



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm

Wednesday, 2 July 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 4 June 2025 (Pages 5 - 8)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 9 - 10)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 11 - 12)
 - (a) 45 Greenbank Road (Pages 13 - 26)
 - (b) 15 Prior Dene (Pages 27 - 46)
 - (c) 1 St Cuthbert's Place (Pages 47 - 56)
 - (d) 3 Parkland Drive (Pages 57 - 66)
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 Ian Robert Hodgson against this authority's decision to refuse permission for Felling of 1 no. Cypress tree protected under Tree Preservation Order (No.3) 1962 (T52) at 67 Milbank Court, Darlington, DL3 9PF (Ref No 22/01281/TF) (copy of Inspector's decision enclosed).
- (b) Dismissed the appeal by Rory Brownless against this authority's decision to refuse permission for Works to 1 no. Pine (T4) protected under Tree Preservation Order (No.17) 2006 - reduce easterly limb overhanging house by up to 3.5 m at 2 Quaker Lane, Darlington, DL1 5PB (Ref No 24/00064/TF) (copy of Inspector's decision enclosed).
- (c) Dismissed the appeal by Janine Mitchell against this authority's decision to refuse permission for Works to trees protected under Tree Preservation Order (No.3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by upto 3m at Greystones Drive, Darlington (Ref No 23/00338/TF) (copy of Inspector's decision enclosed).

Recommended – That the reports be received.
(Pages 67 - 84)

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 20 June 2025 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection
(Pages 85 - 96)
- 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

A handwritten signature in black ink that reads "A. C. Wennington". The signature is written in a cursive style with a long horizontal stroke at the bottom.

Amy Wennington
Assistant Director Law and Governance

Tuesday, 24 June 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 Hannah Miller, Democratic Officer, Resources and Governance Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: hannah.miller@darlington.gov.uk or telephone 01325 405801

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 4 June 2025

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

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

PA1 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA2 TO CONSIDER THE PROPOSED DATES AND TIMES OF MEETINGS OF THIS COMMITTEE FOR THE MUNICIPAL YEAR 2025/26

RESOLVED – That meetings of this Committee be held at 1.30 p.m. on the following dates :-

2 July, 2025
30 July, 2025
27 August, 2025
24 September, 2025
22 October, 2025
19 November, 2025
17 December, 2025
14 January, 2026
11 February, 2026
11 March, 2026
8 April, 2026
6 May, 2026

PA3 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 7 MAY 2025

RESOLVED – That the Minutes of this Committee held on 7 May 2025 be approved as a correct record.

PA4 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

(1) 7 AMBERLEY GROVE, DARLINGTON, DL3 0GG

25/00283/FUL – Application for change of use of the existing detached garden room located in rear garden to a hairdressing salon (Use Class E) with associated works.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer and Environmental

Health Officer. Three letters of objection 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 following conditions:

1. A3 Implementation Limit (Three Years)

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

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

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

- Proposed Site Layout Plan to Rear Dwg. No. 25.109 04 Rev A
- Proposed Elevations Dwg. No. 25.109 05
- Proposed Block Plan Dwg. No. 25.109 06

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

3. This permission shall be solely operated for the benefit of the applicant, Karen Whitehouse and shall not run with the land. And whilst Karen Whitehouse shall operate the business with the assistance of Jenna Whitehouse, only one person can operate from the facility at any one time. And in the event of Karen Whitehouse vacating the premises the detached garden structure shall revert to a use ancillary to the main residential use of the application property.

REASON – In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of Karen Whitehouse vacating the premises.

4. The hair salon hereby approved shall not be open for business outside the hours of Tuesday to Friday (4 days per week) from 8am to 2pm, one Saturday per month between 8am and 12 noon and there shall be no opening on Sundays, Mondays or Bank Holidays. The business shall also operate on a booking system with no overlaps as outlined in the submitted revised Design and Access Statement dated 28th April 2025.

REASON – In the interest residential amenity.

5. The detached timber garden structure shall be used only as a hair salon and for no other purpose (including any other use in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order).

REASON – The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same class in the interests of amenity.

6. Notwithstanding, details included in Condition 2 above, the ambulant disabled steps and handrails shall be installed prior to the commencement of the use and shall remain in place for the lifetime of this use.

REASON – To accord with Policy IN2 of the Darlington Borough Council Local Plan (2016- 2036).

7. Notwithstanding, details included in Condition 2, a minimum of one parking space within the curtilage of the property shall remain available for use by customers during the approved operational hours.

REASON – In the interest of highway safety.

PA5 21 LANETHORPE ROAD, DARLINGTON, DL1 4SG

25/00258/FUL – Application for the erection of front boundary wall up to 1.84m high and detached outbuilding/store within the front boundary, extension to the west elevation of the existing garden store and installation of an additional first floor window into existing side elevation of dwelling (part retrospective).

In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the results of technical consultation with Highways and that the request to have the application to be determined by the Planning Committee came from a local Councillor. The Committee also took into consideration the views of the Applicant's Agent.

RESOLVED – That Planning Permission be refused for the following reason:

1. By virtue of the scale and forwards projection of the outbuilding, the development would result in a poor form of development to the detriment of the character and appearance of the property and street scene and fail to make a positive contribution to the local area. The proposed development would therefore be detrimental to the character and visual amenities of the area, contrary to guidance contained within the National Planning Policy Framework 2024 (paragraph 135) and Local Plan Policy DC1.

PA6 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.

PA7 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 21 MAY 2025 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA62/May/2025, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 21 May 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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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 2 July 2025

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

- 1) Letters and memoranda in reply to consultations.**
- 2) Letters of objection and representation from the public.**

Index of applications contained in this Schedule are as follows:-

Address/Site Location	Reference Number
45 Greenbank Road	24/01178/CU
15 Prior Dene	24/01018/FUL
1 St. Cuthbert's Place	25/00360/TF
3 Parkland Drive	25/00259/CU

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd July 2025

APPLICATION REF. NO:	24/01178/CU
STATUTORY DECISION DATE:	9 th July 2025
WARD/PARISH:	Pierremont
LOCATION:	45 Greenbank Road, Darlington DL3 6EN
DESCRIPTION:	Change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis) (Provisional Nutrient Certificate and Nutrient Calculator received 24 April 2025)
APPLICANT:	Vnouchkov Properties

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNVAVNFPI8C00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a terraced property with a two and single storey rear extension within an enclosed yard. The property was a three-bed dwelling (Class C3).
2. In October 2024, a Certificate of Lawfulness (ref no 24/00932/PLU) was issued for the partial demolition and conversion of the existing garage to provide a habitable space and covered store area at the rear including the blocking up existing garage door to the rear boundary wall, the conversion of loft into habitable space together with the installation of 2 No. box dormers with rooflights to the rear and two Velux rooflights at the front roof slope. The Certificate was issued confirming that these works were permitted development by virtue of Schedule 2 Part 1, Class A, Class B and Class C (as amended), and Schedule 2 Part 2, Class A of the Town and Country Planning (General

Permitted Development) (England) Order 2015. A planning application was therefore not required for these works.

3. In December 2024 a Certificate of Lawfulness (ref no: 24/01010/PLU) was issued for a change of use of the property from a single dwelling (Use Class C3) to a 6 No. person HMO (Use Class C4). The Certificate confirmed that under the provision of Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 the proposed change of use from a dwelling (Class C3) to a six person HMO (Class C4) constituted permitted development and a planning application was therefore not required.
4. The above works are currently being undertaken but are not yet completed.
5. Under the provision of 24/01010/PLU the six person HMO comprise the following:
 - a) A lounge, kitchen/dining room and sitting room on the ground floor.
 - b) Four bedrooms on the first floor
 - c) Two bedrooms in the roof space
 - d) Bin and cycle stores would be provided within the rear yard.
6. Planning permission is now being sought convert the property into a 9 bed HMO which would comprise the following:
 - a) Three bedrooms and a kitchen/dining/living room on the ground floor.
 - b) Four bedrooms on the first floor
 - c) Two bedrooms in the roof space
 - d) Bin and cycle stores would be provided within the rear yard.
7. The main change to the layout would be the creation of three additional bedrooms on the ground floor. This planning application does not include any external alterations to the property, but it does include bin and cycle storages areas within the rear yard,

MAIN PLANNING ISSUES

8. The property is currently being extended and converted to a small house in multiple occupation for six persons in accordance with ref nos 24/00932/PLU and 24/01010/PLU. The main planning issues to be considered here are whether the proposed change of use to a large house in multiple occupation for nine persons is acceptable in the following terms:
 - a) Planning Policy
 - b) Amenity and Fear of Crime
 - c) Access and Parking Provision
 - d) Service Provision
 - e) Housing Stock
 - f) Flood Risk
 - g) Nutrient Neutrality

PLANNING POLICIES

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

- SD1: Presumption in Favour of Sustainable Development
- DC1: Sustainable Design Principles and Climate Change
- DC2: Flood Risk & Water Management
- DC3: Health and Wellbeing
- DC4: Safeguarding Amenity
- H3: Development Limits
- H4: Housing Mix
- H8: Housing Intensification
- IN2: Improving Access and Accessibility
- IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Environmental Health Officer, Transport Planning Officer and Highways Engineer have raised no objections to the planning application.
11. The Council's Private Sector Housing Team have no objections and have advised that the property will be subject to mandatory licensing under the Housing Act 2004
12. The Durham Constabulary Crime Prevention Unit have provided general security advice relating to matters such as windows, doors and bin and cycle stores.

RESULTS OF PUBLICITY AND NOTIFICATION

13. A site notice was erected, and 57 notification letters were issued. Sixteen letters of objection have been received from 15 properties. The comments can be summarised as follows:

- *The area has deteriorated as half of the family houses have been turned into bedsits, flats and HMOs.*
- *There has been an increase in antisocial behaviour in the local area with race riots, robberies at the Sainsbury stores on Corporation Road and a shop blowing up.*
- *This will lead to an increase in noise pollution.*
- *This will lead to an increase in the number of vehicles.*
- *This will lead to an increase in litter in the area.*
- *This will lead to an increase in antisocial behaviour.*
- *More family homes are required not developers who just want to make money.*
- *This will lead to disruption, noise, dirt during the construction/conversion phase.*
- *This will lead to a reduction on property values.*
- *Parking is already a problem, and the residents of the HMO will not be able to park 6 – 9 cars.*
- *Concerns over impact on water pressure and sewage*

- *Public bins have been removed and large amounts of recycling, due to the existing HMOs, often cause bags to overflow making the area unpleasant to live in. This proposal will make the matter even worse.*
- *Concern that the builders are converting the building before they have permission to do so.*
- *Concern over who the occupants of the premises will be.*
- *There are more than enough HMOs in Greenbank Road*
- *Concern over the lack of proper maintenance due to absent landlords*
- *Concern over heightened fire risks and health and safety measures*
- *Concern over potential high turnover of occupants*
- *Concern over controls of cycle parking and parking of vehicles*
- *Parking in Greenbank Road is very restricted, due to office workers from the town, hospital and existing HMOs.*
- *In terms of parking, the consideration must be that as a normal house it would be occupied by 2 adults and 3 children/young adults with 1-2 cars. I think it would be correct to assume that most of the people living in a 9 occupancy HMO would be of an age to drive.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

14. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
15. The application site is within the development limits for the urban area and therefore the proposed development can be supported in general planning policy terms subject to compliance with all other appropriate national and local development policies (policy H3 of the Local Plan).
16. Policy H8 of the Local Plan states that in circumstances where planning permission is required for self-contained flats and Houses in Multiple Occupation (HMOs), permission will normally be granted where it can be demonstrated that there will be no significant impact on the following:
 - a) Privacy of existing homes and gardens of neighbours - must be maintained and ensured for new occupiers.
 - b) Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours.
 - c) Service provision – there should be sufficient space to accommodate adequate bin storage and accommodate other ancillary functions for the increased number of residents.
 - d) Housing stock – to protect the existing small family housing stock, and to allow for adequate residential space standards in the proposed subdivided dwelling, the subdivision of existing properties of less than 4 bedrooms will not be permitted.

17. The supporting text for policy H8 recognises that high concentrations of sub-divided housing stock or other forms of Homes in Multiple Occupation (HMOs) can cause problems within a local community if not properly managed. Changes to permitted development regulations have made it easier for such properties to be created, and it is acknowledged that they can form a vital part of the overall housing mix. However, when concentrations get too high, problems can arise, to the detriment of the amenity of existing residents.
18. The creation of HMOs and self-contained flats has increased in recent years, in response to the increasing number of smaller households and the need for more affordable, low-cost housing. Needs are expected to increase further in response to changes to housing benefit payments.
19. New HMOs and self-contained flats have generally been achieved by building new properties and converting large houses or commercial properties. In some instances, their provision can be detrimental to the amenity of existing residential areas. A concentration of these properties can lead to problems such as a shortage of on street parking, increased noise and disturbance and inadequate bin storage areas, whilst short term lets, and low levels of owner occupation can be associated with lower standards of maintenance and environmental decline. The conversion of existing larger homes can also reduce the proportion of family homes in an area, and result in an unbalanced community. As such, this could prejudice the plan's environmental improvement and regeneration objectives.
20. The supporting text for Policy H8 continues to advise that whether a residential property is considered acceptable for conversion will depend on size, unsuitability for continued family occupation or long-established use. Acceptable areas for conversion are likely to be close to town centres or services and facilities, or within mixed use areas providing there is no risk of flooding.
21. It is noted that actual wording within Policy H8 of the Local Plan does not include any restrictions on suitable or unsuitable locations for HMOs within the Borough when planning permission is required and there is no Article 4 Direction in Darlington at this present time which would need to be evidence based, which removes the national permitted development right to convert family homes to HMOs and to control where they can be located within the Borough.
22. This report will consider the proposal against policy H8 and all other material planning considerations.

b) Amenity and Fear of Crime

23. As stated in paragraph 8) of this Report, the property is currently being extended and converted to a small house in multiple occupation for six persons in accordance with ref nos 24/00932/PLU and 24/01010/PLU. Should this planning application be refused, the

property would continue to be converted to a small house in multiple occupation by virtue of these works which are permitted development.

24. The property is located in close proximity to the town centre and is within walking distance of public transport routes which is recommended by the supporting text of policy H8.
25. According to Council records, there is a high concentration of HMOs and flatted developments within this section of Greenbank Road. However, as set out in paragraph 21 of this Report, Policy H8 of the Local Plan does not place any restrictions or controls over planning applications for large HMOs in areas where there is already a high concentration of this form of accommodation.
26. This planning application does not involve any external alterations to the property. The external alterations that are currently underway are those which were subject to Certificate of Lawfulness ref no 24/00932/PLU and confirmed as being permitted development. When considering whether extensions are permitted development or otherwise, the impact that they may have on the privacy of neighbouring dwellings is not a determining factor or consideration.
27. The property will be occupied by six persons by virtue of Certificate of Lawfulness ref no 24/01010/PLU. If this application is approved, the property would provide accommodation for nine persons. It is considered that the impact of three additional persons would not on balance result in a significant increase in adverse amenity conditions, such as noise and disturbance, to justify a reason to refuse the application on such grounds.
28. The applicant is aware of the need to comply with other legislation such as the Housing Act 2004, Building Regulations and Fire Regulations.

Fear of Crime

29. The fear of crime is capable of being a material planning consideration when determining a planning application. However, the fear of crime must be objectively justified; have some reasonable basis and must relate (in planning terms) to the proposed use and site and not be based on assumptions in order to carry sufficient weight to influence the recommendation and determination of a planning application.
30. Neighbourhood Command from Durham Constabulary have advised that these small footprinted HMOs are more attractive to agencies able to source low-cost accommodation for short term "temporary" accommodation and from their experience can often attract both crime and anti-social behaviour. However, they are unable to provide the Local Planning Authority with actual evidence to support a reason to refuse this planning application on such grounds. As a result, for this proposal, in this location, the fear of crime carries limited weight as a material planning consideration. It is acknowledged however that a number of objectors to the application have expressed concerns in this regard.

31. It is on balance considered that the proposed change of use would be compliant with policies DC3, DC4 and H8 of the Local Plan.

c) Access and Parking Provision

32. The proposal does present an increase in overall parking demand within the immediate vicinity of the site; however, the increase is considered to be small. It is known that car ownership rates for people living in HMOs are typically lower than those living within single households. Census data for the wider Pierremont Ward shows that 30% of households do not have access to a car or van, however this is typically 50% or more of individuals within HMO households.

33. On the above basis, it is likely that the additional parking demand will equate to only 1-2 spaces and as such it would be difficult to substantiate grounds for refusal based on road safety or parking demand, as such a low level of additional demand does not inequitably displace existing residents from parking within the street.

34. The proposed plans show provision for a covered cycle store and a planning condition has been recommended to ensure that the cycle store is in place prior to the first occupation of the premises.

35. No highway objection has been raised, and the proposal would comply with policy H8, DC1 and IN4 of the Local Plan in this regard.

d) Service Provision

36. The submitted plans show that bins will be stored in the rear yard which can then be left in the rear lane on collection day. A planning condition has been recommended to ensure that bin store provision is in place prior to the first occupation of the building. The Environmental Health Officer has raised no objections to the planning application. The proposal would accord with policies DC3, DC4 and H8 of the Local Plan in this regard.

e) Housing Stock

37. The property was a three-bed property, but it is currently being converted to a six room HMO and therefore part d) of Policy H8 is no longer a material planning consideration.

f) Flood Risk

38. The application site is within Flood Zone 1 with a low flood risk (policy DC2 of the Local Plan). Foul sewage would be disposed via the main sewer.

g) Nutrient Neutrality

39. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th 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.

40. 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.
41. 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.
42. The Local Planning Authority as the Competent Authority must 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 Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
43. The information required to enable the Local Planning Authority to undertake a Screening Assessment and where necessary Appropriate Assessment is provided by the applicant's submitted Nutrient Budget Calculator and Countersigned Provisional Nutrient Credit Certificate. This information 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. 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.
44. The Natural England's Nutrient Budget Calculator tool for the River Tees catchment has been used to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs within this calculator are considered satisfactory and are an accurate reflection of the site and its location. This proposal for a total of 3 net additional units, taking account of the Council's approach to HMOs, would increase the total annual nitrogen load arising by 4.69kg per year.
45. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing a

total of 4.69 credits (3.13 pre LURA 2030 upgrade and 1.56 post LURA upgrade) from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 4.69kg that needs to be mitigated.

46. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition has been recommended to ensure that the required and necessary mitigation is secured and in place. The Local Planning Authority as the Competent Authority considers this a form of mitigation in keeping with Natural England guidance.
47. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted on the planning application and they have raised no objections.

THE PUBLIC SECTOR EQUALITY DUTY

48. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

49. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. This consideration takes into account the views of the Police. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

50. The application site is located within the development limits for the urban area and therefore the proposal can be supported in general planning policy terms subject to compliance with all other appropriate national and local development policies. The property is currently being extended and converted to a six person HMO which are both permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015. This planning application is to increase the number of occupants to nine by providing three further bedrooms on the ground floor. This application does not include any further external alterations to the property.
51. The site is in a sustainable location within good links to public transport, the cycle network and the town centre.
52. There are no highway objections to the planning application and whilst fear of crime is a material planning consideration, the Local Planning Authority has not been presented

with evidence that there are antisocial problems associated with the existing HMOs and flats in the immediate vicinity of the application site or that the potential occupants of this HMO would result in antisocial behaviour. As a result, such matters should carry limited weight in the determination of the planning application.

53. Bin and cycle storage is being provided within the rear yard,
54. The development will be nutrient neutral as the applicant will obtain nutrient credits from Natural England to mitigate the impact of the proposal on Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
55. It is considered that, on balance, the proposed change of use would comply with the appropriate policies within the local development plan.

GRANT PERMISSION 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 plan, as detailed below:
 - a) Drawing Number 251 C Proposed Plans

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

3. Prior to the first occupation of the property 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

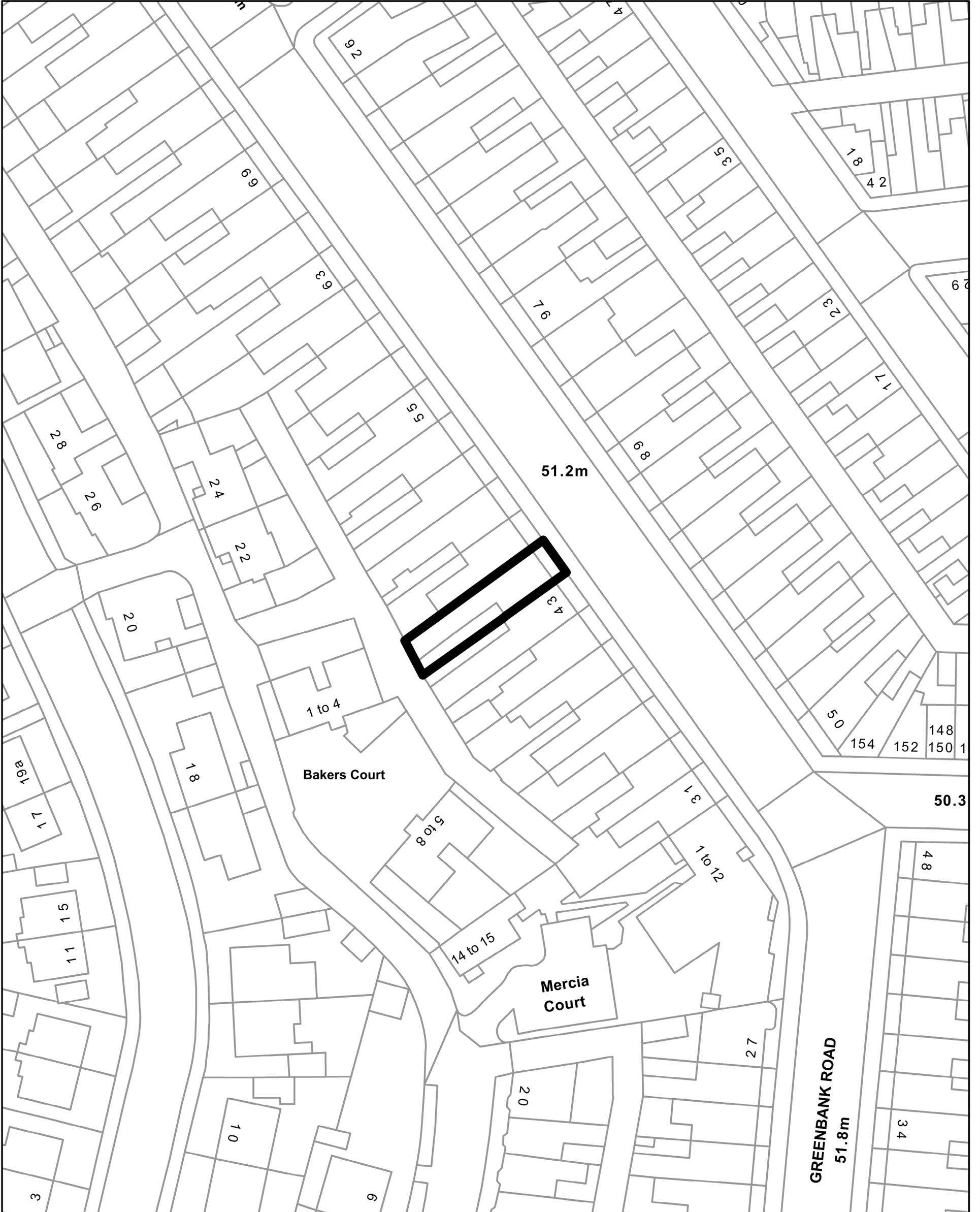
4. The cycle storage area shown on the approved plans shall be in place and be available for use prior to the first occupation of the property and shall remain in situ and available for use for the lifetime of the development.

REASON – To encourage the use of sustainable modes of transport.

5. The bin stores shown on the approved plans shall be in place and available for use prior to the first occupation of the property and shall remain in situ and available for use for the lifetime of the development.

REASON – To encourage the use of sustainable modes of transport.

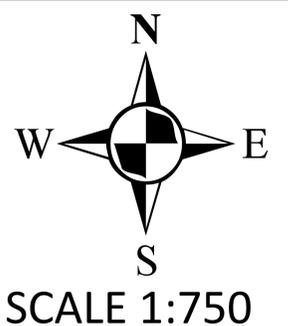
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Planning Ref No: 24/01178/CU

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2nd July 2025

APPLICATION REF. NO:	24/01018/FUL
STATUTORY DECISION DATE:	9 th July 2025
WARD/PARISH:	Cockerton
LOCATION:	15 Prior Dene, Darlington DL3 9EW
DESCRIPTION:	Demolition of the existing detached garage and flat roof side extension to facilitate the erection of 1 no. self-build three bed dwelling with new boundary, associated parking provision and amenity space
APPLICANT:	Mr Nigel Massey

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO PLANNING CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SLJREWFPOM900>

APPLICATION AND SITE DESCRIPTION

1. No 15 Prior Dene is a semi-detached bungalow with a garden to the side, located at the northern end of Prior Dene. The property is next to a pedestrian access to Sugar Hill Park and allotments. There is a lane to the rear of the site which separates the properties on Prior Dene and West Auckland Road to the east.
2. Planning permission is being sought to erect a detached, three bed dwelling within the garden of No 15 Prior Dene. Two parking spaces would be created within the curtilage of the site, to the front of the proposed dwelling, accessed from Prior Dene.

3. Amended plans have been received to reposition the dwelling within the site so that there is no encroachment of the adjacent parkland owned by Darlington Borough Council and to amend the details of the external materials and boundary fencing.
4. A detached garage within the garden and a single storey extension to No 15 Prior Dene have both been demolished.

MAIN PLANNING ISSUES

5. The main planning issues to be considered here are whether the proposed development is considered to be acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on the Character and Visual Appearance of the Local Area
 - c) Highway Safety and Parking Provision
 - d) Residential Amenity
 - e) Contaminated Land
 - f) Impact on Trees
 - g) Biodiversity Net Gain
 - h) Flood Risk and Drainage
 - i) Nutrient Neutrality

PLANNING POLICIES

6. The following policies within the Darlington Local Plan 2016 – 2036 are relevant:
 - a) SD1: Presumption in Favour of Sustainable Development
 - b) SH1: Settlement Hierarchy
 - c) DC1: Sustainable Design Principles and Climate Change
 - d) DC2: Flood Risk & Water Management
 - e) DC3: Health & Wellbeing
 - f) DC4: Safeguarding Amenity
 - g) H1: Housing Requirement H3: Development Limits
 - h) H4: Housing Mix
 - i) H8: Housing Intensification
 - j) ENV3: Local Landscape Character
 - k) ENV4: Green and Blue Infrastructure
 - l) ENV7: Biodiversity & Geodiversity & Development
 - m) ENV8: Assessing a Development's Impact on Biodiversity
 - n) IN1: Delivering a Sustainable Transport Network
 - o) IN2: Improving Access and Accessibility
 - p) IN4: Parking Provision including Electric Vehicle Charging
 - q) IN6: Utilities Infrastructure

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer, Environmental Health Officer, Transport Planning Officer, Arboricultural Consultant and Ecology Officer have raised no objections.

8. Natural England have raised no objections.
9. Northern Gas Networks have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

10. Following the Council's notification and publicity exercises, eleven letters of objection from seven properties and two letters of support have been received. The objections can be summarised as follows:

- *There is no need for an additional dwelling in the street.*
- *Parking in the street is already a significant concern and will be worse.*
- *Prior Dene is very narrow and there are already issues for large delivery vehicles and emergency services accessing and turning in the street.*
- *Construction traffic will cause problems*
- *The design of the dwelling is not in keeping with its surroundings.*
- *Concerns over proposed parking provision, including visitor parking.*
- *Noise and disruption during the construction phase*
- *Damage to wildlife and the environment*
- *The dwelling will be visible from within Sugar Hill Park and will look out of place.*
- *This will set a precedent for other homeowners to add an extra home in their garden.*
- *The dwelling would be in front of a turning circle which is crucial for residents due to the narrowness of the street.*
- *The dwelling is not in keeping with the other properties in the cul de sac. There is already limited parking in the street.*
- *Trees have been removed sound this site and I fear more may be if it goes ahead.*
- *Another property in this already small street will overload the available parking particularly the turning area which is abused massively already by the developer, his agents and others making its use by residents for its intended purpose impossible for long periods.*
- *The proposed development will significantly impact the privacy of surrounding properties including my own. I have concerns that the proposed dwelling will overshadow my property leading to a noticeable reduction in natural light (No 77 West Auckland Road)*

11. The two letters of support can be summarised as follows:

- *Traffic for construction is only temporary.*
- *The off-street parking for the new build is good.*
- *Only concern is the potential of upstairs windows overlooking my property (on West Auckland Road). No further objections*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

12. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
 13. Policy H3 of the Local Plan seeks to achieve the locational strategy for new development in the Borough by establishing development limits, where development within will be acceptable subject to compliance with other relevant national and local policies. The site is located within the development limits of the main urban area, and the proposal therefore accords with policy H3 and the distribution of development within SH1.
 14. Policy H8 of the Local Plan states that a limited scale of backland garden development may be acceptable providing it does not have a significant adverse impact upon the following:
 - a) Rear garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats.
 - b) The privacy of existing homes and gardens of neighbours or occupiers of the new development.
 - c) Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours.
 - d) Existing trees, shrubs and other wildlife habitats
 15. Policy H4 of the Local Plan states that to increase housing options, the Council will encourage and support the delivery of custom and self-build housing. The applicant has confirmed that he has been involved in designing the property and would occupy the building once built. This would meet the definition of a self build development, and it is reflected in the description of the planning application. Furthermore, self build developments are exempt from having to achieve a 10% net gain in biodiversity. As a result, a planning condition (No 8) has been imposed to ensure that the development is a self build development.
 16. This report will continue to consider the proposed development against Policy H8 of the Local Plan and all other material planning considerations.
- b) Impact on the Character and Visual Appearance of the Local Area**
17. The side garden of No 15 Prior Dene is an enclosed private, domestic garden which included a detached garage. The garden is separated from the adjacent open space by fencing, and it does not contribute either individually or as part of a larger swathe of green space to amenity of residents or provide wildlife habitats (policy H8).
 18. Prior Dene is a small residential road leading to a pedestrian access into Sugar Hill Park. The existing dwellings are semi detached bungalows with small areas of amenity space to the front, some of which are enclosed whilst others are open to provide off street

parking. The external finishes for the bungalows are a mix of brickwork and pebble dash render. A white rendered finish has recently been applied to No 15 Prior Dene.

19. The proposed dwelling would comprise three bedrooms, a lounge and bathroom on the ground floor and a living/kitchen/dining space at the first-floor level leading out to an open, external balcony to the front. The front elevation of the new dwelling would be in line with the frontage of No 15 Prior Dene and its rear elevation would be slightly behind that of the adjacent property.
20. A patio area to the rear of the site would be over sailed by the first floor to create an amenity space similar in size to neighbouring properties. The external balcony would be behind a sloping roof matching that of the existing dwellings which helps to set back the seating area and to provide some screening. The roof to the first floor consists of a short, pitched area with a low eaves level up to a flat roof. Rooflights are located within the sides and rear of the pitched area to provide nature daylight to the first floor living accommodation.
21. The lower level of the building would have a white rendered finish with colour coated steel cladding and vertical standing seams being applied to the upper sections of the external walls. The roof covering would be manmade slates.
22. The site would be enclosed by 1.8m high fencing to the rear and part of the shared boundary with No 15 Prior Dene, with the front of the site enclosed by 1m high fencing.
23. Policy DC1 of the Local Plan states that proposals should reflect the local environment and create an individual sense of place with distinctive character and that the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing.
24. The policy also states that all development will be required to have regard to the design principles set out in the Darlington Design of New Development SPD. Under the provisions of the SPD, the application is within Character Zone 4 – Outer Suburbs where developments of between 1 and 2.5 storeys are considered to be acceptable. Detached buildings set within their own grounds are also considered to be an acceptable form of development within this Character Zone along with the inclusion of pitched, hipped and parapet roof designs. The Design SPD advises that render, cladding and slate roofs are acceptable forms of external finishes in this Zone.
25. The proposed dwelling is of a contemporary modern design, but it does include design features and materials which can be found in the local area, and which comply with the general design guidance contained within the Design SPD.
26. The roof and overall height of the proposed dwelling (approx. 6.8m) has been purposefully designed so that it is no higher than No 15 Prior Dene (approx. 7.4m) and the fact that it does not breach the clearly defined building line of the street, will further reduce its visual impact of the development and ensure that it sits comfortably within

the built form of the street. No 15 Prior Dene will provide a visual screen of the proposed dwelling as the site is approached from the south.

27. When viewed from the rear lane, the proposed 1.8m high fencing will provide some screening of the lower level of the property. The remainder of the dwelling would be visible, but it is slightly set behind the rear building line of No 15 Prior Dene, and its overall height is lower than its neighbouring property.
28. As the dwelling would be located at the end of the street, rather than being located more centrally within the street, its visual impact on the street would be minimised and it would not be an obvious or dominant addition to the street scene. Its location also provides an opportunity to design a dwelling that is more modern and contemporary than the existing dwellings. The dwelling will be viewable against the backdrop of and from inside Sugar Hill Park, especially when any trees are not in leaf, but it would not have an adverse impact on the outlook towards or from within the adjacent area of open space.
29. It is noted that the dwelling is of a modern design rather than seeking to replicate the existing properties. As stated, the dwelling include design features and material finishes that can be found within the street and it has been purposefully designed to minimise its visual appearance within the street in terms of its height and position within the site. The proposed development will have a distinctive character, but it will respond positively to the site context, provide natural surveillance over the adjacent open space and safeguard existing views due to its scale and location within the site.
30. The applicant has advised that the development will involve energy efficient measures. The build will mainly consist of a lightweight steel structure which will be highly insulated alongside underfloor heating. The flat section of the roof will be a living roof, and solar panels would be installed on the flat roof and the pitched roof to the front elevation. All lighting would be low voltage LED lighting. A planning condition (No 7) to secure these measures has been recommended.
31. The development does generally accord with the appropriate guidance contained within the Council's Design SPD which is a requirement of Policy DC1 of the Local Plan. The impact of the development on the street scene and local area is considered to be acceptable.

c) Highway Safety and Parking Provision

32. The site is to be accessed via the existing highway infrastructure of Prior Dene, which has both suitable vehicle and pedestrian access routes. The additional traffic generation associated with a single dwelling is not considered material to the safe or efficient operation of the existing highway network and is therefore acceptable in principle subject to suitable parking and vehicular access.
33. The existing footway will need to be lowered to provide a dropped crossing constructed to adoptable highway standards. The applicant will therefore need permission from the

Local Highway Authority, via an agreement under Section 184 of the Highways Act 1980 to obtain permission for works within the public highway. This would need to be done should planning permission be granted, with the maximum permitted access width being 5.5m for a domestic dwelling. A planning condition (No 9) has been recommended to secure the access arrangements.

34. The dwelling will require a minimum of two parking spaces to meet current Tees Valley Design Guide standards for a three bedroom residential dwelling. The submitted plans demonstrate that this is achievable with two spaces to the front of the dwelling, each space meeting the minimum space requirements.
35. All new residential properties which have a garage or dedicated marked out residential car parking space within its curtilage, should include an electrical socket suitable for charging electric vehicles (Policy IN4). The minimum requirement would be a single phase 13-amp socket, and this would be secured via a planning condition (No. 6).
36. To ensure intervisibility for safe access and egress, the front boundary fence/wall must not exceed 1.0m in height, this shall also apply to the side boundary 2.5m back from the highway to ensure that pedestrians using the footpath north of the site are visible to exiting drivers. The submitted plans show that the proposed means of enclosure would meet this requirement, and a planning condition has been recommended to ensure that any future walls, fences do not exceed the required height limit (No 12).
37. Provision is made for refuse storage within the site to ensure that bins are not stored within the public highway. The site will be accessible for kerbside collections service as the rest of the dwellings within Prior Dene.
38. The objections regarding parking and obstruction are noted, but these are existing issues which the applicant cannot reasonably be required to address or mitigate as part this planning application. As the proposal is for a single three bed dwelling, which fully meets current parking standards, there is no evidence to suggest that the proposal would have a detrimental impact on highway safety.
39. Traveling speeds within Prior Dene will be lower than most residential streets owing to it being approximately 100m long and the presence of on street parking. Anyone requiring access with large vehicle will be able to see from Prior Street if any parked cars are an obstruction before entering the street. An extended review of the most recent 20 years of recorded personal injury collision data shows that there are no recorded incidents, which reflects the low traveling speeds expected. A such there is no evidence of any fundamental road safety concerns.
40. There are no highway safety or parking objections to the proposed development.
41. Safe, secure and appropriate provision for cycle parking storage will be secured by a planning condition (No 5), having regard to standards set out in the Tees Valley Highway Design Guide or any successor (policy IN4).

Overall, the proposed development would accord with policies DC1, H8 IN2 and IN4 of the Local Plan in this regard.

d) Residential Amenity

42. The immediate neighbouring property is No 15 Prior Dene. There are properties on West Auckland Road to the east which are on the opposite side of the rear lane but there is no dwelling immediately opposite on Prior Dene (west)
43. As there are no dwellings directly opposite the site and the balcony would have screens on each end elevation, so that this feature will not raise any adverse amenity conditions for neighbouring dwellings. There would also be no direct overlooking from the ground floor bedroom window at the front of the new dwelling.
44. A 1.8m fence would become the shared boundary between the new dwelling and No 15 Prior Dene. Each property would have an entrance and a bathroom window in the elevations which would face each other, albeit within the fence line in between. This relationship is considered to be acceptable, and the new dwelling would not be overbearing when viewed from No 15 Prior Dene.
45. A window would be included within the north elevation overlooking the open space, which is clear glazed and would provide some natural surveillance over this area.
46. Sectional plans have been provided to show that there would be no direct views from the proposed roof lights from the living accommodation at first floor level. The purpose of the openings is to allow natural daylight to enter this level.
47. The only openings in the rear elevation are at ground floor level and these are two-bedroom windows and a door. These openings would be well screened from the rear lane and the properties on West Auckland Road by 1.8m high fencing. The separation distance between the new dwelling and the rear elevations of the properties directly to the rear on West Auckland Road is approximately 15m increasing to over 24m from properties such as No 77 West Auckland Road. The upper level of the dwelling does not contain any window openings, the boundary fencing will provide a screen to the ground floor windows and the overall height of the property has been kept as low as possible to ensure that the property will not be overbearing or result in any significant loss of privacy when viewed from the east.
48. Planning conditions (Nos 15 to 17) have been imposed in the interests of residential amenity. They secure obscure glazing in a bathroom window, secure control over the insertion of new openings and remove permitted development rights to extend the proposed dwelling.
49. Due to the small-scale nature of the planning application, consultees have not requested the imposition of a planning condition for a Construction Management Plan.

However, due to the nature of the comments that have been received, a condition (No 4) has been recommended.

50. The application site is adjacent to an electricity substation within the open space. Having looked at the plans and visiting the area, the Environmental Health Officer does not consider that noise from the substation requires further consideration in this instance. There are no bedroom windows (ground floor) on the façade opposite the substation and the windows that are present on this façade are on the first floor near the stairwell. In terms of the proposed external amenity/balcony space, the substation is enclosed with brick and noise from this structure was not apparent during the visit only distant road traffic noise. The future occupants of the development should not be adversely affected by these external noise sources.

51. The proposal would accord with policies DC3, DC4 and H8 of the Local Plan in this regard.

e) Contaminated Land

52. The application has been supported by a Land Contamination Screening Assessment form which details the site currently forms part of a domestic garden and was historically agricultural land with no known potentially contaminative uses. Photographs have also been provided. None of the buildings which have been demolished as part of the development are understood to contain asbestos and it is not intended to import any soil onto the site for use in garden/soft landscaped areas. Therefore, there are further comments to make with regard to land contamination based on the proposals and the scheme would accord with policy DC1 of the Local Plan in this regard.

f) Impact on Trees

53. There no trees within the application site. Trees and vegetation which were located on Council owned land and alongside the northern boundary of the site have been previously removed by the applicant. The Council, as landowner, is aware of these works.

54. None of the trees are part of a preservation order and the site is not located within a conservation area and as such, the tree removals did not require approval from the local planning authority.

55. An Arboricultural Survey, Impact Assessment and Method Statement has been submitted in support of the planning application which recommends tree protection measures and that no service runs are located within the root protection areas of any retained trees. The findings and recommendations of the Assessment are sound, and a planning condition (no 14) has been imposed to ensure the development is carried out in accordance with it.

56. With regard to shading there may be an issue on a late afternoon / early evening for the front of the property in the Summer / Autumn months. The addition of the sky lights and the orientation of the dwelling should alleviate any lack of light due to the trees.

57. The proposed development would accord with policies H8 and ENV4 of the Local Plan in this regard.

g) Biodiversity Net Gain

58. A Bat Risk Assessment has been submitted in support of the planning application. The Assessment states that the site and buildings were negligible for bats. The Council's Ecology Officer is satisfied that the survey and report have been conducted using best practice guidelines and in line with legislation. As such, the recommendations set out in the report will be secured by a planning condition (No 11).

59. Enhancements in the form of integrated bird and bat boxes should be incorporated into the design of the property. A minimum of two integrated bat boxes located to the south / southwest of the property and two swift boxes located to the north / northeast are recommended. These should be installed at heights of no less than 3m and ideally to the eaves and/or gables to reduce the risk of predation from domestic pets. They should also be placed out of direct artificial lighting. These measures can be secured by a planning condition (No 11)

60. As the proposed development has been identified as a self build development, the proposal is exempt from the need to comply with the mandatory biodiversity net gain requirements.

61. The proposed development would accord with policies ENV7 and ENV8 of the Local Plan in this regard.

h) Flood Risk and Drainage

62. The application site is within Flood Zone 1 (Policy DC2 of the Local Plan) with a low flood risk and the updated Flood Maps from the Environment Agency do not show the site having any surface water problems. The planning application states that:

- The foul water and part surface water from the proposed dwelling will be linked to the existing on-site manhole via a 100mm diameter pipe.
- The forecourt of the proposed dwelling is to be gravelled to act as a soakaway to absorb some of surface water.
- The sedum roof overlay to the flat roof area will absorb and slow the run-off of rainwater.

i) Nutrient Neutrality

63. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th 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.

64. 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.

65. 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.
66. The Local Planning Authority as the Competent Authority must 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 Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.
67. The information required to enable the Local Planning Authority to undertake a Screening Assessment and where necessary Appropriate Assessment is provided by the applicant's submitted Nutrient Budget Calculator and Countersigned Provisional Nutrient Credit Certificate. This information 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. 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.
68. The Natural England's Nutrient Budget Calculator tool for the River Tees catchment has been used to establish a nutrient budget for the proposal. Following consideration, the assumptions and inputs within this calculator are considered satisfactory and are an accurate reflection of the site and its location. This proposal for 1 dwelling would increase the total annual nitrogen load arising by 1.56kg per year.
69. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 1.56 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 1.56kg that needs to be mitigated.
66. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-

occupation condition (No 3) has been recommended to ensure that the required and necessary mitigation is secured and in place. The Local Planning Authority as the Competent Authority considers this a form of mitigation in keeping with Natural England guidance.

67. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted on the planning application and they have raised no objections.

THE PUBLIC SECTOR EQUALITY DUTY

68. 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. A planning condition (No 10) has been imposed to ensure that the dwelling meets building regulations category M4(2) adaptable and accessible dwelling standards in accordance with policy H4 of the Local Plan.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

69. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

70. The application site is within development limits and therefore the principle of the proposal can be supported in general planning policy terms subject to compliance with all other appropriate national and local development plan policies.
71. The proposed dwelling has purposefully been designed in a modern and contemporary manner whilst incorporating some design features that can be found elsewhere in the area. It is considered that whilst the visual appearance of the dwelling contrasts with the traditionally designed bungalows in the street, its location at the head of the street along with its scale and position within the site help it to assimilate within the street without having a dominant and overbearing impact.
72. The development will include measures to make the dwelling energy efficient and resilient against climate change.
73. There are no highway safety objections and the appropriate off street parking provisions have been met. There are no residential amenity concerns as the dwelling has been designed to ensure that there are no significant privacy impacts.

74. Whilst there is no requirement for the scheme to achieve a 10% net gain in biodiversity as this is a self build development, but ecological enhancements would still be included within the built fabric of the dwelling.
75. The development will be nutrient neutral as the applicant has participated in obtaining nutrient credits from Natural England to mitigate the impact of the proposal on Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
76. It is considered that, on balance, the proposed development would comply with the appropriate policies within the local development plan.

GRANT PERMISSION 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 plan, as detailed below:
 - a) Drawing Number 3172/04.2 Rev A Boundary Fencing Proposed
 - b) Drawing Number 3172/07 Rev B Elevations Proposed
 - c) Drawing Number 3172/08 Rev C Elevations Proposed
 - d) Drawing Number 3172/04 Rev A Ground Floor Plan Proposed
 - e) Drawing Number 3172/05 Rev A First Floor Plan Proposed
 - f) Drawing Number 3172/06 Rev A Roof Plan Proposed
 - g) Drawing Number 3172/09 Section Proposed
 - h) Drawing Number 3172/04.1 Block Plan Proposed

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

3. Prior to the first occupation of the dwelling 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

4. Prior to any demolition works and/or the commencement of the development, a site specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to

be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.

- b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
- c. Details of Hours of Construction
- d. Details of Hours of Deliveries
- e. Construction Traffic Routes, including parking areas for staff and visitors, if required
- f. Details of construction traffic access point into the site
- g. Details of site compound
- h. Details of wheel washing.
- i. Road Maintenance.
- j. Warning signage.

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

REASON: In the interests of residential amenity and highway safety

5. No building shall be constructed above damp proof course until precise details of a safe cycle storage area have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of encouraging the use of sustainable modes of transport in accordance with policy IN4 of the Darlington Local Plan 2016 - 2036

6. No building shall be constructed above damp proof course until precise details of an Electric Charging Vehicle socket have been submitted to and approved in writing, by the Local Planning Authority. The minimum requirement would be a single phase 13 amp socket. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of encouraging the use of sustainable modes of transport in accordance with policy IN4 of the Darlington Local Plan 2016 - 2036

7. No building shall be constructed above damp proof course until precise details of measures to reduce the need for energy consumption and make the development energy efficient have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of achieving a development with suitable sustainable design principles which are resilient to climate change.

8. The dwelling hereby approved shall be constructed as a self build and custom dwelling within the definitions of self build and custom house building in the 2015 Self Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act):
 - a) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling.
 - b) The Council shall be notified, in writing, of the persons who intend to take up first occupation of the dwelling at least two months prior to the first occupation.

REASON – To ensure that the development complies with the self build and custom house building definition required to achieve an exemption from mandatory net gain in biodiversity requirements set out in local and national development plans.

9. Prior to the first occupation of the dwelling, a lawful means of vehicular access must be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Highway Authority under Section 184 of The Highways Act 1980. The development must be carried out in accordance with the approved details which shall be implemented in full prior to the first occupation of the dwelling.

REASON: To provide for adequate and satisfactory provision of access for vehicles in the interest of safety and the general amenity of the development.

10. The dwelling hereby approved shall be constructed to meet Building Regulation M4 (2) (Accessible and Adaptable Dwellings) as a minimum.

REASON – To ensure that new dwellings provide quality living environments for residents both now and in the future in accordance with policy H4 of the Darlington Local Plan 2016 - 2036

11. The development shall not be carried out otherwise than in accordance with the Conclusions and Recommendations set out in the submitted document entitled “Bat Risk Assessment – 15 Prior Dene, Darlington, County Durham DL3 9EW” dated September 2024 and produced by ECOSURV. The enhancement shall be a minimum of two integrated bat boxes located to the south / southwest of the property and two swift boxes located to the north / northeast. These should be installed at heights of no less than 3m and ideally to the eaves and/or gables to reduce the risk of predation from domestic pets. They should also be placed out of direct artificial lighting.

REASON: In order to secure ecological enhancements to the development site and local area in accordance with policies ENV7 and ENV8 of the Darlington Local Plan 2016 - 2036

12. The boundary fencing shown on the approved plans shall be erected prior to the first occupation of the dwelling hereby approved. The 1m high fencing shall not be replaced by fencing or any other means of enclosure higher than 1m without planning permission first being obtained by the Local Planning Authority.

REASON: In the interests of residential amenity

13. The in-curtilage parking spaces shown on the approved plans shall be fully implemented and available for use prior to the first occupation of the dwelling. Thereafter, the spaces must be maintained clear of any obstruction and retained for their intended purpose at all times during the lifetime of the development.

REASON: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

14. The development shall not be carried out otherwise than in complete accordance with the submitted document entitled "Arboricultural Survey, Arboricultural Impact Assessment; Arboricultural Method Statement" dated September 2024 and produced by Elliott Consultancy Limited

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

15. No additional flank windows or other glazed openings shall be formed at ground or first floor level of any of the walls of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

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

16. The bathroom window formed in the south (right side) elevation of the building shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby property.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A - F of Part 1, Schedule 2 of the Order shall be carried out on the dwellinghouse hereby permitted.

REASON – In the interests of the visual appearance of the development and to safeguard the amenities of the neighbouring dwellings.

18. Notwithstanding the details shown on the approved plans, the building shall include a suitable level entrance to ensure the building can be entered and/or occupied by persons with mobility issues.

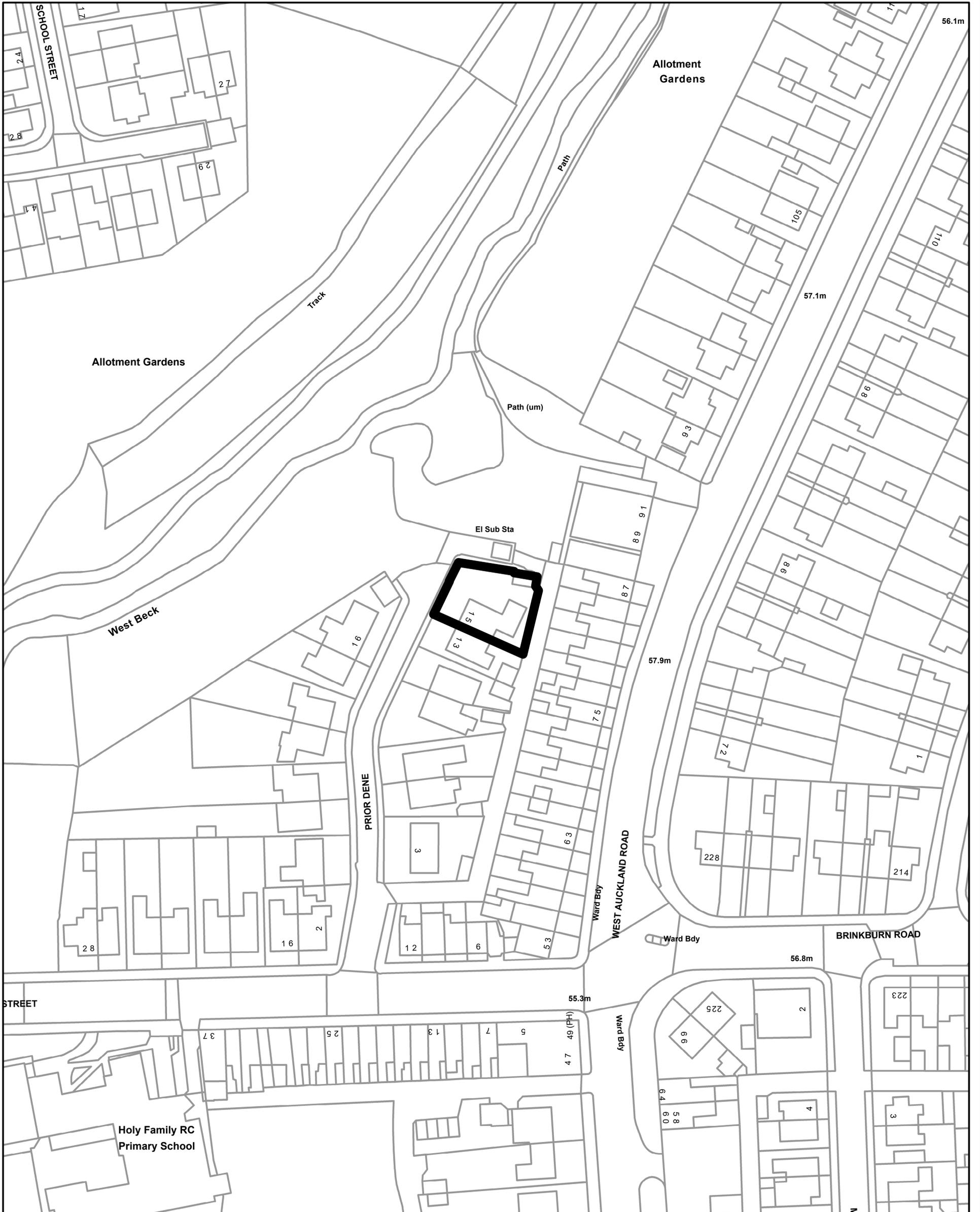
REASON – In order to comply with policy IN2 of the Darlington Local Plan 2016 – 2036

INFORMATIVES

Section 184 Crossover

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing; contact must be made with the Assistant Director : Highways, Design and Projects (contact via email) highwaysstreetlightingdefects@darlington.gov.uk to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

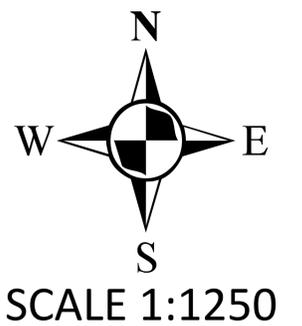
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Planning Ref No: 24/01018/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 02 JULY 2025

APPLICATION REF. NO:	25/00360/TF
STATUTORY DECISION DATE:	04 th June 2025
WARD/PARISH:	COLLEGE
LOCATION:	1 St. Cuthbert's Place
DESCRIPTION:	Felling of 1 No. Monterey Cypress T.10 protected under Tree Preservation Order (No. 3) 1983
APPLICANT:	Lythe

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: - <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SU357KFPHTE00>

APPLICATION AND SITE DESCRIPTION:

1. The Monterey Cypress (referenced as T.10 within the TPO Schedule) which is the subject of this application is located within the grounds of St. Cuthbert's Place.
2. For clarification, maps included within Tree Preservation Order number: 83/00003/TPO unquestionably shows that the Monterey Cypress was originally in place prior to the construction of the St. Cuthbert's Place residential development.
3. It is located within the grounds of St. Cuthbert's Place, a multi-residential property set within its own grounds. The tree is located towards the front of St Cuthbert's Place close to the entrance of the development that leads off Cleveland Avenue. The tree has an imposing presence within the street scene. It is growing along the front of nos. 1 to 25 St. Cuthbert's Place, a group of modern 3 storey flats that front onto Cleveland Avenue. The height and position of the tree adjacent to the properties front boundary is such that it can be seen from several public vantage points along Cleveland Avenue.

4. The tree is not located within a Conservation Area.
5. There are other trees within the same street scene that are protected by the virtue of a Tree Preservation Order (TPO).

Proposal.

6. The applicant seeks consent to fell one Monterey Cypress Tree T.10/T.001
7. The tree affected by the proposed works is protected by the virtue of Tree Preservation Order number: 83/00003/TPO.

Description of Works.

8. The applicant has provided a full and clear justification of the proposed works and the reasons for the works which can be summarised as follows: -

In recent years every time there are high winds the application tree loses large lower branches; these branches are falling into the grounds of St. Cuthberts Place and across the entrance and onto Cleveland Avenue. The branches which fall have been supporting branches above which then either fail or develop hazard beams. There are also branches within the crown that are failing, this is causing large gaps in the crown letting wind into the crown and changing the load on internal branches. Due to the high occupancy (Cleveland Avenue being a busy residential street), the large branches that fail and the frequency of failure it is recommended that the tree be removed.

RELEVANT PLANNING HISTORY:

9. There is a history of planning applications associated with the tree.

MAIN PLANNING ISSUES:

10. The main planning relevant to this application are: -
 - a. Effect on protected tree.
 - b. Amenity value of the tree
 - c. Impact on the local environment.

PLANNING POLICIES:

11. The application must also be considered in the context of Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation) (England) Regulation 2012, the National Planning Policy Framework (NPPF) (2024) and Tree

Preservation Orders: A Guide to the Law and Good Practice and the National Planning Practice Guidance (PPG).

RESULTS OF TECHNICAL CONSULTATION:

12. The Councils Arboriculture Team Leader was consulted on the application, and it was initially considered that a full crown reduction of up to 2-300-metres, together with a 10% thin/removal of internal branches no more than 100mm in diameter would be more appropriate than its felling. However, following due consideration and in light of its location he considers the felling of the tree is acceptable in this particular instance by reason of its close proximity to the block of flats and its impact on the amenity of the occupiers, together with its impact on an adjacent retaining wall that abuts the public highway.

RESULTS OF PUBLICITY AND NOTIFICATION:

13. The application has been publicised by sending out letters to nearby residents. A site notice was also posted within the vicinity of the application site.
14. Six letters of representation have been received raising various objections to the application and the main points of which are: -
 - a. The tree is not at sufficient risk of failing.
 - b. The effect on climate change.
 - c. The effect of its loss on the street scene.
15. Eleven letters of representation have been received in support of the application and the main points of which are: -
 - a. Health and safety issues.
 - b. The tree is perceived to be in decline.
 - c. Proximity to overhead service wires.

PLANNING ISSUES/ANALYSIS (Planning Considerations):

16. The main issues are: -
 - a. The effect of the proposed felling of the tree on the character and appearance of the area, and.
 - b. Whether sufficient justification has been demonstrated for its removal.
 - c. The impact of the tree on the residential amenity to adjacent occupiers
17. The tree is a particularly big species of tree which would be better suited for large parks and large gardens. It is located within the front garden (communal area) and is growing within a moderately sized grassed area towards the east of the main building (block of flats) that abuts onto Cleveland Avenue.

18. The Councils Arboriculture Team Leader has carried out a visual inspection of the tree, concluded that: -
19. It would be a shame to lose such a prominent and significant tree to the area. However, the tree has lost significant limbs in storms before and will most likely continue to do so. The wall that the tree abuts up to has been repaired on several occasions and this could become a stability issue for the tree later on down the line. Furthermore, the residents who are impacted by the tree are always putting the lights on to see in their flats even during the summer months.
20. It was initially put forward by our arborist that an alternative to the felling could be a reduction of the tree all round by 2-300-metres with a 10 % thin, removing branches not larger than 100mm within the crown and it would have also been advisable to remove any damaged branches and snapped branches within the crown. This would reduce some of the issues, nevertheless they would continue over time. Ultimately having considered the matter further he considers the tree can be removed due to the ongoing issues it presents.
21. The applicant has provided comprehensive written evidence from an appropriate expert that clearly demonstrates that the proposed works are required in the interests of health and safety as to ensure that the tree in question does not pose a threat to people or property. Consequently, following an inspection of the tree on site, recommendations were made to remedy the issues as identified.

Appraisal.

22. Key Issues: -
 - a. Impact upon visual amenity.
 - b. Whether the application is justified.

PLANNING ISSUES/ANALYSIS:

a. Impact upon the amenity of the area.

23. In view of the foregoing, paragraph 136 of the National Planning Policy Framework (NPPF) (2024) seeks to ensure that existing trees that make an important contribution to the character and quality of urban environments are retained wherever possible.
24. Notwithstanding this, the Monterey Cypress is a particularly large species of tree that is in a small garden (communal area) within a moderately compact residential setting. It is in addition within a small space remarkably close to both the block of flats and the nearby public footpath.

25. The work as proposed has been assessed by the Councils Arboriculture Team Leader and it was felt that the removal of the tree was acceptable as in this instance there are a set of exceptional circumstances to consider. Notably, the fact that the Monterey Cypress is a large growing tree that is located in a small space and the site constraints mean that it has unsustainable relationship with adjacent structures, namely the adjacent block of flats and the public highway (in particular the retaining wall that abuts the highway).
26. Although the proposed works would result in the loss of a mature tree, the planting of suitable replacement tree would help to ensure the continued tree lined and valued appearance of this part of St Cuthbert's Place/Cleveland Avenue.
27. The Councils Ecology Officer was consulted and has recommended that a suitable replacement could be a dwarf cherry tree, and with management can be kept to 2 -3m height and spread.
28. Consequently, the proposed felling would not conflict with Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation) (England) Regulation 2012, the National Planning Policy Framework (NPPF) (2024) and Tree Preservation Orders, A Guide to the Law and Good Practice and the National Planning Practice Guidance (PPG).
29. The council appreciate that there is a presumption against the removal of healthy trees. However, in this instance the council are of the opinion that the tree has outgrown its location and is having an adverse impact on the residential amenity of nearby residents.
30. The application tree is an unsustainably large species of tree for this front garden (communal area) location, which clearly is having an impact on the amenities of residents. Establishing a replacement with a more suitably sized tree that would better contribute to the future verdant character of the area and improve the amenity of adjacent residents.
31. Whilst acknowledging the letters of representation both for and against the felling. It is considered on balance the tree should be felled.
32. Thus, having considered all the evidence it is considered that on balance, the felling of the Cypress Tree can be considered to be acceptable and appropriate with regard to its current condition and setting and its impact on the residents of St Cuthberts Place.
33. This is based upon the fact that this application is linked to a set of exceptional circumstances essentially health and safety together with the effect of dominance as the tree is overbearing and it is adversely affecting the enjoyment of the residents of the block of flats.

34. It is therefore recommended that felling is justified given its dominance, it is therefore in accordance with Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation) (England) Regulation 2012, the National Planning Policy Framework (NPPF) (2024) and Tree Preservation Orders: A Guide to the Law and Good Practice and the National Planning Practice Guidance (PPG).

PUBLIC SECTOR EQUALITY DUTY:

35. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998:

36. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION:

37. It is concluded that there is sufficient justification to warrant felling of the Cypress Tree subject to conditions, requiring the work to be carried out according to best practice, as well as requiring a replacement tree to safeguard the character and appearance of the area.

RECOMMENDATION:

38. For the reasons set out above the council considers that the work as outlined within the submitted application to be appropriate and therefore grants **CONSENT** subject to the following conditions: -

1. The works to which this consent relates shall be completed within two years from the date of this consent.

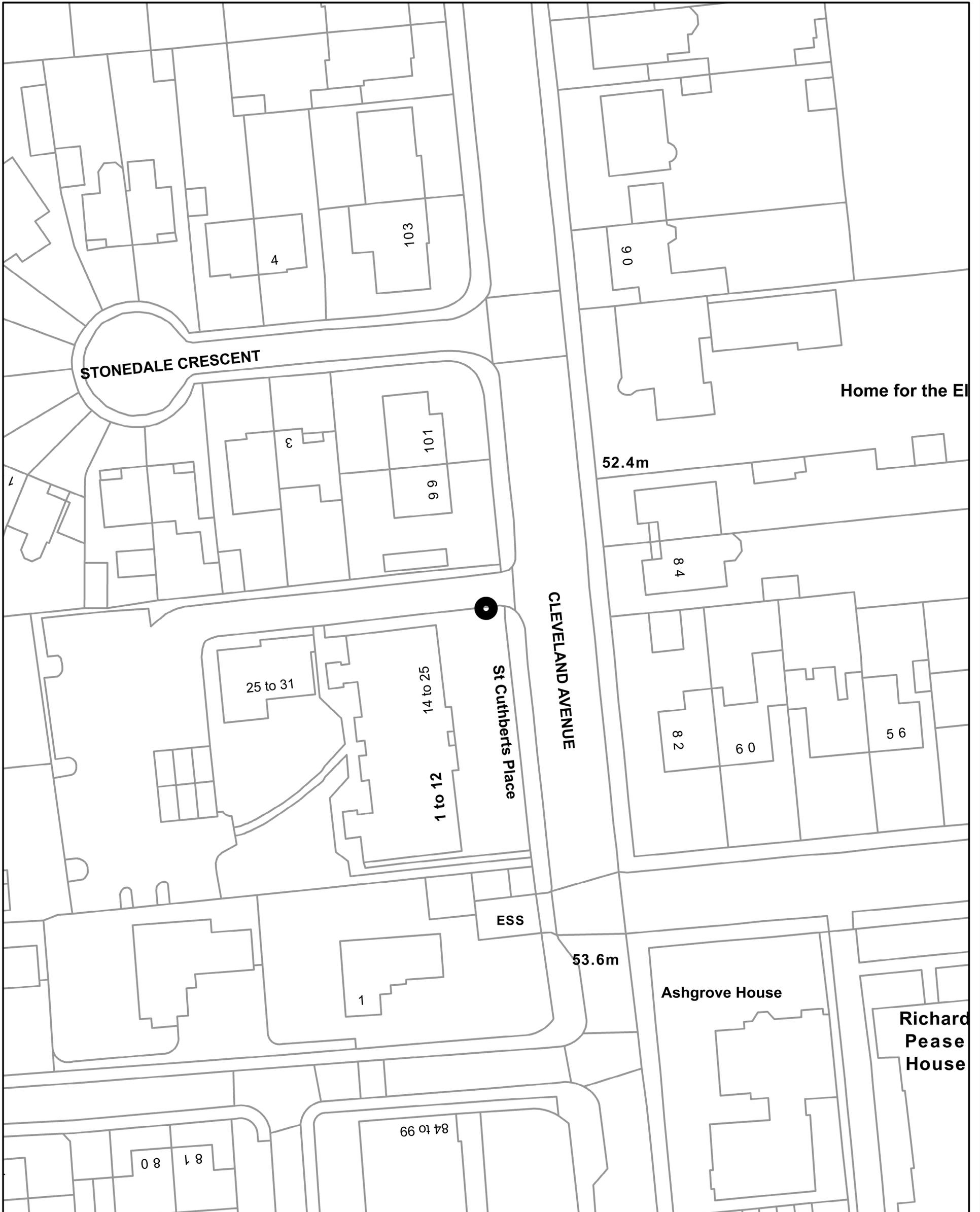
REASON: In accordance with the provisions of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. The approved felling shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

REASON: To ensure that the works are carried out in a satisfactory manner.

3. Within 12 months of the felling of the tree; the owner of the land shall plant a Dwarf Cherry Tree in a location as close to the felled tree as practical and within the grounds of St. Cuthbert's Place. The tree shall be not less than nursery standard size and conform to British Standard 3936 Nursery Stock specification. REASON: In the interests of the amenity of the locality in accordance with The Town & Country Planning (Tree Preservation) (England) Regulations 2012.

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Planning Ref No: 25/00360/TF

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 2 July 2025

APPLICATION REF. NO:	25/00259/CU
STATUTORY DECISION DATE:	21 st May 2025 (Extension of Time until 3 rd July)
WARD/PARISH:	Mowden / Darlington Urban Area
LOCATION:	3 Parkland Drive, Darlington
DESCRIPTION:	Change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (Sui Generis) (Retrospective application)
APPLICANT:	Mr Darren Peckitt

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SSWNTMFP0BM00>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a detached dwelling located on a corner plot setting at 3 Parkland Drive, Darlington. Adjacent to the East is 1 Parkland Drive Darlington and adjacent to the South is 5 Parkland Drive.
2. Retrospective planning permission is sought for a change of use from a residential dwelling to a property for short stay and holiday let accommodation. The submitted planning statement states that the property is aimed at business users and families, with an average duration stay of 3 days, but the minimum stay is for 2 days. It goes on to say that usually between Monday and Friday there are business visitors with the weekends being tailored to those for leisure, though there is the option for longer leisure stays for those taking holidays in the region.

MAIN PLANNING ISSUES

3. The main planning issues are whether the proposed works are acceptable in terms of their impact on:

- (a) Principle of Development
- (b) Character
- (c) Amenity
- (d) Highway Safety
- (e) Nutrient Neutrality
- (f) Residual Matters

PLANNING POLICIES

4. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
- Reflects the presumption in favour of sustainable development contained within the NPPF and to secure developments wherever possible that would bring economic, social and environmental benefits to the Borough (*Policy SD1*).
 - Will be approved without delay where planning applications accord with policies within the development plan, or where there are no relevant development plan policies, permission will be granted unless policies within the NPPF provide clear reasons for refusing the development or any adverse impacts of the development significantly outweigh its benefits (*Policy SD1*).
 - Takes into account the role and function of places based on the following hierarchy of settlements;
 - Darlington Urban Area – will be the focus of future development, which will aim to maintain its role as a leading sub-regional centre for transport connectivity, services, employment, retail and leisure. Sustainable and accessible locations will be selected to enable further development (*Policy SH1*).
 - Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
 - Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
 - Will be suitably located and acceptable in terms of noise and disturbance, artificial lighting, vibration, emissions from odour, fumes, smoke, dust etc and commercial waste (*Policy DC4*).
 - Adheres to the separation distances within the guidance set out in the Design of New Development SPD (*Policy DC4*).

- Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).

RESULTS OF TECHNICAL CONSULTATION

Environmental Health

5. I have looked over the submitted plans including the impact statement and house rules and have no issues with the proposals set out. I do not consider planning conditions would be appropriate in terms of controlling lighting/hours as they would not likely meet the planning conditions tests.

Highway Development Control

6. As there is no increase in bedrooms numbers, the existing parking provision is sufficient.
7. I note that an objection letter was submitted which refers to an in-curtilage driveway not having a properly constructed vehicle crossing. It is illegal to drive over a footway without a lawful means of access, and as such the Council as Local Highways Authority has other legislative means to address this where required.
8. I would raise no highway objection to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Ten letters of objection from six properties were received at the time of writing, and the main concerns are bullet pointed below. Full comments are available online at the weblink provided at the beginning of this report.
 - Noise impacts from occupants late into the evening, even beyond 9pm
 - Noise impacts from car doors slamming; occurs throughout the night too
 - Concerns with the number of occupants staying at this property
 - Insufficient in-curtilage car parking, which causes parking on the street
 - Dropped vehicle crossing insufficient for property, causing damage to pavement
 - Commercial vehicles park at this property; unfit for residential area
 - Works are unauthorised and do not have permission
 - Anti-social behaviour and nefarious activities
 - Light pollution
 - Refuse bin left out on the pavement
 - Application/ address errors within the submitted details

PLANNING ISSUES/ANALYSIS

(a) Principle of Development

10. Local policy SD1 seeks to promote sustainable development, which should be granted unless policies or national policies provide clear reasons for refusing development. Local policy SH1 states that the Darlington Urban Area will be the focus of future development, by being a sustainable and accessible location. The application site is located within an established residential estate which is an urban area and consequently within the development limits. As such, the application site is considered to be located within a

sustainable location and the proposed development is considered acceptable in this regard.

11. The development is therefore considered to be acceptable in principle, subject to compliance with the remaining material planning considerations.

(b) Character

12. No external alterations are proposed to the building and so physically the building is not considered to adversely impact upon the character of the area. Whilst a concern was raised about the there being a bin located on the pavement at the frontage, this is considered to read as a domestic feature. As such, should the bin be left outside of the property this is not considered to appear necessarily out of place for a dwelling type building and is not therefore considered to create a significant adverse impact upon the character of the street scene.
13. With regards to the proposed use, a short-term let for either holiday makers or those travelling for work, is considered to be a different form of residential accommodation. This is taking into account that such individuals are likely to be out during the day for either visiting attractions or working and returning in the evening, effectively using the property as a base to stay. This is not considered to be too dissimilar to a dwelling house in which residents are likely to be coming and going for either work or leisure activities.
14. On balance, the use of this property is not considered to appear so significantly out of context as to adversely impact upon the character of both this plot and street scene.

(c) Amenity

15. No external alterations are proposed, and the works relate to the change of use of the property. One of the main concerns expressed by the objectors was in relation to the noise impacts from the guests and those using vehicles. It is stated that this noise activity occurred into the night, with various anti-social behaviour and nefarious activities taking place. Consequently, there is also a concern on the amount of people who could use this property.
16. The submitted planning statement states that there is increased scrutiny of the guests who would use this property to assist in reducing any anti-social behaviour. It infers that there were past issues with guests and so a 'House Rules' document is provided to guests to assist in reducing anti-social behaviour. Should a guest not comply with these House Rules, that guest will be asked to leave. To help monitor this situation the property has video doorbells at the entrance points. These measures are considered sufficient to help control the activity at the site. However, the applicant has agreed to send their contact details to neighbours and so should issues arise, the applicant can be contacted to address any noise and disturbance matters; this will be conditioned accordingly.
17. The House Rules document states that no parties are allowed, with quiet hours between 9pm – 8am with no outside activities to take place at this time. It also states that no

additional overnight guests can stay at this property and no visitors are allowed outside of the booking. A group booking is a maximum of 6 guests.

18. It is unclear whether historically there have been past issues with guests, rather than this being an ongoing situation. But subject to the applicant enforcing these House Rules, it is considered that the number of occupants and associated activities could be controlled to a degree. As such, limiting the number of guests to 6 is considered reasonable to ensure better management of the property and such associated activities are likely to be reduced in comparison to larger parties. This can be conditioned accordingly.
19. However, it is not considered reasonable or practicable to enforce when the occupants of the property can use the outside space. Consideration is had to the fall-back position in that a small HMO (House in Multiple Occupation) could be implemented under the permitted development rights, which allows 6 individuals to live at the property. Consequently, 6 individuals could live at this application site regardless of these proposed works. The only difference would be that the proposed development allows a booking for individuals looking to holiday in the area or work within the area, thus allowing a degree of control in how this and guests are managed. Conversely, a HMO allows up to 6 unrelated individuals to live within a property, sharing basic facilities and this is not managed by a third-party company. As a result, the impact and associated activities are considered to be similar.
20. Likewise, for the reason given above, those using vehicles could be an activity associated with both a HMO and dwelling residence. As such, it is considered that the comings and goings of vehicles are relatively comparable to a domestic dwelling or HMO. It is also not considered that the parking of commercial vehicles would be too different in terms of engine noise and vehicles doors being opened/ closed. Therefore, it is not considered that noise from these vehicles would create such a detrimental impact as to warrant a reason for refusal in this instance.
21. A concern was expressed about light pollution, but it is considered unreasonable to condition that these lights be switched off by 9pm. Should this site remain as a dwelling, there would be no planning controls to limit when the external lighting is switched on and off. Therefore, it is considered unreasonable to condition that this lighting be switched off at a certain time. External lighting is not an uncommon feature for residential estates, and overall, it is not considered that this development would significantly impact upon light pollution for this residential estate.
22. Notwithstanding the above assessments, Environmental Health have reviewed the scheme and overall have raised no objections.
23. On balance, it is not considered that the proposed development would create a significant impact upon amenity as to warrant a reason for refusal. This is taking into account the nature of the proposal along with the fall-back position and that the number of occupants can be limited to 6 guests. This is considered sufficient to ensure that the associated

activities are no greater than what can be achieved under the permitted development rights of a HMO.

(d) Highway Safety

24. Neighbouring concerns relate to insufficient car parking, thus resulting in on street car parking. However, the scheme has been reviewed by the Council's Highway Engineer and as there is no increase in bedroom numbers, the existing parking provision is considered sufficient.
25. Concerns were also expressed about the existing dropped vehicle crossing being insufficient and that commercial vehicles park at this property. The combination of both has resulted in damage to the pavement. The existing vehicle crossing is noted by Highways and it they advise that it is illegal to drive over a footway without a lawful means of access. The Council, as a Local Highways Authority has legislative means to address this if required. Notwithstanding, no highway safety objections have been raised overall. Therefore, this information will be attached as an informative for the attention of the applicant.
26. With regards to the use of commercial vehicles, it is understood that professionals or contractors may use this property, in which it would not be uncommon for their associated vehicles to be parked at this property. However, it cannot be controlled as to what type of vehicles park on the driveway or adopted highway.
27. Overall, based on the comments received by Highway Development Control, the development is not considered to create an adverse impact upon parking provision nor highway safety.

(e) Nutrient Neutrality

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

(f) Residual Matters

30. One of the concerns raised, related to the fact that the works are completed and the property has been operating without planning permission. However, it is up to the applicant to apply for planning permission and the Local Planning Authority will determine each application on its own merit. Therefore, whilst these concerns are understood, there is no bias when determining retrospective planning applications, and they cannot solely be refused on the basis of the works having been completed without first having obtained planning permission.
31. A comment was made about the address being spelt incorrectly on the application form; it says 'Parklands' instead of 'Parkland'. It was not considered necessary in this instance to get the applicant to update the application form as the rest of the case details show the correct address and so it would not prejudice this decision.

THE PUBLIC SECTOR EQUALITY DUTY

32. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

33. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

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

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

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

Plan Reference Number	Date
20 REV00	24 March 2025
Location Plan	24 March 2025
19 REV01	27 March 2025

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

2. Booking / Number of Individuals

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

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

3. Monitoring

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

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

4. Contact Details

Within 1 month of the date of this permission, contact details of the applicant, shall be circulated to 4, 5, 6, 7, 8 and 12 Parkland Drive, to enable any noise nuisance and disturbance to be readily reported.

Reason: To ensure that the property can be carefully monitored and any issues resolved in an efficient manner.

INFORMATIVES

Informative: Dropped Vehicle Crossing

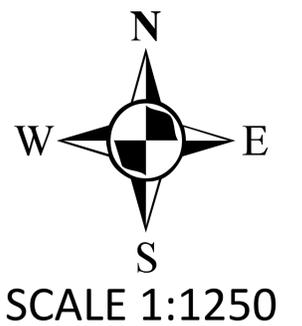
The applicant is advised that it is illegal to drive over a footway without a lawful means of access, and the Council as the Local Highways Authority, has legislative means to address this where required. The applicant is therefore advised to contact the Local Authority regarding the widening of the dropped vehicle crossing.



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Planning Ref No: 25/00259/CU

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	22/01281/TF
APPEAL REF. NO:	APP/TPO/N1350/9537
LOCATION:	67 Milbank Court, Darlington
DESCRIPTION:	Felling of 1 no. Cypress tree protected under Tree Preservation Order (No.3) 1962 (T52)
APPLICANT:	Emma Evis

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY

1. Consent was sought to fell the protected Cypress tree. The LPA refused the application due to the harm to the character and appearance of the area, and insufficient justification had been provided to demonstrate the tree should be removed.
2. The application was refused for the following reason:

In the opinion of the Local Planning Authority, the proposed felling of the Cypress Tree has not been adequately justified and the proposed replacement tree, a London Plane, has not been considered a suitable replacement. The Cypress Tree is in reasonable form and condition and is a highly valuable tree within the street scene, which contributes to the visual amenities and verdant character of the area. The information put forward to fell the Cypress Tree is insufficient to justify its removal, which would be detrimental to the character and appearance of the area and would therefore be contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).
3. The Inspector dismissed the appeal. They note that the tree is a large and mature specimen, which contributes to the existing verdant character of the area. Consequently, the removal of the tree would be notable and would therefore impact upon the character and appearance of the area if removed.
4. The suggested replacement tree would not mitigate this impact and would take considerable time to grow to a similar size as the existing tree.
5. The tree was not found to be unhealthy as part of the site visit and the tree report did not indicate otherwise.

6. It was deemed that overall, the remaining garden spaces can be reasonably enjoyed. As such, the resulting visual impact (should the tree be removed), outweighs the inconvenience caused by the positioning of the tree for this site.

KEY POINTS TO NOTE

7. The appeal was dismissed because:
 - The felling of the tree would be harmful to the character and appearance of the area;
 - Insufficient information was provided to support the felling of the tree, as to outweigh the above-mentioned harm.



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/TPO/N1350/9537

67 Milbank Court, Darlington, Co. Durham DL3 9PF

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Ian Robert Hodgson against the decision of Darlington Borough Council.
 - The application Ref: 22/01281/TF, dated 7 November 2022, was refused by notice dated 17 January 2023.
 - The work proposed is the felling of 1 No cypress tree.
 - The relevant TPO is The County Borough of Darlington Tree Preservation (No. 3) Order 1962, which was confirmed on 5 September 1962.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed felling on the character and appearance of the area; and whether sufficient justification has been demonstrated for the felling.

Reasons

Character and appearance

3. Milbank Court is a small estate of mixed style housing, positioned and accessed from Milbank Road to the north and situated to the east of Carmel Road North. There are large coniferous and broadleaf trees within the court, with a group of large and mature trees in the gardens of the houses on the western side of Milbank Court abutting Carmel Road North; this group includes the appeal tree. The presence of these mature trees is consistent with the generous tree cover that runs adjacent to Carmel Road North, adding to the attractive and verdant landscape and contributing positively to its character and the visual amenity of the area.
4. The appeal tree is a large and mature cypress. It is positioned to the west of the appeal house, in what is a relatively long but narrow garden, and is centrally

placed on the north to south axis. The tree is considerably large and a dominating feature of the garden and due to its height, it is clearly visible from the surrounding streets of Milbank Road and Clareville Road. Furthermore, while the views of the tree are partially obscured due to the presence of other trees from some viewpoints from the south of Carmel Road North, it is nevertheless visible and contributes to the visual amenity, adding to the character and appearance of the area.

5. I have no doubt that the proposed removal of the cypress tree would have a harmful impact on the visual amenity, even when taking into consideration the presence of other mature trees within the gardens on the western side of Milbank Close. In addition, I do not consider the proposed replacement with a plane tree would mitigate this harm. It would take a considerable time for a replacement to attain a similar stature, and it would then be subject to many of the concerns that have formed the reasoning for the application to remove the cypress.
6. As a result of the harm the proposed felling works would have on the character and appearance of the area, adequate justification should be provided to support the necessity for such works, and it is to these matters I now turn.

Justification

7. I found nothing on my site visit to suggest that the tree is anything other than healthy and the tree report provided with the application and subsequent appeal contained nothing to demonstrate otherwise. Trees can periodically shed small branches; however, this can usually be managed through prudent tree maintenance. In addition, I did not observe any breakage points or tear out wounds in the crown of the tree to suggest there has been significant previous branch failure, nor any notable significant weaknesses in the structure that would predispose it to future branch failure.
8. I note the reference to the possible identification of honey fungus around the tree, but this was not supported in the tree report, and I saw nothing on my site visit that indicated the presence of honey fungus.
9. The matter of reasonable enjoyment of the garden is afforded significant weight. The position of the tree, in what is a very narrow garden, means it is an imposing feature and will put some limitation on certain activities within the garden space. The tree is undoubtedly influencing the ground conditions. The ground around the tree is very dry, to which the tree most certainly contributes, and is likely to prevent or hinder the establishment of a lawn or other plants in this space. Furthermore, the tree is likely to cast shade, less so on the appeal house or garden due to the position of the tree relative to the arc of the sun, but it will cast a large shadow over the gardens to the north of the appeal house. This matter was raised in a supporting statement that I have considered as part of this decision

10. Notwithstanding the weight afforded to the reasonable enjoyment of the garden and accepting the influence which the tree will have on a section of the garden, there remains a lot of space in the garden that is unaffected by the tree. While finely balanced, weighed against the resultant harm the removal of the tree will have on the wider landscape and character and appearance of the area, the harm to the wider landscape outweighs the inconvenience caused by the tree casting shade, preventing plant or lawn growth or the perception that the tree is dangerous.

Conclusion

11. As with any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
12. The felling of the cypress would be harmful to the character and appearance of the area and having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed felling that would outweigh the harm caused by such work. The appeal is therefore dismissed.

S. McGinnety

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO: 24/00064/TF

APPEAL REF. NO: APP/TPO/N1350/10066

LOCATION: 2 Quaker Lane, Darlington

DESCRIPTION: Works to 1 no. Pine (T.4) protected under Tree Preservation Order (No.10) 1978 - Reduce easterly limb overhanging house by up to 3.500-metres (Amended Description).

APPLICANT: Rory Brownless.

ASSISTANT PLANNING OFFICER: ROGER MARTIN.

BRIEF SUMMARY

1. This application was submitted for works to 1-no. Pine Tree that is protected by virtue of Tree Preservation Order (No.10) 1978, that involved the reduction of an easterly limb to 1-no. Pine Tree, which is overhanging application property by up to 3.500-metres. The applicant provided written Arboricultural advice from an appropriate expert in the form of a Tree Survey/ Climbing Inspection

2. The Pine Tree is located within the rear garden of no. 2 Quaker Lane, towards the western boundary of the garden and abuts the public highway that is located towards the northern elevation of the application site. The application tree is clearly visible to the public from within the confines of Polam Lane, where it is one of the most prominent trees, and also Quaker Lane where its stature and presence adds to the verdant nature of the area. Overall, the presence of the application tree makes a significant contribution to the character and appearance of the area.

KEY POINTS TO NOTE

3. The main issues are the effect of the proposed pruning on the visual amenity of the surrounding area, and whether the reasons given for the works to the tree justify that course of action.

4. The Council's Senior Arboricultural Officer carried out an inspection of the Pine Tree and advised that authorisation be refused as there are no justifiable structural reasons to prune back the overhanging limbs towards the eastern side of the tree.

REASON(S) FOR REFUSAL

5. The application was refused for the following reason(s): -

a. The 1 no. Pine Tree that is the subject of this application is protected by the virtue of Tree Preservation Order (No. 10) 1978 and is of a high amenity value and in reasonable condition and consequently remains worthy of further protection by the virtue of a Tree Preservation Order (TPO). The proposed work to this protected tree is considered to be excessive and it has not been adequately demonstrated that the works are necessary or justified. The proposed pruning back of overhang to the 1 no. protected tree would result in a loss of amenity to this protected tree; contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012, the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).

APPEAL DISMISSED:

6. Reasons as outlined by the Planning Inspector: -

a. Based on the form of the tree and the location of the eastern branch above the conservatory and garden of a residential property, the desire to reduce the lateral growth to some extent to lessen the pressures and the lever arm effect is understandable. However, the Inspector did not consider that the applicant demonstrated adequate necessity to reduce the branch by the 3.5m specified. On balance the Inspector found that the resultant and potential harm a 3.5m crown reduction of the eastern branch is likely to have to the appearance of the tree and its condition is not outweighed by the information presented and the necessity for the work has not been adequately demonstrated.

b. The Inspector considered that the pruning of the Pine Tree by 3.5m would be harmful to the tree and in turn to the character and appearance of the area and found nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is was dismissed.



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/TPO/N1350/10066 2 Quaker Lane, Darlington DL1 5PB

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Rory Brownless against the decision of Darlington Borough Council.
 - The application Ref: 24/0064/TF, dated 18 January 2024, was refused by notice dated 20 February 2024.
 - The work proposed is T4 *Pinus nigra* – reduce easterly limb overhanging house by up to 3.5m (old pruning point).
 - The relevant TPO is The Borough of Darlington Tree Preservation (No. 10) Order, 1978 Land Adjacent to Polam Lane, Darlington, which was confirmed on 28 March 1979.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed pruning on the character and appearance of the area; and whether sufficient justification has been demonstrated for the pruning.

Reasons

Character and appearance

3. Quaker Lane is a small estate of predominantly semi-detached housing, accessed from the A167 to the west via Polam Lane. Throughout the estate, there are mature broadleaf and coniferous trees, including a stand of large and mature trees at the entrance to the estate and within the vicinity of the appeal house which contribute to the attractive and verdant landscape.
4. No 2 is positioned at the north of Quaker Lane and close to the entrance to the estate. The rear and side gardens contain several large and mature trees, including a birch tree in the front garden and two pine trees in the rear garden to the west of the appeal house. These trees add to the character and appearance

of the estate and are typical in species and age to the composition of the other trees in the immediate vicinity.

5. The appeal tree, one of the large and mature pines within the rear garden, has developed with an irregular form; there is no central leader, but a wide fork from which two large branches extend to the east and west. Notwithstanding this, the tree contributes positively to the visual amenity and is clearly visible to the public from both Quaker Lane and Polam Lane.
6. The proposed reduction of 3.5m from the eastern side of the tree crown is likely to have a moderately harmful impact on the appearance of the tree, creating an unbalanced crown to what is already an irregularly formed tree. Furthermore, the extent of the pruning will require making large diameter cuts and this is likely to leave the tree more prone to future conditional harm, such as disease ingress and decay.
7. While the resultant harm to the immediate appearance of the tree will be moderate, the pruning is likely to have a harmful effect on its long-term condition that will in turn have a detrimental impact on the character and appearance of the area. As such adequate justification should be provided and the necessity for the works and the reasons clearly demonstrated.

Justification

8. The climbing inspection provided with the application identifies that the form of the tree most likely resulted following of the loss of a central leader, and this is a reasonable assessment and conclusion. However, this loss of a leading central stem does not necessarily make the tree inherently less stable; a tree can develop and adapt to this loss.
9. From ground level, there did not appear to be any signs of splitting or damage at the fork and the report supplied with the application did not contain sufficient information, either as part of the supporting text or the image provided, that demonstrates damage, or an unacceptable weakness has developed within the fork of the tree. The report refers to exposed wood and the image provided shows what appears to be exposed heartwood within the fork, however, it is not clear from the image whether there is any decay ingress or whether the exposed wood has been compromised. In addition, there has been no use of diagnostic tools, tools that are now widely available, to identify the existence or extent of any decay or degradation to the wood.
10. The eastern branch extends significantly towards the property and the foliage at the end of the the branch is dense and will be heavy. However, the branch appears to have developed in a way to compensate for the weight, with additional growth on the underside of the branch where compression pressure will be great.

11. Based on the form of the tree and the location of the eastern branch above the conservatory and garden of a residential property, the desire to reduce the lateral growth to some extent to lessen the pressures and the lever arm effect is understandable. However, I do not believe that the applicant has demonstrated adequate necessity to reduce the branch by the 3.5m specified.
12. I find that on balance that the resultant and potential harm that a 3.5m crown reduction of the eastern branch is likely to have to the appearance of the tree and its condition is not outweighed by the information put before me and the necessity for the work has not been adequately demonstrated.

Conclusion

13. As with any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
14. The pruning of the pine tree by 3.5m would be harmful to the tree and in turn to the character and appearance of the area and having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.

S. McGinnety

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO: 23/00338/TF.

APPEAL REF. NO: APP/TPO/N1350/9738.

LOCATION: Greystones Drive.

DESCRIPTION: Works to trees protected under Tree Preservation Order (No.3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by up to 3m).

APPLICANT: Mrs Mitchell.

ASSISTANT PLANNING OFFICER: ROGER MARTIN.

BRIEF SUMMARY

1. This application was submitted for works to 1-no. Beech Tree and 1-no. Lime Tree that are protected by virtue of Tree Preservation Order (No.3) 1962, which involved pruning back of branch tips overhanging an adjacent garden (27 Staindrop Crescent) by up to 3m).
2. An Arboricultural statement was submitted by the applicant in support of the application. The Arboricultural statement makes recommendations for on-going remedial works.
3. The Beech Tree and the Lime Tree are growing within the grounds of the Greystones Residential Development but more specifically towards the external perimeter boundary of the application site that faces directly on to the rear garden of no. 27 Staindrop Crescent. The Beech Tree and the Lime Tree are part of a large group of trees within the grounds of the application site, which form an important part of the character and appearance of the street scene. The height and position of the trees is such that they can be seen from a number of public vantage points along both Greystones Drive and to a lesser extent Staindrop Crescent

KEY POINTS TO NOTE

4. The main issues are the effect of the proposed pruning on the visual amenity of the surrounding area, and whether the reasons given for the works to the tree justify that course of action.
5. The Council's Senior Arboricultural Officer carried out an inspection of the Beech Tree and the Lime Tree and advised that the proposed works were not justified and recommended that the pruning back of both the Beech Tree and Lime Tree by up to 3 metres over the rear garden of no. 27 Staindrop Crescent should be refused.

REASON(S) FOR REFUSAL

6. The application was refused for the following reason(s): -

a. Both the 1 no. Beech Tree and the Lime Tree, are protected by Tree Preservation Order (no.3) 1962 and are considered to be in reasonable form and condition. It is not considered that the proposed works would be of benefit to the health and stability of the trees and would be detrimental to the character and appearance of the area and would therefore be contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).

APPEAL DISMISSED:

6. Reasons as outlined by the Planning Inspector: -

a. The pruning of the beech and lime tree by 3m would be harmful to the trees and in turn to the character and appearance of the area. Having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/TPO/N1350/9738

27 Staindrop Crescent, Darlington, County Durham DL3 9QA

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Janine Mitchell against the decision of Darlington Borough Council.
 - The application Ref: 23/00338/TF, dated 28 March 2023, was refused by notice dated 4 May 2023.
 - The work proposed is 1 No Beech and 1 No Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by up to 3m.
 - The relevant TPO is The County Borough of Darlington Tree Preservation (No. 3) Order 1962, which was confirmed on 5 September 1962.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed pruning on the character and appearance of the area; and whether sufficient justification has been demonstrated for the pruning.

Reasons

Character and appearance

3. Staindrop Crescent is an attractive crescent of predominantly semi-detached houses that are accessed from Staindrop Road (B6279) to the north. There is a variety of mixed age broadleaf trees within the highway verge of Staindrop Crescent and the occasional tree within the gardens of some of the houses and combined, these trees are an attractive feature on the landscape. The appeal tree is part of a small woodland stand to the east of Staindrop Crescent and within the grounds of the adjacent Greystones Drive, a multi occupancy complex of houses and apartments. These woodland trees are clearly visible to the public from both Staindrop Road and Staindrop Crescent where they contribute significantly to the visual amenity and give the area a mature and verdant appearance.

4. The appeal trees are a large and mature lime and a large and mature beech. The trees are on the western edge of the woodland stand with the stem of the trees immediately to the east of the garden of No 27 and the crowns of both trees extending well into and over the garden of the appeal house and the neighbouring houses to the north and south. The size, maturity and position of the trees mean that they are visible to the public, particularly from Staindrop Road, where they contribute positively to the visual amenity and to the character and appearance of the area.
5. The appellant has stated that the impact of the work will not be visible to the wider public and will therefore not affect the visual amenity of the tree. While it may be the intention of the work to remove only the lower overhanging branches 'up to 3m', I can only base my decision on the information put before me and based on the specification provided, I have considered the application as a reduction of all overhanging growth by 3m. In my assessment, such pruning would have an immediate and detrimental effect on the appearance and natural form of the trees, including the parts of the tree that are clearly visible to the public. Furthermore, such an extensive reduction of any mature tree has the potential to introduce harm, by creating large and multiple wounds and removing a significant percentage of live growth. This is particularly the case with certain species less tolerant to such pruning works, beech included, and I consider that the pruning proposed in this case would be harmful to the long-term condition of the appeal trees, particularly the beech.
6. As a result of the harm the proposed pruning works are likely to cause to both the appearance and long-term condition of the trees, which in turn would be harmful to the character and appearance of the area, adequate justification should be provided to support the necessity for such works.

Justification

7. Other than a snapped branch on the lime tree, I found nothing on my site visit to suggest that the trees are anything other than healthy and the tree report provided with the application and subsequent appeal does not contain anything that demonstrates otherwise. With the exception of the snapped branch, that appeared to be reasonably well attached to the lime tree, there is nothing I noted on site, nor that has been put before me that gives me reason to consider that the trees are posing any obvious or unacceptable risk and I therefore do not consider that the proposed works are necessary for arboricultural reasons. Mature trees may periodically shed small branches, but this can usually be managed through prudent management and removal of dead or damaged branches, neither of which require an application
8. Weight is given to the matter of reasonable enjoyment of the garden. The trees, particularly the beech, overhang into the garden by quite a considerable degree

and it is likely that this will lead to seasonal nuisance, such as seed and leaf drop, birds roosting and it will also contribute to the casting of shade on parts of the garden throughout the day. However, I don't consider that a 3m crown reduction would go far to mitigate or minimise these issues; even if they are pruned to the extent applied for, the trees will still drop leaves and seed casings, they will continue to cast shade at certain times of the day and birds will continue to roost in them.

9. While the seasonal deposits, birds roosting and shade are matters that should be afforded weight in any appeal decision, these are mature trees that have been established for a considerable time and the by-products of them are a consequence of having attractive and mature landscapes within our towns and cities.
10. I have no reason to doubt that previous pruning works have been carried out to the trees. However, decisions are based on their own merits and whether work was previously approved or otherwise, it does not necessarily set a precedent for subsequent applications. Trees are living organisms, and their growth, appearance and condition will change over time meaning what may have been considered acceptable work previously, is not necessarily acceptable in perpetuity.
11. As such, and notwithstanding the weight afforded to the reasonable enjoyment of the garden, I find that on balance, the resultant harm that a 3m crown reduction is likely to have to the wider landscape, contrasted against the likely benefits of the work specified, outweighs the reasons put forward for the proposed pruning.

Conclusion

12. As with any application to carry out works to protected trees, a balancing exercise must be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
13. The pruning of the beech and lime tree by 3m would be harmful to the trees and in turn to the character and appearance of the area. Having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.

S. McGinnety

INSPECTOR

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