of the business to the appellant, there is reasonable possibility that the use could intensify with a commensurate increase in noise and disturbance. That said, for the reasons given previously, even at the current level of intensity the impact on neighbouring properties at the proposed unsocial hours would be unacceptable.
10. The appellant has also suggested a slightly later proposed start time of 6.30am on weekdays as well as an opening time of 7.30am to 12.00pm on Saturdays. However, these would still enable the business to operate at unsocial hours and would not be suitable mitigation for the living conditions of nearby residents.
11. No objections have been made to the proposal and the Council's Environmental Health team have confirmed that there is no history of complaints since the business was established 2 years ago. I also acknowledge that the identified harm is based on a subjective judgement rather than empirical evidence. However, given the sensitive residential location of the development and the unsocial hours of operation that are proposed, I consider that the Council's concerns are well-founded.
12. Although no highway or parking concerns have been raised, this does not negate the harm I have identified in respect of the living conditions of nearby residents. Reference has been made to other appeal decisions relating to Pilates studios, but I have not been provided with details of these and therefore cannot be certain they represent a direct parallel to the appeal proposal, including the site layout and residential context. In any event, I have determined this appeal on its own merits.

13. I am mindful of the benefits of the proposal. The studio provides a convenient exercise facility and serves customers with a number of specified issues. The proposed hours of operation would also enable greater flexibility for the business. However, these benefits would not outweigh the significant harm I have identified to the living conditions of nearby residents arising from the extended hours of operation.
14. I therefore conclude that the extant condition is reasonable and necessary in respect of the living conditions of nearby residents with regards to noise and disturbance. The proposed condition would conflict with Policy DC4 of the Darlington Local Plan 2022 due to the effect on the amenity of existing users of neighbouring land and buildings in respect of noise and disturbance. The proposal would also be contrary to the National Planning Policy Framework which seeks to achieve a high standard of amenity for existing and future users of places.
15. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NOS:	25/01115/FUL & 25/01106/ADV
APPEAL REF. NOS	6002902 & 6002903
LOCATION:	Footpath outside 214 Northgate, Darlington
DESCRIPTION:	Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
APPLICANT:	BT Group PLC

PLANNING OFFICER: ANDREW HARKER

BRIEF SUMMARY:

1. Advertisement consent and planning permission were both refused for the installation of a BT Street Hub Unit with advertisement panels on either side. The Hub was located within the pavement outside No 214 Northgate, Darlington

KEY POINTS TO NOTE:

2. The Hub would be located within the Stockton & Darlington Railway: Northgate Conservation Area.

REASON(S) FOR REFUSAL:

3. Planning application reference number 25/01115/FUL was refused on the grounds that the Hub would have an adverse impact on the character of the local environment and street scene and would not positively respond to local context in terms of its scale, siting and appearance. The freestanding Hub would be visually intrusive and form an incongruous and alien feature within the street scene, resulting in a prominent and overbearing structure which is out of character with its surroundings. Furthermore, the Hub would harm the significance of the Stockton & Darlington Railway: Northgate Conservation Area by virtue of its siting, scale and appearance.
4. Advertisement consent reference number 25/01106/ADV was refused as the proposed display panels, when viewed individually and in conjunction with existing advertising panels in existing nearby bus shelters, are considered to be an incongruous form of advertising, also leading to a proliferation and clutter of advertising displays which would harm the general character and amenity of the streetscape by virtue of their scale, appearance and siting. Furthermore, the proposed display panels, when viewed individually and in conjunction with existing advertising panels in existing nearby bus shelters, would lead to an unsympathetic

proliferation and clutter of advertising displays which would harm the historic character and appearance of the Northgate Stockton & Darlington Railway: Northgate Conservation Area, by virtue of their scale, appearance and siting.

APPEALS ALLOWED:

5. In the decision, the Planning Inspector noted that Northgate is a busy A road, and the area is predominately in a commercial area with a variety of street furniture nearby. The Inspector considered that significance of the Conservation Area which is largely derived from the still-visible Georgian and Victorian streetscape in the Northgate area, surviving buildings from those periods which serve to illustrate Darlington's change and growth as an industrial town, and the physical and historical connections to the Stockton and Darlington Railway, the first public railway in the world to use a steam locomotive to haul passengers.
6. It was considered that the proposed hub unit itself would have a slim profile which would moderate its visual impact; combined with the modern design and dark finish it would not in itself be an unduly prominent or intrusive feature in the streetscape.
7. The proposal would introduce additional illuminated displays to the area, but they would be alongside a busy main road on an urban high street which, while obviously secondary compared to the town centre in terms of its retail role, nevertheless retains a commercial character. In this context, two digital screens carrying advertisements would not be an unexpected or otherwise incongruous element. The fact that there are already similar displays on the nearby bus shelter was noted but the Planning Inspector considered that there would not be such a concentration of advertisements within this stretch of Northgate to lead to a harmful cumulative impact.
8. The Planning Inspector was satisfied that the installation would not cause unacceptable harm to the character and appearance, or visual amenity, of the area; and the character of the Conservation Area would be preserved.
9. Both appeals have been allowed subject to planning conditions set out in the appeal decision.

Appeal Decisions

Site visit made on 5 March 2026

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2026

Appeal A Ref: 6002902

Footpath outside 214 Northgate, Darlington DL1 1RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Verity Cheyne of BT Group PLC against the decision of Darlington Borough Council.
 - The application reference is 25/01105/FUL.
 - The development proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
-

Appeal B Ref: 6002903

Footpath outside 214 Northgate, Darlington DL1 1RB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Verity Cheyne of BT Group PLC against the decision of Darlington Borough Council.
 - The application reference is 25/01106/ADV.
 - The advertisement proposed is two digital 75-inch LCD display screens, one on each side of the Street Hub unit.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit at Footpath outside 214 Northgate, Darlington DL1 1RB in accordance with the terms of the application, reference 25/01105/FUL, subject to the conditions in the attached Schedule.

Appeal B

2. The appeal is allowed and express consent is granted for the display of two digital 75-inch LCD display screens, one on each side of the Street Hub unit, at Footpath outside 214 Northgate, Darlington DL1 1RB in accordance with the terms of the application, reference 25/01106/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations, and the additional conditions in the attached Schedule

Preliminary and Procedural Matters

3. I have been appointed to determine two appeals at the same site, relating to a proposal for a new BT Street Hub. Appeal A relates to an application for planning permission for the hub itself, while Appeal B relates to an application for advertisement consent for the integrated digital displays.

4. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Regulations”) set out that powers shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors. The Council did not raise any concern about public safety and, based on all the evidence before me, I see no reason to take a different view. While I have had regard to relevant policies of the 2022 Darlington Local Plan (“the DLP”), they have not been determinative in Appeal B.
5. The appeal site is within the Stockton & Darlington Railway: Northgate Conservation Area (“the SDRNCA”) and, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. This duty applies in respect of the consideration of whether to grant planning permission (Appeal A), and to advertisement applications and appeals (Appeal B) insofar as it relates to the consideration of amenity.

Main Issue

6. The decision notices for both applications gave two reasons for refusal. In both cases they dealt with matters related to the siting, scale and appearance of the proposed development; I have therefore dealt with them together here. The main issue in both appeals is the effect of the proposal on the character and appearance or visual amenity of the SDRNCA.

Reasons

7. The appeals relate to a site within the adopted public highway, on the footway on the eastern side of Northgate a short distance north of Darlington town centre. Northgate itself is a busy A-road, and one of the principal routes into and out of the town centre. Buildings in the vicinity of the appeal site typically have two or three storeys, with retail (including cafés and takeaways), leisure and other commercial uses on the ground floors. There is a variety of street furniture nearby, including lighting columns, litter bins, guard rails, traffic signs and signals and associated equipment cabinets. Around 15m south of the site is a bus stop, with a shelter incorporating a double-sided digital advertising display.
8. The SDRNCA covers an area on both sides of Northgate and High Northgate (the old Great North Road between London and Edinburgh), and areas around (and associated with the development of) the original Stockton and Darlington Railway¹. The significance of the SDRNCA, insofar as it relates to this appeal, is largely derived from the still-visible Georgian and Victorian streetscape in the Northgate area, surviving buildings from those periods which serve to illustrate Darlington’s change and growth as an industrial town, and the physical and historical connections to the Stockton and Darlington Railway, the first public railway in the world to use a steam locomotive to haul passengers.
9. The proposed development is the installation of a BT Street Hub 3 unit which would be set approximately 0.5m from, and perpendicular to, the edge of the footway. It would be a freestanding structure, approximately 3.0m high, 1.2m wide

¹ Originally the Northgate Conservation Area, following a review the conservation area has recently been enlarged to incorporate additional areas associated with the development of the railway, and renamed to reflect this.

and 0.4m deep, clad in powder-coated aluminium panels in a dark grey finish. The hub would provide free Wi-Fi and telephone calls, among other services. There would be two digital screens, one on each side of the unit, which would be of tempered and toughened laminated glass; these would display advertisements.

10. The 2025 SDRNCA appraisal noted that the presence of utilitarian street furniture and associated clutter represented an opportunity to improve the public realm within the conservation area. It also highlighted signage and advertisements among the types of harmful development within the area. In this case, the proposed hub unit itself would have a slim profile which would moderate its visual impact; combined with the modern design and dark finish it would not in itself be an unduly prominent or intrusive feature in the streetscape.
11. Two existing BT payphones would be removed as part of the appeal scheme; one adjacent to No 1 Corporation Road to the north-west of the appeal site, and one outside The Beaumonts at No 158 Northgate, a short way south of the site. I viewed both of those kiosks during my visit; both are somewhat dilapidated and, while neither is seen within quite the same setting as the appeal site, the net result of the appeal scheme is that there would be a slight decrease in the amount of street furniture and clutter in the area.
12. The appeal scheme would introduce additional illuminated displays to the area, given that the two existing kiosks which would be replaced do not carry advertisements of that type. However, the screens would be alongside a busy main road on an urban high street which, while obviously secondary compared to the nearby town centre in terms of its retail role, nevertheless retains a commercial character. In this context, two digital screens carrying advertisements would not be an unexpected or otherwise incongruous element. Importantly, while there are already similar displays on the nearby bus shelter, there would not be such a concentration of advertisements within this stretch of Northgate that it would lead to a harmful cumulative impact.
13. Taking these points together, I am satisfied that the proposed installation would not cause unacceptable harm to the character and appearance, or visual amenity, of the area; the character of the SDRNCA would be preserved. There would be no conflict with Policies DC1 or ENV1 of the DLP. Among other things, those policies seek to ensure that the design of development responds positively to local context, that great weight is given to the conservation of designated heritage assets, and that elements making a positive contribution to the significance of conservation areas are protected or enhanced; they are material to Appeal B insofar as they seek to protect amenity.
14. I also find no conflict with the provisions of the National Planning Policy Framework ("the Framework") which seek to protect the historic environment. As I do not find that the proposal would cause harm to or loss of a designated heritage asset or its setting, it is not necessary to apply the public benefit test set out in Paragraph 215 of the Framework.

Conditions

15. The Council proposed a number of conditions in the event of my allowing the appeals, which I have considered in the light of the tests set out in the National Planning Policy Framework and the Planning Practice Guidance. The appellant did not comment on the Council's suggestions, though they had already put forward

their own suggested conditions in the submitted Planning Supporting Statement. Where necessary in the interests of effectiveness, I have made changes to the suggested wording or ordering of conditions.

16. For Appeal A, as well as the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2). I have incorporated into Condition 2 specific references to the anti-social behaviour management plan and noise management plan submitted with the application, and other supporting documents; this is necessary to protect living conditions and amenity generally in the area. A condition requiring the reinstatement of pavement to match that surrounding (3) is necessary to protect the quality of the public realm, and the character and appearance of the SDRNCA. A condition requiring the removal of the two existing kiosks described in paragraph 11 above (4) is necessary for the same reasons.
17. For Appeal B, I have not imposed the first five conditions suggested by the Council, which duplicated those set out in the standard conditions and are not therefore necessary. I have imposed conditions relating to the brightness of the display screens (1) and to the control of moving and changing images, screen transitions, and suchlike (2, 3, and 4) in the interests of amenity and safety. A condition prohibiting the use of images resembling road traffic signs and signals (5) is imposed in the interest of highway safety.

Conclusion

18. For the reasons set out above, I conclude that both appeals should be allowed.

M Cryan

Inspector

Schedule of Conditions – Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be installed in accordance with the following approved plans:
 - Site Location Plan and Proposed Site Plan (Dwg: DAR-3 002 Rev A, 15 September 2025)
 - Proposed Site Elevation (Dwg: DAR-03 004 Rev A, 15 September 2025)
 - BT Street Hub Dimensions (Dwg: STH-001)

Except where otherwise required by these conditions, the Street Hub 3 unit shall be operated and maintained in full compliance with the following approved documents for the lifetime of the installation:

- Planning Supporting Statement (Telent, Ref: DAR-03)
 - Institute of Lighting Professionals *Professional Lighting Guide 05/23 The brightness of illuminated advertisements including digital displays*
 - BT Street Hubs Beyond Connection v2.1 February 2025
 - BT Street Hub Anti-Social Behaviour Management Plan Version 3
 - BT Street Hub Noise Management Plan v2.1 February 2025
- 3) Pavements surrounding the installation hereby permitted shall be made good to the same condition as, and in new or replacement surface materials matching as closely as possible, the adjacent land.
 - 4) Within three months of the commencement of the development hereby permitted, the two existing BT telephone boxes identified for removal on page 7 of the approved Planning Supporting Statement shall be removed and the land restored to a condition which matches the footway immediately surrounding their site.

Schedule of Conditions – Appeal B

- 1) The intensity of the illumination of the two digital display screens shall not exceed 600 candelas per square metre (cd/m²) between dusk and dawn in line with the maximum permitted recommended luminance as set out in The Institute of Lighting Professionals *Professional Lighting Guide 05/23 The brightness of illuminated advertisements including digital displays*
- 2) The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling, three-dimensional, intermittent or video elements).
- 3) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- 4) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.
- 5) No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NOS:	25/01103/FUL & 25/01104/ADV
APPEAL REF. NOS	6002910 & 6002912
LOCATION:	Footpath east of The Dolphin Centre, Horsemarket, Darlington DL1 5RP
DESCRIPTION:	Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.
APPLICANT:	BT Group PLC

PLANNING OFFICER: ANDREW HARKER

BRIEF SUMMARY:

1. Advertisement consent and planning permission were both refused for the installation of a BT Street Hub Unit with advertisement panels on either side. The Hub was located within the pavement to the east of the Dolphin Centre (and to the front of the Town Hall building)

KEY POINTS TO NOTE:

2. The Hub would be located close to, but outside of the Town Centre Conservation Area.

REASON(S) FOR REFUSAL:

3. Planning application reference number 25/01103/FUL was refused on the grounds that the Hub would have an adverse impact on the character of the local environment and street scene and would not positively respond to local context in terms of its scale, siting and appearance. The Hub would be visually intrusive and form an incongruous and alien feature within the street scene, resulting in a prominent and overbearing structure which is out of character with its surroundings and the relative openness of the street.
4. Advertisement consent reference number 25/01102/ADV was refused as the proposed display panels were considered to be an incongruous form of advertising, which would harm the general character and amenity of the streetscape by virtue of their scale, appearance and siting.

APPEAL DISMISSED:

5. The Planning Inspector considered that the Hub would be a prominent feature at the point where Feethams opens up into the Market Square in front of the Town Hall, especially for anyone heading south on that side of the street. It would introduce a degree of clutter into a part of the town centre otherwise characterised by a sense of relative spaciousness. The Planning Inspector also considered that while there is a small amount of illuminated signage on the Dolphin Centre and the Vue cinema complex at the southern end of Feethams, the street is otherwise largely free of advertising and there are no advertisements on the two existing bus shelters nearby. The introduction of two digital display screens would be at odds with the generally restrained and “municipal” character of the site’s immediate surroundings.
6. The appeal decision concludes that the proposed installation would be harmful to the character and appearance, or to the visual amenity of, the area. The Planning Inspector had regard to the benefits of the scheme which had been presented as part of the process, including increased mobile communications connectivity, the use of the digital display screens for public information messages and the removal of existing kiosks in the Town Centre Conservation Area, but they did not outweigh the harm that had been identified.



Appeal Decisions

Site visit made on 5 March 2026

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2026

Appeal A Ref: 6002910

Footpath east of The Dolphin Centre, Horsemarket, Darlington DL1 5RP

Easting 429006, Northing 514375

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Verity Cheyne of BT Group PLC against the decision of Darlington Borough Council.
- The application reference is 25/01103/FUL.
- The development proposed is the installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Appeal B Ref: 6002912

Footpath east of The Dolphin Centre, Horsemarket, Darlington DL1 5RP

Easting 429006, Northing 514375

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
- The appeal is made by Verity Cheyne of BT Group PLC against the decision of Darlington Borough Council.
- The application reference is 25/01104/ADV.
- The advertisement proposed is two digital 75-inch LCD display screens, one on each side of the Street Hub unit.

Decisions

1. Both appeals are dismissed.

Preliminary and Procedural Matters

2. I have been appointed to determine two appeals at the same site, relating to a proposal for a new BT Street Hub. Appeal A relates to an application for planning permission for the hub itself, while Appeal B relates to an application for advertisement consent for the integrated digital displays.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 ("the Regulations") set out that powers shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material; and any other relevant factors. While I have therefore had regard to relevant policies of the 2022 Darlington Local Plan ("the DLP"), they have not been determinative in Appeal B.
4. The front of the appellant's statement gave the site address as "Pavement outside 21 Feethams, Darlington", and went on to say "description changed by LPA to Footpath East of Dolphin Centre, Horsemarket, Darlington DL1 5RP". It is not entirely clear to me why; notwithstanding that the site is in fact on Feethams rather than Horsemarket, the Dolphin Centre/Feethams address, along with site coordinates, had been used on both the planning permission and advertisement

consent application forms. The submitted drawings and other documentation are quite clear about the actual location of the proposed installation; for consistency with the application forms I have used the original address, including coordinates, in the banner heading above.

Main Issue

5. The decision notices for both applications gave a single reason for refusal related to the siting, scale and appearance of the proposed installation. The main issue in both appeals is therefore the effect of the proposal on the character and appearance or visual amenity of the area.

Reasons

6. The appeals relate to an area of the footway on the eastern side of Feethams, alongside the pedestrianised square in front of Darlington Town Hall and across the road from the Dolphin Centre, a large council-run leisure centre. The site is within Darlington town centre, a short distance south-east of the main commercial area. There are two bus shelters on the same side of Feethams a little way to the south of the site, as well as some other items of street furniture in the form of litter bins, bollards and lighting columns.
7. The proposed development is the installation of a BT Street Hub 3 unit which would be set approximately 0.5m from, and perpendicular to, the edge of the footway. It would be a freestanding structure, approximately 3.0m high, 1.2m wide and 0.4m deep, clad in powder-coated aluminium panels in a dark grey finish. The hub would provide free Wi-Fi and telephone calls, among other services. There would be two digital screens, one on each side of the unit, which would be of tempered and toughened laminated glass; these would display advertisements.
8. The hub unit itself would have a slim profile, and a modern design and dark finish which would moderate its visual impact to some extent. However, it would be a prominent feature at the point where the street opens up into the square in front of the town hall, especially for anyone heading south on that side of the street. It would introduce a degree of clutter into a part of the town centre otherwise characterised by a sense of relative spaciousness.
9. Although I saw that there are illuminated advertisement displays elsewhere in Darlington town centre, including a digital display screen on the north-facing Horsemarket elevation of the Dolphin Centre close to the appeal site, these have a visual relationship with the more commercialised retail areas. Within Feethams itself, while there is a small amount of illuminated signage on the Dolphin Centre and the Vue cinema complex at the southern end of the street, the street is otherwise largely free of advertising – there are, for example, no advertisements on the two bus shelters nearby. The introduction of two digital display screens would be at odds with the generally restrained and “municipal” character of the site’s immediate surroundings.
10. The appeal site itself is not within a conservation area, but the appellant proposes that as part of the development two existing telephone kiosks within the Town Centre Conservation Area – on West Row near its junction with Blackwellgate/ Horsemarket, and on Tubwell Row close to its junction with Crown Street – would be removed. I acknowledge that there would therefore be a net reduction in the overall amount of street furniture within the town centre. However, I was able to

view the two kiosks which would be removed, and they are not in the same setting as the appeal site. Both are in busier, more commercial parts of the town centre where bright shop signage and suchlike is commonplace; in the case of Tubwell Row there are also advertisements displayed on nearby bus shelters. Notwithstanding that they are within a conservation area, the existing kiosks are not especially incongruous. The appeal scheme, on the other hand, would introduce new street furniture and advertisements into a part of the town centre where they are not generally found. The proposed removal of these other two kiosks therefore carries little weight in favour of the appeal scheme.

11. Taking these points together, for Appeal A I find that the Street Hub unit would cause harm to the character and appearance of the area; it would conflict with Policy DC1 of the DLP which among other things seeks to ensure that development is well-designed, reflects the local environment and creates an individual sense of place with distinctive character, and responds positively to local context. For Appeal B I find that the proposed advertisement would be harmful to the visual amenity of the area; there would again be conflict with Policy DC1 of the DLP which is material insofar as it seeks to ensure that development responds positively to local context.

Conclusion

12. I have found that the proposed installation would be harmful to the character and appearance, or to the visual amenity of, the area. I have had regard to the benefits of the scheme which have been put to me, including increased mobile communications connectivity and the use of the digital display screens for public information messages, but these do not outweigh the harm I have found.
13. I therefore conclude that both appeals should be dismissed.

M Cryan

Inspector

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION & ADVERTISEMENT CONSENT

APPLICATION REF. NO:	25/01142/FUL Appeal A 25/01144/ADV Appeal B
APPEAL REF. NO:	Appeal Ref: 6003623 Appeal A Appeal Ref: 600329 Appeal B
LOCATION:	Kos's Barbers Ltd 142 North Road Darlington DL1 2EJ
DESCRIPTION:	Installation of external roller shutters to 2 no. windows and front entrance door (Retrospective Application) Appeal A Display of 3 no. internally illuminated fascia signs, internally illuminated projecting signs and barber poles (Retrospective Application) (Amended Description) Appeal B
APPLICANT:	Mr Kosrat Chawshin

ASSISTANT PLANNING OFFICER: PATRICIA BASTON

BRIEF SUMMARY:

1. The application site, currently in use as Kos's Barbers, is located in a prominent position on the corner of North Road and Shildon Street at the end of a row of terraced properties which has a mixture of commercial and residential use at ground floor level with residential flats above.

KEY POINTS TO NOTE:

2. Planning permission was refused for the installation of external roller shutters to 2 no. windows and the entrance door on the front elevation. This was a retrospective application. The appeal following the refusal of this application is Appeal A for the purposes of this report.
3. Advertisement consent was refused for the display of 3 no. internally illuminated fascia signs, internally illuminated projecting signs and barber poles. This was also a retrospective application, and Appeal B refers to the appeal following the refusal of advertisement consent.

REASON(S) FOR REFUSAL:

Appeal A

4. In the opinion of the Local Planning Authority, the replacement roller shutters and their external housing within the enlarged fascia and the runners have resulted in a form of development at odds with the character and appearance of this part of North Road/Shildon Street with resultant adverse impacts on the visual appearance of the application property and immediate surroundings by reason of their scale, form, colour, design and materials. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.

Appeal B

5. In the opinion of the Local Planning Authority, the advertisement is considered to be an unnecessary form of advertisement which, by virtue of its illumination, scale, form, design and amount of signage, has an incongruous and harmful impact on both the application property and surrounding area, to the detriment of the character and appearance of this part of the urban area of Darlington. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.

APPEAL A ALLOWED:

6. The Planning Inspector found that:-
 - Whilst the appeal property is in a relatively prominent corner position, the black external roller shutter boxes and shutters assimilate with the colour of the surrounding areas of painted red. They do not appear incongruous in the local context which is a mix in terms of shop frontages of commercial premises on this side of the road. Given the Inspector did not consider the development is harmful to the character and appearance of the area it was considered to accord with the aims and provision of Darlington Local Plan (DLP) Policy DC1.
 - The Inspector also noted that whilst the Council had stated that not all the examples of externally mounted roller shutters of the neighbouring commercial properties had been granted planning permission. No evidence had been provided that the council are seeking or has previously sought to regularise other examples and therefore they form part of the character of the area.

APPEAL B DISMISSED

7. The Planning Inspector found that:-
 - The illuminated letters are backlit with 'sparkling' frontages over the shop frontages. The signage is noticeably more prominent than the other commercial units around it as it presents an overt and excessive elaborate form of illuminated signage which would be harmful to the amenity of the area, particularly as it is partially on a residential street. The proposal would therefore conflict with the National Planning Policy Framework and DLP Policy DC1 given its unacceptable harmful effect on public amenity.



Appeal Decisions

Site visit made on 31 March 2026

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th May 2026

Appeal A Ref: 6003623

Kos's Barbers Ltd, 142 North Road, Darlington DL1 2EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Kosrat Chawshin against the decision of Darlington Borough Council.
 - The application Ref is 25/01142/FUL.
 - The development proposed is installation of external roller shutters to 2 no. windows and front entrance door (Retrospective Application).
-

Appeal B Ref: 6003629

Kos's Barbers Ltd, 142 North Road, Darlington DL1 2EJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Kosrat Chawshin against the decision of Darlington Borough Council.
 - The application Ref is 25/01144/ADV.
 - The development proposed is display of 3 no. internally illuminated fascia signs, internally illuminated projecting signs and barbers poles (Retrospective Application).
-

Decisions

1. Appeal A is allowed and planning permission is granted for the installation of external roller shutters to 2 no. windows and front entrance door at Kos's Barbers Ltd, 142 North Road, Darlington DL1 2EJ in accordance with the terms of the application, Ref 25/01142/FUL.
2. Appeal B is dismissed.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the installation of external roller shutters. Appeal B relates to the refusal of advertisement consent for signage at the appeal property. I have combined the appeals into a single decision letter as they are intrinsically linked and raise similar issues, however I have considered each on its individual merits.
4. In relation to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) stipulate that control may be exercised only in the interests of amenity and public safety. Therefore, whilst the development plan policies referred to by the Council are not determinative, I have taken them into account where relevant.

5. The external roller shutters and advertisements were in place at the time of my visit and appeared to accord with the provided plans. I have therefore considered the appeals on a retrospective basis.

Main Issues

6. In relation to Appeal A the main issue is the effect of the development on the character and appearance of the area.
7. In relation to Appeal B the main issue is the effect of the advertisements on the amenity of the area.

Reasons

Appeal A – Character and appearance

8. The appeal property is a two-storey building located on a corner plot on the eastern side of North Road. The ground floor of the building incorporates a shop frontage within walls of grey painted render, with an upper storey of red brick construction. The road is a main route into Darlington town centre from the north and is characterised by commercial properties interspersed with residential dwellings. At regular intervals, streets of terraced housing branch off from North Road.
9. The western side of the road includes larger, more modern purpose-built commercial and services premises, including a supermarket and health centre, while the eastern side of the road is generally of a more domestic and traditional scale and character. Commercial uses on North Road are varied in nature and include shops, services and hot-food takeaways.
10. The development comprises external roller shutter boxes containing perforated shutters which, when closed, cover the two large shop windows and the entrance door using three separate black coloured shutters.
11. Roller shutters are a common feature of commercial properties on North Road, including at a neighbouring shop. While some are internally incorporated into the shop frontages, there are numerous examples of externally mounted shutter boxes. While the Council has stated that not all of these examples may have been granted planning permission, they nevertheless exist and there is no evidence before me to indicate that the Council is actively seeking, or has previously sought, to regularise other examples. They therefore form part of the character of the area. The appeal property itself is acknowledged by the Council as having previously accommodated roller shutters, thought to have been installed around 2009, before the scheme to which this appeal is related was installed sometime around 2024.
12. Despite the potential status of other examples of external shutters, there is nevertheless a noticeable mix in terms of the shop frontages of commercial premises on this side of the road; some are traditionally proportioned timber shopfronts, others are aluminium framed. Doors are of various types and design, and there is similar variation in security features; some premises have externally mounted box roller shutters, others are accommodated within the fascia, and some properties do not appear to incorporate any roller shutters at all. There are also buildings with residential uses at ground floor level.
13. Although it incorporates external roller shutter boxes and the appeal property is in a relatively prominent corner location, it does not appear incongruous given this local

context. The black colour of both the shutter boxes and the shutters assimilate with the colour of the surrounding areas of painted render. Although the shutter perforations are not large, with the premises open for much of the day, it is likely that for large periods when the shop is closed and shutters are down, that the area would be in darkness, and the impacts of an unanimated frontage reduced. Overall, when considered in the round, the roller shutters and boxes do not appear as being unacceptably harmful.

14. No evidence has been put before me in relation to specific crime or anti-social behaviour issues. Roller shutters are a common form of additional basic security utilised by commercial premises in many locations, and I have not been directed to any policy requirement for the use of roller shutters to be justified in such terms.
15. While I acknowledge the Council's position that a more open grille or lattice type shutter would be more appropriate, I am required to make my decision on the basis of the merits of the development before me, rather than a theoretical alternative.
16. In relation to Appeal A, I therefore find that the development is not harmful to the character and appearance of the area and in doing so it accords with Policy DC1 of the Darlington Local Plan ('DLP'). Among other factors, this policy states that development should reflect the local environment and respond to local context.

Appeal B - Amenity

17. The advertisements comprise individually cut and lit lettering and symbols over the shop frontage, along with LED lit barbers' poles. The illumination of the letters is backlit with "sparkling" frontages.
18. While there are a limited number of similar examples on North Road, many shopfront advertisements are either non-illuminated, externally illuminated or internally box illuminated, rather than individually lit letters or LED lit barbers' poles. This means that the advertisements subject to Appeal B, being both individually lit and incorporating a "sparkle" style of frontal illumination are particularly prominent within the streetscene, even taking account of the mixed-use nature of the street. The appeal property is noticeably more prominent than other commercial units around it and presents an overt and excessively elaborate form of illuminated signage in what is an area of mixed use. In doing so, it is harmful to the amenity of the area, particularly as it partially addresses a residential street.
19. I acknowledge the desire of the appellant to generate business presence and that the signage represents an investment into the business and local area. It is also the case that the National Planning Policy Framework ('the Framework') states that significant weight should be placed on the need to support economic growth. However, it has not been shown that alternative signage would be detrimental to the business such that the harm that I have identified would be outweighed by these factors.
20. For these reasons I conclude that the proposed advertisements have an unacceptable harmful effect on public amenity. In reaching this conclusion, while not determinative, I have taken account of DLP Policy DC1, as well as the Framework. Together, and among other factors these policies state that development should reflect the local environment and respond to local context and recognise that the quality and character of an area can suffer when advertisements are poorly designed.

Other Matters

21. In respect of Appeal B, the Council has raised no concerns in relation to the effect of the proposal upon public safety and I have no reason to disagree.

Conditions

22. In respect of Appeal A, as the development has already occurred, no time limit for implementation is necessary, nor have any other conditions been suggested to me.

Conclusion

23. The external roller shutters would accord with the development plan as a whole, and there are no material considerations that would lead me to reach a decision other than in accordance with it. I therefore conclude that Appeal A should succeed. However, I have also found that the advertisements are harmful to the amenity of the area, and therefore Appeal B is dismissed.

C Harding

INSPECTOR

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

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