



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm

Wednesday, 17 December 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 19 November 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) Hazelfield Cottage, Elstob Lane, Great Stainton, Stockton on Tees, TS21 1HP (Pages 13 - 30)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Appeals - –

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

Mr Thomas Nicholson has appealed against this Authority's decision to refuse permission for Certificate of Lawfulness for existing use for the change of use of land for private gypsy site and stationing of caravans for residential occupation with associated development (hard standing, fencing between plots, utility blocks and installation of septic tank) at Field At OSGR E424077 N521153, Walworth Road, Heighington(25/00765/LU).

RECOMMENDED – That the report be received.

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 5 December 2025 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection
(Pages 31 - 42)

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, reading 'A. Wennington', with a horizontal line underneath.

Amy Wennington
Assistant Director Law and Governance

Tuesday, 9 December 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, 19 November 2025

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

APOLOGIES – Councillors Allen, Bartch and Cossins

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

PA33 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA34 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 24 SEPTEMBER 2025

RESOLVED – That the Minutes of this Committee held on 24 September 2025 be approved as a correct record.

PA35 2 MEADOWBANK CLOSE, HURWORTH PLACE, DL2 2HZ

25/00255/FUL – Erection of part single storey, part two storey extension to front elevation.

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Highway Engineer, the Lead Local Flood Authority and the Parish Council. Six objection comments were taken into consideration, alongside the views of the agent and three objectors whom the Committee heard).

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

- 1. Time Limit
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 (as amended).

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

Plan Reference Number	Date
914-01	20 March 2025
914-02 A	6 May 2025
914-04 A	6 May 2025

914-05 A

6 May 2025

914-03 D

8 August 2025

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

3. Materials

The materials used in the construction of the external walls and roof of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed by the Local Planning Authority.

REASON – In the interests of visual amenity and to ensure a satisfactory form of development.

4. Adjacent Protected Tree - Prohibited Works

There shall be an exclusion zone in the form of a 5m radius around the adjacent existing mature tree (T4), in which the following shall not be permitted within this exclusion zone;

- No construction activity is to take place which may cause compaction or contamination in the rooting areas near the tree
- No equipment, materials or machinery shall be placed within this 5m radius and shall not be attached to or supported by the mature tree
- No mixing of cement or use of other materials or substances shall take place within this 5m radius or within proximity where seepage or displacement of those materials or substances could cause them to enter this zone.
- No unauthorised trenches shall be dug within the 5m radius

REASON – To protect the existing tree adjacent the application site, which the Local Planning Authority consider provides important amenity value in the locality.

PA36 11A BRINKBURN ROAD AND 2,4,6 CHANDOS STREET, DARLINGTON, DL3 6DR

25/00913/FUL – Replacement of 1 No. roller shutter to shop front (Brinkburn Road) together with the installation of 3 No. condensing units to rear elevations at first floor level (Revised Application)(Retrospective).

(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 Manager. Six letters of support and one letter of support from a Councillor were taken into consideration, alongside the views of the applicant and a supporter whom the Committee heard).

RESOLVED – That planning permission be granted contrary to recommendation, subject to the approved plans condition:

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

a) Drawing Number L022085B 004 Rev A Proposed Ground Floor & First Floor

Plans

- b) Drawing Number L022085B 005 Rev B Proposed Elevations
- c) Drawing Number L022085B 006 Proposed Block Plan
- d) Drawing Number L022085B 001 Site Location Plan

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

PA37 NOTIFICATION OF DECISION ON APPEALS

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

Dismissed the appeal by Mr Darren Peckitt (DANAP Properties Ltd) against this authority's decision to refuse permission for change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (Sui Generis) (Retrospective application) at 3 Parkland Drive, Darlington DL3 9DT (Ref No 25/00259/CU).

RESOLVED – That the report be received.

PA38 NOTIFICATION OF APPEALS

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

Vnouchkov Group has appealed against this Authority's decision to refuse permission for 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) at 45 Greenbank Road, Darlington, DL3 6EN (24/01178/CU).

RESOLVED – That the report be received

PA39 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.

PA40 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 7 NOVEMBER 2025 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA32/Sep/2025, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 7 November 2025.

RESOLVED - That the report be noted.

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

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

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

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 17 December 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
Hazelfield Cottage Elstob Lane, Great Stainton, STOCKTON-ON-TEES, TS21 1HP	24/00926/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17th December 2025

APPLICATION REF. NO:	24/00926/FUL
STATUTORY DECISION DATE:	7 th February 2025
WARD/PARISH:	SADBERGE & MIDDLETON ST GEORGE
LOCATION:	Hazelfield Cottage Elstob Lane Great Stainton STOCKTON-ON-TEES TS21 1HP
DESCRIPTION:	Part demolition of existing house to facilitate change of use of agricultural land for tourist accommodation including the siting of 3 No. holiday lodges and 3 No. hot tub enclosures with car parking, associated landscaping and gravel pathways including the creation of secondary access. Conversion of storeroom to form kitchen/office and garage together with landscaping and associated works (part retrospective)
APPLICANT:	MRS MELANIE TURNER

RECOMMENDATION: REFUSE PLANNING PERMISSION (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SK3XCOFPLO500>

APPLICATION AND SITE DESCRIPTION

1. The application site consists of a rectangular area of former grazing land situated on the east side of Elstob Lane, to the west of Little Stainton, to the south of Great Stainton and to the north of Sadberge. The site is bound to the west by an existing dwelling, with open fields to the north, east and south. The site is bounded by laurel hedgerows / trees set in front of a post and rail fence.
2. This is a part retrospective application for the erection of 3 No. holiday chalets on the site.

3. The access would be taken from a new secondary access point to the southern boundary of the site from Elstob Lane into Hazelfield Cottage with the existing access to the main dwelling house curtilage being for the occupants only. A new internal road would lead from this access into a large area of existing hardstanding in front of existing stables and barn which will accommodate up to 6no. parking spaces solely for the use of the guests.
4. The chalets sit to the north-east portion of the site. They consist of timber structures in a hexagonal shape with a rectangular extension to the rear, each built on a Limestone hardstanding base. Each chalet provides a lounge area, bedroom and living space. As part of the development, an existing outbuilding, which at present occupies a garage and storage area, would be part converted into a kitchen and seating area, reception, and office space. The remainder of the building would retain the garage for the existing dwelling.
5. The proposal also includes landscaping works including the improvement of existing hedgerows to the perimeter of the site and the planting of trees to aid the developments assimilation into its rural setting.
6. Two previous applications (22/00324/FUL and 23/00588/FUL) were refused by the Local Planning Authority on Highway safety grounds (the former under delegated powers and the latter by the Planning Applications Committee on 6th December 2023). The reason for refusal for both applications was as follows:

The proposed development is prejudicial to highway safety by reason of the creation of an additional access for the associated traffic generation which does not include a safe level of visibility. No evidence has been provided by the applicant to demonstrate that visibility standards in accordance with national guidance are achievable. The proposed development conflicts with Policy DC1 (Sustainable Design Principles and Climate Change) and Policy E4 (Economic Development in the Open Countryside) of the Darlington Local Plan 2016-2036 and the National Planning Policy Framework.

7. A subsequent appeal to the latest refusal was dismissed by the Planning Inspectorate, also on Highway Safety grounds on 23rd July 2024. The inspectors' decision included:

I conclude that based upon what I saw and the substantive evidence before me, it has not been demonstrated that the visibility splay for the proposed access would be adequate. Therefore, the use of the proposed access would have an unacceptable effect on highway safety.... The proposal would not accord with Policies DC1 and E4 of the Darlington Local Plan 2016-2036, adopted 2022. These policies combined require suitable and safe vehicular access which would not have an unacceptable impact on the local road network.

8. Following the appeal decision, the then Head of Planning, Development and Environmental Health chose not to enforce immediately against the Development following the appeal decision because the owners requested to first have the opportunity to apply for retrospective planning permission to address the Inspector's concerns.

9. This application seeks to address the previously raised Highway safety concerns leading to two refusals and the dismissal of the planning appeal by seeking to demolish part of the existing house to increase visibility splays.

APPLICATION MATTERS

10. Members should be aware that following validation of the application it became apparent to the Council that land intended to be set aside to comply with nutrient neutrality requirements was inconsistent with the red line boundary, and that, using the calculations submitted, it was not possible to comply with nutrient neutrality requirements within the red line of the application as submitted. Therefore, the Council contacted the applicant to say that the red line boundary would need to be amended or that the Nitrate assessment should be amended to reflect the red line boundary as submitted.
11. A new plan was submitted with a larger red line boundary; however, the amendment resulted in an increased fee becoming due. The applicant was notified of this, but, to date, has not submitted the additional fees.
12. Article 11(2)(f) Development Management Procedure Order 2015 requires that “the fee required to be paid in respect of the application” must be received by the local planning authority before the application can be acknowledged. Until the correct fee is received, the application as amended (para 11) cannot be valid and so cannot be determined.
13. In respect of Nutrient Neutrality, all of the submitted assessments have been considered for completeness, and this is considered further in the following sections of this report.
14. There has subsequently been a further request to amend the application to revert back to the red line plan submitted, and not to part demolish the house. The effect of the proposed amendment would be to change the application in such a way that it would be the same as that which was refused by the Council in December 2023 and dismissed on appeal by the Planning Inspectorate in July 2024.
15. In response to the request officers wrote to the applicant to advise that they were minded not to accept the above amendments as to do so would take the application back to that which was refused by the Planning Applications Committee in December 2023 and subsequently dismissed on appeal in July 2024. If such amendments were to be accepted the LPA would decline to determine the application under Section 70A of the Town and Country Planning Act 1990. This section gives the local planning authority the power to decline to determine an application if it considers that the development and the land to which the application relates are the same or substantially the same as one that has been dismissed on appeal within a period of two years.
16. The determination of the application was also delayed giving the applicant the opportunity to conduct and submit bat activity surveys in relation to the partial demolition of the house. These were identified as being required in the Bat Risk Assessment submitted with the application. No bat activity surveys have been submitted to the Council. This is considered in more detail in the following sections of this report.

17. Officers wrote to the applicant on the 17th October 2025 to inform them of their decision not to accept her amendments referred to in paragraph 14 above and that, if they did not receive the additional fee for the amendment referred to in paragraph 11 above within 6 weeks, they would proceed to determination of the application as originally submitted. The additional fee has not been paid.

MAIN PLANNING ISSUES

18. The main issues for consideration are:

- (a) Principle of the proposed development.
- (b) Impact on visual amenity.
- (c) Impact on Residential Amenity.
- (d) Highway Safety.
- (e) Nutrient Neutrality.
- (f) Ecology.
- (g) Other matters.

PLANNING POLICIES

19. The following policies are relevant in the determination of this application:

SD1: Presumption in Favour of Sustainable Development
SH1: Settlement Hierarchy
DC1: Sustainable Design Principles and Climate Change
DC2: Flood Risk and Water Management
DC3: Health & Wellbeing
DC4: Safeguarding Amenity
H3: Development Limits
E4: Economic Development in the Open Countryside
ENV1: Protecting, Enhancing & Promoting Darlington's Historic Environment
ENV3: Local Landscape Character
ENV7: Biodiversity, Geodiversity & Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

20. No objections in principle have been raised by the Council's Environmental Health Officer. The Highways team has recommended refusal on highway safety grounds.

RESULTS OF PUBLICITY AND NOTIFICATION

21. 24 letters of support have been received raising the following planning related points:

- Benefit to tourism and local economy.
- Good quality development.
- Highway impact / access is acceptable.
- Highway impact is minimal compared to that of the solar farm proposals.
- Good access to local facilities.
- Entrance has good access and visibility.
- Facility is good for mental health and wellbeing.
- These types of development are always on country roads like this.
- Support for speed reduction.
- Improvements to landscape and environment.

22. It should be noted that the number of letters of support have been amended from 25 to 24 due to one resident withdrawing their letter of support in late 2024.

23. The Chair of Bishopton Parish Council has written in support the application on the following grounds:

- Benefit to tourism and local economy.
- The development will not cause traffic issues.
- Improvements to landscape and existing buildings.
- Overall enhancement to local area.

PLANNING ISSUES/ANALYSIS

a) Principle of the proposed development

24. The proposed site is located outside the development limits set by Policy H3 and is therefore classified as being in the open countryside. Therefore, the new principle Local Plan policy relevant to this application is Policy E4 – Economic Development in the Open Countryside. Policy E4 seeks to safeguard the intrinsic character of rural Darlington.

25. It sets out that proposals for the sustainable growth and expansion of all types of businesses located in the open countryside will be supported provided proposals meet a series of criteria. General requirements relevant to this proposal include that new buildings are well designed and wherever possible are located physically well-related to existing rural settlements and/or existing buildings and building groups. Additionally, the character, scale and design of all proposed new buildings must be appropriate to its open countryside surroundings. All proposals should also be sensitive to their surroundings, provide satisfactory access from and not have an unacceptable impact on the local road network. Proposals must also not unacceptably affect amenity.

26. Additional requirements within Policy E4, specifically for tourist accommodation state that new static and touring caravan sites, camping sites and chalet type accommodation or extensions to existing sites of this nature should be sited and screened through topography and/or vegetation to minimise visual impact. The materials and colours of the chalets or static caravans and associated site services and infrastructure should blend with its surroundings. All sites should have good access to the road and footpath network and will be subject to conditions to prevent the permanent occupancy of the site.
27. The proposal, given its scale and in this location is acceptable in principle in the context of Policy E4, subject to consideration against the specific criteria set out in the policy and other relevant policy and material planning considerations which are considered further below.

b) Impact on visual amenity

28. In terms of visual impact, the proposed chalets are of a modest scale and well-related to existing buildings and have minimal visual impact at site level or within the wider context, particularly given the additional landscaping proposed as well as the partial screening provided by existing buildings. Their design and appearance are of a form that blend in with the surroundings.
29. Overall, together with the proposed landscaping, the proposal is considered to be acceptable in respect of its impact on the visual amenities of the locality and complies with policies DC1, ENV3 and E4 in this regard.

c) Impact on residential amenity

30. The application site is approximately 115m south-east of a former brick and tile works. However, given the type of prefabricated buildings being applied for ground gas migration will not be an issue. Having reviewed the screening assessment submitted with the application the Environmental Health Officer is satisfied that the application does not give rise to any issues regarding land contamination.
31. The layout and design of the development ensures that it can co-exist with the existing dwelling, ensuring no significant impact on residential amenity. As such the proposed development complies with policies DC4 and E4 in this regard.

d) Highway safety

History and context of the application

32. As members will be aware, there is substantial recent planning history regarding this proposal, with two previous retrospective applications having been refused on highway safety grounds. The first application submitted in 2022 (22/00324/FUL) was refused by delegated powers, whilst a second application submitted in 2023 (23/00588/FUL) was refused by a committee decision in December 2023. The 2023 application was subject to an appeal, (Ref: APP/N1350/W/24/3342243) which was dismissed by the Planning Inspectorate. The substantive reason for refusal being that the applicant/appellant was not able to demonstrate that safe visibility standards can be achieved from a new access. The proposal was therefore contrary to Policies DC1 and E4 of the Darlington Local Plan 2016-2036, (adopted February 2022).

33. This revised planning application now includes the partial demolition of the host dwelling with the apparent objective of improving the restricted visibility to the north of the proposed access. However, engineering analysis demonstrates that this *is not* a viable means of substantively improving visibility, owing to the site's location on the inside of a bend with restricted visibility both vertically and horizontally. The applicant's highway representative (Mr Michael Jennings) trading as Northern Transportation Planning Limited (NTPL) is still advocating the use of inappropriate visibility standards based on Manual for Streets Methodology (MfS/MfS2) which as advised of the course of the two previous applications, is not appropriate in the context of this site. This was tested as part of a subsequent appeal referenced above, with the Inspectorate determining that the visibility standards set out in the Design Manual for Roads and Bridges (DMRB) shall apply in this instance.

34. Paragraph 15 of the Inspector's decision advises the following:

15. "Whilst MfS2 guidance is usually applied to B roads, based on the evidence, including from my site visit, a visibility splay of 118 metres would not be safe. Although some relaxation of the DMRB standards could be appropriate, the physical characteristics of this stretch of road and the speed of traffic means that the general guidance in the DMRB requiring longer visibility splays should be applied. This would not be achieved at the proposed access."

35. In view of the above, it is contrary to both the Local Highway Authority (LHA) and Planning Inspector's advice to once again present visibility splays based on MfS2 methodology as part of this new application. Furthermore, the recorded travelling speeds and local site context are outside of the clearly defined scope of MfS2, which advises that where travelling speeds exceed 40mph, then DMRB parameters are recommended.

36. Whilst both the function and daily flows are factors in considering which guidance is appropriate, the overriding determining factor is actual recorded travelling speeds of approaching vehicles, as this is critical to highway safety. The scope of Manual for Streets 2 (MfS2) is clear, as whilst it can be applied to variety of road classifications including urban roads of higher classification, it is not applicable to high-speed rural roads, particularly where there is robust evidence that travelling speeds are significantly in excess of 40mph.

37. The local context of Elstob Lane must also be considered, being a rural 60mph National Speed limit with free-flowing traffic and geometry which enables vehicles travelling speeds of up to 60mph. The local highway environment at the application site falls unequivocally within the scope of DMRB guidance not MfS2. Elstob Lane is a highway of 'Movement' not 'Place' with the application site and just one other nearby property having direct access along a 4 mile stretch of national speed limit road from between the A1150 and Great Stainton.

38. The wider highway context of Elstob Lane provides a link between two 'A' classification dual carriageway roads, the A1150 (south) and the (A689) North which are immediate links to National Highways trunk roads, (A66 & A1M respectively) and as such Elstob Lane is used as a link between strategic roads. The Planning Inspector's appeal decision was also cognisant of this function which was acknowledged in Para 10 of the appeal decision:

10. "The main parties also dispute the volume of traffic along this stretch of road, although evidence from regular surveys at Great Stainton suggest lower volumes than the Council has suggested. However, whilst Elstob Lane is a B road, the Council contends that it provides a strategic link between other A and trunk roads, and is close to the A1(M), which is why the DMRB guidance has been used. Based on the position of the road in relation to the surrounding network, I could see that the road is likely to provide this link. Moreover, when I was visiting, there was a regular stream of traffic passing the site."

39. Over the course of the two previous applications, two speed surveys have been undertaken by independent highway consultants on behalf of the applicant. Both provide clear evidence that 85th percentile travelling speeds on Elstob Lane are higher than 50mph and therefore far exceed the 40mph scope of MfS2 methodology and that DMRB standards should be applied.
40. The applicant has chosen to resubmit one of the above surveys. A radar speed survey was undertaken on behalf of the applicant, by NTPL for a short period between 09:20 and 15:00 on Thursday 7th September 2024, which determines 85th percentile speeds in excess of 50mph. Speeds of 51.6mph southbound and 51.2mph northbound respectively are recorded.
41. Whilst this offers limited data capture owing to its short duration and 'off peak' timing it is broadly consistent with the much more comprehensive 7-day speed surveys previously undertaken. The 7-day speed survey initially commissioned by the applicant was provided by Streetwise (September 2022) and recorded 85th percentile speeds of 54.2 & 58.4 mph Southbound and Northbound respectively (7-day average 85th percentile).
42. In the absence of any more recent valid speed survey data, the Highways team would advise that the 7-day survey data undertaken September 2022 is the most robust data as shorter periods of data capture may misrepresent 5–7-day averages. however, the 2023 NTPL data which is submitted as part of this application offers further evidence that actual recorded travelling speeds are in excess of 50mph, and therefore outside the intended scope of MfS/MfS2.
43. Whilst the applicant's highway representative disputes the evidence referred to as part of the previous Inspector's decision regarding traffic flows, this was based on the site-specific speed survey provided by Streetwise on behalf of and submitted by the applicant. This submitted data, available on the file via the link at the beginning of this report demonstrates 24 hour 5-day averages of 5730 vehicles per day (two-way). Significantly higher than the 3506 claimed in par 4.04 of the NTPL Transport Statement.

Revised site plan and visibility splays.

44. The applicant asked the Planning and Highways teams to provide initial feedback on this revised proposal back in August 2024, where it was made clear via email (available on the file via the link at this beginning of this report) that a full application would not be supported owing to the applicant still failing to address the fundamental road safety concerns, and dismissal of the Inspectorate's decision which also advised visibility must be based on DMRB principles. Notwithstanding the further advice given, the applicant has nonetheless proceeded to formally submit the same information.
45. The submitted drawing L024076- 006 (Proposed Site Plan) shows the proposed location of the access along with associated works. Unfortunately, the drawing is not correctly framed as it does not include the full extents of the southern visibility splay, which is claimed to be 2.4m x200m. However, the Appendix E of the Transport Statement shows a wider context, where the visibility splay is drawn incorrectly, as it extends to the centreline of the carriageway, not to the nearside kerb line as required. The drawing is not however to any discernible scale so cannot be verified. Once drawn correctly (splay returning to the nearside kerb line) third-party land may be required to secure safe visibility standards.
46. The northward visibility splay as submitted on plan, shows a visibility splay of 2.4 x140m subject to the partial demolition of the host dwelling. Notwithstanding the fundamental concern that this is significantly short of the appropriate DMRB standard of 215m, and therefore is not in accordance with the Inspector's appeal decision which advises "*the general guidance in the DMRB requiring longer visibility splays should be applied*", the delivery of the 140m splay requires third party land to the north of the dwelling and as such is not under the control of the applicant. Furthermore, this does not consider the vertical visibility requirements of visibility as noted by the Planning Inspector in Para 13 of the appeal decision:
13. "*If the MfS2 guidance is applied, the relevant calculations would provide a visibility splay of 118 metres in both directions. However, even though the hedge has been removed and a vehicle exiting the access could see both right and left, the rise in the road and the curve of the bend means that there is limited visibility of cars approaching the site from the north, as well as limited visibility from the south*".
47. In view of the drafting errors referred to above, including topography, it is not suitably demonstrated that any betterment in visibility standards can be achieved over the previous application by the partial demolition of the dwelling. The DMRB sets out the vertical requirements for visibility in guidance document *CD 109*. No evidence is submitted to demonstrate that vertical visibility standards have been considered or can be satisfied.

48. Whilst offsite mitigation measures have been explored, which include a reduced speed limit, it is the view of both the LHA and Durham Police that such measures are not an appropriate or effective means of mitigating highway safety concerns. This is further bolstered by the previous appeal decision, where the Inspector notes that the speed limit is appropriate. (Paras 8 & 9).

8. "Whilst earlier speed surveys commissioned by the appellants have been discounted, a radar speed survey¹ recorded speeds at the 85th percentile of 51.6mph southbound and 51.2mph northbound. The appellants have also referred to a speed survey² along Elstob Lane for a planning application for a solar farm. This recorded combined speeds of 50.9mph and 51.1mph at the 85th percentile, over five- and seven-day periods."

9. "Both speed surveys provide broadly similar speeds and evidence that the national speed limit along this stretch of road is suitable."

49. The Council's Highways Team have recently requested the views of the Durham Police Traffic Management Officer, who has reiterated that a 40mph speed limit would not be an appropriate or credible speed limit and could cause safety concerns as drivers exiting the site would not anticipate the higher travelling speed of other road users. This correspondence is available to view on the application file via the link at the beginning of this report.
50. Whilst the application refers to some form of unspecified signage to be located opposite the site access in land owned by others, this is not land under the control of the applicant and no further details are given. It was established as part of previous applications that proposals such as signage etc. do not mitigate a significant shortfall in required visibility standards.

Highway Conclusion and Recommendation.

51. The access requirements for this part retrospective application have been comprehensively considered over the course of three separate applications and as part of a formal planning appeal decision. The scope of MfS/MfS2 was considered at length as part of the determination of the two previous applications, with the applicant and their representative(s) providing robust evidence of high travelling speeds which exceed the intended scope of MfS2. No new evidence is before the Local Planning Authority which alters this position, as the previous traffic survey data is either resubmitted or referred to.
52. The proposed site plan does not demonstrate that safe visibility is available in accordance with DMRB principles, or that it can be secured, owing to the requirement to secure third party land. The fundamental restrictions of visibility owing to the access location near a bend, and local topography are not suitably considered or addressed by the applicant. On this basis it can only be concluded that this is not practicable or achievable. It is therefore contrary to both the LHAs previous advice and that of the Planning Inspectorate, who's decision determined that the principles of DMRB shall apply.

53. Whilst it is accepted that the traffic generation associated with the site is low, there is no reason to conclude that highway safety and particularly visibility splays shall not apply or be a material consideration. The risk of injury or worse on high-speed rural roads, is significant given the evidenced 85th percentile speed, which is further compounded by the significant daily traffic flows as evidenced in the applicant's traffic speed survey data.
54. For the above reasons, the proposal is prejudicial to highway safety and is contrary to Policies DC1 and E4 of the Darlington Local Plan 2016-2036.

e) Nutrient Neutrality

55. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16 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.
56. The Teesmouth and Cleveland Coast protected area is a wetland habitat comprising an area of complex of coastal habitats centred on the Tees estuary and include habitats such as sandflats, mudflats, rocky foreshore, saltmarsh, sand dunes, wet grassland, and freshwater lagoons. These habitats support internationally important populations of breeding and nonbreeding waterbirds including but not limited to breeding Little Tern (A195), passage Sandwich Tern (A191), wintering Red Knot (A143), Redshank (A162), and Ringed Plover (A136) as well as a significant assemblage of wintering waterbirds and high density of benthic invertebrates.
57. The Conservation objectives for the SPA are to ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:
- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely.
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.
58. The Natural England Teesmouth and Cleveland Coast Special Protection Area/Ramsar Evidence Pack August 2022 (TIN204) confirms that this protected area is currently in an unfavourable condition due to nutrient enrichment, which includes pollution from nitrates, including Nitrogen.
59. 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

60. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.

Population Growth and Average Occupancy Rate:

61. During the introduction of Nutrient Neutrality into the River Tees catchment in March 2022. Natural England's guidance recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS). A standard calculator produced by Natural England works off such an assumption.
62. On behalf of the Tees Catchment, Stockton on Tees Borough Council commissioned ORS to consider the weight to be placed on that assumption and prepare a local evidence-based review of the relationship between population growth and provision of new homes within the River Tees catchment to ensure that a suitable robust and evidence-based approach can be taken. This research and its findings only apply to new residential homes and does not apply to tourist accommodation where it is assumed the majority of occupants will reside outside of the catchment so on this basis the Council uses the average national occupancy rate of 2.4 persons for tourist accommodation.
63. The applicant has sought to use a reduced occupancy rate of two persons per dwelling for this proposal to reflect the maximum occupancy of the lodges due to their size and provision of accommodation.
64. It is considered in this particular case that such an approach gives robust justification that an average occupancy rate of two persons per lodge is more appropriate than Natural England's 'starting point' of 2.4 persons per new lodge.

Screening assessment

65. The Screening Assessment requires the Local Planning Authority as the competent authority to consider and conclude whether the potential for likely significant effects to the Teesmouth and Cleveland Coast SPA/Ramsar designated features can be excluded for this planning application. If they cannot, the LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.

66. The information provided by the applicant to enable the LPA to undertake the screening assessment and where necessary appropriate assessment is as follows:

- Nutrient Budget Calculator, Nutrient Assessment & Planting Scheme (20th September 2024)
- Revised Nutrient Budget Calculator and Revised Nutrient Assessment (12th February 2025).
- Revised Nutrient Budget Calculator and Revised Nutrient Assessment (4th March 2025).

67. The revised Nutrient Budget Calculators and Nutrient Assessments were provided following comments raised by the Competent Authority. The Nutrient Budget Calculator and Nutrient Assessments (4th March 2025) were submitted alongside a revised site location plan which was amended to match with the site area included in the Nutrient documents. An Appropriate Assessment was then undertaken taking account of the revised location plan and site red line boundary. Since then, it has now been advised that the site area the application is being determined on is the original site location plan. Therefore, the original site location plan also needs to be used for calculating the nutrient impact of the proposal.

68. As a result of this the Appropriate Assessment needs to be undertaken again. It cannot, therefore, 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.

Appropriate Assessment

69. The three versions of the submitted nutrient budget calculators and nutrient assessments state that the proposal will not increase the nitrogen arising from the development. However, the information provided by the applicant is not 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.

70. The three versions of the Nutrient Budget Calculators and Nutrient Assessments provided by the applicant are not based on the application site red line boundary set out on the original site location plan. There are varying inaccuracies with the site red line boundary which mean the calculations do not reflect the actual land use change that will take place because of the proposal.

71. Of particular note, is all three versions of the calculators and assessments include an area of land to the south effectively being used as mitigation where land use change will take place from lowland to woodland. As this land is not located within the site red line boundary it is not appropriate to include it in the land use change calculations as there is no certainty this will take place as the necessary conditions cannot be applied to ensure its provision, management, and monitoring. Mitigation land outside the site red line boundary can be used but this would need to be calculated separately and secured through a legal agreement accompanied with an Establishment, Monitoring and Management Plan to ensure it is maintained, managed, and secured as NN mitigation in perpetuity. Updated information and clarification has been sought from the applicant but this has not been provided.

72. Below is a summary of the issues raised by the Competent Authority in relation to each of the versions of the nutrient information submitted.

- Nutrient Budget Calculator, Nutrient Assessment & Planting Scheme (20th September 2024) – Other issues raised with this version of the NN submission were other parts of the site included within the site red line boundary not included in the site area used for calculating the nutrient impact. Planting scheme spread across whole site rather than the mitigation land area as previously advised by Natural England.
- Revised Nutrient Budget Calculator and Revised Nutrient Assessment (12th February 2025) – Site area used for nutrient calculations still did not match the site red line boundary on the site location plan as above. Inconsistency in site area with area entered on application form. Mitigation area would need to be woodland/parkland planted at a rate of one hundred trees/hectare and not greenspace.
- Revised Nutrient Budget Calculator and Revised Nutrient Assessment (4th March 2025) - Site area used for nutrient calculations does not match the site red line boundary on the original site location plan as above.

73. The assumptions and inputs used by the applicant within the calculators are not considered by the Competent Authority to be satisfactory and are not an accurate reflection of the site and its location.

74. No mitigation has been appropriately secured and therefore there is not sufficient certainty that this proposal for 3 lodges would not increase the total annual nitrogen load.

Appropriate Assessment Conclusion

75. This assessment has found that mitigation measures are not able to be secured at the necessary points in time to adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.

76. So, it can be concluded that the proposal will adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and conflicts with the relevant Habitat Regulations. Planning permission should be refused on this basis.

f) Ecology

Bat Risk Assessment

77. Due to the proposal for partial demolition, the Council's Ecologist has highlighted that impact on bats must be considered as part of the determination of the application.

78. Bats are a protected species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. As such, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
79. OS Ecology conducted a daytime bat risk assessment on the 10th of October 2024. The Council's Ecology Officer was satisfied that the survey was conducted correctly and to best practice guidelines and legislation. The findings state that two bat activity surveys are required at optimal survey times – May to August. As such, the applicant was informed that this will be required and any subsequent actions from the surveys reported and submitted to the LPA. To date this has not been received, despite several requests, and therefore the application fails to fully consider impact on bats and any mitigation required. On this basis the application would be contrary to Policies ENV7 and ENV8 of the Borough of Darlington Local Plan.

Biodiversity net gain (BNG)

80. A biodiversity net gain assessment (BNG) has been conducted by OS Ecology Ltd that accounts for baseline habitats onsite and post-development habitats with the use of Statutory Metric and report. The BNG assessment indicates that the baseline units are 1.31 habitat units and 0.47 hedgerow units onsite. Post-development landscaping will result in net gains of 10.9% habitat units and 23.29% hedgerow units. The net gains provided meet the trading rules as required. As such, officers are satisfied that the development meets the minimum 10% net gain required, ensuring compliance with Policies ENV7 and ENV8 in regard to Biodiversity net gain.

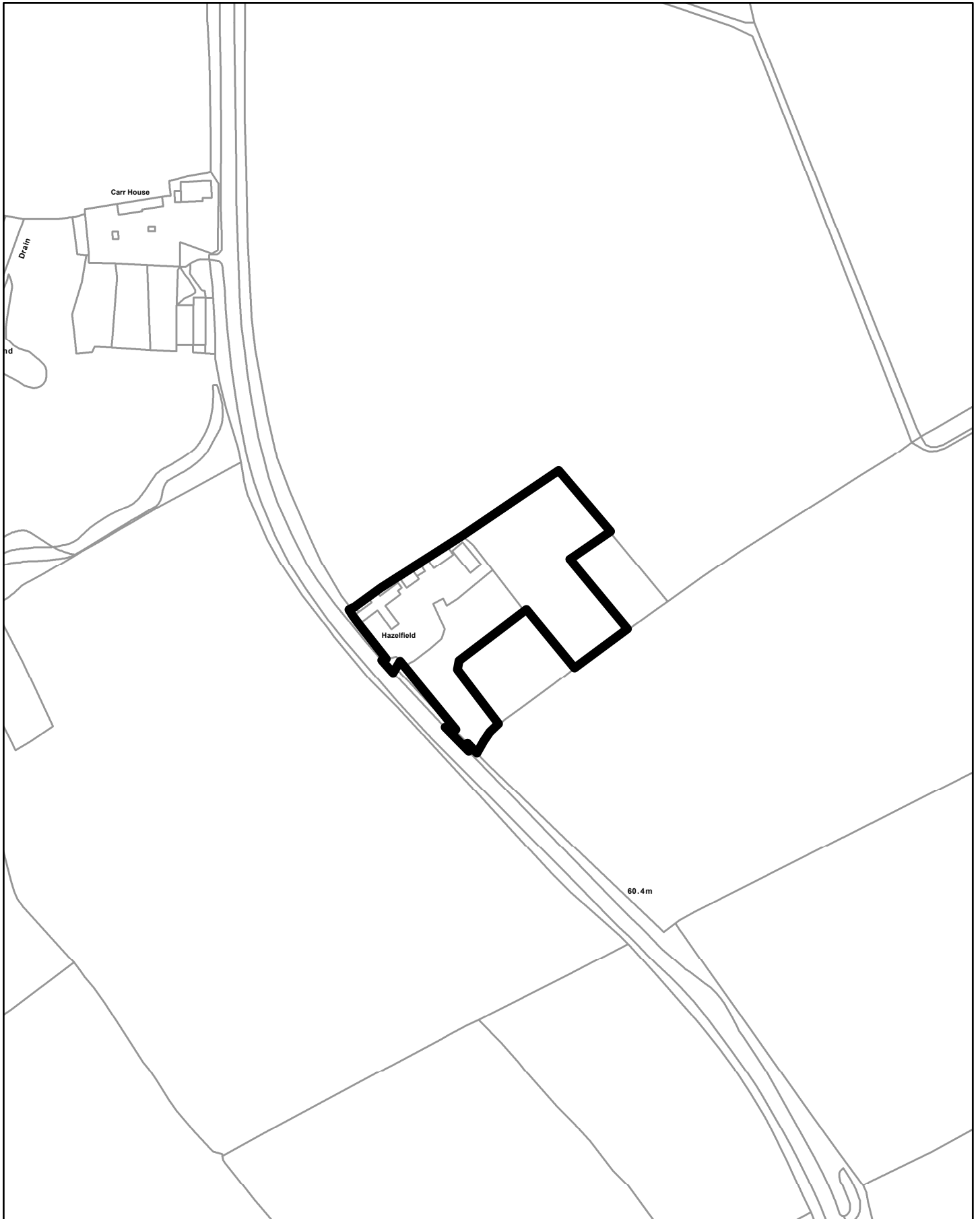
g) other matters

81. The information submitted in support of the application, including the use of local services and supplies and the employment created by the development is noted, however this does not outweigh the technical highway safety concerns raised by the Highways team and the prejudicial impact on highway safety, nor the failure to consider protected species and to satisfactorily address the issue of Nutrient Neutrality.

CONCLUSION AND RECOMMENDATION

82. Whilst the development is considered to be acceptable in respect of its impacts on visual and residential amenity, it is prejudicial to highway safety by reason of the creation of an additional access for the associated traffic generation which does not include a safe level of visibility. No evidence has been provided by the applicant to demonstrate that visibility standards in accordance with national guidance are achievable. The proposed development conflicts with Policy DC1 (Sustainable Design Principles and Climate Change) and Policy E4 (Economic Development in the Open Countryside) of the Darlington Local Plan 2016-2036 and the National Planning Policy Framework.

83. The assumptions and inputs used by the applicant within the submitted nitrate calculators are not considered by the Council as Competent Authority to be satisfactory and are not an accurate reflection of the site and its location. No mitigation has been appropriately secured and there is not therefore sufficient certainty that this proposal for 3 lodges would not increase the total annual nitrogen load. Appropriate mitigation measures are not able to be secured at the necessary points in time to adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA. So, it is concluded that the proposal will adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and conflicts with the relevant Habitat Regulations.
84. Insufficient information has been submitted to enable an assessment of the impact of the proposed development on bats (a European protected species) contrary to Policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036, and guidance both within the National Planning Policy Framework and Planning Practice Guidance.
85. The economic benefits of the proposal have been considered in the determination of the application; however, these do not outweigh the technical highway safety concerns as set out within this report.
86. Accordingly, it is recommended **THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON(S)**
1. The development is prejudicial to highway safety by reason of the creation of an additional access for the associated traffic generation which does not include a safe level of visibility. No evidence has been provided by the applicant to demonstrate that visibility standards in accordance with national guidance are achievable. The proposed development conflicts with Policy DC1 (Sustainable Design Principles and Climate Change) and Policy E4 (Economic Development in the Open Countryside) of the Darlington Local Plan 2016-2036 and the National Planning Policy Framework.
 2. The assumptions and inputs used by the applicant within the submitted nitrate calculators are not considered by the Competent Authority to be satisfactory and are not an accurate reflection of the site and its location. No mitigation has been appropriately secured and therefore there is not sufficient certainty that this proposal for 3 lodges would not increase the total annual nitrogen load. Consequently, appropriate mitigation measures are not able to be secured at the necessary points in time to adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast Special Protection Area. So, it is concluded that the proposal will adversely affect the integrity of the Teesmouth and Cleveland Coast Special Protection Area and conflicts with Policies DC2, ENV7 and ENV8 of the Darlington Local Plan 2016-2036 and the relevant Habitat Regulations.
 3. Insufficient information has been submitted to enable an assessment of the impact of the proposed development on bats (a European protected species protected under the Conservation of Habitats and Species Regulations 2017) contrary to Policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036, and guidance both within the National Planning Policy Framework and Planning Practice Guidance.

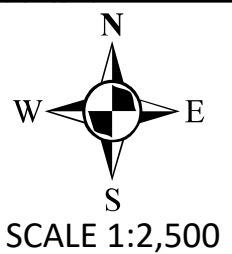


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