



**DARLINGTON**

Borough Council

# Planning Applications Committee Agenda

1.30 pm

1.30 pm, Wednesday, 9 April 2025

Council Chamber, Town Hall, Darlington DL1 5QT

**Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 5 March 2025 (Pages 5 - 28)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 29 - 30)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation
  - (a) Field At OSGR E435307 N513463, Yarm Road, Middleton St George (21/00380/RM1) (Pages 31 - 54)
  - (b) Field At OSGR E435307 N513463, Yarm Road, Middleton St George (21/00475/RM1) (Pages 55 - 80)
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, Economy and Public Protection, will report that the Inspectors appointed by the Secretary of State for the Environment have: -

- (a) Dismissed the appeal by Mr Andrew Verity against this authority's decision to refuse permission for replacement and relocation of the boundary fence and additional hardstanding to front of dwelling (Retrospective Application) (Re submission) at 12 Manor Road, Hurworth Place, Darlington (Ref No 24/00521/FUL) (copy of Inspector's decision enclosed).
- (b) Dismissed the appeal by Mr William Porrett against an enforcement notice issued by Darlington Borough Council on 12 July 2024 for the breach of planning control as alleged in the notice is the unauthorised removal of approximately 25m of protected hedgerow, the installation of an authorised site access onto the land from Neasham Road, Hurworth, with the laying of hardcore materials to form an access road up to Brickyard Farm Cottage at Land on the north west side of Brickyard Farm Cottage, Neasham Road, Hurworth Moor, Darlington, DL2 1DL (copy of Inspector's decision enclosed).

**Recommended** – That the reports be received.  
(Pages 81 - 94)

**PART III**

**EXCLUSION OF THE PUBLIC AND PRESS**

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

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

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 28th March 2025 (Exclusion Paragraph No. 7) –  
Report of Executive Director, Economy and Public Protection  
(Pages 95 - 104)

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

12. Questions



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

**Monday, 31 March 2025**

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

**Membership**

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Holroyd, Kane, Laing, Lawley, Lee, 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 Paul Dalton, Democratic and Elections 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: [paul.dalton@darlington.gov.uk](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805.

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## PLANNING APPLICATIONS COMMITTEE

Wednesday, 5 March 2025

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

**APOLOGIES** – Councillors Allen and Laing.

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

### PA46 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA47 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 4 DECEMBER 2024

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

### PA48 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p><b>REASON</b> - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
B4	<p>Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.</p> <p><b>REASON</b> - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.</p>
PL	<p>The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,</p> <p><b>REASON:</b> To ensure the development is carried out in accordance</p>

	with the planning permission.
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**(1) PROPOSED NEW NWL WATER MAIN, KETTON LANE, DARLINGTON**

Installation of below ground pipeline from Dyance Beck to Long Newton Service Reservoir and associated works, including temporary construction compounds and temporary bridge, pipe bridge, lagoons, pipe laydown areas, vehicular accesses and above ground ancillary structures (cross boundary application with Stockton Borough Council) (additional plan and long section drawings received 5th December 2024 and visibility splay drawing, response to National Highways objection received 18th December 2024 and additional information in response to objections received 21st January 2025).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, Transport Planning Officer, Public Rights of Way Officer, Environmental Health Officer, Ecologist, Arboricultural Officer and the Lead Local Flood Authority. The Committee also took into consideration the views of Durham County Council Archaeology, the Council's Conservation Consultant, Historic England, the Friends of the Stockton and Darlington Railway, National Highways, Network Rail, Teesside International Airport, Natural England, the Environment Agency, the Health and Safety Executive Land Use Planning Team, Northern Gas Network, Northern PowerGrid, Active Travel England, Durham County Council and Whessoe Parish Council.

Six letters of objection and one letter of representation were taken into consideration, alongside the views of the Applicant's Agent, whom the Committee heard).

**RESOLVED** – That Planning Permission be granted subject to the developer entering into a Section 106 Agreement to secure a Biodiversity Net Gain (BNG) monitoring fee (to be completed within six months), and upon satisfactory completion and signing of that agreement, planning permission be granted subject to the following conditions:

1. A3 (3-year time limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
  - (a) Red Line Boundary Figure A.3, Sheets 1 – 4
  - (b) Proposed Development: Route Overview, Figure A.1
  - (c) Proposed Development: Detail, Sheet 1 of 3 Figure A.2
  - (d) Proposed Development: Detail, Sheet 2 of 3 Figure A.2
  - (e) Proposed Development: Detail, Sheet 3 of 3 Figure A.2
  - (f) A68 Strategic Crossing Plan and Profile, drawing number WN023-0165-STN-51-06-DR-C-0004 Rev. P01
  - (g) Tunnel General Arrangement, Sheet 1 of 2, drawing number WN023-0165-STN-51-06-DR-C-0005 Rev. P01
  - (h) Tunnel General Arrangement, Sheet 2 of 2, drawing number WN023-0165-STN-51-06-DR-C-0006 Rev. P01
  - (i) A167 Strategic Crossing, Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-1028 Rev. P01
  - (j) A68 Temporary Access, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-

- G04-411 Rev. P01
- (k) Stockton Road Temporary Access, drawing number SZ14-T51-PR1-AM2-002-DWG-CST-G04-1103 Rev. P04
  - (l) Beaumont Hill Temporary Access, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-1104 Rev. P01
  - (m) Beaumont Hill SR Strategic Connection Plan, drawing number WN023-0165-STN-51-02-DR-C-0001 Rev. P03
  - (n) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 1 of 3, drawing number WN023-0165-STN-51-02-DR-C-0002 Rev. P02
  - (o) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 2 of 3, drawing number WN023-0165-STN-51-02-DR-C-0003 Rev. P02
  - (p) Beaumont Hill SR Strategic Connection Plan and Pipeline Profile, Sheet 3 of 3, drawing number WN023-0165-STN-51-02-DR-C-0004 Rev. P02
  - (q) Phase 2 Site Compound Locations, Plan 1 of 3, drawing number WN023-0165\_00\_GIS\_1030 Rev. P03
  - (r) Phase 2 Site Compound Locations, Plan 2 of 3, drawing number WN023-0165\_00\_GIS\_1031 Rev. P03
  - (s) Phase 2 Site Compound Locations, Plan 3 of 3, drawing number WN023-0165\_00\_GIS\_1032 Rev. P03
  - (t) Long Newton SR Strategic Connection Plan, drawing number WN023-0165-STN-51-03-DR-C-0001 Rev. P06
  - (u) Long Newton SR Strategic Connection, plan and pipeline profile sheet 1 of 4, drawing number WN023-0165-STN-51-03-DR-C-0004 Rev. P04
  - (v) Long Newton SR Strategic Connection, plan and pipeline profile sheet 2 of 4, drawing number WN023-0165-STN-51-03-DR-C-0005 Rev. P04
  - (w) Long Newton SR Strategic Connection, plan and pipeline profile sheet 3 of 4, drawing number WN023-0165-STN-51-03-DR-C-0006 Rev. P04
  - (x) Long Newton SR Strategic Connection, plan and pipeline profile sheet 4 of 4, drawing number WN023-0165-STN-51-03-DR-C-0007 Rev. P04
  - (y) Long Newton SR A66 Access Vehicle Tracking Assessment, drawing number WN023-0165-STN-51-03-DR-T-0002 Rev. P01
  - (z) A1(M) to Long Newton Service Reservoir Proposed Pipeline Route Key Plan, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1011 Rev. P03
  - (aa) Gainford Great Wood to A1(M) Proposed Pipeline Route Key Plan, drawing number WN023-0165-STN-ZZ-ZZ-DR-T-0001 Rev. P02
  - (bb) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 0m – 1000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1012 Rev. P02
  - (cc) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 1000m – 2000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1013 Rev. P02
  - (dd) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 2000m – 3000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1014 Rev. P02
  - (ee) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 3000m – 4000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1015 Rev. P02
  - (ff) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 4000m – 5000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-

- PIP-Y01-1016 Rev. P01
- (gg) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 5000m – 6000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1017 Rev. P01
  - (hh) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 6000m – 7000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1018 Rev. P01
  - (ii) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 7000m – 8000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1019 Rev. P01
  - (jj) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 8000m – 9000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1020 Rev. P01
  - (kk) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 9000m – 10000m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1022 Rev. P02
  - (ll) A1(M) to Long Newton Service Reservoir Proposed Plan and Long Section Chainage 10000m – 10754m, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-1022 Rev. P02
  - (mm) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 3000m – 4000m, drawing number WN023-0165-STN-51-04-DR-T-0002 Rev. P02
  - (nn) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 4000m – 5000m, drawing number WN023-0165-STN-51-05-DR-T-0005 Rev. P01
  - (oo) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 5000m – 6000m, drawing number WN023-0165-STN-51-05-DR-T-0006 Rev. P01
  - (pp) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 6000m – 7000m, drawing number WN023-0165-STN-51-05-DR-T-0007 Rev. P01
  - (qq) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 7000m – 8000m, drawing number WN023-0165-STN-51-05-DR-T-0008 Rev. P01
  - (rr) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 8000m – 9000m, drawing number WN023-0165-STN-51-06-DR-T-0005 Rev. P01
  - (ss) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 9000m – 9750m, drawing number WN023-0165-STN-51-06-DR-T-0005 Rev. P01
  - (tt) Gainford Great Wood to A1(M) Proposed Plan and Long Section Chainage 9750m – 10638m, drawing number WN023-0165-STN-51-06-DR-T-0006 Rev. P02
  - (uu) Preliminary Rout Plan (P25), drawing number WN023-0165/00/GIS/1028
  - (vv) River Skerne Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-701 Rev. P02
  - (ww) River Skerne Strategic Crossing – Location Plan, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-700 Rev. P02
  - (xx) River Skerne Strategic Crossing – Proposed Temporary Access Route, drawing



- number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-023 Rev. P03
- (yy) East Coast Mainline Strategic Crossing – Drive Shaft (West Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-803 Rev. P02
- (zz) East Coast Mainline Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-800 Rev. P01
- (aaa) East Coast Mainline Strategic Crossing – Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-802 Rev. P01
- (bbb) East Coast Mainline Strategic Crossing – Reception Shaft (East Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-804 Rev. P02
- (ccc) Tees Valley Railway Strategic Crossing – Drive Shaft (East Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-603 Rev. P02
- (ddd) Tees Valley Railway Strategic Crossing – General Arrangement, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-600 Rev. P01
- (eee) Tees Valley Railway Strategic Crossing – Plan and Long Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-602 Rev. P01
- (fff) Tees Valley Railway Strategic Crossing – Reception Shaft (West Shaft) General Arrangement Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-CST-G04-604 Rev. P02
- (ggg) Typical Pipe Trench Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-001 Rev. P03
- (hhh) Typical Stank Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-004 Rev. P02
- (iii) Typical Haul Road, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-005 Rev. P02
- (jjj) Typical Thrust Block – Bends, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-006 Rev. P02
- (kkk) Typical Thrust Block, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-007 Rev. P02
- (lll) Typical Lagoon Plan and Section, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-008 Rev. P02
- (mmm) Proposed Typical Elevations of Temporary Cabins, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-009 Rev. P02
- (nnn) Typical Air Valve Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-010 Rev. P01
- (ooo) Typical Washout Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-011 Rev. P01
- (ppp) Typical Line Valve Detail, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-012 Rev. P01
- (qqq) Typical Arrangement of Kiosk Type A Plan and Elevations, drawing number WN023-0165-STN-XX-XX-DR-T-0001 Rev. P02
- (rrr) Typical Arrangement of MCC Kiosk Type B Plan and Elevations, drawing number WN023-0165-STN-XX-XX-DR-T-0002 Rev. P02
- (sss) Standard Details Typical Ditch and Stream Crossing, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-016 Rev. P01
- (ttt) Typical Cathodic Protection Anode Ground Bed Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-017 Rev. P01

- (uuu) Typical Cathodic Protection Installation Details, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-018 Rev. P01
- (vvv) Typical Main Compound and Logistical Area, drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-020 Rev. P02
- (www) Typical Tunnelling Compound Layout (Launch and Reception Compounds), drawing number SZ14-T15A-PR1-AM2-002-DWG-PIP-Y01-021 Rev. P01

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

3. Prior to any development taking place a phasing plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved details.

**REASON** – To ensure the development is carried out in accordance with the approved documents and to allow for the development to be carried out in phases.

4. Prior to the commencement of any part of the development or any works of demolition within a particular phase as identified under Condition 3, a Construction Environmental Management Plan (CEMP) for that phase which is in general accordance with the Framework Construction Environmental Management Plan submitted with the application shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following, unless the Local Planning Authority dispenses with any requirement(s) specifically and in writing:
  - (a) Details of the dust control measures to be put in place during the construction phase of the development taking into account the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” January 2024. This shall be incorporated into a Dust Management Plan.
  - (b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 “Code of practice for noise and vibration control on construction and open sites”. This shall be incorporated into a Construction Noise and Vibration Management Plan (including a specific section relating to the proposed tunnelling works) and shall include information on the temporary noise barrier to be installed (design, height, location(s)), as well as the site compounds.
  - (c) Details of measures to prevent and manage pollution and to prevent mud and other such material migrating onto the highway.
  - (d) Designation, layout and design of construction access and egress points
  - (e) Details for the provision of directional signage (on and off site)
  - (f) Details of contractors’ compounds and parking, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure and their removal upon completion of the construction phase of development
  - (g) Details of provision for all site operatives for the loading and unloading of plant, machinery and materials
  - (h) Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period

- (i) Details of delivery arrangements including details of construction hours, number of construction workers, methodology of vehicle movements between the compound and various site accesses, details of operation of banksmen, measures to minimise traffic generation (particularly at peak hours), and measures to control timings and routings of deliveries and construction traffic (including abnormal loads);
  - (j) Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (k) Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works including a Site Waste Management Plan
  - (l) Public rights of way management plan
  - (m) Measures for liaison with the local community and procedures to deal with any complaints received
- Thereafter the approved Construction Environmental Management Plan for each phase shall be adhered to throughout the construction phase and the approved measures shall be retained for the duration of the construction works in each phase.

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

5. Prior to development commencing within a specific phase as identified under Condition 3 a detailed method statement describing any proposed watercourse/field drain crossings and reinstatement within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON** – To ensure suitable crossings are in place that do not result in damage to watercourses.

6. No construction activities (with the exception of tunnelling works), including the use of plant and machinery (including generators), as well as deliveries to and from the site, shall take place outside the hours of 07.00 – 18.00 Monday to Friday, 07.00 – 14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

**REASON** – In the interest of residential amenity.

7. No development within a specific phase as identified under Condition 3 shall take place until details of the working corridor within the application site for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

8. No development within a specific phase as identified under Condition 3 shall take place until details of any temporary works in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

9. No construction work shall take place, nor shall any site cabins, materials or machinery be brought on site within a specific phase as defined by Condition 3 until all trees and hedges to be retained within that phase are protected in accordance with the details contained within the approved Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Report relating to that phase.

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

10. No development shall take place within a specific phase as identified under Condition 3 until an asbestos specialist has been consulted and provided an assessment report relating to risks and to any required mitigation or remediation measures associated with asbestos identified in soils close to the Tees Valley Railway crossing. The report and any scheme of mitigation/remediation is to be submitted to the Local Planning Authority for approval in writing.

**REASON** - To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risk to receptors, in accordance with Darlington Local Plan Policy DC1.

11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance.

**REASON** – To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risk to receptors, in accordance with Darlington Local Plan Policy DC1.

12. Prior to its installation, details of any external lighting proposed as part of any phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall not be installed otherwise than in complete accordance with the approved details.

**REASON** – In the interests of visual and residential amenity.

13. Prior to the commencement of development within a specific phase as identified under Condition 3, a Construction Traffic Management Plan (CTMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented prior to the commencement of and for the entire duration of construction activities within the phase to which it relates.

**REASON** – In the interest of highway safety.

14. No development shall take place within a specific phase as identified under Condition 3 until a Written Scheme of Investigation setting out a phased programme of archaeological evaluation in accordance with ‘Standards for All Archaeological Work in County Durham and Darlington’ for that phase has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works, in sufficient time to inform the production of an Archaeological Management Plan.

**REASON** – To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework, 2024. This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

15. No development shall take place within a specific phase as identified under Condition 3 until an Archaeological Management Plan (AMP), in accordance with ‘Standards for All Archaeological Work in County Durham and Darlington’ for that phase has been submitted to and approved in writing by the Local Planning Authority. The AMP will set out the strategy for the preservation, investigation, and recording of heritage assets in the development area, including the provision made for analysis, publication and dissemination of results, and archive deposition. The development will then be carried out in accordance with the AMP.

**REASON** – To safeguard any archaeological interest in the site, and to comply with Part 16 of the National Planning Policy Framework, 2024. This is required to be a pre-commencement condition as the archaeological investigation/mitigation must be devised prior to the development being implemented.

16. No part of an individual phase of the development shall be brought into beneficial use until the post investigation processes have been completed in accordance with the approved Archaeological Management Plan, and confirmed in writing to, and approved by, the Local Planning Authority.

**REASON** – To comply with Paragraph 218 of the National Planning Policy Framework, 2024, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

17. No development shall take place within a specific phase as identified under Condition 3 until a working method statement to cover all construction work within and/or adjacent to all waterbodies within that phase has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall cover the following requirements:

- Timing and duration of works
- Methods used for all in-channel, bankside, and floodplain works, including a detailed fish rescue plan for relevant sites which specifies

- pump sizes and screen size
- Machinery (location and storage of plan, materials and fuel, access routes, access to banks etc)
- Protection of areas of ecological sensitivity and importance
- Site supervision
- Bunding of potential pollutants
- A pollution prevention plan
- A silt management plan

Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.

**REASON** – The ensure that the construction phase of the proposed development does not adversely affecting water dependent species and habitats within the Skerne and associated tributaries or impact the hydro-morphology of the watercourse.

18. No development shall take place within a specific phase as identified under Condition 3 until a plan detailing the protection of otter and water vole, and their associated habitat, within that phase has been submitted to and approved in writing by the Local Planning Authority. The plan must consider the whole duration of the development, from the construction phase through to development completion. Any change to operational responsibilities, including management, shall be submitted to and approved in writing by the Local Planning Authority. The species protection plan shall be carried out in accordance with a timetable for implementation as approved. The elements outlined in the 'Ecological Protection Measures' section of the submitted framework Construction Environment Management Plan (CEMP) should be provided as part of the completed CEMP and adhered to in full, including:

- A pollution prevention plan, including emergency spill procedure
- An erosion prevention and sediment management plan
- A drainage plan
- Mammal and amphibian pre-works checks prior to vegetation clearance
- Provision/details of an Ecological Clerk of Works (ECoW) on site during works
- Provision/details of toolbox talks for operatives relating to protected species and habitats
- An ecologically sensitive flume design based on CIRIA guidance
- A robust INNS (Invasive Non-Native Species) management plan, to include measures addressing signal crayfish *Pacifastacus leniusculus* and crayfish plague, and those species listed as present within the Ecology chapter of the ES
- Reinstatement of riverbanks to original slope where relevant

**REASON** – In order to protect the ecological value of the site in accordance with Darlington Local Plan Policy ENV7.

19. No development shall take place within a specific phase as identified under Condition 3 until a Landscape and Ecology Maintenance and Management Plan (LEMP) for that phase is submitted to and approved in writing by the Local Planning Authority. The

LEMP should also set out details for the restoration of each phase of development. Thereafter the development shall be carried out in accordance with the approved LEMP.

**REASON** – In the interests of the visual amenity of the area and to comply with the requirements of Local Plan Policies DC1, ENV7 and ENV8.

20. Prior to development commencing within a specific phase as identified under Condition 3 full engineering details of any new site accesses to be formed serving that phase, together with details for the removal and restoration of these access points following completion of the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details.

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

21. Prior to the set-up of any specific site compounds, site laydown areas, lagoons or watercourse crossings, details of those specific compounds, pipe laydown areas, lagoons and watercourse crossings, shall be submitted to any approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details and the identified mitigation measures shall remain in place for the duration of the construction phase of the development.

**REASON** – In the interest of protecting the amenity of neighbouring site occupiers and users from the impacts of the construction phases of the development.

22. Prior to the erection of any ancillary structures including kiosks to house electrical monitoring and control equipment, telemetry and cathodic protection requirements, details of the precise number and location of these structures, including their external appearance and materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

**REASON** – In the interests of visual amenity.

23. The development hereby approved shall be carried out in accordance with the measures set out in Section 5 'Soil Management' of the 'Tees and Central Strategic Transfer Mains – Phase 2 Agricultural Land Classification and Soil Management Plan' dated June 2024 and prepared by Mott McDonald.

**REASON** – To comply with Part 15 of the National Planning Policy Framework, 2024.

24. The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- (a) Description and evaluation of the features to be managed;

- (b) Ecological trends and constraints on site that may influence management;
- (c) Aims, objectives and targets for management, links with local and national species and habitat action plans;
- (d) Description of the management operations necessary to achieving aims and objectives;
- (e) Description for management actions;
- (f) Preparation of a works schedule, including annual works schedule
- (g) Details of the monitoring needed to measure the effectiveness of management;
- (h) Details of the timetable for each element of the monitoring programme;
- (i) Details of the persons responsible for the implementation and monitoring;
- (j) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- (k) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

**REASON** – To enhance biodiversity in accordance with Darlington Local Plan Policy ENV8 and the National Planning Policy Framework, 2024.

25. The development hereby approved shall be carried out in accordance with the submitted flood risk assessment (Tees and Central Pipeline Strategic Transfer Mains – Phase 2: Flood Risk Assessment, dated October 2024, prepared by Mott McDonald) and the mitigation measures specified therein. These mitigation measures shall be fully implemented prior to the beneficial use of the pipeline and subsequently in accordance with the scheme’s timing/phasing arrangements, and shall be retained and maintained for the lifetime of the development.

**REASON** – To reduce the risk of flooding elsewhere and to comply with Darlington Local Plan Policies DC2 and DC3.

26. No development within a specific phase as identified under Condition 3 shall take place until details of any stanks including their positions within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

**REASON** – In order to prevent flooding elsewhere by reducing the ability of water to migrate along the pipe trench.

27. The applicant shall enter into a deed of consent with National Gas prior to any permanent changes being made to the easement for the high-pressure gas pipeline which runs through the site and meet the requirements as set out in the National Gas consultation response dated 4th February 2025.

**REASON** – To safeguard the high-pressure gas pipeline that runs through the site.

**NOTE:** Should the 106 Agreement not be completed within the prescribed period without written consent of the Council to extend this time, the minded to approve status of the permission shall be considered a refusal on the grounds that the application has failed to



provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Darlington Local Plan 2016-2036.

**(2) HURWORTH FISHERIES, 12 TO 14 CHURCH ROW, HURWORTH, DARLINGTON**

Conversion of fish shop takeaway (Sui Generis) (12 Church Row) to a deli outlet and cafe/restaurant with storage to first floor, including removal of existing rear balcony, erection of part two storey, part single storey side and rear extension incorporating a raised terrace area at rear for outdoor dining, together with replacement shop front, re-alignment of first floor front window and other associated works. Change of use of adjoining dwelling (14 Church Row) to associated storage and installation of new matching shop-front style window (Amended description) (Amended plan reducing the number of covers to 32 received 27th January 2025).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Ecology Officer, Environmental Health Officer and the Environment Agency, sixteen individual objections received from residents, and two objectors, whom the Committee heard. It was also noted that no comment was received from Hurworth Parish Council).

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

1. A3 (Standard 3-year time limit)

2. PL (Accordance with Plan)

1001-18 Proposed plans  
1001-19 Site Location Plan

3. B4 (External Materials)

4. Notwithstanding any details referred to in the submitted plans, prior to the insertion of windows, detailed plans showing the constructional details and materials of all window frames to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross-sectional detailing, including means of opening, and external reveal. The window frames shall be installed in accordance with the approved detailed plans and thereafter be so maintained.

**REASON** - To ensure a satisfactory appearance to the development, in the interests of visual amenity.

5. The number of covers within the rear dining area, including the rear terrace, as set out on Drawing Number 1001-18, shall not exceed 32 at any time without the prior written approval of the Local Planning Authority.

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

6. The areas shown on Drawing Number 1001-18 as 'storage' to the first floor of No. 12

Church Row and to the ground and first floor of No. 14 Church Row, shall be used for storage associated with the use of the premises as a deli / café / restaurant and shall at no time be accessed by customers / patrons without the prior written approval of the Local Planning Authority.

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

7. No construction activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, without the prior written permission of the Local Planning Authority.

**REASON** – In the interests of amenity.

8. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. the parking of contractors' site operatives and visitor's vehicles;
2. areas for storage of plant and materials used in constructing the development clear of the highway;
3. details of site working hours;
4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
5. Measures to ensure safety of the public including pedestrian routes/site fencing.

**REASON** – In the interests of amenity and public safety.

9. Once details of any new plant to be installed as part of the development are known and in any event prior to installation, an assessment needs to be carried out and submitted to the Local Planning Authority to show that the rating level (LAr,Tr) of any external plant, equipment or machinery associated with the development (whether operating individually or simultaneously) shall not exceed the daytime and night-time background sound level (LA90,T) at noise sensitive receptors. The assessment must be carried out by a suitably qualified acoustic consultant/engineer (appointed by the applicant) and be in accordance with BS4142: – 'Method for rating and assessing industrial and commercial sound'. The noise sensitive receptors and background sound levels to be used in the BS4142 assessment shall be agreed in advance with the Local Planning Authority.

Any mitigation measures shown to be necessary following the assessment shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

**REASON** – In the interests of amenity.

10. Prior to commencement of the use hereby approved, details of the ventilation and fume extraction system to be installed, which is suitable for the proposed development including a full technical specification by a suitably qualified technical person, specifying the position of ventilation, fume or flue outlet points and details of the odour abatement system shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the ventilation and fume extraction system(s) associated with the use shall not be carried out otherwise than in accordance with the approval given and shall be completed prior to any part of the use hereby permitted being occupied. The ventilation and extraction system shall be operated and maintained in accordance with the manufacturers recommendations including the frequency of replacement of any filters.

**REASON** – In the interests of amenity.

11. Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1 and designed in accordance with BS EN 1825-2 or other effective means of grease removal.

**REASON** – In the interests of amenity.

12. Operating hours for the premises [including deliveries] shall be restricted to 8am-10.30pm Monday to Saturday and Sunday 9am-4pm. The rear patio area must be closed to the public by 9pm Monday to Saturday and 4pm Sunday.

**REASON** – In the interests of residential amenity.

13. Prior to the occupation of the development, details of refuse storage shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and retained as such thereafter.

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

14. Prior to the use of the external terrace hereby approved, details of screening to the eastern side of the external terrace, to protect the amenity of nearby occupiers, shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be in place prior to the first use of the external terrace and shall be retained as such permanently thereafter.

**REASON** – In the interests of residential amenity.

15. The development shall not be carried out otherwise than in complete accordance with the recommendations and methods set out within the Arboricultural Impact Assessment and Method Statement (Arbux, September 2024) unless otherwise approved in writing by the Local Planning Authority.

**REASON** – To ensure adequate protection to existing trees.

16. The development shall not be carried out otherwise than in accordance with the mitigation, compensation and enhancement measures set out in the submitted Ecological Impact Assessment (Dendra Consulting, October 2024) unless otherwise agreed in writing by the Local Planning Authority.

**REASON** - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, Policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

17. The development shall be carried out in accordance with the recommendations set out within the submitted Flood Risk Assessment (RAB, October 2024) unless otherwise agreed in writing by the Local Planning Authority.

**REASON** – To secure adequate flood protection measures for the proposed use.

18. Prior to the first use of the property, details of a scheme for the storage of customers cycles shall be submitted to and approved by the LPA and thereafter implemented and be maintained in perpetuity.

**REASON** - To ensure that adequate provision is made for cyclists who visit the premises .

### **(3) GARAGE BLOCK ADJOINING, 31 PENDOWER STREET**

Demolition of existing garages and erection of 8 No. garages, replacement/remedial works to retaining wall, provision of fencing, gate and stepped access to rear, resurface road to front together with associated works (Amended Flood Risk Assessment and Additional Ecological Assessment received 12 September 2024; Ecology Assessment and Biodiversity Metric Calculator received 6th January 2025).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Environmental Health Officer, Arboricultural Consultant and Ecology Officer, the views of Northern Gas Networks and, following the submission of a revised Flood Risk Assessment, the Environment Agency, and five letters of objection received, with one of those objections coming from a household not within the vicinity of the application site).

**RESOLVED** – That Planning Permission be granted subject to the developer entering into a Section 106 Agreement to secure £2500 as a Biodiversity Net Gain contribution to be used by the Council towards improvements on land elsewhere in the Borough, and that upon satisfactory completion and signing of the agreement, planning permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a) Drawing Number 01 006 Vehicle Tracking

- b) Drawing Number 01 002 Block Plans
- c) Drawing Number 01 004 Proposed Plans
- d) Drawing Number 01 005 Site Section

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

- 3. Prior to the commencement of the development a Structural Survey and Report carried out by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority. The Survey shall relate to the retaining wall and include design and calculations for new retaining walls or remedial measures to the existing retaining wall as required by the proposed garage structure. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In order to secure a satisfactory form of development.

- 4. No building shall be constructed above damp proof course level until precise details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

**REASON** – In the interests of the visual appearance of the development and the street scene.

- 5. Prior to first occupation of the development hereby approved, precise details of a dropped pavement crossing along the frontage of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details. The agreed scheme shall be constructed as part of a Section 184 Agreement issued by the Local Highways Authority and be fully implemented prior to the first occupation of the development.

**REASON** – In order to provide appropriate pedestrian and vehicular access in the interests of highway safety.

- 6. The garages hereby approved shall be used only for the parking of vehicles and for residential storage purposes and not for any business or commercial purposes.

**REASON** – In the interests of safeguarding the amenities of nearby residential properties.

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

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

- 8. No garage doors within the development hereby permitted shall open outward over

the public highway.

**REASON** – In the interests of pedestrian and highway safety.

9. The development, including demolition works, hereby approved shall not be carried out otherwise than in complete accordance with the Recommendations and Mitigation set out in Chapter 6.0 of the submitted document entitled “Ecological Impact Assessment for Former garage block Pendower Street Darlington DL3 6ND” produced by Dendra Consulting and dated December 2024.

**REASON** – In the interest of biodiversity and to secure ecological enhancements in accordance with policies ENV7 and ENV8 of the Darlington Local Plan 2016 -2036.

10. The 2m wildlife zone shown on the approved plans shall be retained for the lifetime of the development and shall be without structures, hardstanding, footpaths, fences or formal landscaping.

**REASON** – In the interest of the visual appearance of the area and to protect wildlife within the watercourse.

11. The development hereby approved shall not be carried out otherwise than in complete accordance with the Mitigation Methods and Recommendations set out in Chapters 4.0 and 6.0 of the submitted document entitled “Pendower Street, Darlington Flood Risk Assessment” Version 2.0 dated 14 August 2024 and produced by RAB Consultants

**REASON** – In order to ensure that the development will not increase flood risk elsewhere.

12. The development hereby approved shall not be carried out otherwise than in complete accordance with the documents entitled “Arboricultural Impact Assessment for Trees on Land at Pendower Street, Darlington” produced by AI About Trees and dated September 2023.

**REASON** – In the interests of the visual appearance of the site.

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the documents entitled “Arboricultural Method Statement for Trees on Land at Pendower Street, Darlington” produced by All About Trees and dated September 2023.

**REASON** – In the interests of the visual appearance of the site.

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

**(4) LAND TO THE EAST OF NEASHAM ROAD**

Change of use of land to Gypsy/Traveller site including erection of 2 no. utility buildings, siting of 2 no. mobile homes, 2 no. touring pitches with car parking, access road and associated works (amended Nutrient Calculator received 8th December 2023 and Provisional Nutrient Certificate received 18 January 2024; biodiversity net gain information and utility block details received 1 June 2024; Biodiversity Management Plan received 12 July 2024; amended site layout plan received 15 August 2024; amended Preliminary Ecology Assessment received 29 October 2024; Biodiversity Management and Monitoring Plan received 15 January 2025).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Ecology Officer, Transport Planning Manager and Environmental Health Officer, the views of Northern PowerGrid, the Environment Agency and Natural England, and six letters of objection received).

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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - a) Drawing Number 01 Existing Site Plan Site Location Plan
  - b) Drawing Number 04 Utility Block Plans and Elevations
  - c) Drawing Number 20.009-AMS-XX-XX-DR-A-XXXX Rev P1.3 Site Plan

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

3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

**REASON** - To restrict occupation of the site to Gypsies and Travellers in view of the limited supply of available sites within the Borough, which does not justify general residential occupation.

4. No more than two mobile homes and two touring caravans shall be stationed on the land at any time.

**REASON** - To ensure the site design takes account of the needs of residents and provides an appropriate pitch layout and adequate facilities for parking, storage, and play, as required by Policy H 9 of the Darlington Local Plan 2016 - 2036 and to limit the scale of development in the countryside, consistent with policy SH 1 of the Darlington Local Plan 2016 - 2026.

5. Prior to the commencement of the development, precise details of the mobile homes shall be submitted to and approved, in writing by the Local Planning Authority. The details shall include the size, colour and design of the mobile homes and the development shall not be carried out otherwise than in complete accordance with the agreed details.

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

6. No utility block shall be constructed above damp proof course until precise details of the external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

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

7. Notwithstanding the details submitted within the planning application, a landscaping scheme comprising modified grassland, the planting of species rich native hedgerow with trees and at least eight urban trees shall be submitted to, and approved in writing by, the Local Planning Authority prior to any works commencing and, upon approval of the scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of 30 years to the satisfaction of the Local Planning Authority.

**REASON** - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

8. Prior to the commencement of the development, precise details of the means of enclosure for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details which shall be installed prior to the first occupation of the site.

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

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

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

10. Prior to the first occupation of the development, precise details of a Wastewater Treatment System required to produce 7.9mg/l of total nitrogen shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and the



approved wastewater treatment system shall be installed prior to the first occupation of the development and shall remain in place for the lifetime of the development.

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

11. Prior to commencement of the development, precise details of visibility splays of 4.5x215m from the site access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include means of enclosure at the access point and hedgerow removal works and the development shall not be carried out otherwise than in complete accordance with the approved details. Works to provide the required visibility must be completed prior to occupation of the site and maintained throughout the life of the development.

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

12. Prior to the commencement of the development, precise details of a scheme for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of the development.

**REASON** – In order to reduce flood risk and in the interests of the amenity of the area.

13. In order to ensure that no loose material is pulled onto the adjacent carriageway (Neasham Road), the first 12m of the drive within the site shall be constructed in a sealed material (not loose gravel or similar).

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

14. Where gates are to be installed, they shall be set back 12m from the edge of the adjacent carriageway (Neasham Road) in order to allow vehicles to pull off the main carriageway. Any gates shall be set back a sufficient distance from the edge of carriageway to provide a factor of safety as this access adjoins a 60mph road.

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

15. Prior to the first occupation of the development, precise details of a bin store shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details and the bin store shall be in place prior to the first occupation of the development and shall remain in place for the lifetime of the development.

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

16. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site

Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. No alterations to the Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the approved Phase 3 Remediation and Verification Strategy.

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

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

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

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

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

19. The development hereby approved shall not be carried out otherwise than in complete accordance with all of the Recommendations, Mitigation, Compensation and Enhancement measures set out in Chapter 6 of the submitted document entitled "Preliminary Ecological Appraisal Land off Neasham Road Darlington DL2 1QH" dated October 2024 and produced by ECOSERV.

**REASON** – In the interest of biodiversity and ecological nature of the site and surrounding area in accordance with the National Planning Policy Framework 2024 and policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036.

20. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted document entitled “Biodiversity Management and Monitoring Plan (BMMP) Land off Neasham Road Darlington DL2 1QH” dated October 2024 and produced by ECOSERV. The approved HMMP shall be strictly adhered to and implemented in full for a duration of at least 30 years.

**REASON** - To enhance biodiversity in accordance with the National Planning Policy Framework 2024 and policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036.

21. There shall be no external storage of any non-domestic materials on site.

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

22. The site shall be used for residential use only and not for any commercial or business use including the storage of business vehicles.

**REASON** - In the interests of minimising the impact on the visual amenity of the area .

#### **PA49 NOTIFICATION OF APPEALS**

The Chief Executive reported that:

Mr Mike Bailey had appealed against this Authority’s decision to refuse permission for the erection of 1 no. three bed dwelling with a detached garage/store, hard standing, landscaping and provision of a new vehicular access with entrance gates and wall at Land At Mole End, Neasham Road, Hurworth, Darlington, DL2 2AZ (24/00132/FUL).

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

#### **PA50 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.

#### **PA51 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 21ST FEBRUARY 2025 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA45/Dec/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 21<sup>st</sup> February 2025.

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



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

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

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

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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE:** 9<sup>th</sup> April 2025

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**APPLICATION REF. NO:** 21/00380/RM1

**STATUTORY DECISION DATE:** 27<sup>th</sup> July 2021 (EOT 11<sup>th</sup> April 2025)

**WARD/PARISH:** SADBERGE & MIDDLETON ST GEORGE

**LOCATION:**  
Field At OSGR E435307 N513463 Yarm Road  
MIDDLETON ST GEORGE

**DESCRIPTION:** Application for reserved matters approval relating to appearance, landscaping, layout and scale for the erection of 96 dwellings and associated works attached to outline permission 17/01195/OUT dated 30 May 2019 (Outline planning application for the erection of up to 330 residential dwellings (Use Class C3), with associated landscaping and engineering works, 3 new retail units and provision of a new single form Primary School)

**APPLICANT:** BELLWAY HOMES LIMITED

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**RECOMMENDATION:** GRANT RESERVED MATTERS SUBJECT TO CONDITIONS (see details below)

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QR6M5LFP0C200>

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

1. The application site is located on the eastern side of Middleton St George to the south of the railway line and Yarm Road. The site comprises of grassland and is bound by trees and hedgerows. The site is bound by Yarm Road and a housing development to the north, a

former logistics commercial site and agricultural land to the west, a retirement village to the south and agricultural land to the east.

2. The application is for reserved matters approval relating to the appearance, landscaping, layout and scale for the erection of 96 dwellings and associated works attached to outline permission 17/01195/OUT (outline planning application for the erection of up to 330 residential dwellings (Use Class C3), with associated landscaping and engineering works, 3 new retail units and provision of a new single form Primary School).
3. The Yarm Road Site covered by the above outline permission is divided into three Areas: (i) Area A & The Primary School Land: the central development parcel, west of Middleton Back Road including the land reserved for a One Form Primary School. (ii) Area B: the western most development parcel with the existing Public Right of Way forming the eastern boundary. (iii) Area C: the eastern most development parcel, east of Middleton Back Road. This application relates to area C and is submitted by Bellway Homes.
4. The Council is also considering a separate reserved matters application (21/00475/RM1) for the phase associated with area B of the outline permission, which is submitted by Avant Homes, and which appears elsewhere on this agenda.
5. Another pending application for Area A (the retail area) (21/00508/RM1) is awaiting amended plans to coincide with the access arrangement currently being considered and will be determined at a later date.
6. These reserved matters application were submitted pursuant to the above outline application in April 2021, however determination was elongated due to the issue of Nutrient Neutrality which was not considered as part of the outline consent. Recent court rulings and government advice have advised that planning applications at any stage must address the issue of Nutrient Neutrality even if it was not considered at the outline planning stage.
7. As a result of the above, comprehensive updates were made to both the Avant RMA and Bellway RMA in June 2024 to provide details of the proposed Nutrient Neutrality mitigation approach as well as bring the supporting information up to date given the time that had passed. Both Applicants propose to purchase off-site Nutrient Neutrality credits for an established scheme situated in Nunthorpe from a private provider. The combined Nutrient Neutrality mitigation cost equates to £1,117,570, a cost that was not factored into considerations at the Outline Consent stage. A planning condition is proposed for both the Avant RMA and the Bellway RMA requiring submission of the final Nutrient Neutrality Certificate which provides confirmation that the required number of off-site Nutrient Neutrality credits have been purchased prior to the occupation of any dwellings. This is considered further within the following sections of this report.



8. The application puts forward the inclusion of:
  - The provision of 96 dwellings across a range of 3-bedroom, 4-bedroom and 5- bedroom house types, built to the latest Building Regulation standards;
  - A green infrastructure-led residential development catering to local housing needs;
  - Retention of structural landscaping (where possible);
  - Provision of a Sustainable Urban Drainage area; and
  - Sustainable connections to the wider Yarm Road site and Middleton St George community.
9. This submission is solely to consider those matters within the scope of condition 1 relating to layout, scale, appearance and landscaping. 41 other conditions were attached to the outline consent. The developer has submitted several discharge of condition applications to deal with specific conditions including off-site highways, surface water drainage and trees attached to 17/01195/OUT. Although they are being consulted on the technical requirements of the above conditions, technical consultees have also been consulted on the matters within the scope of this application to ensure that it complies with their requirements. A planning submission for discharge of condition 6 relating to the details of affordable housing was also previously approved under planning permission reference numbers 19/00596/CON and 20/00245/CON. It should be noted that the type and distribution of affordable housing is not for consideration as part of this application which deals solely with the reserved matters but instead the detail of such is controlled by condition 6 of the outline permission.
- 10. Although the issues as covered by planning conditions are clearly interrelated, the separate mechanism to agree the technical details subject of the 41 planning conditions, should be noted and is not for specific consideration as part of the reserved matters submission and the discharge of these conditions should not prevent the approval of the reserved matters submission which deals solely with matters of layout, scale, appearance and landscaping.**

#### **RELATIONSHIP OF THIS RESERVED MATTERS APPLICATION TO THE SITE AND NEIGHBOURING PHASES**

11. The proposed development has been designed to complement the neighbouring site (21/00475/RM1 dealt with elsewhere on this agenda) in terms of layout, connectivity and scale, as required by the Outline Consent. To this extent, an illustrative joint site layout plan was submitted in support of the application to demonstrate that the development provides suitable connections with the neighbouring site to deliver a comprehensive strategic development which has been designed in accordance with the approved plans of the outline consent.
12. The delivery of both residential phases represents a significant proportion of the Yarm Road strategic development approved as part of the Outline Consent. Nevertheless, it is recognised that the two RMAs together do not, in combination, represent the full Yarm Road strategic development as approved by the Outline Consent. The area between both

residential phases, apart from the access road, is not included within the redline boundary of either RMA. The area in question is earmarked for a retail area, school, high density apartment and a green infrastructure corridor, as approved as part of the Outline Consent.

13. The Applicants of both residential phases (21/00380/RM1 & 21/00475/RM1) are not the landowner, nor do they have legal control, over the area in question. As such, the Applicants have no ability to influence the future development of this land, nor do they have any further information on the landowner's intentions or timescales.
14. Notwithstanding this, both RMAs have been designed in a way that can accommodate the future development of the area of land in question and do not prejudice its future delivery. Therefore, the vision of the Yarm Road strategic development can still be realised but both Applicants confirm that they are not able to provide any further information on the timings of this area of land as it is not within their control. In short, the collaboration between both Applicants ensures synergy between the design and infrastructure delivery of both residential phases (21/00380/RM1 & 21/00475/RM1) to maximise community benefits and secure the delivery of housing without comprising the ability for the remainder of the Yarm Road Strategic site to be delivered. In this respect it should be noted that any further proposals in this regard would need to be the subject of future planning applications which, if submitted, will be subject to scrutiny at the appropriate time.

#### **MAIN PLANNING ISSUES**

15. The issues for consideration relate only to the reserved matters set out in condition one of the outline planning permission (17/01195/OUT) under which the principle of the development of the site is established. These are:
  - a) Layout
  - b) Scale
  - c) Appearance
  - d) Landscaping
16. Interrelated with the above issues are the following considerations.
  - e) Residential Amenity
  - f) Highway safety and sustainable transport
17. In the light of the later issue of nutrient neutrality brought about by the designation of the Teesmouth and Cleveland Coast Special Protection Area, the following issue is also relevant.
  - g) Nutrient Neutrality
18. An interrelated issue aside from the internal layout as considered in points a-d, is off-site highway works.
  - h) Off-site highway works.

## **PLANNING POLICIES**

19. The site has outline consent as above and is now included in the Local Plan as a housing commitment and therefore the issue of the principle of the development is not for consideration. The following policies are relevant in the determination of this application.

### **National Design Guide (2019)**

#### **Local Plan (2016-2036)**

SD1: Presumption in Favour of Sustainable Development  
DC1: Sustainable Design Principles and Climate Change  
DC2: Flood Risk & Water Management  
DC3: Health & Wellbeing  
DC4: Safeguarding Amenity  
H1: Housing Requirement  
H4: Housing Mix  
H5: Affordable housing  
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  
IN3: Transport Assessments and Travel Plans  
IN4: Parking Provision including Electric Vehicle Charging

### **Middleton St George Neighbourhood Plan (2022)**

MSG1: Sustainable development  
MSG2: Design  
MSG3: Embedding energy efficiency and renewable energy.  
MSG4: Green Infrastructure  
MSG5: Biodiversity  
MSG9: Housing mix  
MSG12: Infrastructure  
MSG14: Transport and new development  
MSG15: Rights of Way

Design of New Development SPD (2011)

Planning Obligations SPD (2013)

## **RESULTS OF TECHNICAL CONSULTATION**

20. No objections in principle have been raised by the Council's Highways Engineer, Transport Policy Officer Environmental Health Officer, Local Lead Flood Authority, Ecologist, or

Natural England subject to conditions. Teesside International Airport has raised no objections.

## RESULTS OF PUBLICITY AND NOTIFICATION

21. Eleven objections to the latest iteration of the application have been received from residents, raising the following concerns:

- *Impact on highway / pedestrian safety.*
- *Development is too large, infrastructure unable to accommodate the increase in traffic.*
- *Impact on the environment / net zero / traffic pollution.*
- *Loss of open fields.*
- *Impact on rural character of the village.*

22. Middleton St George Parish Council has indicated that they do not object to the proposal but would like consideration given to the following issues:

- *Consideration should be given to matters that could be addressed as part of a Section 106 agreement, as follows: Impact on infrastructure within the village, school capacity, primary care health services and utilities infrastructure, including sewage and drainage systems. Section 106 funding should also be considered (in addition to the above requirements) to: -Improve the road surfaces in the centre of Middleton St. George and traffic flows in the centre of Middleton St. George. -To review parking restrictions and parking capacity in the centre of Middleton St. George to avoid congestion. -Footpaths and lighting are needed on both sides of the road from the village centre to the new developments and on to the Virginia Estate. - Consideration should be given to the safety of pedestrians walking from Middleton Hall to the centre of the village given the increased traffic flows from the developments. -The Public Right of Way between Killinghall Row and Bellevue Terrace requires upgrading. CCTV installed at the Woolsington Drive and Yarm Road intersection facing up Yarm Road to combat speeding traffic down Yarm Road.*
- *See this as a significant and major development which will impact on the centre of the village and how it works in terms of pedestrian and traffic flows and have concerns regarding condition of road surfaces and footpaths to sustain this major expansion to the village. Concerns regarding degraded quality of the road surface of Middleton Lane between the village square and the Neasham Road junction and the condition of the footpath along the whole of Middleton Lane in general.*
- *Concerns regarding linkages from the development to existing infrastructure.*
- *Concerns regarding traffic volumes and pedestrian safety.*
- *The path through Chapel Street to the village, which is already congested with parking on both sides of the road often encroaching on the pavements, will create more pedestrian footfall particularly in terms of access to the school and the railway station and Bus stops. Consideration is needed on the adequacy and condition of the footpaths between Chapel Street and the centre of the village.*

- *Consideration should also be given to a pedestrian crossing at the junction of Middleton Lane and Neasham Road/ Station Road and the resolution of the current issues around the school crossing.*
- *The area between the two developments (to the east of the 21/00475/RM1 development) is presumably set aside for further development. We understand that this is for a school or retail units. Should this not transpire we would urge consideration for the creation of a multi-use games area or an area to promote health and wellbeing activities.*

## **PLANNING ISSUES/ANALYSIS**

### **a) Layout**

23. Layout in planning legislation is defined as the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside of the development.
24. The quantum of development provided within the proposed RMA is marginally lower than that originally distributed to Area C (6 No. dwellings fewer) but largely in line with the broad principles of the approved illustrative masterplan. It should be noted that, as set out in the introduction to this report, both area C and B (dealt with elsewhere on this agenda under reference number 21/00475/RM1) contains the full quantum of dwellings approved by the outline consent. No further RMA's can be submitted for any part of the site as per condition as the time for submission of RMA's as set out in the outline permission, has now time expired. Given the above, the proposal accords with the numbers set out in the outline permission, albeit involving a redistribution.
25. The outline planning permission included an illustrative layout and design and access statement setting out some development principles, which included the location of a SUDs basin to the southwest corner of the site and the position of an access road from Middleton Back Road and Yarm Road with a series of secondary internal roads.
26. The submitted RMA accords with the above principles except for the access onto Middleton Back Road, which is no longer proposed. However, the key east-west pedestrian link onto Middleton Back Road is provided.
27. The submitted RMA seeks approval for a reduced open space distribution. The area identified as 'the green' on the illustrative masterplan is not included within the proposed development due to the need to provide new houses that comply with the latest Building Regulations and DBC's parking standards. The proposed development is at the lower end of the density scale envisaged which demonstrates the efforts to accommodate the development in a well-considered and sensitive manner. The reduced density is further highlighted by the reduced quantum of development from the Outline Consent.
28. Dwellings are situated around the sites access road, comprising a series of service roads derived from the main access taken from Yarm Road. This internal road layout incorporates

shared surfaces and private drives with the aim of ensuring that the development is not dominated by motor vehicles.

29. The dwellings are orientated to address the road network, with areas of garaging / parking to the front / side and amenity areas extending to the rear of properties. Combined with satisfactory landscaping and boundary treatment the layout will reflect the semi-rural nature of this part of the village.
30. Open space / SuDs infrastructure is provided with dwelling orientation avoiding backing onto these areas, instead using side and front elevations to maintain an appropriate level of natural surveillance over these areas.
31. A reduced landscape buffer is proposed along the northern boundary, but this is necessary to accommodate the required visibility splays for the new vehicular access which is recognised on the Illustrative Masterplan (Reference: Y81.1054.05 Revision D). The area of existing vegetation along the southern and eastern boundaries has been retained.
32. In terms of connectivity, the proposal provides a pedestrian link to the Avant scheme on the west site of the site via Middleton Back Lane and footpaths and crossings to be provided north onto Yarm Road as part of the off-site highway works, providing a continuous link to Yarm Road, prior to occupation of the dwellings.
33. In conclusion, officers consider the layout of the development is compliant with the outline consent and promotes a high-quality design that responds appropriately to the character of the area, in accordance with the policies listed above.

#### **b) Scale**

34. Scale, in planning legislation, is defined as the height, width and length of each building proposed within the development in relation to its surroundings.
35. The dwellings would broadly relate in scale to the existing housing within the locality. In addition, the density of the proposed development is considered to comply with the outline consent (the outline consent set out a range of between 20-40 dwellings per hectare and the layout proposed involves a density of 22.9 which is within the range and therefore compliant with the outline).
36. The development provides a selection of two-storey, detached and semi-detached dwellings across a range of 3-, 4- and 5-bedroom house types including a mixture of either single storey detached or integral garages which is again consistent with other neighbouring development and the principles of the Design SPD.
37. In conclusion, officers consider the scale of the development is acceptable and promotes a high-quality design that responds appropriately to the character of the area, in accordance with the policies listed above.

### **c) Appearance**

38. Appearance, in planning legislation, is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
39. External materials include a mixture of Ibstock Grainger gold with contrasting bricks, Ibstock Grainger Antique contrasted with a smooth red, and natural mortar. Roof treatments are a mix of Marley modern smooth grey and Mendip old English dark red. The various designs include features such as brick lintels, contrasting brick, front canopies, detailing, projecting gables, bay windows and small dormers.
40. Consideration has been given to allow variety in the design of dwellings whilst achieving coherence to the development. The proposed buildings are similar in appearance to some of the more modern developments to the north of the village. The appearance of dwellings is suitably varied with respect to roof forms / treatment, materials and detailing contributing to high quality design and promoting legibility through the development.
41. In conclusion, officers consider the appearance of the development is acceptable, promoting a high-quality design that responds appropriately to the character of the area in accordance with the relevant policies as set out above.

### **d) Landscaping**

42. Landscaping, in planning legislation, is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: screening by fences, walls or other means; the planting of trees, hedges, shrubs, or grass; the formation of banks, terraces or other earthworks; the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and, the provision of other amenity features.
43. The Landscape Softworks plans highlight a diverse landscape strategy to introduce a variety of greenery across the proposed development including the use of tree planting, native shrub planting, hedge planting, ornamental planting, amenity grass planting, wildflower seeding and wet wildflower seeding. The Landscape Softworks plans demonstrate the proposed development will deliver a verdant and pleasant environment for future residents, also softening the development when viewed from outside of the site. The landscaping is broadly compliant with the indicative masterplan at outline stage and the strategy is therefore in line with the outline consent.
44. An Arboricultural Method Statement has been produced to reflect the changes made to Site Layout Plan and provide the necessary information to discharge the requirements of the Outline Consent. Appendix 3 of the Method Statement includes the Tree Protection Plan which highlights that some of the existing hedgerow on the western, northern and eastern boundaries will need to be lost to facilitate the proposed development. The

hedgerow loss to the north and west is necessary to facilitate the off-site highways works and new pedestrian connections. The three instances of minor hedgerow loss to the east is necessary to accommodate the proposed development however the remaining hedgerow structure is in accordance with the principles established in the Outline Consent.

45. The report identified that the development would necessitate the removal of four individual trees (B1 and C2 categories) in poor condition and form, as well as the removal of sections of hedgerow as above.
46. The proposals within the landscape strategy incorporate new and existing landscaping. As set out above, it includes additional trees, shrubs, native shrub planting, hedge planting, ornamental planting, amenity grass planting, wildflower seeding and wet wildflower seeding. Overall, the landscape strategy includes the following:
  - Planting of a total of some 67 trees including Maple, Birch, Cherry, pear, Rowan and lime. These are primarily located in open spaces within and on the periphery of the site and within front / side gardens.
  - Hedge planting of some 7,161 specimens including Hornbeam and Beech. These are primarily located to the peripheral areas / frontage of the site and within individual plots.
  - Planting of some 1,399 shrubs including Dogwood, Hebe (Autumn Glory) and Periwinkle.
  - Planting of some 1,380 and 1,950 of a Shrub and native shrub mix and some 595 specimens of a native hedge mix.
47. The proposed soft landscaping is acceptable and helps to soften the built form and provide suitable landscape mitigation, whilst promoting a development of a general high-quality design.
48. Boundary treatments would include the use of a combination of 450mm trip rail fencing, 900mm post and rail fence, 1800mm high close boarded fence and 1800mm high brick walls with piers and timber close boarded infill panels depending on their position within the site, to ensure an acceptable level of amenity, together with a high-quality street scene.
49. In conclusion, officers consider the landscaping of the development is acceptable, offering suitable mitigation and promoting a high-quality design that responds appropriately to the character of the area in accordance with the relevant policies as set out above.

**e) Residential amenity**

50. Officers consider the position and orientation of the proposed dwellings, and the degree of separation between properties both within, and existing dwellings outwith the development site, to be acceptable and in accordance with the guidance set out in the Design SPD. As such, the proposal would not result in harm to the amenity of neighbouring occupiers or future occupiers of the proposed dwellings, in accordance with the relevant policies listed above.



51. The application has been submitted together with a noise assessment prepared by Wardell Armstrong dated July 2024 with onsite measurements of the prevailing noise environment taken on 5th July 2024. The measurements were then combined with noise models of the site as built and compared against criteria known to provide a suitable acoustic environment. The results showed that the main noise source impacting on the development was road traffic along the northern and western boundary and that with suitable acoustic mitigation dwellings and garden areas across the site would achieve suitable noise levels. Houses closer to the centre of the development will be shielded from the noise by the dwellings on the edge of the development and will not require mitigation. Provided that the development incorporates the acoustic mitigation measures set out in the report it will provide a suitable acoustic environment for future occupiers. To ensure that the necessary noise mitigation measures are incorporated into the development, the Environmental Health Officer has recommended conditions securing the mitigation as set out in the noise report prior to occupation.
52. Subject to the above, the proposal is acceptable in respect of residential amenity and complies with the relevant policies as set out above. It should be noted as set out above, that various other issues are being dealt with separately through the discharge of condition process, including a Construction Management Plan and Land contamination.

**f) Highway safety**

53. The Highways Engineer has confirmed that he is satisfied with the internal layout and that the site is broadly compliant with the required standards for highways adoption and can therefore proceed towards Highways Technical Approval once planning consent and discharge of the relevant highway conditions as set out in the outline permission, is obtained. Off-site highway works are considered further in section (h) below.
54. Further to discussions with the Highways and Transport policy team, plans have been provided to demonstrate a Safe Route to School across the site to ensure that residents can access St. George's Church of England Primary School via active travel means. The key routes consist of a pedestrian link to the western boundary of the site to link the scheme to the Avant Homes site to the west (Area B), and a route north via the estate footpaths and with crossings to link to existing infrastructure to provide a continuous link to Yarm Road. Routes across the wider site (B) include Yarm Road, the existing Public Right of Way that connects the Avant RMA to Yarm Road via the existing footpath north of the site and under the Railway bridge and Chapel Street (the latter being required by virtue of condition 22 of the outline planning permission, which also controls the timing for implementation of the works).
55. It is noted that several objections raise the issue of the impact of an increase in traffic in the village, however the principle of development of the wider site for a total of 330 dwellings (of which this site provides 96) has been established through the outline planning permission and cannot be revisited through this reserved matters application.

### **g) Nutrient Neutrality**

56. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16<sup>th</sup> of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
57. The Teesmouth and Cleveland Coast protected area is a wetland habitat comprising an area of complex of coastal habitats centred on the Tees estuary and include habitats such as sandflats, mudflats, rocky foreshore, saltmarsh, sand dunes, wet grassland and freshwater lagoons. These habitats support internationally important populations of breeding and nonbreeding waterbirds including but not limited to breeding Little Tern (A195), passage Sandwich Tern (A191), wintering Red Knot (A143), Redshank (A162) and Ringed Plover (A136) as well as a significant assemblage of wintering waterbirds and high density of benthic invertebrates.
58. The Conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
  - The structure and function of the habitats of the qualifying features
  - The supporting processes on which the habitats of the qualifying features rely
  - The population of each of the qualifying features, and,
  - The distribution of the qualifying features within the site.
59. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.
60. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
61. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.

### **Population Growth and Average Occupancy Rate:**

62. During the introduction of Nutrient Neutrality into the River Tees catchment in March 2022. Natural England's guidance recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). A standard calculator produced by Natural England works off such an assumption.
63. On behalf of the Tees Catchment, Stockton on Tees Borough Council commissioned ORS to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the River Tees catchment to ensure that a suitable robust and evidence-based approach can be taken.
64. Based on local evidence, ORS concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021 and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.
65. Justification is given by ORS that within the Tees catchment, many of the people occupying new homes would have already been residents living within the local area and would therefore not have added to the number of people living in the area. Had these new homes not been provided, it is unlikely that this would have had any material impact on the natural population change – there would still have been broadly the same number of births and deaths recorded over the decade.
66. However, despite the internal migration within the Tees catchment, it is also acknowledged that there is variation between each authority and therefore an individual figure will be adopted by each of the various Tees Catchment Authorities.

### **Local population growth in Darlington**

67. In determining the figure to be used to assess population growth arising from new dwellings with Darlington Borough, the Local Planning Authority has been mindful of the requirement of the Habitat Regulations and the need to employ a precautionary approach to ensure that the methodology taken is both reasonable and would prevent an impact on the SPA.
68. Although it is noted that within the 2011-2021 baseline period each new dwelling within Darlington yielded an average of 0.64 persons per dwelling, applying a sensitivity test of +10% would increase that growth to a figure of 0.77 (figures 7 and 8 of the ORS report) which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.

69. The research shows that for the Borough if we used the baseline period of 2011-2021 it would show an increase of 0.64, whilst the highest 5-year average would show an increase of 1.1 per dwelling. Due to the recent accelerated growth, which was partly down to a period of constraint, suggests the highest 5-year average is not a resilient figure and a more appropriate approach would be to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates an gain of 0.98 persons per dwelling.
70. Consequently, rather than simply apply a 10% buffer to the average population growth, Darlington Borough Council have in line with the Habitat Regulations opted to follow a precautionary approach (which will be subject to future reviews) and have resolved to use the figure of 0.98 persons per dwelling derived from the 'adopted annual housing requirement' in the Darlington Borough Local Plan with a 10% buffer applied.
71. It is considered that such as approach gives a robust evidenced based approach and that a local population growth figure of 1.1 persons per dwelling for Darlington is more appropriate than Natural England's 'starting point' of 2.4 persons per new dwelling.

### **Screening assessment**

72. The Screening Assessment requires the Local Planning Authority as the Competent Authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
73. The information required to enable the LPA to undertake the screening assessment and where necessary appropriate assessment is provided by:
- Nutrient Budget Calculator (11 November 2024)
  - Nutrient Neutrality Assessment & Mitigation Strategy (11 November 2024)
  - Provisional Credit Allocation Notice
  - Nutrient Credit Allocation Area Map
  - Nutrient Mitigation Credit Scheme Conservation Covenant
  - Natural England Discretionary Advice Letter to Mitigation Landowner – Wild Capital
  - Statement of Truth confirming use of land at Morton Grange Farm (Mitigation Land)
74. This information provided by the applicant is now considered sufficient to enable the Local Planning Authority as the Competent Authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
75. The submitted nutrient budget calculator demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar. An appropriate assessment needs to be

undertaken. Mitigation measures cannot be considered at the Screening Stage but should be considered as part of an Appropriate Assessment.

### **Appropriate Assessment**

76. The applicant has used Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget for the proposal. Following consideration and amendment the assumptions and inputs used by the applicant within this calculator are now considered satisfactory and are an accurate reflection of the site and its location.
77. This proposal for 96 net additional dwellings would increase the total annual nitrogen load arising by 138.89kg per year.
78. This figure was arrived at by incorporating increased water efficiency measures to reduce the water usage per person per day to 107 litres rather than 120 litres as set out in the Nutrient Budget calculator. Sufficient evidence has been provided by the applicant within their Nutrient Neutrality Assessment & Mitigation Strategy (11 November 2024) to demonstrate this is achievable with examples of the water usage of the different house types proposed. A condition must be applied to any permission granted ensuring that the water efficiency measures including the appropriate fittings are installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 107 litres.
79. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by;
- Purchasing 138.89 credits from a Nutrient Mitigation Land Scheme run by Wild Capital which is equivalent to the surplus nitrogen of 138.89kg that needs to be mitigated. The applicant has provided a provisional allocation notice obtained from Wild Capital confirming the reservation of the credits solely for the applicant. They have also provided further information that was requested on the nutrient mitigation land including a plan identifying the particular area of mitigation land to be used for this proposal along with the Conservation Covenant which legally secures the lands use for mitigation purposes along with the Habitat Management and Monitoring Plan setting out how the land will be monitored and managed to ensure the land continues to mitigate the impact of the development proposal in perpetuity. A statement of truth has also been provided from a neighbouring farmer and contractor confirming the use of land due to difficulties in obtaining information from the previous owner of the mitigation land.
80. Following detailed consideration of this information it is now considered sufficient evidence has been provided to confirm this particular mitigation proposed is robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place. This should set out that prior to the occupation of the proposed dwellings the countersigned

Final Allocation Notice needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and is in place.

81. The Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

#### **Appropriate Assessment Conclusion**

82. This assessment has found that the proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.
83. So, it can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to conditions as set out above.
84. Prior to issuing a decision on this application in accordance with regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England must be consulted on this Screening and Appropriate Assessment. A response must then be received from Natural England confirming they have no objection to the proposed development provided that all mitigation measures are appropriately secured in any planning permission. This process has now been completed.

#### **h) Off-site highway works.**

85. The outline consent required, by virtue of condition 21, details of off-site highway works required to access and mitigate the development, including the details of footways, dropped kerbs, tactile paving, visibility splays, a new roundabout and junctions. The detail of these works has been submitted as a separate discharge of condition application and is currently being considered.
86. Both Avant and Bellway have committed to the delivery of off-site highway works, which includes the new Middleton Back Road / Yarm Road roundabout, prior to the first occupation of the new houses. The Outline Consent did not include any triggers for the delivery of this infrastructure so both Applicants have voluntarily submitted a Non-Material Amendment planning application to impose a planning condition that requires the completion of the Offsite Highways Works prior to occupation. The new planning condition provides the Council with the certainty that the Offsite Highways Works will be delivered prior to the occupation of any of the new dwellings.
87. The extent of the Offsite Highways Works are included on the General Arrangement Plan (Reference: AMA-20870-D-001 Rev. K) submitted. Both Applicants have jointly submitted the information necessary to discharge the pre-commencement conditions of the Outline Consent. Both Applicants have also commenced the technical approval process (referred to as the Section 278 process) with the Local Highways Authority. If the technical approval

process requires any minor amendments to the proposed design these can be accommodated by substituting the approved plans via a Non-Material Amendment planning application.

88. Furthermore, the Applicants have voluntarily entered into a legal agreement with each other requiring the collaboration and shared cost of delivering all the infrastructure required to support the development of both RMAs. The agreement requires:

- Shared cost of the off-site highways works including the delivery of the new roundabout at the junction between Yarm Road / Middleton Back Road;
- Shared cost of the off-site drainage works, including the delivery of a new foul water pumping station and associated rising main;
- Shared delivery responsibility of the off-site works, e.g. in terms of managing contractors; Financial securities to ensure the representative cost of the off-site infrastructure is available should one party not progress and/or is delayed;
- Shared planning responsibility, e.g., with regards to the discharge of conditions on the Outline Consent and discharge of S106 planning obligations; and
- Shared cost and management of supporting consultants, e.g. such as drainage engineers.

89. The benefit of this approach is that it legally obliges both parties to deliver the infrastructure required, with fallback mechanisms covering the scenarios of delay or withdrawal by either party. Accordingly, the voluntary legal agreement provides the Council with comfort that regardless of the progress or status of either party there are protections in place for the delivery of the infrastructure required for both RMAs. In short, both Applicants have voluntarily imposed a planning condition to deliver the Offsite Highways Works prior to the occupation of any dwellings; provided the design of the Offsite Highways Works and agreed a planning strategy that allows any amendments required through the technical approval process to be accommodated; and voluntarily entered into a legal agreement which guarantees the monies required to complete the works.

90. In terms of the Safe Route to School strategy, the applicant has committed to providing the links set out in the SRTS strategy prior to first occupation.

**i) Other matters**

91. It is acknowledged that Middleton St George Parish Council has requested that consideration be given to various matters that could be addressed as part of a Section 106 agreement. It should be noted that a commitment to pay Section 106 monies were agreed as part of the outline application, as set out below. These figures were as agreed at the time of granting the outline permission and are subject to indexation. These contributions will be used to mitigate the impact of the proposed development in respect of highways, and public / sustainable transport.

Obligation	Contribution per plot	Total contribution (330 dwellings)
Bus Pass	£25	£8,250

Little Burdon Network	£204.86	£67,603.80
Morton Palms Network	£624.65	£206,134.50
Public / sustainable transport	£900	£297,000
Total	£1754.51	£578,988.30

92. The Environment Act 2021 introduced mandatory biodiversity net gain for all new developments. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The statutory requirement is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
93. However, the legislation specifies that the mandatory biodiversity net gain requirement only applies to planning permissions granted in respect to an application made on or after 12 February 2024. Both the Avant RMA and Bellway RMA were submitted in April 2021, so the statutory biodiversity net gain requirement does not apply. Nevertheless, the Council's Ecology Officer has been consulted on the plans to ensure that they are acceptable in respect of the Ecological Assessments and requirements set out in the outline permission.
94. Policy H4 requires proposals to provide 45% of all new dwellings to meet building regulations category M4(2) adaptable and accessible dwelling standards and 9% to meet M4 (3 a or b) wheelchair user dwellings standard. At this time the Council requires the M4 (3a) standards to be achieved for the M4(3) provision. There is no mention in the supporting statement that the new homes will meet these requirements. The supporting text of policy H4 sets out that these standards will be applied to outline or full applications. As this is a reserved matters application and the standards have not been secured at the outline stage the requirements cannot be insisted upon.
95. The changes to the proposed housing mix from the submission in 2021 is due to the need to comply with the latest Building Regulations which introduced greater requirements for insulation and sustainability and a change to the available product range in the passage of time that has elapsed. Notwithstanding this, the changes to the proposed development has allowed a greater diversity of housing types and sizes to be introduced, thereby catering to a wider range of Darlington's housing needs.
96. Building Regulations are a set of mandatory standards designed to ensure a property is safe and comfortable to live in, and, increasingly, energy efficient and mitigating its contribution to carbon emissions. All new housing must be compliant and so both the Avant RMA and Bellway RMA must include new housing which can achieve the necessary Building Regulations. Since the grant of the Outline Consent in 2019 and the submission of both the Avant RMA and Bellway RMA in 2021 there have been several key updates to the Building Regulations. Most notably revisions to Part L of the Building Regulations which were introduced for all new dwellings delivered after June 2023. Part L of the Building Regulations require a 30% reduction in carbon when compared to 2013 Part L standards.



97. To achieve compliance with Part L of the Building Regulations, the implementation of renewable technologies such as solar PV panels and improvements to the building fabric and insulation is required which in turn has knock on impacts to the size of individual dwellings. Another key change is the introduction of Part S which requires all new dwellings to be provided with Electric Vehicle charging points.
98. Accordingly, both the Avant RMA and Bellway RMA were updated comprehensively in June 2024 that made several updates to the proposed development layout which allowed for house types to be introduced that could meet the required Building Regulations. The requirement to meet the latest Building Regulations was balanced against the need to accord with the approved plans of the Outline Consent as detailed above.
99. The housing mix suggested in the SHMA (2020) is 1 bed – 6.5%, 2 bed – 32%, 3 bed 50% and 4+ bed – 11.5%. The mix proposed for the site consists of one bed – 2.6%, 2 bed – 37%, 3 bed 46.5% and 4 bed 13.9%. This is largely in line with the proportions evidenced in the SHMA and therefore raises no policy concerns. Whilst the Bellway site proposes a higher proportion of larger homes, it is noted that a larger proportion of smaller properties are incorporated into the wider site.
100. Whilst it has been noted that the principle of the development is already established through the granting of the outline consent, the developer has put forward several economic benefits that would flow from the delivery of this scheme. These are noted and set out in the context of the delivery of both phases of the development as follows:
- 326 dwellings built to the latest building regulations – equivalent to 66% of DBC’s annual housing requirement established by the Local Plan.
  - 50 affordable dwellings – equivalent to a 3.5% contribution towards meeting the requirements of DBC’s housing waiting list which at 2022-23 stood at 1,424 households.
  - Generate £422,240 in New Homes Bonus per annum for a six-year period.
  - Support £9,236,665 worth of spending in local shops.
  - Generate £656,075 in council tax annually.
  - Generate £8,693,334 in taxation annually.
  - Provide £571,920.26 in financial contributions towards; new residential bus passes, the Little Burdon Local Highways Scheme, The Morton Palms Network Scheme and public and sustainable transport.
  - Delivery of off-site highway works prior to first occupation including the Middleton Back Road / Yarm Road roundabout.
  - Support 1,132 direct and in-direct jobs

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

101. 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.

## CONCLUSION AND RECOMMENDATION

102. The RMA is submitted to discharge the Condition 1 requirement and has been made in full accordance with the parameters set out in the Outline Consent, including the approved plans. The proposed details in respect of layout, scale, appearance and landscaping, are considered to be acceptable and in accordance with the relevant policies as set out above.

103. Accordingly, it is recommended that reserved matters relating to details of appearance, landscaping, layout, and scale pursuant to outline planning permission 17/01195/OUT BE APPROVED subject to the following 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:

Site Layout Plan 1287-BEL-100 Rev. AC  
Boundary Treatment Plan 1287-BEL-101 Rev. E  
Adoption Plan 1287-BEL-102 Rev. E  
Parking and Bin Location Plan 1287-BEL-104 Rev. E  
Cycle Storage Location Plan 1287-BEL-105 Rev. C  
Chandler – Floor Plans CH-3B-2S-P1 Rev. A  
Chandler – Elevations CH-3B-2S-CB-E  
Mason - Floor Plans MA-3B-2S-P1  
Mason – Elevations MA-3B-2S-CB-E  
Sawyer - Floor Plans SY-3B-2S-P1  
Sawyer – Elevations SY-3B-2S-CB-E  
Scrivener - Floor Plans SC-4B-2S-P1 Rev. A  
Scrivener – Elevations SC-4B-2S-CB-E Rev. A  
Cutler – Floor Plans CU-4B-2S-P1  
Cutler – Elevations CU-4B-2S-CB-E  
Bowyer – Floor Plans BO-4B-2S-P1 Rev. A  
Bowyer – Elevations BO-4B-2S-CB-E  
Forester – Floor Plans FO-4B-2S-P1  
Forester – Elevations FO-4B-2S-CB-E  
Lorimer – Floor Plans LO-4B-2S-P1  
Lorimer – Elevations LO-4B-2S-CB-E  
Goldsmith – Floor Plans GO-4B-2S-P1.  
Goldsmith – Elevations GO-4B-2S-CB-E  
Draper – Floor Plans DR-5B-2S-P1  
Draper – Elevations DR-5B-2S-CB-E Rev. A  
Bosworth – Floor Plans BOS/2017/02  
Bosworth – Elevations BOS/2017/002  
Plane – Floor Plans A/1796CB/00/CB/01  
Plane - Elevations A/1796CB/00/CB/02

Single Garage – Floor Plans /10/DET/01 Rev. C  
Single Garage – Elevations 00/CB/R2/01 Rev. C  
Double Garage – Floor Plans A/436/10/DET/01 Rev. B  
Double Garage – Elevations A/436/00/CB/R1/01 Rev. B  
Landscape Softworks Sheet 1 of 5 142928-PL-8001-A-A1LV Rev. C  
Landscape Softworks Sheet 2 of 5 142928-PL-8002-A-A1LV Rev. C  
Landscape Softworks Sheet 3 of 5 142928-PL-8003-A-A1LV Rev. C  
Landscape Softworks Sheet 4 of 5 142928-PL-8004-A-A1LV Rev. C  
Landscape Softworks Sheet 5 of 5 142928-PL-8005-A-A1LV Rev. C

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

2. Prior to the first occupation of the development, written confirmation, in the form of a countersigned Final Allocation Notice or otherwise, that 138.89 Nutrient Credits have been purchased shall be submitted to the Local Planning Authority.

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

3. The proposed water efficiency measures including the appropriate fittings shall be installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 107 litres and shall be maintained as such thereafter.

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

4. Prior to the occupation of the homes where it is required, noise mitigation which meets or exceeds the specifications for the protection of the proposed residential accommodation from excessive road traffic noise as out in the Wardell Armstrong Noise Assessment (Reference: GM13433 / 0001 / FINAL, dated July 2024), unless otherwise agreed in writing, shall be installed.

For the avoidance of doubt, the mitigation includes:

- Enhanced acoustic glazing and ventilation to be installed on the facades of properties as shown in figure 7 and 8 of the report. The specification of this glazing and ventilation must meet or exceed the specifications assumed in the calculation of Appendix C of the report and Table 4 of the report, unless otherwise agreed in writing.
- An acoustic fence which meets the criteria set out in section 4.1.2 of the report shall be installed in the locations shown in figure 3 of the report, unless otherwise agreed in writing.

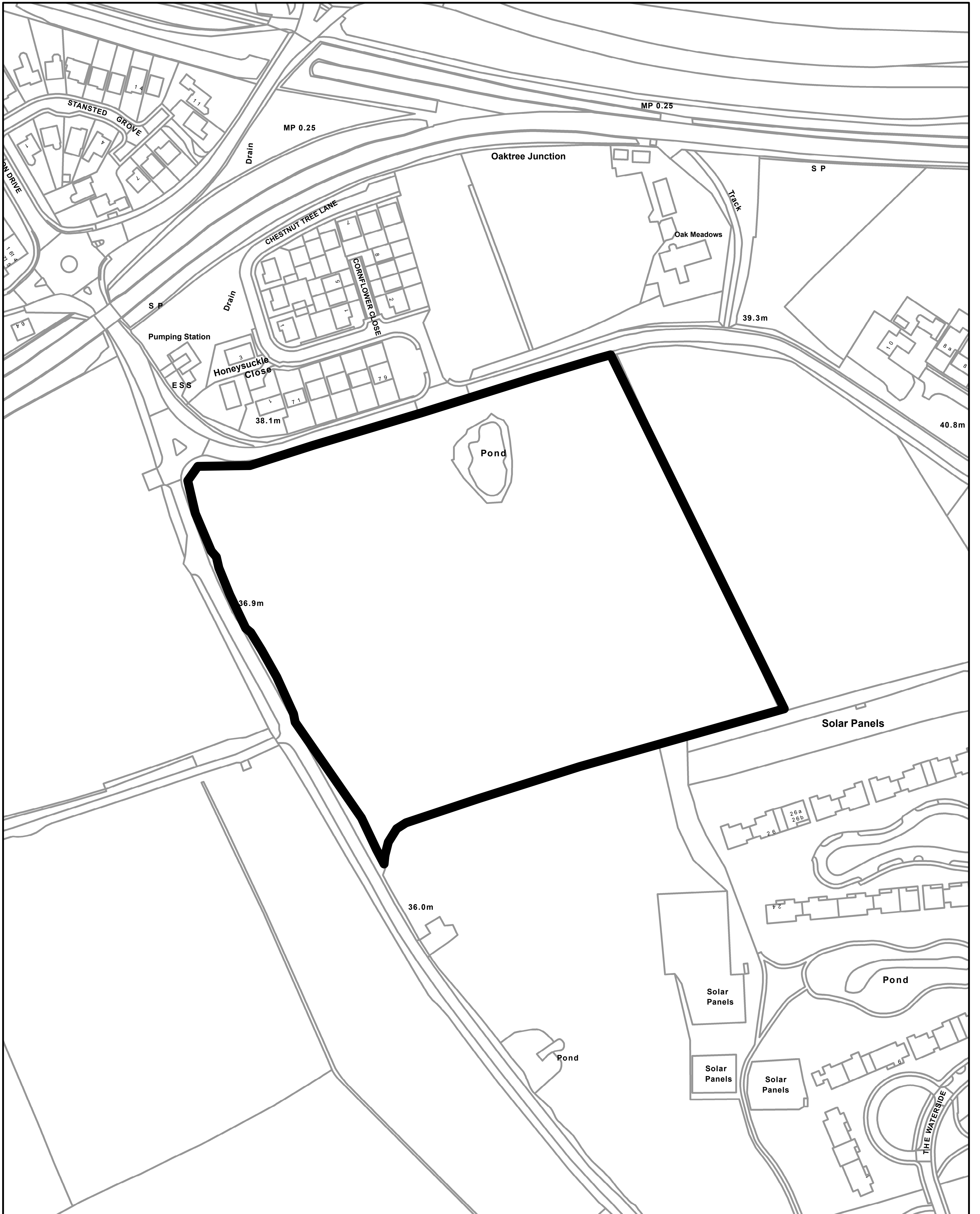
The required mitigation measures will be installed prior to occupation of the dwellings where it is required then maintained and retained thereafter for the lifetime of the development.

REASON – In the interests of residential amenity.

### **INFORMATIVES**

Crane advice: Due to the site being within 6km of Teesside International Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system. For notification, please follow the link via CAA website: Crane notification | Civil Aviation Authority ([caa.co.uk](http://caa.co.uk))

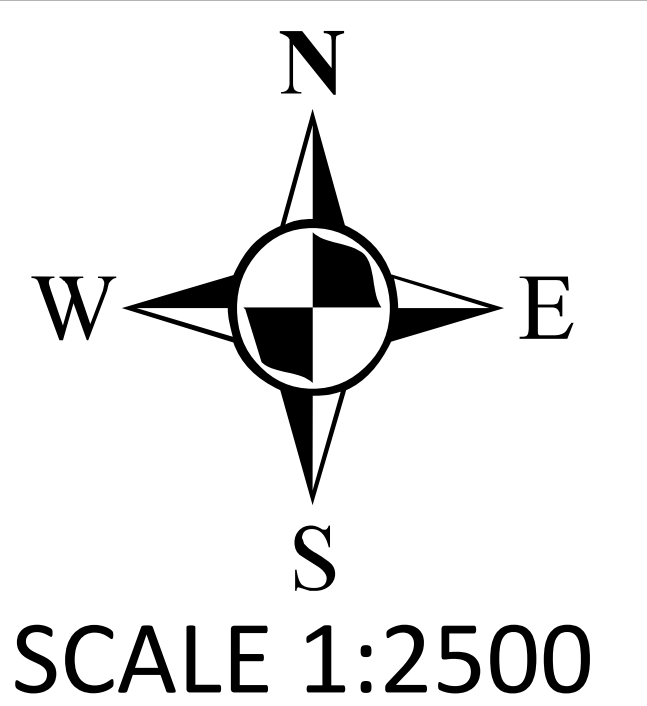
Once crane notification has been received from the CAA, Teesside International Airport safeguarding team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued.



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**Planning Ref No: 21/00380/RM1**

DARLINGTON BOROUGH COUNCIL



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## DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE:** 9<sup>th</sup> April 2025

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**APPLICATION REF. NO:** 21/00475/RM1

**STATUTORY DECISION DATE:** 27<sup>th</sup> July 2021 (EOT 11<sup>th</sup> April 2025)

**WARD/PARISH:** SADBERGE & MIDDLETON ST GEORGE

**LOCATION:** Field At OSGR E435307 N513463 Yarm Road  
MIDDLETON ST GEORGE

**DESCRIPTION:** Application for reserved matters approval relating to appearance, landscaping, layout and scale for the erection of 230 dwellings and associated works attached to outline permission 17/01195/OUT dated 30 May 2019 (Outline planning application for the erection of up to 330 residential dwellings (Use Class C3), with associated landscaping and engineering works, 3 new retail units and provision of a new single form Primary School)

**APPLICANT:** AVANT HOMES NORTHEAST

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**RECOMMENDATION:** GRANT RESERVED MATTERS SUBJECT TO CONDITIONS (see details below)

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Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QS89ROFPJUG00>

#### APPLICATION AND SITE DESCRIPTION

1. The application site is located on the eastern side of Middleton St George to the south of the railway line. The site comprises of parcels of grassland and is bound by trees and hedgerows. The site is bound by the railway line to the north, a residential area to the west, agricultural land to the south and a former logistics commercial site to the east.

Footpath No. 3 in the parish of Middleton St George runs north south at the eastern side of the site.

2. The application is for reserved matters approval relating to appearance, landscaping, layout and scale for the erection of 230 dwellings and associated works attached to outline permission 17/01195/OUT (erection of up to 330 residential dwellings (Use Class C3), with associated landscaping and engineering works, 3 new retail units and provision of a new single form Primary School).
3. The Yarm Road Site covered by the above outline permission is divided into three Areas: (i) Area A & The Primary School Land: the central development parcel, west of Middleton Back Road including the land reserved for a One Form Primary School. (ii) Area B: the western most development parcel with the existing Public Right of Way forming the eastern boundary. (iii) Area C: the eastern most development parcel, east of Middleton Back Road. This application relates to area B and is submitted by Avant Homes.
4. The Council is also considering a separate reserved matters application (21/00380/RM1) for the phase associated with area C of the outline permission, which is submitted by Bellway Homes and which appears elsewhere on this agenda.
5. Another pending application for Area A (the retail area) (21/00508/RM1) is awaiting amended plans to coincide with the access arrangement currently being considered and will be determined at a later date.
6. These reserved matters application were submitted pursuant to the above outline application in April 2021, however determination was elongated due to the issue of Nutrient Neutrality which was not considered as part of the outline consent. Recent court rulings and government advice have advised that planning applications at any stage must address the issue of Nutrient Neutrality even if it was not considered at the outline planning stage.
7. As a result of the above, comprehensive updates were made to both the Avant RMA and Bellway RMA in June 2024 to provide details of the proposed Nutrient Neutrality mitigation approach as well as bring the supporting information up to date given the time that had passed. Both Applicants propose to purchase off-site Nutrient Neutrality credits for an established scheme situated in Nunthorpe from a private provider. The combined Nutrient Neutrality mitigation cost equates to £1,117,570, a cost that was not factored into considerations at the Outline Consent stage. A planning condition is proposed for both the Avant RMA and the Bellway RMA requiring submission of the final Nutrient Neutrality Certificate which provides confirmation that the required number of off-site Nutrient Neutrality credits have been purchased prior to the occupation of any dwellings. This is considered further within the following sections of this report.



8. This application puts forward the inclusion of:
- The provision of 230 dwellings, with 50 affordable housing units, across a range of 1-bedroom, 2-bedroom, 3-bedroom and 4-bedroom house types, built to the latest Building Regulation standards;
  - A green infrastructure-led residential development catering to local housing needs;
  - Retention of structural landscaping along the northern site boundary connecting through the central green corridor;
  - Provision of two Sustainable Urban Drainage areas; and
  - Connections to the wider Yarm Road site and Middleton St George community including a new pedestrian connection at Chapel Street.
9. This submission is solely to consider those matters within the scope of condition 1 relating to layout, scale, appearance and landscaping. 41 other conditions were attached to the outline consent. The developer has submitted several discharge of condition applications to deal with specific conditions including off-site highways, surface water drainage and trees attached to 17/01195/OUT. Although they are being consulted on the technical requirements of the above conditions, technical consultees have also been consulted on the matters within the scope of this application to ensure that it complies with their requirements. A planning submission for discharge of condition 6 relating to the details of affordable housing will also be submitted shortly.
- 10. Although the issues as covered by planning conditions are clearly interrelated, the separate mechanism to agree the technical details subject of the 41 planning conditions, should be noted and is not for specific consideration as part of the reserved matters submission and the discharge of these conditions should not prevent the approval of the reserved matters submission which deals solely with matters of layout, scale, appearance and landscaping.**

#### **RELATIONSHIP OF THIS RESERVED MATTERS APPLICATION TO THE SITE AND NEIGHBOURING PHASES**

11. The proposed development has been designed to complement the neighbouring site (21/00380/RM1 dealt with elsewhere on this agenda) in terms of layout, connectivity and scale, as required by the Outline Consent. To this extent, an illustrative joint site layout plan was submitted in support of the application to demonstrate that the development provides suitable connections with the neighbouring site to deliver a comprehensive strategic development which has been designed in accordance with the approved plans of the outline consent.
12. The delivery of both residential phases represents a significant proportion of the Yarm Road strategic development approved as part of the Outline Consent. Nevertheless, it is recognised that the two RMAs together do not, in combination, represent the full Yarm Road strategic development as approved by the Outline Consent. The area between both residential phases, apart from the access road, is not included within the redline

boundary of either RMA. The area in question was earmarked for a retail area, school, high density apartment and a green infrastructure corridor, as approved as part of the Outline Consent.

13. The Applicants of both residential phases (21/00380/RM1 & 21/00475/RM1) are not the landowner, nor do they have legal control, over the area in question. As such, the Applicants have no ability to influence the future development of this land, nor do they have any further information on the landowner's intentions or timescales.
14. Notwithstanding this, both RMAs have been designed in a way that can accommodate the future development of the area of land in question and don't prejudice its future delivery. Therefore, the vision of the Yarm Road strategic development can still be realised but both Applicants confirm that they are not able to provide any further information on the timings of this area of land as it is not within their control. In short, the collaboration between both Applicants ensures synergy between the design and infrastructure delivery of both residential phases (21/00380/RM1 & 21/00475/RM1) to maximise community benefits and secure the delivery of housing without comprising the ability for the remainder of the Yarm Road Strategic site to be delivered. In this respect it should be noted that any further proposals in this regard would need to be the subject of future planning applications which, if submitted, will be subject to scrutiny at the appropriate time.

#### **MAIN PLANNING ISSUES**

15. The issues for consideration relate only to the reserved matters set out in condition 1 of the outline planning permission (17/01195/OUT) under which the principle of the development of the site is established. These are:
  - a) Layout
  - b) Scale
  - c) Appearance
  - d) Landscaping
16. Interrelated with the above issues are the following considerations.
  - e) Residential Amenity
  - f) Highway safety and sustainable transport
17. In the light of the later issue of nutrient neutrality brought about by the designation of the Teesmouth and Cleveland Coast Special Protection Area, the following issue is also relevant.
  - g) Nutrient Neutrality
18. An interrelated issue aside from the internal layout as considered in points a-d, is off-site highway works.

h) Off-site highway works.

## **PLANNING POLICIES**

19. The site has outline consent as above and is now included in the Local Plan as a housing commitment and therefore the issue of the principle of the development is not for consideration. The following policies are relevant in the determination of this application.

### **National Design Guide (2019)**

#### **Local Plan (2016-2036)**

SD1: Presumption in Favour of Sustainable Development

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H1: Housing Requirement

H4: Housing Mix

H5: Affordable housing

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

IN3: Transport Assessments and Travel Plans

IN4: Parking Provision including Electric Vehicle Charging

### **Middleton St George Neighbourhood Plan (2022)**

MSG1: Sustainable development

MSG2: Design

MSG3: Embedding energy efficiency and renewable energy.

MSG4: Green Infrastructure

MSG5: Biodiversity

MSG9: Housing mix

MSG12: Infrastructure

MSG14: Transport and new development

MSG15: Rights of Way

Design of New Development SPD (2011)

Planning Obligations SPD (2013)

## RESULTS OF TECHNICAL CONSULTATION

20. No objections in principle have been raised by the Council's Highways Engineer, Transport Policy Officer, Environmental Health Officer, Local Lead Flood Authority, Ecologist, or Natural England subject to conditions. Teesside International Airport has raised no objections.

## RESULTS OF PUBLICITY AND NOTIFICATION

21. Three objections to the latest iteration of the application have been received from residents, raising the following concerns:

- *Concerns regarding Chapel Street link on grounds of highway / pedestrian safety.*
- *Concerns regarding tree / hedgerow removal. Impact on wildlife.*
- *Impact on privacy / residential amenity. Concerns regarding scale of the development.*

22. Middleton St George Parish Council has indicated that they do not object to the proposal but would like consideration given to the following issues:

- *Consideration should be given to matters that could be addressed as part of a Section 106 agreement, as follows: Impact on infrastructure within the village, school capacity, primary care health services and utilities infrastructure, including sewage and drainage systems. Section 106 funding should also be considered (in addition to the above requirements) to: -Improve the road surfaces in the centre of Middleton St. George and traffic flows in the centre of Middleton St. George. -To review parking restrictions and parking capacity in the centre of Middleton St. George to avoid congestion. -Footpaths and lighting are needed on both sides of the road from the village centre to the new developments and on to the Virginia Estate. - Consideration should be given to the safety of pedestrians walking from Middleton Hall to the centre of the village given the increased traffic flows from the developments. -The Public Right of Way between Killinghall Row and Bellevue Terrace requires upgrading. CCTV installed at the Woolsington Drive and Yarm Road intersection facing up Yarm Road to combat speeding traffic down Yarm Road.*
- *See this as a significant and major development which will impact on the centre of the village and how it works in terms of pedestrian and traffic flows and have concerns regarding condition of road surfaces and footpaths to sustain this major expansion to the village. Concerns regarding degraded quality of the road surface of Middleton Lane between the village square and the Neasham Road junction and the condition of the footpath along the whole of Middleton Lane in general.*
- *Concerns regarding linkages from the development to existing infrastructure.*
- *Concerns regarding traffic volumes and pedestrian safety.*
- *The path through Chapel Street to the village, which is already congested with parking on both sides of the road often encroaching on the pavements, will create more pedestrian footfall particularly in terms of access to the school and the railway*

*station and Bus stops. Consideration is needed on the adequacy and condition of the footpaths between Chapel Street and the centre of the village.*

- *Consideration should also be given to a pedestrian crossing at the junction of Middleton Lane and Neasham Road/ Station Road and the resolution of the current issues around the school crossing.*
- *The area between the two developments (to the east of the 21/00475/RM1 development) is presumably set aside for further development. We understand that this is for a school or retail units. Should this not transpire we would urge consideration for the creation of a multi-use games area or an area to promote health and wellbeing activities.*

## **PLANNING ISSUES/ANALYSIS**

### **a) Layout**

23. Layout in planning legislation is defined as the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside of the development.
24. The quantum of development provided within the proposed RMA exceeds that originally distributed to Area B, however this secures the delivery of the full affordable housing requirement as a result (it should be noted that the type and distribution of affordable housing is not for consideration as part of this application which deals solely with the reserved matters but instead the detail of such is controlled by condition 6 of the outline permission). It should be noted that, as set out in the introduction to this report, both area B and C (dealt with elsewhere on this agenda under reference number 21/00380/RM1) contains the full quantum of dwellings approved by the outline consent. No further RMA's can be submitted for residential development on any part of the site as the time for submission of RMA's as set out in the outline permission, has now passed. Given the above, the proposal accords with the numbers set out in the outline permission, albeit involving a redistribution.
25. The outline planning permission included an illustrative layout and design and access statement setting out some development principles, which included the location of a SUDs basin to the southeast corner of the site and the position of an access road from Middleton Back Road to the east with a series of secondary internal roads. Also proposed are east west pedestrian connections (including a connection at Chapel Street) as identified on the illustrative masterplan, and the retention of existing vegetation along the southern and norther boundaries. This reserved matter follows those principles, albeit the layout now introduces the location of a secondary suds basin due to technical requirements identified following the outline approval. Also now proposed is a green corridor through the centre of the site, which was not identified within the illustrative masterplan. A north south pedestrian connection (under the existing Railway bridge following Footpath 3) is also included.

26. The character area plan submitted in support of the application shows the site divided into two distinct character areas, the southernmost area, which is defined as the green edge, has been designed to be outward looking, to the eastern and southern boundaries and over public open spaces. A northern section of the site, which is defined as the village character area, has been designed to be inward looking within the scheme.
27. Dwellings are situated around the sites access road, comprising a series of service roads derived from the main access taken from Middleton Back Road. This internal road layout incorporates shared surfaces and private drives with the aim of ensuring that the development is not dominated by motor vehicles.
28. The dwellings are orientated to address the road network, with areas of garaging / parking to the front / side and amenity areas extending to the rear of properties. Combined with satisfactory landscaping and boundary treatment the layout will reflect the semi-rural nature of this part of the village.
29. Open space and SuDs infrastructure is provided with dwelling orientation avoiding backing onto these areas, instead using side and front elevations to maintain an appropriate level of natural surveillance over these areas.
30. In terms of connectivity, the proposal provides a pedestrian link to Chapel Street to the west and Yarm Road to the north to improve permeability, facilitating non-vehicular links to the wider neighbourhood and to provide a Safe Route to School.
31. In conclusion, officers consider the layout of the development is compliant with the outline consent and promotes a high-quality design that responds appropriately to the character of the area, in accordance with the policies listed above.

**b) Scale**

32. Scale, in planning legislation, is defined as the height, width and length of each building proposed within the development in relation to its surroundings.
33. The dwellings would broadly relate in scale to the existing housing to the west and north of the development site. In addition, the density of the proposed development is considered to comply with the outline consent (the outline consent set out a range of between 20-40 dwellings per hectare and the layout proposed involves a density of 35.9 which is within the range and therefore compliant with the outline).
34. The development provides a selection of two-storey, detached, semi-detached and terraced dwellings across a range of 1-bedroom, 2-bedroom, 3-bedroom and 4-bedroom house types including a mixture of either single storey detached or integral garages which is again consistent with other neighbouring development and the principles of the Design SPD.

35. In conclusion, officers consider the scale of the development is acceptable and promotes a high-quality design that responds appropriately to the character of the area, in accordance with the policies listed above.

**c) Appearance**

36. Appearance, in planning legislation, is defined as the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
37. The character area plan submitted in support of the application shows the use of a specific palette of materials within the two-character areas. To the village section, is a mix of the use of red and buff bricks, with a feature band, contrasting brick on edge soldier heads, dark grey and rustic roof tiles, black panelled style front doors and white window frames. To the green edge section is a mix of the use of red and buff bricks, contrasting brick voussoirs to head and artstone cills, dark grey and rustic roof tiles, peaked canopies to front doors, agate grey cottage style front doors and agate grey window frames.
38. Consideration has been given to allow variety in the design of dwellings whilst achieving coherence to the development. The proposed buildings are similar in appearance to some of the more modern developments to the north of the village. The appearance of dwellings is suitably varied with respect to roof forms / treatment, materials and detailing contributing to high quality design and promoting legibility through the development.
39. In conclusion, officers consider the appearance of the development is acceptable, promoting a high-quality design that responds appropriately to the character of the area in accordance with the relevant policies as set out above.

**d) Landscaping**

40. Landscaping, in planning legislation, is defined as the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: screening by fences, walls or other means; the planting of trees, hedges, shrubs, or grass; the formation of banks, terraces or other earthworks; the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and, the provision of other amenity features.
41. The application puts forward a landscape strategy to introduce a variety of greenery across the site include the use of tree planting, native shrub planting, hedge planting, ornamental planting, amenity grass planting, wildflower seeding and wet wildflower seeding. A landscape softworks plan demonstrates how the development will provide a verdant and pleasant environment for future residents, also softening the development when viewed from outside of the site. The same level of open space and landscaping is

provided within the proposed landscaping strategy as was set out in the indicative masterplan at outline stage and the strategy is therefore in line with the outline consent.

42. The Public Right of Way running north south to the east of the site is retained and incorporated into a green corridor around the site perimeter, which the Public Rights of Way Officer encourages. Whilst user experience will be changed from that of walking next to an open field, the green corridor looks to afford a pleasant walking experience, is of ample width and has trees and the SuDs basin separating from the housing. On this basis, the Public Rights of Way Officer has raised no objections to the proposed layout regarding the public footpath.
43. An Arboricultural Method Statement was submitted in support of the application the objective being to retain as much of the existing vegetation on site as possible taking into account its current condition and possible public safety implications. The Arboricultural Method Statement has identified the works necessary to accommodate the proposed development but also identified works that need to be undertaken to respond to the condition of the trees found on Site.
44. Appendix 3 of the Arboricultural Method Statement includes the Tree Protection Plan which highlights that some of the existing hedgerow on the western, northern and eastern boundaries will need to be lost to facilitate the proposed development. The Arboricultural Method Statement has sought to retain as much existing vegetation as possible, but it is necessary to remove some Ash trees due to infection and some extent of the existing hedgerows to accommodate future connections.
45. The report identified that the development would necessitate the removal of five individual trees (category C) in poor condition and form, works to five groups of trees, removal of one entire hedgerow and parts of two hedgerows.
46. The proposals within the landscape strategy incorporate new and existing landscaping. As set out above, it includes additional trees, shrubs, native shrub planting, hedge planting, ornamental planting, amenity grass planting, wildflower seeding and wet wildflower seeding. Overall, the landscape strategy includes the following:
  - Planting of a total of some 135 trees. The 135 trees are a mix of heavy standards (33 No.), standards, including semi-mature (72 No.) and multi-stem (30 No) including Silver Birch, Magnolia, Crab Apple and Rowan. These are primarily located within the open spaces provided within the site, and within front / side gardens.
  - Planting of some 227 bulbs, including Crocus, Iris and Narcissus.
  - Planting of some 855 specimens of native hedgerow, including hawthorn, hazel, holly, dog rose and Elder.
  - Planting of a native shrub mix of 2,645 plants including hazel, Dogwood, Hawthorn, Holly and Rose.
  - Individual planting of some 7,964 shrubs, herbaceous plants, hedges and climbers.



47. The proposed significant level of soft landscaping is acceptable and helps to soften the built form and provide suitable landscape mitigation, whilst promoting a development of a general high-quality design.
48. The proposed hard landscaping within plots includes tarmac which is broken up by the inclusion of flagged footpaths, applying some variety to the proposed hard landscaping.
49. Boundary treatments would include the use of 1.8m timber screen fencing, 1.2m post and rail fencing, wall and fence panel infills depending on their position within the site, to ensure an acceptable level of amenity, together with a high-quality street scene.
50. In conclusion, officers consider the landscaping of the development is acceptable, offering suitable mitigation and promoting a high-quality design that responds appropriately to the character of the area in accordance with the relevant policies as set out above.

**e) Residential Amenity**

51. Officers consider the position and orientation of the proposed dwellings, and the degree of separation between properties both within, and existing dwellings outwith the development site, to be acceptable and in accordance with the guidance set out in the Design SPD. As such the proposal would not result in harm to the amenity of neighbouring occupiers or future occupiers of the proposed dwellings, in accordance with the relevant policies listed above.
52. The application has been submitted together with a noise assessment prepared by Wardell Armstrong dated July 2024 with onsite measurements of the prevailing noise environment taken on 16th and 17th July 2024. The measurements were then combined with noise models of the site as built and compared against criteria known to provide a suitable acoustic environment. The results showed that the main noise source impacting on the development was the trainline on the northern boundary and that with suitable acoustic mitigation dwellings and garden areas across the site would achieve suitable noise levels.
53. The above model assumes that there is a solid fence along the boundary of the properties backing onto the railway and this provides a protective noise barrier. This fence is shown on site plans and is an essential feature to creating a suitable acoustic environment in future. To ensure that the necessary noise mitigation measures are incorporated into the development, the Environmental Health Officer has recommended conditions securing the provision of the acoustic fence in this location (details of such to be agreed in advance) and its retention, and the implementation of the recommended enhanced acoustic glazing and ventilation measures set out within the report, prior to occupation.
54. Subject to the above, the proposal is acceptable in respect of residential amenity and complies with the relevant policies as set out above. It should be noted as set out

above, various other issues are being dealt with separately through the discharge of condition process, including a Construction Management Plan and Land contamination.

**f) Highway safety and sustainable transport**

55. The Highways Engineer has confirmed that he is satisfied with the internal layout and that the site is broadly compliant with the required standards for highways adoption and can therefore proceed towards Highways Technical Approval once planning consent and discharge of the relevant highway conditions as set out in the outline permission, is obtained. Off-site highway works are outlined further in section (h) below.
56. Further to discussions with the Highways and Transport policy team, plans have been provided to demonstrate a Safe Route to School across the site to ensure that residents can access St. George's Church of England Primary School via active travel means. The key routes to facilitate active travel to St George's Church of England Primary School include Yarm Road, the existing Public Right of Way that connects the Avant RMA to Yarm Road via the existing footpath north of the site and under the Railway bridge and Chapel Street (the latter being required by virtue of condition 22 of the outline planning permission, which also controls the timing for implementation of the works).
57. It is noted that several objections raise the issue of the impact of an increase in traffic in the village, however the principle of development of the wider site for a total of 330 dwellings (of which this site provides 230) has been established through the outline planning permission and cannot be revisited through this reserved matters application.

**g) Nutrient Neutrality**

58. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16<sup>th</sup> of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
59. The Teesmouth and Cleveland Coast protected area is a wetland habitat comprising an area of complex of coastal habitats centred on the Tees estuary and include habitats such as sandflats, mudflats, rocky foreshore, saltmarsh, sand dunes, wet grassland and freshwater lagoons. These habitats support internationally important populations of breeding and nonbreeding waterbirds including but not limited to breeding Little Tern (A195), passage Sandwich Tern (A191), wintering Red Knot (A143), Redshank (A162) and Ringed Plover (A136) as well as a significant assemblage of wintering waterbirds and high density of benthic invertebrates.
60. The Conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features

- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely.
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

61. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.
62. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
63. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.

**Population Growth and Average Occupancy Rate:**

64. During the introduction of Nutrient Neutrality into the River Tees catchment in March 2022. Natural England's guidance recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). A standard calculator produced by Natural England works off such an assumption.
65. On behalf of the Tees Catchment, Stockton on Tees Borough Council commissioned ORS to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the River Tees catchment to ensure that a suitable robust and evidence-based approach can be taken.
66. Based on local evidence, ORS concluded that the resident population living in the Tees Catchment increased by 24,800 persons over the intercensal period 2011 to 2021 and the housing stock increased by 41,000 dwellings, equivalent to an average gain of 0.60 persons per dwelling across the area. Allowing for natural population change and a reduction of residents living in communal accommodation this increased the average to 0.71 persons per dwelling.

67. Justification is given by ORS that within the Tees catchment, many of the people occupying new homes would have already been residents living within the local area and would therefore not have added to the number of people living in the area. Had these new homes not been provided, it is unlikely that this would have had any material impact on the natural population change – there would still have been broadly the same number of births and deaths recorded over the decade.
68. However, despite the internal migration within the Tees catchment, it is also acknowledged that there is variation between each authority and therefore an individual figure will be adopted by each of the various Tees Catchment Authorities.

### **Local population growth in Darlington**

69. In determining the figure to be used to assess population growth arising from new dwellings with Darlington Borough, the Local Planning Authority has been mindful of the requirement of the Habitat Regulations and the need to employ a precautionary approach to ensure that the methodology taken is both reasonable and would prevent an impact on the SPA.
70. Although it is noted that within the 2011-2021 baseline period each new dwelling within Darlington yielded an average of 0.64 persons per dwelling, applying a sensitivity test of +10% would increase that growth to a figure of 0.77 (figures 7 and 8 of the ORS report) which is less precautionary than the adopted Local Plan's gain over the Plan period of 0.98 persons per dwelling.
71. The research shows that for the Borough if we used the baseline period of 2011-2021 it would show an increase of 0.64, whilst the highest 5-year average would show an increase of 1.1 per dwelling. Due to the recent accelerated growth, which was partly down to a period of constraint, suggests the highest 5-year average is not a resilient figure and a more appropriate approach would be to use the recently adopted annual housing requirement as indicated in the Local Plan which indicates an gain of 0.98 persons per dwelling.
72. Consequently, rather than simply apply a 10% buffer to the average population growth, Darlington Borough Council have in line with the Habitat Regulations opted to follow a precautionary approach (which will be subject to future reviews) and have resolved to use the figure of 0.98 persons per dwelling derived from the 'adopted annual housing requirement' in the Darlington Borough Local Plan with a 10% buffer applied.
73. It is considered that such as approach gives a robust evidenced based approach and that a local population growth figure of 1.1 persons per dwelling for Darlington is more appropriate than Natural England's 'starting point' of 2.4 persons per new dwelling.

### **Screening assessment**

74. The Screening Assessment requires the Local Planning Authority as the Competent Authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
75. The information required to enable the LPA to undertake the screening assessment and where necessary appropriate assessment is provided by:
- Nutrient Budget Calculator (25 October 2024)
  - Nutrient Neutrality Assessment (25 October 2024)
  - Provisional Credit Allocation Notice
  - Water Usage Calculations (25 October 2024)
  - Nutrient Credit Allocation Area Map
  - Nutrient Mitigation Credit Scheme Conservation Covenant
  - Natural England Discretionary Advice Letter to Mitigation Landowner – Wild Capital
  - Statement of Truth confirming use of land at Morton Grange Farm (Mitigation Land)
76. This information provided by the applicant is considered sufficient to enable the Local Planning Authority as the Competent Authority to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar.
77. The submitted nutrient budget calculator demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar. An appropriate assessment (below) needs to be undertaken. Mitigation measures cannot be considered at the Screening Stage but should be considered as part of an Appropriate Assessment.

### **Appropriate Assessment**

78. The applicant has used Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget for the proposal. Following consideration and amendment the assumptions and inputs used by the applicant within this calculator are now considered satisfactory and are an accurate reflection of the site and its location.
79. This proposal for 230 net additional dwellings would increase the total annual nitrogen load arising by 347.01kg per year.
80. This figure was arrived at by incorporating increased water efficiency measures to reduce the water usage per person per day to 110 litres rather than 120 litres as set out in the Nutrient Budget calculator. Sufficient evidence has been provided by the applicant within their Water Usage Calculations (25 October 2024) to demonstrate this is achievable with examples of the water usage of the different house types proposed. A

condition must be applied to any permission granted ensuring that the water efficiency measures including the appropriate fittings are installed within each dwelling prior to their occupation to ensure the daily water usage per person per day does not exceed 110 litres.

81. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by;
82. Purchasing 347.01 credits from a Nutrient Mitigation Land Scheme run by Wild Capital which is equivalent to the surplus nitrogen of 347.01kg that needs to be mitigated. The applicant has provided a provisional allocation notice obtained from Wild Capital confirming the reservation of the credits solely for the applicant. They have also provided further information that was requested on the nutrient mitigation land including a plan identifying the particular area of mitigation land to be used for this proposal along with the Conservation Covenant which legally secures the lands use for mitigation purposes along with the Habitat Management and Monitoring Plan setting out how the land will be monitored and managed to ensure the land continues to mitigate the impact of the development proposal in perpetuity. A statement of truth has also been provided from a neighbouring farmer and contractor confirming the use of land due to difficulties in obtaining information from the previous owner of the mitigation land.
83. Following detailed consideration of this information it is considered sufficient evidence has been provided to confirm this mitigation proposed is robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition will be required to ensure that the required and necessary mitigation is secured and in place. This should set out that prior to the occupation of the proposed dwellings the countersigned Final Allocation Notice needs to be provided to the Local Planning Authority demonstrating that the credits have been purchased and the necessary mitigation secured and is in place.
84. The Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

#### **Appropriate Assessment Conclusion**

85. This assessment has found that the proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.
86. So, it can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to conditions as set out above.

87. Prior to issuing a decision on this application in accordance with regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England must be consulted on this Screening and Appropriate Assessment. A response must then be received from Natural England confirming they have no objection to the proposed development provided that all mitigation measures are appropriately secured in any planning permission. This process has been carried out and Natural England has raised no objections subject to the mitigation measures as set out above.

#### **h) Off-site highway works**

88. The outline consent required, by virtue of condition 21, details of off-site highway works required to access and mitigate the development, including the details of footways, dropped kerbs, tactile paving, visibility splays, a new roundabout and junctions. The detail of these works has been submitted as a separate discharge of condition application and is currently being considered.

89. Both Avant and Bellway have committed to the delivery of off-site highway works, which includes the new Middleton Back Road / Yarm Road roundabout, prior to the first occupation of the new houses. The Outline Consent did not include any triggers for the delivery of this infrastructure so both Applicants have voluntarily submitted a Non-Material Amendment planning application to impose a planning condition that requires the completion of the Offsite Highways Works prior to occupation, and this has now been approved. The new planning condition provides the Council with the certainty that the Offsite Highways Works will be delivered prior to the occupation of any of the new dwellings.

90. The extent of the Offsite Highways Works are included on the General Arrangement Plan (Reference: AMA-20870-D-001 Rev. K) submitted. Both Applicants have jointly submitted the information necessary to discharge the pre-commencement conditions of the Outline Consent. Both Applicants have also commenced the technical approval process (referred to as the Section 278 process) with the Local Highways Authority. If the technical approval process requires any minor amendments to the proposed design these can be accommodated by substituting the approved plans via a Non-Material Amendment planning application.

91. Furthermore, the Applicants have voluntarily entered into a legal agreement with each other requiring the collaboration and shared cost of delivering all the infrastructure required to support the development of both RMAs. The agreement requires:

- Shared cost of the off-site highways works including the delivery of the new roundabout at the junction between Yarm Road / Middleton Back Road;
- Shared cost of the off-site drainage works, including the delivery of a new foul water pumping station and associated rising main.
- Shared delivery responsibility of the off-site works, e.g. in terms of managing contractors; Financial securities to ensure the representative cost of the off-site infrastructure is available should one party not progress and/or is delayed;

- Shared planning responsibility, e.g., with regards to the discharge of conditions on the Outline Consent and discharge of S106 planning obligations; and
  - Shared cost and management of supporting consultants, e.g. such as drainage engineers.
92. The benefit of this approach is that it legally obliges both parties to deliver the infrastructure required, with fallback mechanisms covering the scenarios of delay or withdrawal by either party. Accordingly, the voluntary legal agreement provides the Council with comfort that regardless of the progress or status of either party there are protections in place for the delivery of the infrastructure required for both RMAs. In short, both Applicants have voluntarily imposed a planning condition to deliver the Offsite Highways Works prior to the occupation of any dwellings; provided the design of the Offsite Highways Works and agreed a planning strategy that allows any amendments required through the technical approval process to be accommodated; and voluntarily entered into a legal agreement which guarantees the monies required to complete the works.
93. In terms of the Safe Route to School strategy, the northern link which follows the existing Public Right of Way that bisects the Avant RMA and continues off-site under the existing railway bridge to Yarm Road is currently an unlit grass path. The Avant RMA includes proposals to upgrade the existing Public Right of Way to a 3m shared surface with the required lighting and signage within the application boundary. Beyond the development site, as the footpath runs north under the railway bridge to Yarm Road, legal advice confirms that the Council can carry out any works itself or, alternatively, could authorise the Applicants to carry out works to the land under the existing railway under a S278 Agreement. The Council benefits from these powers on account of their responsibility to maintain the route, and this will mean that both applicants can deliver the 3m shared surface upgrade to the link including the land under the Railway Bridge.
94. On this basis, the applicant has provided a Unilateral Undertaking to be attached to this application legally securing the S278 works and requiring the works to be completed prior to first occupation of the dwellings on that phase, i.e., the dwellings west of Middleton Back Lane. Both Applicants have confirmed that they will endeavour to commence the S278 and technical approval process at the earliest opportunity.
95. In terms of the Chapel Street link, although the detail will be dealt with via planning condition, there is a small area of unregistered land which the applicants have had no success in identifying ownership. The applicant has however acknowledged the significance of the link and their commitment to providing a complete link both within and beyond the site boundary to Chapel Street. In this regard the applicant intends to undertake the work at their risk in this location, utilising the Section 228 process.
96. This would entail the applicants undertaking the works with the Local Highways Authority monitoring and inspecting the works to ensure that they are undertaken to a standard required for adoption. Once complete the Local Highways Authority would then issue the notice of intention to declare the works undertaken as part of the public



highway. The Applicants would seek to formally commence the S228 process following receipt of the planning consent.

97. The proposed works would involve new surfacing and white lines directing users to the footpaths of the existing highway. Due to the presence of the existing private lanes used for vehicles on either side of Chapel Street there is no opportunity to extend those footpaths further.
98. Condition 22 of the Outline Consent requires details of the Chapel Street link prior to commencement, the details of which the applicant has sought to provide as part of Application 24/01117/CON. Given that the condition is pre-commencement the Council already have sufficient control over the development. In conclusion, there is a solution to deliver a link as requested and a live discharge of condition application which can be updated with the necessary plans.

**i) Other matters**

99. It is acknowledged that Middleton St George Parish Council has requested that consideration be given to various matters that could be addressed as part of a Section 106 agreement. It should be noted that a commitment to pay Section 106 monies were agreed as part of the outline application, as set out below. These figures were as agreed at the time of granting the outline permission and are subject to indexation. These contributions will be used to mitigate the impact of the proposed development in respect of highways, and public / sustainable transport.

Obligation	Contribution per plot	Total contribution (330 dwellings)
Bus Pass	£25	£8,250
Little Burdon Network	£204.86	£67,603.80
Morton Palms Network	£624.65	£206,134.50
Public / sustainable transport	£900	£297,000
<b>Total</b>	<b>£1754.51</b>	<b>£578,988.30</b>

100. The Environment Act 2021 introduced mandatory biodiversity net gain for all new developments. In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The statutory requirement is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
101. However, the legislation specifies that the mandatory biodiversity net gain requirement only applies to planning permissions granted in respect to an application made on or after 12 February 2024. Both the Avant RMA and Bellway RMA were submitted in April 2021, so the statutory biodiversity net gain requirement does not apply. Nevertheless, the Council’s Ecology Officer has been consulted on the plans to

ensure that they are acceptable in respect of the Ecological Assessments and requirements set out in the outline permission.

102. Policy H4 requires proposals to provide 45% of all new dwellings to meet building regulations category M4(2) adaptable and accessible dwelling standards and 9% to meet M4 (3 a or b) wheelchair user dwellings standard. At this time the Council requires the M4 (3a) standards to be achieved for the M4(3) provision. The supporting statement outlines that 132 dwellings will be M4(2) compliant which is equivalent to 57%. There is no mention of the M4(3) standard. The supporting text of policy H4 sets out that these standards will be applied to outline or full applications. As this is a reserved matters application and the standards have not been secured at the outline stage the full requirements cannot be insisted upon.
103. The changes to the proposed housing mix from the submission in 2021 is due to the need to comply with the latest Building Regulations which introduced greater requirements for insulation and sustainability and a change to the available product range in the passage of time that has elapsed. Notwithstanding this, the changes to the proposed development has allowed a greater diversity of housing types and sizes to be introduced, thereby catering to a wider range of housing needs.
104. Building Regulations are a set of mandatory standards designed to ensure a property is safe and comfortable to live in, and, increasingly, energy efficient and mitigating its contribution to carbon emissions. All new housing must be compliant and so both the Avant RMA and Bellway RMA must include new housing which can achieve the necessary Building Regulations. Since the grant of the Outline Consent in 2019 and the submission of both the Avant RMA and Bellway RMA in 2021 there have been several key updates to the Building Regulations. Most notably revisions to Part L of the Building Regulations which were introduced for all new dwellings delivered after June 2023. Part L of the Building Regulations require a 30% reduction in carbon when compared to 2013 Part L standards.
105. To achieve compliance with Part L of the Building Regulations, the implementation of renewable technologies such as solar PV panels and improvements to the building fabric and insulation is required which in turn has knock on impacts to the size of individual dwellings. Another key change is the introduction of Part S which requires all new dwellings to be provided with Electric Vehicle charging points.
106. Accordingly, both the Avant RMA and Bellway RMA were updated comprehensively in June 2024 that made several updates to the proposed development layout which allowed for house types to be introduced that could meet the required Building Regulations. The requirement to meet the latest Building Regulations was balanced against the need to accord with the approved plans of the Outline Consent as detailed above.
107. The housing mix suggested in the SHMA (2020) is 1 bed – 6.5%, 2 bed – 32%, 3 bed 50% and 4+ bed – 11.5%. The mix proposed for the site consists of 1 bed – 2.6%, 2

bed – 37%, 3 bed 46.5% and 4 bed 13.9%. This is largely in line with the proportions evidenced in the SHMA and therefore raises no policy concerns. This complies with policy H4 and MSG9.

108. Whilst it has been noted that the principle of the development is already established through the granting of the outline consent, the developer has put forward several economic benefits that would flow from the delivery of this scheme. These are noted and set out in the context of the delivery of both phases of the development as follows:

- 326 dwellings built to the latest building regulations – equivalent to 66% of DBC's annual housing requirement established by the Local Plan.
- 50 affordable dwellings – equivalent to a 3.5% contribution towards meeting the requirements of DBC's housing waiting list which at 2022-23 stood at 1,424 households.
- Generate £422,240 in New Homes Bonus per annum for a six-year period.
- Support £9,236,665 worth of spending in local shops.
- Generate £656,075 in council tax annually.
- Generate £8,693,334 in taxation annually.
- Provide £571,920.26 in financial contributions towards; new residential bus passes, the Little Burdon Local Highways Scheme, The Morton Palms Network Scheme and public and sustainable transport.
- Delivery of off-site highway works prior to first occupation including the Middleton Back Road / Yarm Road roundabout.
- Support 1,132 direct and in-direct jobs

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

109. 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.

#### **CONCLUSION AND RECOMMENDATION**

110. The RMA is submitted to discharge the Condition 1 requirement and has been made in full accordance with the parameters set out in the Outline Consent, including the approved plans. The proposed details in respect of layout, scale, appearance and landscaping, are considered to be acceptable and in accordance with the relevant policies as set out above.

111. Accordingly, it is recommended that reserved matters relating to details of appearance, landscaping, layout, and scale pursuant to outline planning permission 17/01195/OUT BE APPROVED subject to the following 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:

Site Location Plan 5199-NE-100

Site Layout Plan Coloured 5199-NE-201 Rev. C

Materials, Surface Finishes, Boundary Treatments Plan 5199-NE-250/01 Rev. B

Character Area Plan 5199-NE-260 Rev. A

Askern End Floor Plan ASK/END/0-001 Rev. A

Askern End Elevation Plan ASK/END/0-002 Rev. A

Askern End Elevation Plan (Green Edge) ASK/END/0-003 Rev. V1.0

Askern Mid Floor Plan ASK/MID/0-001 Rev. A

Askern Mid Elevation Plan ASK/MID/0-002 Rev. A

Askern Mid Elevation Plan (Green Edge) ASK/MID/0-003 Rev. V1.1

B3 End Floor Plan B3/0-001 Rev. A

B3 End Elevation Plan B3/0-002 Rev. A

B3 Mid Floor Plan B3/0-001 Rev. A

B3 Mid Elevation Plan B3/0-002 Rev. A

Baildon End Floor Plan BAI/0-001 Rev. A

Baildon End Elevation Plan BAI/0-002 Rev. A

Baildon End Elevation Plan BAI/0-003 Rev. V1.1

Baildon Mid Floor Plan BAI/0-001 Rev. A

Baildon Mid Elevation Plan BAI/0-002 Rev. A

Cadeby Floor Plan CAD/0-001 Rev. A

Cadeby Elevation Plan CAD/ED/0-002 Rev. A

Cadeby Elevation Plan (Green Edge) CAD/ED/0-003 Rev. V1.2

Cookbury Floor Plan COO/DET/ED/0-001.5 Rev. A

Cookbury Elevation Plan (Green Edge) COO/DET/ED/0-003 Rev. V1.1

Dalton Floor Plan DAL/0-001 Rev. A

Dalton Elevation Plan DAL/0-002 Rev. A

Dalton Elevation Plan (Green Edge) DAL/0-003 Rev. V1.2

Ferndale - End Floor Plan FER/END/0-001.5

Ferndale - End Floor Plan Elevation Plan FER/END/ED/0-002.5 Rev. A

Ferndale – End Elevation Plan (Green Edge) FER/END/ED/0-003

Leyburn Floor Plan LET/DET/0-001 Rev. A

Leyburn Elevation Plan (Green Edge) LET/DET/ED/0-003 Rev. A

Oakwood Floor Plan OAK/0-001 Rev. A

Oakwood Elevation Plan OAK/END/ED/0-002 Rev. A

Oakwood Elevation Plan (Green Edge) OAK/END/ED/0-003 Rev. V1.2

Ripley End Floor Plan RIP/END/0-001.5 Rev. A

Ripley End Elevation Plan RIP/END/0-002.5 Rev. A

Ripley End Alt Floor Plan RIP/ALT/0-001.5 Rev. B

Ripley End Alt Elevation Plan RIP/ALT/0-002.5 Rev. A

Ripley Mid Floor Plan RIP/MID/0-001.5 Rev. A

Ripley Mid Elevation Plan RIP/MID/0-002.5 Rev. A

Saltbury End Alt Floor Plan SAL/ALT/END/0-001.5 Rev. B

Saltbury End Alt Elevation Plan SAL/ALT/0-002.5 Rev. B

Saltbury End Alt Elevation Plan (Green Edge) SAL/ALT/0-003 Rev. V.1.1  
Saltbury End Floor Plan SAL/END/0-001.5 Rev. B  
Saltbury End Elevation Plan SAL/END/0-002.5 Rev. B  
Saltbury End Elevation Plan (Green Edge) SAL/END/0-003 Rev. V1.0  
Saltbury Mid Floor Plan SAL/MID/0-001.5 Rev. B  
Saltbury Mid Elevation Plan SAL/MID/0-002.5 Rev. B  
Saltbury Mid Elevation Plan (Green Edge) SAL/MID/0-003 Rev. V1.1  
Wentbridge Floor Plan WEN/0-001 Rev. A  
Wentbridge Elevation Plan WEN/0-002 Rev. A  
Wentbridge Elevation Plan (Green Edge) WEN/0-003 Rev. V1.2  
D2 End Floor Plan D2/END/0-001 Rev. A  
D2 End Elevation Plan D2/END/0-002 Rev. A  
E3 End Floor Plan E3/END/0-001.Rev. A  
E3 End Elevation Plan E3/END/0-002 Rev. A  
E3 Mid Floor Plan E3/MID/0-001 Rev. A  
E3 Mid Elevation Plan E3/MID/0-002 Rev. A  
Landscape Masterplan 4690 101 Rev. E  
Planting Plan Sheet 1 of 5 4690 201 Rev. A  
Planting Plan Sheet 2 of 5 4690 202 Rev. A  
Planting Plan Sheet 3 of 5 4690 203 Rev. A  
Planting Plan Sheet 4 of 5 4690 204 Rev. A  
Planting Plan Sheet 5 of 5 4690 205 Rev. A  
Trim Trail Design 4690 102 Rev. B

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

2. Prior to the first occupation of the development, written confirmation, in the form of a countersigned Final Allocation Notice or otherwise, that 347.01 Nutrient Credits have been purchased shall be submitted to the Local Planning Authority.

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

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

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

4. Prior to the occupation of any dwellings where it is required, as set out in the Wardell Armstrong Noise Impact Assessment (Reference: GM13439 / Rev. 001 / FINAL, Report

submitted with the application dated July 2024), a 1.8m high close boarded fence (or other effective barrier) of minimum thickness 25mm with a minimum overlap of 20mm between boards shall be erected on the boundary of all properties to the north of the development which back onto the railway line, unless otherwise agreed in writing. The fence will be of a minimum density of 10-15kg/m<sup>2</sup> and prevent any line of sight from the gardens to the track bed, unless otherwise agreed in writing. The exact specification and location of the fence shall be agreed in advance of its installation with the LPA and shall be maintained and retained thereafter for the lifetime of the development.

REASON – In the interests of residential amenity.

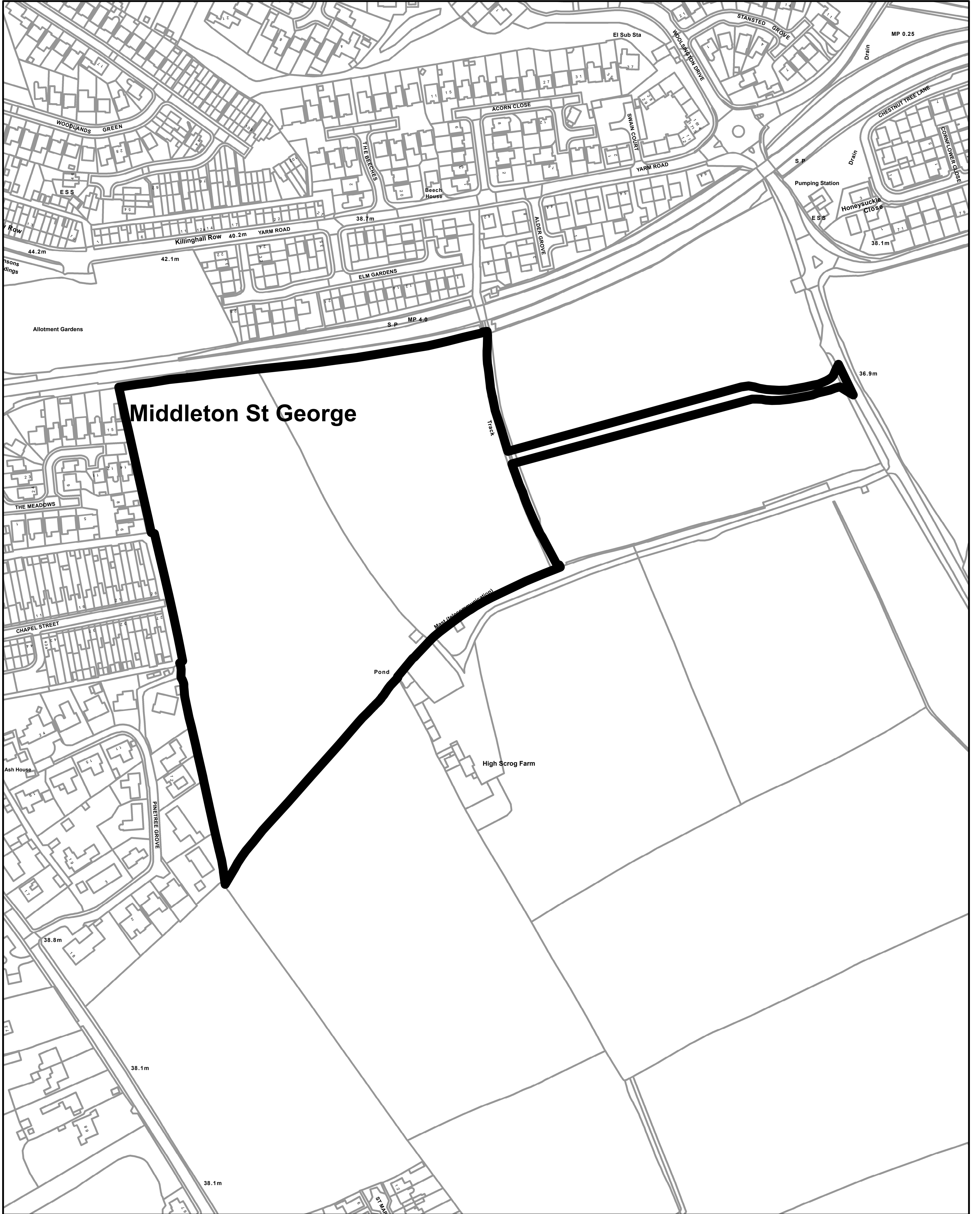
5. Prior to the occupation of any dwellings where it is required, as set out in the Wardell Armstrong Noise Impact Assessment (Reference: GM13439 / Rev. 001 / FINAL, Report submitted with the application dated July 2024), enhanced acoustic glazing and ventilation measures shall be installed in the 1st and 2nd floors of properties shown on the Drawing Number GM13439/004 and Drawing Number GM13439/005 of the Wardell Armstrong Noise Impact Assessment (Reference: GM13439 / Rev. 001 / FINAL, July 2024),. This enhanced acoustic glazing, and ventilation must meet or exceed the noise reduction requirements set out in Table 8 of the Wardell Armstrong Noise Impact Assessment (Reference: GM13439 / Rev. 001 / FINAL, July 2024), unless otherwise agreed in writing.

REASON – In the interests of residential amenity

### **INFORMATIVES**

Crane advice: Due to the site being within 6km of Teesside International Airport the crane operator is required to submit all crane details such as maximum height, operating radius, name and phone number of site manager along with installation and dismantling dates to the CAA Airspace Coordination and Obstacle Management Service (ACOMS) system. For notification, please follow the link via CAA website: Crane notification | Civil Aviation Authority ([caa.co.uk](http://caa.co.uk))

Once crane notification has been received from the CAA, Teesside International Airport safeguarding team will assess and issue the necessary crane permit. No cranes should operate on site until a crane permit has been issued.

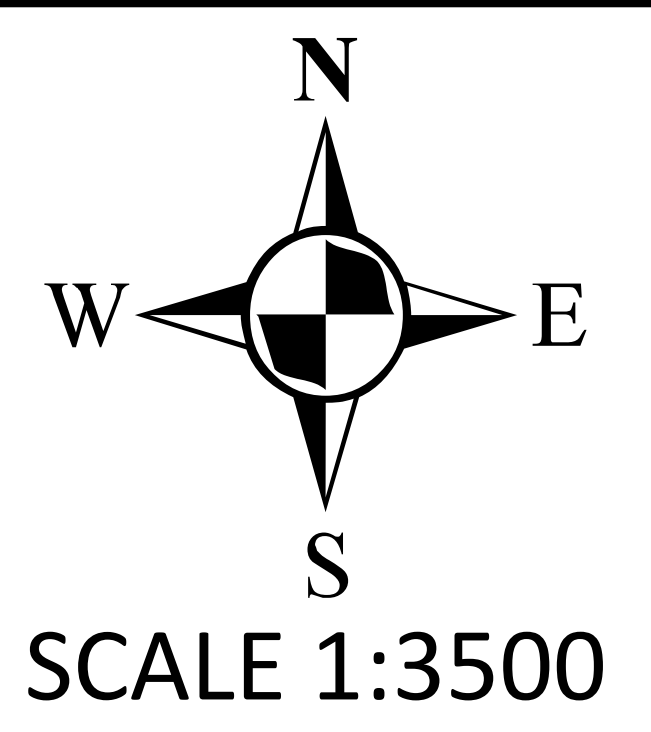


**Middleton St George**

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**Planning Ref No: 21/00475/RM1**

**DARLINGTON BOROUGH COUNCIL**



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## DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

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<b>APPLICATION REF. NO:</b>	24/00521/FUL
<b>APPEAL REF. NO:</b>	APP/N1350/D/24/3353901
<b>LOCATION:</b>	12 Manor Road, Hurworth, Darlington, DL2 2HJ
<b>DESCRIPTION:</b>	Replacement and relocation of the boundary fence and additional hardstanding to front of dwelling (Retrospective Application) (Re-submission)
<b>APPLICANT:</b>	Mr Andrew Verity

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**ASSISTANT PLANNING OFFICER: ANN MCRAE**

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**BRIEF SUMMARY:**

1. The appeal follows refusal of planning permission for the replacement and relocation of a boundary fence to the side and rear of the property and for the creation of an additional area of hardstanding to the front of the property. The planning application was submitted following an enforcement enquiry and sought to regularise the unauthorised fence and sought permission for the laying of additional hardstanding.

**KEY POINTS TO NOTE:**

2. The appeal property is a semi-detached property in a residential area comprising a mix of single and two storey dwellings fronting onto Manor Road. It is situated on a prominent corner plot with a lawned garden and driveway to the front, garden to the side and rear, and a detached garage with driveway beyond the rear garden. The properties in the immediate area feature predominantly open plan frontage facing onto the highway, including lawned gardens and shrub planting, which help create a spacious and pleasant street scene within the estate.
3. The side and rear garden was previously enclosed by a timber fence of a lower height which was set in from the southern site boundary. The replacement fence is higher than the fence it replaced (approx. 2m in height) and comprises brown coloured steel panels designed to mimic close boarded fencing, with sections of shorter, cream coloured trellis design panels on top. The fence has been positioned at the edges of the site boundaries to enclose the side and rear garden.

**REASON(S) FOR REFUSAL:**

4. The planning application was refused on 31<sup>st</sup> July 2024 for the following reasons:

1. The fencing would create a visual barrier between the public domain and the amenity area surrounding the property. The style and materials of the fencing would also detract from the well-established open and distinctive green character of this area. The proposal would be detrimental to neighbouring amenity and would also have an impact on highway safety contrary to Policies DC1, DC4 and IN4.
2. The proposal would therefore not accord with Policies DC1, DC4 and IN4 of the Darlington Local Plan 2016 – 2036. In that the fencing and hardstanding does not positively respond to local context in terms of its scale, form, height and materials and would be prejudicial to highway safety given that it prevents sufficient safe intervisibility between the parking area and the public highway.
3. The proposed fence, by reason of its prominent siting and design, would have a harmful impact on, and would be detrimental to, the existing visual amenities and the open character of the area and would therefore be contrary to Policies DC1a and DC4 of the Darlington Local Plan 2016 – 2036.

**APPEAL DISMISSED:**

5. In dismissing the appeal, the Inspector considered that the height of the fence results in an imposing feature on this prominent corner plot and the position of the structure directly abutting the pavement reduces the sense of space. Furthermore, the metal construction is discordant in the locality where fences, including those on corner plots, are predominantly constructed in timber. The result is a development which is at odds with the prevailing character and appearance of the area, contrary to Local Plan Policy DC1. The Inspector did not consider however that the proposed hardstanding to the front of the property would result in significant detrimental impact to the character and appearance of the area.
6. The Inspector further agreed that the positioning of the fence would impact on visibility from the existing parking space adjacent to the garage at the rear of the appeal property, which would have an unacceptable impact on highway safety contrary to Local Plan Policies DC1 and IN4.
7. The Inspector did not consider however that the development had any harmful impacts on the living conditions of the occupants of neighbouring properties and found no conflict with Local Plan Policy DC4.



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## Appeal Decision

Site visit made on 18 February 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> March 2025

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**Appeal Ref: APP/N1350/D/24/3353901**

**12 Manor Road, Hurworth Place, Darlington DL2 2HJ**

- 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 Mr Andrew Verity against the decision of Darlington Borough Council.
  - The application Ref is 24/00521/FUL.
  - The development proposed is described as “replacement and relocation of rear garden boundary fence. Additional hardstanding to front of dwelling. Fence moved out by 950mm to the south to encompass the perimeter grass strip outside of the fence line. The reason for this being that the strip of grass outside the fence line was being repeatedly used by dogs when being walked and the applicant was having to pick up dirt as a result. The narrow strip of grass was also difficult to maintain. Due to the difference in levels between garden and perimeter strip previously outside of the fence line, the new fence is 2.1m at the highest point from public footpath side (without including the ball finial post caps), however set at 1800mm from the garden lawn level inside the perimeter fence (without including the ball finial post caps)”.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I noted at the site visit that a fence has already been constructed enclosing the rear and side garden area of the property. It is clear from the plans and evidence that this is the structure referenced in the planning application as having replaced a previous timber fence. The additional hardstanding to the front and side of the dwelling had not been laid as shown on the submitted plans. A car was parked on what appeared to be preparatory works in this area, with a sub-base material at a lower level to the adjacent existing drive.
3. The description of development in the banner heading above is taken from the application form. However, the proposal could be accurately summarised as a part retrospective application for the erection of a boundary fence and proposed additional hardstanding to the front and side of the dwelling, and I have dealt with the appeal on this basis.
4. The Council's decision notice refers to Policy INV4 of the Darlington Local Plan 2016-2036 (DLP) within the first reason for refusal. The decision notice then goes on to reference Policy IN4. The submitted evidence sets out that Policy IN4 of the DLP relates to matters of parking provision and therefore I am satisfied that reference to INV4 in the decision is an error.

## Main Issues

5. The main issues are the effect of the development on:
  - the character and appearance of the area;
  - highway safety, with particular reference to visibility between the rear parking area and the public highway; and
  - the living conditions of neighbouring properties, with particular reference to outlook.

## Reasons

### *Character and appearance*

6. The appeal property is a semi-detached, two storey house located in a residential area with a mix of single and two storey dwellings fronting onto Manor Road. It is situated on a prominent corner plot with a lawned garden and driveway to the front, garden to the side and rear, and a detached garage with driveway beyond the rear garden. The properties in the immediate area on Manor Road and Woodlands Way feature predominantly open plan frontages facing onto the highway, including lawned gardens and shrub planting. This helps to create a spacious and pleasant street scene within the estate. Where boundary treatments are evident there are variations of mainly timber fences with some low walls. I noted other corner plots in this area with timber fences, the locations of which set back from the highway contribute to the prevailing spacious character. There are a mix of materials and colours used for hard surfaces within plot boundaries.
7. The fence that has been constructed is higher than the fence it replaced and comprises brown coloured steel panels designed to mimic close boarded fencing. There are sections of cream coloured trellis design to the top of the fence, which are an attempt to reduce its scale and perceived height. Its longest section has been constructed up to and along the rear of the pavement on Manor Road with two shorter sections returning into the appeal site.
8. The height of the fence makes it an imposing feature on this prominent corner plot and the position of the structure directly abutting the pavement reduces the sense of space. Furthermore, notwithstanding its brown coloration, the metal construction is discordant in a locality where fences, including those on corner plots, are predominantly constructed in timber. The result is a development which is at odds with the prevailing character and appearance of the area.
9. The appellant has drawn my attention to other fences, and I viewed these on my visit. The fence at 17 Bryan Close is a considerable distance from the site, and whilst it is a similar design to the appeal proposal and appears to use steel in a different colour, it is not typical of either area. The two properties closer to the appeal site have timber fences, which is a more appropriate material in the context of the character and appearance of the wider area. I do not know the circumstances under which all of these were constructed or their status regarding planning permission. However, I have been provided with a copy of the appeal decision referred to in the appellant's statement for 2 Fox Close<sup>1</sup>, which is for a lower fence of timber construction in a different location. I cannot draw any direct

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<sup>1</sup> Appeal Ref APP/N1350/D/23/3328781, dated 04 December 2023

comparison with the development that would weigh in its favour. The presence of the examples provided by the appellant does not justify the harm that I have otherwise found with the fence at the appeal site.

10. The work to create the additional hardstanding has resulted in the loss of a lawned garden area, although the land would not be enclosed and would broadly retain its open character. This results in some harm to the character and appearance of the area. However, due to the variations in hard surfaces to other plot frontages and the modest size of the proposal, I do not consider that there would be a significant detrimental impact to the character and appearance of the area from this element of the development.
11. For the reasons set out above, I conclude that the fence that has been erected is materially harmful to the character and appearance of the area. This conflicts with Policy DC1 of the DLP, which amongst other things seeks to create attractive places and ensure that development responds positively to the local context.

#### *Highway safety*

12. The fence has been erected closer to the footpath on Manor Road than the previous structure. This impacts on the visibility from the existing parking space adjacent to the garage at the rear of the appeal property. This access is directly onto Manor Road, which serves a considerable number of dwellings across other parts of the wider estate. I have been provided with a plan which indicates a visibility splay in relation to the previous fence line. However, the proposed plans do not show a visibility splay for the replacement fence.
13. The previous fence would also have impacted on visibility from the parking space, although not to the same extent as the current situation. The corner plot location of the site with a bend in the road could assist in reducing traffic speeds to some degree, whilst users of the estate road and pedestrians may be more familiar with the layout. However, not all road users will have the same level of familiarity and thus the loss of visibility arising from the erection of the fence constitutes an unacceptable highway safety risk.
14. Other examples of fences close to parking areas that I have been directed to are not directly comparable to the appeal proposals. In those cases, the driveways provide access to sections of road and cul-de-sacs serving fewer properties and where the risk of conflict between road users and pedestrians is likely to be more limited. Therefore, I cannot draw any direct comparison with the development that would weigh in its favour in this respect.
15. I conclude that the development has an unacceptable impact on highway safety. This conflicts with Policies DC1 and IN4 of the DLP, which require that proposals provide suitable and safe vehicular access and suitable parking arrangements.

#### *Living conditions*

16. The Council refers to an adverse impact from the development on the outlook from neighbouring residential properties. Whilst the development can be seen from properties, due to its separation from these I do not find that the development has any harmful impacts on the outlook of these occupants.
17. Notwithstanding the harm to the character and appearance of the area from the fence, I conclude that the overall development is not harmful to the living

conditions of the occupants of neighbouring properties. Therefore, the development does not conflict with Policy DC4 of the DLP in this respect, which requires new development to be sited and designed to protect the amenity of existing users of neighbouring land and buildings.

### **Other Matters**

18. I have taken account of the appellant's reasons for erecting the fence, which I am told was to improve privacy, ease maintenance and address problems with dog fouling on the verge. However, it has not been adequately demonstrated that this development is the only way to achieve those objectives. In any event, the reasons provided for erecting the fence do not justify the harm I have identified or alter my conclusions on the main issues.
19. Whilst I have noted the representations of support from neighbours, these are not sufficient to persuade me that the development is acceptable.

### **Conclusion**

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

*N Armstrong*

INSPECTOR

**DARLINGTON BOROUGH COUNCIL**

**APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION**

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APPLICATION REF. NO: 23/00318/AUTH

APPEAL REF. NO: APP/N1350/C/24/3349389

LOCATION: Land on the north-west side of Brickyard Farm Cottage, Neasham Road, Hurworth Moor, Darlington, DL2 1DL

DESCRIPTION: Appeal against an Enforcement Notice issued by Darlington Borough Council

APPLICANT: Mr William Porrett

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**PLANNING OFFICER: ANDREW HARKER**

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**BRIEF SUMMARY:**

1. An enforcement notice was issued by Darlington Borough Council. The breach of planning control as alleged in the notice was the unauthorised removal of approximately 25m of protected hedgerow, the installation of an authorised site access onto the land from Neasham Road, Hurworth, with the laying of hardcore materials to form an access road up to Brickyard Farm Cottage.

**KEY POINTS TO NOTE:**

2. The appeal site comprises two agricultural fields adjacent to Brickyard Farm Cottage. A new vehicular access track across the fields and gated entrance onto Neasham Road were carried out without the benefit of planning permission. The entrance onto Neasham Road did not include a safe level of visibility which meant that a retrospective planning application could not be supported, if one was submitted, and therefore the Council issued an Enforcement Notice.
3. The requirements of the notice were to (1) cease the use of the unauthorised access, (2) remove the unauthorised access road, gateway, fence posts and hardcore materials from the land, and (3) reinstate the land and hedgerow to its original condition immediately before the breach of planning control took place including, without prejudice to the generality of this requirement the removal of any rubbish and debris in connection with this unauthorised development and the closure of the access by replanting of the hedgerow adjacent to the highway. The periods for compliance with the respective requirements are (1) with immediate effect, (2) four weeks, and (3) six weeks.

4. The applicant appealed against the Notice on the grounds that planning permission should be granted for the works, that the entrance onto Neasham Road was not a breach of planning control and that the period for compliance with the Enforcement Notice was too short and should be extended to nine months.

**REASON(S) FOR ISSUING THE ENFORCEMENT NOTICE:**

5. The Enforcement Notice was issued as the development was considered to be prejudicial to highway safety by reason of the creation of an access for the associated traffic generation which does not include a safe level of visibility and the applicant had not provided any evidence to demonstrate that visibility standards in accordance with national guidance were achievable.
6. As part of the appeal process, the Council also considered that the removal of the hedgerow would have an adverse ecological and visual impact on the site and local area.

**APPEAL DISMISSED:**

7. The Planning Inspector agreed with the Council that the works which had been carried out were a breach of planning control. The Planning Inspector stated that ecological mitigation could be secured by planning conditions but the development would have an unacceptable impact on highway safety and also cause significant harm to the rural, green and undeveloped character of the area contrary to local development plan policies.
8. The Planning Inspector considered that there was no evidence to suggest that the four and six week compliance periods set out in the Enforcement Notice could not be achieved.
9. For these reasons, the planning appeal was dismissed, and the enforcement notice has been upheld with the following variation to the wording of Section 6) of the Notice:

*'As to the step at paragraph 5(1) above: with immediate effect on the day this notice takes effect'.*





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## Appeal Decision

Site visit made on 18 March 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 MARCH 2025

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**Appeal Ref: APP/N1350/C/24/3349389**

**Land on the north-west side of Brickyard Farm Cottage, Neasham Road, Hurworth Moor, Darlington, DL2 1DL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr William Porrett against an enforcement notice issued by Darlington Borough Council.
  - The notice was issued on 12 July 2024.
  - The breach of planning control as alleged in the notice is the unauthorised removal of approximately 25m of protected hedgerow, the installation of an authorised site access onto the land from Neasham Road, Hurworth, with the laying of hardcore materials to form an access road up to Brickyard Farm Cottage.
  - The requirements of the notice are to (1) cease the use of the unauthorised access, (2) remove the unauthorised access road, gateway, fence posts and hardcore materials from the land, and (3) reinstate the land and hedgerow to its original condition immediately before the breach of planning control took place including, without prejudice to the generality of this requirement the removal of any rubbish and debris in connection with this unauthorised development and the closure of the access by replanting of the hedgerow adjacent to the highway.
  - The periods for compliance with the respective requirements are (1) with immediate effect, (2) four weeks, and (3) six weeks.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- 

### Decision

1. It is directed that the enforcement notice is varied by the deletion of the words "*As to the step at paragraph 5(1) above: with immediate effect on the day this Notice takes effect 10 August 2024*" and their substitution with the words "*As to the step at paragraph 5(1) above: with immediate effect on the day this Notice takes effect*". Subject to the variation, the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Preliminary Matter

2. The National Planning Policy Framework was revised in December 2024 (the 2024 Framework) and was subsequently amended on 7 February 2025 to correct cross-references from footnotes 7 and 8 and amend the end of the first sentence of paragraph 155 to make its intent clear. The 2024 Framework replaces the previous version of the National Planning Policy Framework published in December 2023. In relative terms, the 2024 Framework does not have a material bearing on how the deemed planning application main issues should be considered.

## The Notice

3. Section six of the notice, which relates to timescale for compliance with its requirements, states that the time to comply with requirement 5(1) (i.e., to cease the use of the unauthorised access) is '*with immediate effect on the day this notice takes effect 10 August 2024*'. As an appeal has been lodged, and given my appeal decision, the notice takes effect now rather than on 10 August 2024. Therefore, I shall delete the wording of the first sentence of section six of the notice and replace it with '*As to the step at paragraph 5(1) above: with immediate effect on the day this notice takes effect*'. I am satisfied that this variation would not cause injustice to the main parties.

## Ground (b) appeal and ground (c) of section 174(2) of the Act.

4. The appeal made on ground (b) is on the basis that the matters comprising the alleged breach of planning control have not occurred. While the appellant has not appealed on ground (c), which is that the matters alleged do not constitute a breach of planning control, the appellant makes the claim that the access has existed historically. I find that he is therefore saying that it does not amount to development requiring planning permission. In this regard, I have also considered a hidden ground (c) appeal.
5. The claim made by the appellant is that a new access onto Neasham Road has not occurred in so far that evidence supports the existence of a long-standing field access at this location which was '*simply reinstated rather than newly created*'. The appellant refers to the presence of a '*large gate pillar and remnants of an old metal gate within the overgrown hedge*'. The appellant also comments that while it is acknowledged that there have been engineering works associated with the '*formation of the drive*', and that hedgerow was removed, this was in connection with '*improvements and expansions of an already existing access point rather than the creation of a new one*'.
6. I do not find that the appellant's evidence is sufficiently precise and unambiguous to demonstrate that a historic access has always been in the position as it relates to the access which is the subject of this notice. I noticed on my site visit, that there is an access further up Neasham Road and while the appellant's aerial images, dated 2006 and 2008, are not to scale, given the location of the buildings within these images, I find that the desire lines shown within the fields are likely to be in association with what is a different access.
7. Moreover, the appellant has shown what he says is '*the original gate within the overgrown hedge*' and '*the original gate post*'. This is not conclusive evidence to demonstrate that an access was historically in the position as that which is the subject of this appeal. While it is possible that such a field gate may have been positioned amongst the now removed hedge for many years, it may of course have originated from elsewhere. In addition, I do not know precisely where the gatepost was located relative to the access which is the subject of this appeal. The evidence before me is not precise or unambiguous in terms of these matters.
8. In any event, the Google Street view images show that a mature hedge was in place along this part of Neasham Road prior to the current engineered access being formed. Indeed, such a hedge was in place from at least June 2009 to May 2023 based on available Google Street view imagery. Even if the appellant had been able to demonstrate that a historic access existed in the same location as the

appeal access, as a matter of fact and degree there is no evidence of any access being in place prior to the appeal development taking place. Even if there was a historic access, the evidence is that it was long gone by the time that the appeal access was formed.

9. The appellant acknowledges that hardcore has been laid in respect of both the access opening to Neasham Road and the access road leading to Brickyard Farm Cottage. There is no suggestion that the hedgerow was not removed to facilitate the unauthorised operational development.
10. The onus is on the appellant to make a case on any legal grounds of appeal. For the above reasons, I find that the appellant's evidence does not precisely and unambiguously demonstrate, on the balance of probability, that an access previously existed in the same location as that which is the subject of the notice. Moreover, and, in any event, the evidence is that prior to the new access being formed onto Neasham Road, there was a hedge in place for many years. In this regard, there is no evidence of any sort of vehicular or other access at this point of Neasham Road into the subject field.
11. The evidence is that a new access has been formed as well as an associated new road and using hardcore materials up to Brickyard Farm Cottage. These works amount to engineering operations and hence development under section 55 of the Act. The evidence is that a new and engineered road has been formed through the field, facilitated by the new access from Neasham Road and in connection with the residential use of Brickyard Farm Cottage. Neither the engineered vehicular access onto Neasham Road which is classified, nor the associated engineered road leading to Brickyard Farm Cottage, are permitted development in respect of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).
12. For the above reasons, I conclude that the matters alleged in the breach of planning control have occurred. Moreover, the breach of planning control comprising the site access and associated access road comprise acts of development requiring planning permission. Hence, the matters alleged constitute a breach of planning control. Therefore, the ground (b) appeal fails, and the appeal does not succeed on ground (c) of section 174(2) of the Act.

### **Ground (a) appeal and the deemed planning application**

#### *Main Issue*

13. I have considered the reasons for issuing the notice as well as comments made in the respective statements of case. The main issues are (i) the effect of the development on (i) highway safety, and (ii) the character, appearance and biodiversity of the area.

#### *Reasons*

14. The evidence is that this part of Neasham Road, which is in a rural location, has a 60-mph speed limit. While my site visit was only a snapshot in time, I did notice that passing vehicles appeared to be travelling at high speeds. Indeed, the essentially straight geometry is conducive to high vehicular speeds. Moreover, there are very few accesses off Neasham Road. The appellant has not submitted a speed survey as part of the appeal and there is no objective evidence before me

to show that the 85<sup>th</sup> percentile speed of vehicles approaching the unauthorised access is significantly lower than the 60-mph speed limit.

15. The wider highway context provides a direct link to a National Highways trunk road (A66) and as such Neasham Road is used as both a distributor road and a link to the strategic road network. The undisputed evidence is that average annual daily traffic flows are approximately 8000 vehicles per day based on the automated traffic count data completed by the Highway Authority in 2022.
16. Given the 60-mph speed limit, the local context, and the absence of any speed survey data from the appellant, I agree with the local planning authority (LPA) that guidance in Manual for Streets (MfS), which relates to roads where traffic speeds are generally lower and where the local context is different, is not applicable in this case. I note the various extracts from MfS which have been referenced by the LPA and which support the use of Design Manual for Roads and Bridges (DMRB) in this case.
17. DMRB specifies visibility splays of 2.4 metres by 215 metres in each direction for a 60-mph speed limit road. It is not disputed that the visibility splay to the north is limited to 2.4 metres (the 'X' distance) by 30 metres (the 'Y' distance). This constitutes a significant departure from the guidance in DMRB. The appellant has not provided speed survey data but based on an 85<sup>th</sup> percentile speed of 50 mph the LPA states that a minimum 160 metre 'Y' distance would be needed in both directions. There is no evidence before me to demonstrate that this can be achieved in respect of the northern sightline.
18. Given the above, I find that there is a real risk of an accident occurring on Neasham Road arising from the unauthorised development. I cannot therefore conclude that the development would not have an unacceptable impact on highway safety. In this regard, the development does not accord with the highway safety requirements of policy DC1 of the adopted 2022 Darlington Local Plan 2016-2036 (LP), and paragraph 116 of the 2024 Framework.

*Character, appearance and biodiversity*

19. In its statement of case, the LPA has also raised concern about the loss of hedgerow and the resultant impact on biodiversity arising from the breach of planning control. It also comments that the access and associated access road have caused harm to the character and appearance of the area.
20. The evidence is that a significant amount of hedgerow has been lost to facilitate the unauthorised engineering works. Statutory biodiversity net gain is not required in respect of unauthorised development, but nonetheless there is a general requirement to conserve and enhance biodiversity in respect of policy ENV 7 of the LP, as well as paragraph 187 of the 2024 Framework.
21. I have little information before me to demonstrate that new hedge planting around the access would be capable of conserving and enhancing biodiversity in relative terms. However, I consider that this aim would be possible based on the appellant's landholding and hence this is a matter that could be addressed by planning condition. Therefore, I find that the development would be capable of according with the biodiversity requirements of policy ENV 7 of the LP, and paragraph 187 of the Framework.

22. Notwithstanding the above, any hedge planting would take some time to reach maturity. Moreover, this would not alter the fact that the otherwise distinctive and unbroken character of the hedge along Neasham Road has been materially harmed. It has been replaced with an out of keeping and engineered open access (with fencing) and which is connected to a relatively long, engineered and intrusive road (with fencing) leading to Brickyard Cottage.
23. When experienced from Neasham Road, I find that the development as a whole has caused significant harm to the otherwise rural, green and undeveloped character of the area. The access opening and its associated road has unacceptably urbanised this countryside location. Hence, the development does not accord with the design, character and appearance requirements of policies DC1 and ENV 3 of the LP, and chapters 12 and 15 of the 2024 Framework.

#### *Other Considerations*

24. The appellant states that the lawful access to Brickyard Farm Cottage is via a narrow driveway which is shared by multiple dwellings and with limited visibility at the point where it meets Neasham Road. He also comments that works in connection with the unauthorised development has allowed him to address a long-standing drainage issue in terms of a blocked swale within the highway verge.
25. I acknowledge that the appeal access and its associated road offers a more convenient route to Brickyard Farm Cottage than existed previously. It is a private access and so does not have to be shared with the occupiers of other dwellinghouses in the area. Furthermore, I note the appellant's use of vehicles with trailers.
26. The appellant states that sightlines from the lawful access onto Neasham Road are somewhat deficient. I do not have any technical evidence to support this claim although I do note that the access road is narrow in part and that it serves other properties. Even accounting for any deficiency, I do not find that this justifies the provision of a further deficient access. Moreover, I do not know from the evidence whether it would have been possible for the appellant to have explored the potential to improve the existing lawful access onto Neasham Road, although I accept that this would not overcome the fact that the existing access is narrow in parts.
27. The appellant's work to address the drainage issue is commendable. However, it is likely that this could have been completed without having to form a new access and its associated access road.

#### *Planning Balance and Conclusion*

28. While biodiversity matters would be capable of being addressed by condition, I am unable to conclude that the development does not have an unacceptable impact on highway safety. Furthermore, significant harm has been caused to the character and appearance of the area. The identified other considerations are not of sufficient weight to alter or outweigh the harms that I have identified above. I therefore conclude that the ground (a) appeal fails.

#### **Ground (g) appeal**

29. The appeal made on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.



30. The notice requires that use of the access ceases immediately. The appellant does not raise a concern about this. The appellant nonetheless requests a longer compliance period (i.e., nine months) to *'ensure that the reinstatement is carried out correctly, benefiting both the environment and the long-term usability of the property'*. He also states that *'the additional time will allow for the proper planning and execution, ensuring that the hedgerow establishes well, and the access reinstatement is effective and sustainable'*.
31. The above comments are not supported with any objective evidence to indicate why the respective four and six week compliance periods cannot reasonably be achieved. At this time of year, I can see no good reason why a newly planted hedge would not be capable of establishing well. Indeed, it is not the case that the notice period includes the summer when drought type conditions may make it difficult for a new hedge to establish. Moreover, I do not find that there is any compelling evidence before me to demonstrate that the requirements of the notice would lead to hardship for the appellant or his family. Indeed, the evidence indicates that there is an alternative and lawful access available to reach Brickwork Farm Cottage.
32. For the above reasons, I conclude that the ground (g) appeal fails.

### **Conclusion**

33. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

*D Hartley*

INSPECTOR

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

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