



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm

Wednesday, 11 February 2026

Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 14 January 2026
(Pages 5 - 30)
4. Introduction to Procedure by the Assistant Director, Law and Governance's
Representative (Pages 31 - 32)
5. Applications for Planning Permission and Other Consents under the Town and Country
Planning Act and Associated Legislation (Pages 33 - 34)
 - (a) Hazelfield Cottage Elstob Lane, Great Stainton, STOCKTON-ON-TEES, TS21 1HP (Pages
35 - 52)
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, Inspectors,

appointed by the Secretary of State for the Environment, have :-

- a) Dismissed the appeal by Miss Anh Thi Ngoc Vo against this authority's decision to refuse permission for Installation of 1 No. external security roller shutter and Installation of new shopfront (Retrospective Application) at 33 West Auckland Road, Darlington, DL3 9EL (Ref No 25/00362/FUL) (copy of Inspector's decision enclosed).
- b) Dismissed the appeal by Miss Anh Thi Ngoc Vo against this authority's decision to refuse permission for Display of 1 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign to the front elevation (Retrospective Application) at 33 West Auckland Road, Darlington, DL3 9EL (Ref No 25/00364/ADV) (copy of Inspector's decision enclosed).
- c) Allowed the appeal by Mr Daniil Vnouchkov 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) at 45 Greenbank Road, Darlington, DL3 6EN (Ref No 24/01178/CU) (copy of Inspector's decision enclosed).
- d) Allowed the appeal by Michael Dearnley against this authority's decision to refuse permission for the erection of a 1.8m high timber fence to rear boundary (retrospective) at 37 John Fowler Way, Darlington, DL2 2GG (Ref No 25/00416/FUL) (copy of Inspector's decision enclosed).
- e) Dismissed the appeal by Michael Dearnley against this authority's decision to refuse permission for the erection of a 1.8m high timber fence to side boundary at 37 John Fowler Way, Darlington, DL2 2GG (Ref No 25/00416/FUL) (copy of Inspector's decision enclosed).

RECOMMENDED – That the report be received.
(Pages 53 - 74)

9. Notification of Appeals - –

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

- (a) Mr Martin Brown has appealed against this Authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath East Of Dolphin Centre, Horsemarket, Darlington, DL1 5RP (25/01103/FUL).
- (b) Mr Martin Brown has appealed against this Authority's decision to refuse permission of Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath East Of Dolphin Centre, Horsemarket, Darlington, DL1 5RP (25/01104/ADV).
- (c) Mr Martin Brown has appealed against this Authority's decision to refuse permission for Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath Outside 214 Northgate,

Darlington, DL1 1RB (25/01105/FUL).

- (d) Mr Martin Brown has appealed against this Authority's decision to refuse permission of Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath Outside 214 Northgate, Darlington, DL1 1RB (25/01106/ADV).
- (e) Mr Martin Brown has appealed against this Authority's decision to refuse permission of Installation of 1 No. BT Street Hub incorporating 2 No. internally illuminated digital LCD advert screens at Footpath Opposite 38 Blackwellgate, Darlington (25/01101/FUL).
- (f) Mr Martin Brown has appealed against this Authority's decision to refuse permission of Display of 2 No. internally illuminated digital LCD display screens to BT Street Hub at Footpath Opposite 38 Blackwellgate, Darlington (25/01102/ADV).

RECOMMENDED – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

- 10. To consider the Exclusion of the Public and Press –
RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.
- 11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 30 January 2026 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection
(Pages 75 - 88)
- 12. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
- 13. Questions

A handwritten signature in black ink, reading 'A. C. Kennington'. The signature is written in a cursive style with a long horizontal flourish underneath the name.

Amy Wennington
Assistant Director Law and Governance

Tuesday, 3 February 2026

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

PLANNING APPLICATIONS COMMITTEE

Wednesday, 14 January 2026

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

APOLOGIES – Councillors Ali, Allen, Beckett, Cossins and Laing,

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

PA47 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA48 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 17 DECEMBER 2025

RESOLVED – That the Minutes of this Committee held on 17 December 2025 be approved as a correct record.

PA49 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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.
A5	LB Applications (Implementation 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

PA50 POLAM HALL SCHOOL, GRANGE ROAD, BLACKWELL, DARLINGTON, DL1 5PA

25/00871/FUL - Partial demolition and partial retention and refurbishment of existing buildings, the erection of a single storey extension to Elm Grove and a two storey extension to the main building, the erection of temporary modular accommodation for the duration of the demolition and construction period, with associated permanent and temporary external works, including landscaping and construction of MUGA.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, Transport Planning Officer, Environmental Health Officer, Ecologist, Arboricultural Officer, the Lead Local Flood Authority, Durham County Council Archaeology, the Council's Conservation consultant, Historic England, Environment Agency, Sport England, The Gardens Trust and Northumbrian Gardens Trust. Ten letters of objection were also taken into consideration, alongside the views of the agent, applicant and one objector whom the Committee heard).

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

Time limit

1. A3 (standard 3-year time limit)

Temporary works

2. The modular classrooms and temporary sports hall hereby permitted shall be retained for the duration of the demolition and construction period only and shall be removed from the site once the new school buildings and sports facilities are operational, unless the Local Planning Authority has first given its approval in writing for the retention of these buildings for an extended period. Thereafter the site of these temporary structures shall be reinstated in accordance with a scheme which shall first be agreed in writing by the Local Planning Authority.

REASON – The type of buildings proposed are not ones that the Local Planning Authority would ordinarily consider to be appropriate in this location, other than for a limited period and in view of the particular circumstances of this application, in view of their appearance and construction.

Approved plans

3. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 - a) Site location plan, drawing number SRP114-ONE-ZZ-ZZ-D-L-0001-P03
 - b) Modular accommodation ground floor, drawing number 39790-PML-B1-00-DR-A-0001 Rev P11
 - c) Modular accommodation reception, drawing number 39790-PML-B1-00-DR-A-0002 Rev P2
 - d) Modular accommodation first floor, drawing number 39790-PML-B1-01-DR-A-0001 Rev P8
 - e) Modular accommodation second floor, drawing number 39790-PML-B1-02-DR-A-0001 Rev P7
 - f) Modular accommodation roof layout, drawing number 39790-PML-B1-XX-DR-A-0003 Rev P1
 - g) Modular accommodation typical sections, drawing number 39790-PML-B1-XX-DR-A-0030 Rev C2
 - h) Modular accommodation elevations, drawing number 39790-PML-B1-XX-DR-A-0060-Rev P8
 - i) Vehicle circulation strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0005

PO7

- j) Pedestrian circulation strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0006
PO7
- k) Planting strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0201 P03
- l) Site sections, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0401 P03
- m) Temporary whole site plan, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0901-P04
- n) EFAA Demolition Level 0, drawing number SRP1142-RYD-01-00-D-A-0411-S2-P3
- o) EFAA Demolition Level 1, drawing number SRP1142-YD-01-01-D-A-0412-S2-P3
- p) EFAA Floor Plan Level 2, drawing number SRP1142-RYD-01-02-D-A-3074-S2-P3
- q) EFAA Demolition Basement, drawing number SRP1142-RYD-01-B1-D-A-0410-S2-P1
- r) EFAC Demolition Level 0, drawing number SRP1142-RYD-03-00-D-A-0414-S2-P1
- s) EFAC Demolition Level 1, drawing number SRP1142-RYD-03-0-D-A-0415-S2-P1
- t) EFAA Scope of works Level 0, drawing number SRP1142-RYD-01-00-D-A-3621-S3-P4
- u) EFAC Floor plan Level 2, drawing number SRP1142-RYD-03-02-D-A-3063-S2-P3
- v) Whole site plan, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0003-P16
- w) Planting strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0201-P03
- x) Illustrative masterplan, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0801-P08
- y) GA Floor plan EFAA Level 0, drawing number SRP1142-RYD-01-00-D-A-3071-S2-P3
- z) Scope of works EFAA Level 0, drawing number SRP1142-RYD-01-00-D-A-3621-P4
- aa) GA Floor plan EFAA Level 1, drawing number SRP1142-RYD-01-01-D-A-3072 P2
- bb) Scope of works EFAA Level 1, drawing number SRP1142-RYD-01-01-D-A-3622-P4
- cc) Scope of works EFAA Level 2, drawing number SRP1142-RYD-01-01-D-A-3623-P3
- dd) GA Floor Plan EFAA Level 2, drawing number SRP1142-RYD-01-02-D-A-3074-P2
- ee) GA Floor Plan EFAA Level B1, drawing number SRP1142-RYD-01-B1-D-A-3070-P3
- ff) Scope of works EFAA Level B1, drawing number SRP1142-RYD-01-B1-D-A-3620-P4
- gg) GA EFAA Roof Plan, drawing number SRP1142-RYD-01-R3-D-A-3073-P2
- hh) Planning GA elevations, drawing number SRP1142-RYD-01-ZZ-D-A-3610-P4
- ii) Scope of works EFAA elevations, drawing number SRP1142-RYD-01-ZZ-D-A-3630-P4
- jj) GA Floor Plan EFAC Level 0, drawing number SRP1142-RYD-03-00-D-A-3061-P3
- kk) GA Floor Plan EFAC Level 1, drawing number SRP1142-RYD-03-01-D-A-3062-P3
- ll) GA Floor Plan EFAC Level 2, drawing number SRP1142-RYD-03-02-D-A-3063-P3
- mm) GA Floor Plan EFAC Basement, drawing number SRP1142-RYD-03-B2-D-A-3060-P3
- nn) GA EFAC Roof Plan, drawing number SRP1142-RYD-03-R2-D-A-3064-P2
- oo) GA Elevations EFAC, drawing number SRP1142-RYD-03-ZZ-D-A-3611-P4
- pp) GA Floor Plan New Build Level 0, drawing number SRP1142-RYD-20-00-D-A-3080-P2
- qq) GA Floor Plan New Build Level 1, drawing number SRP1142-RYD-20-01-D-A-3081-P2
- rr) GA New Build Roof Plan, drawing number SRP1142-RYD-20-R2-D-A-3082-P2

- ss) GA Elevations New Build Sheet 1 of 2, drawing number SRP1142-RYD-20-ZZ-D-A-3612-P4
- tt) GA Elevations New Build Sheet 2 of 2, drawing number SRP1142-RYD-20-ZZ-D-A-3613-P4
- uu) External lighting layout 1 of 2, drawing number SRP1142-TES-00-XX-D-E-9001 Rev PO4
- vv) External lighting layout 2 of 2, drawing number SRP1142-TES-00-D-E-9011 Rev P04
- ww) PV Canopy Design, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0610-P01
- xx) PV Canopy Design, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0611-P01

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

Materials

4. Prior to the commencement of any works to the listed Polam Hall and the demolition of the stable block at Elm Grove Villa, a written scheme of investigation demonstrating how the applicant shall record the building/structure to an appropriate standard shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building recording shall be undertaken in accordance with the written scheme of investigation as approved and the resulting building recording shall be submitted to and approved in writing by the Local Planning Authority within 6 months of work commencing, or other timescale which may be otherwise be agreed in writing. Within 3 months of the Historic Building Recording being approved by the Local Planning Authority it shall be submitted to the relevant Record Office.

REASON – To record and advance understanding of the significance of the elements of the heritage assets to be lost in accordance with Darlington Local Plan Policy ENV1.

5. All repair works to the retained historic building fabric must match that of the original work in terms of materials, method of construction and finished appearance.

REASON - In order to preserve the historic fabric of the building in accordance with Darlington Local Plan Policy ENV1.

6. Prior to any external repointing or repair works to the listed Polam Hall villa taking place, a specification for the mortar together with a method statement for the carrying out of the works, shall be submitted to and approved in writing by the Local Planning Authority. All repair works shall be undertaken and maintained in accordance with the approved details.

REASON – To ensure that the proposed works are appropriate in order to preserve the historic fabric of the listed building in accordance with Darlington Local Plan Policy ENV1.

7. Prior to any of the following roof works being carried out:
 - a) Roof repairs

- b) New rainwater goods
- c) Roof replacements (to retained buildings)
- d) Replacement of the existing roof lantern (as shown on GA EFAA Roof Plan, drawing number SRP1142-RYD-01-R3-D-A-3073-P2)

A detailed method statement setting out the intended works shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter the development shall be completed in accordance with the approved details and thereafter be so maintained.

REASON – To safeguard and enhance the special character of the listed building in accordance with Darlington Local Plan Policy ENV1.

8. All roof repairs to retained buildings shall be undertaken with matching roof tiles or slates, or alternatively prior to the installation of any replacement tiles or slates, samples shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any roof repairs shall be carried out in accordance with the details as approved and be so maintained.

REASON – In order to preserve the historic fabric of the building in accordance with Darlington Local Plan Policy ENV1.

9. Prior to the commencement of that part of the development, a method statement and proposed scheme details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Proposed new floor finishes and retained historic floor finishes within the ground floor of the listed Polam Hall villa
 - b) Cornice plaster repairs including works of making good to ceilings
 - c) External stonework repairs
 - d) Retrained internal doors/woodwork repairs including any redecoration

Thereafter the development shall be carried out in accordance with the details as approved and be so maintained.

REASON – In order to preserve the historic fabric of the building in accordance with Darlington Local Plan Policy ENV1.

10. Prior to the commencement of any work relating to the removal of the existing head teachers office, a method statement detailing how the removal works are to be undertaken and making good the villa, including details of the new window to be installed following removal, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the details as approved and any remedial works including the installation of the new window shall be maintained in accordance with the approved details.

REASON – In order to preserve the character and appearance of the building in accordance with Darlington Local Plan Policy ENV1.

11. Prior to the commencement of any work to the boundaries of the school site along

Grange Road, a scheme of proposed works to the boundaries to include details of works for the formation/improvement of existing pedestrian access points, repointing works and any other remedial or repair works to the boundaries, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the details as approved and be so maintained.

REASON – In order to preserve the character and appearance of the building in accordance with Darlington Local Plan Policy ENV1.

12. Prior to the construction of any works above damp proof course level of any new building/extended building details of the following, including samples if requested, shall be submitted to and approved in writing by the Local Planning Authority:
- a) Wall and roof materials
 - b) Details of new windows and doors
 - c) Details of hard landscaping materials

Thereafter the development shall be carried out in accordance with the details as approved and be so maintained for the lifetime of the development.

REASON - In order to ensure that the materials used preserve the character and appearance of the host building and wider locality in accordance with Darlington Local Plan Policy ENV1.

13. Prior to the commencement of any works relating to the new glazed link to be erected between the new building and the Grade II listed Polam Hall villa, elevations and section details of the link at an appropriate scale (1:20 or as agreed) shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall show the following:
- a) Details of openings
 - b) Depth of reveals
 - c) Details of frames
 - d) Details of meeting rails
 - e) Details of glazing bar and glazing cavity
 - f) Details of the colour finish

Thereafter the development shall be carried out in accordance with the details as approved and be so maintained for the lifetime of the development.

REASON – To ensure that the character, appearance, and integrity of the listed building is not prejudiced thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, and Darlington Local Plan Policy ENV1.

14. Details of any new ancillary works to the Grade II listed Polam Hall including any extraction or ventilation equipment, CCTV, alarm and utility meter boxes, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved and be so maintained for the lifetime of the development.

REASON – To ensure a satisfactory external appearance to the building in accordance with Darlington Local Plan Policy ENV1.

15. Should any hidden historic features be revealed during works to the Grade II listed Polam Hall, they should be retained in situ. Works shall be halted in the relevant area of the building, and the Local Planning Authority should be notified immediately for inspection. Works shall not recommence in that area without the agreement of the Local Planning Authority.

REASON – To safeguard the special character of the listed building in accordance with Darlington Local Plan Policy ENV1.

Contaminated land

16. Prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a “suitably competent person(s)” to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use, and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

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

REASON – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

18. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a “suitably competent person(s)” and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed

Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a “suitably competent person(s)”, documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2 months of the completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirements specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON – The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

Amenity

19. No construction activities, including site clearance and demolition activities, as well as deliveries to and from the site, shall take place outside the hours of 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on a Saturday, with no working on Sundays or Bank Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity

20. The construction phase of the development hereby permitted shall be carried out in accordance with the details contained within the Polam Hall School Construction Environmental Management Plan prepared by Kier Construction Ltd submitted with the application.

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

21. The multi-use games areas hereby permitted shall not be used and the associated floodlighting shall be switched off outside of the hours of 09:00 and 21:00 daily and these permitted hours shall be reflected in the hours of use to be agreed as part of the Community Use Scheme to be submitted under condition 32.

REASON – In the interest of residential amenity.

22. Notwithstanding any details submitted as part of the application, prior to the

installation of any floodlighting associated with the MUGAs hereby permitted full details of the floodlights shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the floodlights shall be installed in accordance with the details as approved and thereafter be so maintained for the lifetime of the development.

REASON – In the interests of visual and residential amenity.

23. Prior to the construction of the temporary sports hall hereby permitted full details of the sports hall shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the temporary sports hall shall be installed in accordance with the details as approved.

REASON – In the interests of visual and residential amenity.

24. Anti-vibration mounts shall be fitted to the panels within the multi-use games areas (MUGAs) hereby approved prior to the MUGAs first being brought into operation and shall be maintained for the lifetime of the development.

REASON – In the interest of residential amenity.

25. Notwithstanding the submitted details and prior to the commencement of development, details of the existing and proposed site levels, to include finished flood levels of the buildings to be erected, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interests of visual and residential amenity.

Ecology

26. The development hereby approved shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment (EcIA), Bat Survey, and Great Crested Newt eDNA Survey undertaken by OS Ecology. In particular, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) A Precautionary Method Statement for works to Building 1;
- b) A plan showing the location and details of bat roosting features to be installed/enhanced;
- c) A plan showing the type, number, and location of artificial nesting features. Any features on buildings should be integrated features where possible, and suitable for a range of bird species including swifts, sparrows, and starlings.
- d) Any relevant ecology updates in applicable.

REASON - To comply with Policy ENV7 of the Darlington Local Plan.

27. External lighting associated with the development hereby approved shall be installed in accordance with the specifications and locations set out in the External Lighting

Layout plans, drawing numbers SRP1142-TES-00-XX-D-E-9001-Rev P04 and SRP1142-TES-00-XX-D-E-9011-Rev P04, and within the OS Ecology Ecological Technical Note – Lighting Assessment dated November 2025 and maintained thereafter in accordance with these details for the lifetime of the development. No further external lighting shall be installed without the prior approval of the Local Planning Authority.

REASON – To ensure that external lighting does not adversely impact upon nearby foraging habitats of nocturnal wildlife and to comply with Policy ENV7 of the Darlington Local Plan.

28. The soft landscaping works shown on the submitted Planting Strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0201-P03, shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by the Local Planning Authority. If within a period of 5 years from the date of planting of any tree or shrub in connection with the landscaping works required, that tree or shrub or any tree or shrub planted in replacement of it, is removed, uprooted or destroyed, seriously damaged or dies, another tree or shrub of the same size and species to that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON – In the interest of the visual amenity of the area

29. The development hereby permitted shall be constructed to the DfE School Output Specification standard or better as set out in the Energy and Sustainability Statement ‘Polam Hall School PA193 Rev. P01’ dated July 2025 submitted with the application.

REASON – To comply with the requirements of Local Plan Policy DC1

Tree Protection

30. No construction work, including site clearance and demolition work, shall take place, nor shall any site cabins, materials or machinery be brought onto site until all trees to be retained are protected in accordance with the details contained within the Elliott Consultancy Ltd Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Ref. ARB/AE/3660, dated November 2025. The construction phase of the development shall be carried out in accordance with the actions and tree protection measures set out in Sections 5, 6 and 7 of the report, and the approved tree protection measures shall remain in situ for the duration of the construction period of the development in accordance with the details outlined in the report.

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

Flood Risk

31. The development hereby approved shall be carried out in accordance with the submitted ‘Polam Hall School - SRP1142 Drainage Strategy and Flood Risk Assessment’ and the mitigation measures specified therein.

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

Sport England

32. Prior to the development hereby approved being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use (which shall not be outside of the hours of 09:00 – 21:00 daily), access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon the commencement of use of the development.

REASON – To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with the requirements of Darlington Local Plan Policy IN10(C).

33. The relocated multi use games area hereby permitted shall not be constructed other than substantially in accordance with Sport England/National Governing Body Technical Design Guidance Notes: Artificial Surfaces for Outdoor Sport guide.

REASON - To ensure the development is fit for purpose and sustainable and to accord with the requirements of Darlington Local Plan Policy IN10(C).

34. Following completion of the temporary works as shown in Phase 1 temporary construction area on the Access and Phasing Document within three months of the completion of the temporary works, the playing field land shall be reinstated to a playing field of a quality at least equivalent to the quality of the playing field immediately before the temporary works commenced.

REASON – To ensure the site is restored to a condition fit for purpose and to accord with the requirements of Darlington Local Plan Policies ENV4, ENV9 and IN10(C).

35. Following completion of the temporary parking on the existing Multi Use Games Area, as shown on Phase 4B in the Access and Phasing Document within three months of the completion of the temporary car parking, the Multi Use Games Area shall be reinstated to a quality at least equivalent to the quality of the Multi Use Games Area immediately before the temporary works commenced.

REASON – To ensure the site is restored to a condition fit for purpose and to accord with the requirements of Darlington Local Plan Policies ENV4, ENV9 and IN10(C).

Highways

36. The cycle parking and electrical vehicle charging points as shown on drawing number SRP1142-ONE-ZZ-ZZ-D-L-0003 Rev. P16 'Whole site plan' shall be in place and shall be operational prior to the first occupation of the development hereby approved and shall be maintained in accordance with the approved details for the lifetime of the development.

REASON – To ensure provision of electric vehicle charging infrastructure and cycle parking in accordance with the requirements of Local Plan Policy IN4.

37. Prior to the commencement of the development hereby permitted, details of a scheme for wheel washing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the wheel washing facilities as approved shall be in place and available for use prior to the commencement of the demolition and construction phases of the development and be so maintained for the duration of these phases of the development.

REASON – In the interest of highway safety

PA51 POLAM HALL SCHOOL, GRANGE ROAD, BLACKWELL, DARLINGTON, DL1 5PA

25/00872/LBC - Listed Building Consent for demolition, partial demolition and partial retention and refurbishment of existing buildings, erection of a two storey extension to main building together with associated permanent and temporary external works.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Conservation consultant, Historic England, the Victorian Society, the Gardens Trust and Northumbrian Gardens Trust. One letter of objection was also taken into consideration.

RESOLVED – That Listed Building Consent be granted subject to the following conditions:

Time limit

1. A5 (standard 3-year time limit)

Approved plans

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 - (a) Site location plan, drawing number SRP114-ONE-ZZ-ZZ-D-L-0001-P03
 - (b) Planting strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0201 P03
 - (c) Site sections, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0401 P03
 - (d) Temporary whole site plan, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0901-P04
 - (e) EFAA Demolition Level 0, drawing number SRP1142-RYD-01-00-D-A-0411-S2-P3
 - (f) EFAA Demolition Level 1, drawing number SRP1142-YD-01-01-D-A-0412-S2-P3
 - (g) EFAA Floor Plan Level 2, drawing number SRP1142-RYD-01-02-D-A-3074-S2-P3

- (h) EFAA Demolition Basement, drawing number SRP1142-RYD-01-B1-D-A-0410-S2-P1
- (i) EFAA Scope of works Level 0, drawing number SRP1142-RYD-01-00-D-A-3621-S3-P4
- (j) Whole site plan, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0003-P16
- (k) Planting strategy, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0201-P03
- (l) Illustrative masterplan, drawing number SRP1142-ONE-ZZ-ZZ-D-L-0801-P08
- (m) GA Floor plan EFAA Level 0, drawing number SRP1142-RYD-01-00-D-A-3071-S2-P3
- (n) Scope of works EFAA Level 0, drawing number SRP1142-RYD-01-00-D-A-3621-P4
- (o) GA Floor plan EFAA Level 1, drawing number SRP1142-RYD-01-01-D-A-3072 P2
- (p) Scope of works EFAA Level 1, drawing number SRP1142-RYD-01-01-D-A-3622-P4
- (q) Scope of works EFAA Level 2, drawing number SRP1142-RYD-01-01-D-A-3623-P3
- (r) GA Floor Plan EFAA Level 2, drawing number SRP1142-RYD-01-02-D-A-3074-P2
- (s) GA Floor Plan EFAA Level B1, drawing number SRP1142-RYD-01-B1-D-A-3070-P3
- (t) Scope of works EFAA Level B1, drawing number SRP1142-RYD-01-B1-D-A-3620-P4
- (u) GA EFAA Roof Plan, drawing number SRP1142-RYD-01-R3-D-A-3073-P2
- (v) Planning GA elevations, drawing number SRP1142-RYD-01-ZZ-D-A-3610-P4
- (w) Scope of works EFAA elevations, drawing number SRP1142-RYD-01-ZZ-D-A-3630-P4
- (x) GA Floor Plan New Build Level 0, drawing number SRP1142-RYD-20-00-D-A-3080-P2
- (y) GA Floor Plan New Build Level 1, drawing number SRP1142-RYD-20-01-D-A-3081-P2
- (z) GA New Build Roof Plan, drawing number SRP1142-RYD-20-R2-D-A-3082-P2
- (aa) GA Elevations New Build Sheet 1 of 2, drawing number SRP1142-RYD-20-ZZ-D-A-3612-P4
- (bb) GA Elevations New Build Sheet 2 of 2, drawing number SRP1142-RYD-20-ZZ-D-A-3613-P4
- (cc) External lighting layout 1 of 2, drawing number SRP1142-TES-00-XX-D-E-9001 Rev P04
- (dd) External lighting layout 2 of 2, drawing number SRP1142-TES-00-D-E-9011 Rev P04

REASON - – To ensure the development is carried out in accordance with the listed building consent

Materials

3. Prior to the commencement of any works to the listed Polam Hall and the demolition of the stable block at Elm Grove Villa, a written scheme of investigation demonstrating how the applicant shall record the building/structure to an

appropriate standard shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building recording shall be undertaken in accordance with the written scheme of investigation as approved and the resulting building recording shall be submitted to an approved in writing by the Local Planning Authority within 6 months of work commencing, or other timescale which may be otherwise be agreed in writing. Within 3 months of the Historic Building Recording being approved by the Local Planning Authority it shall be submitted to the relevant Record Office.

REASON – To record and advance understanding of the significance of the elements of the heritage assets to be lost in accordance with Darlington Local Plan Policy ENV1.

4. All repair works to the retained historic building fabric must match that of the original work in terms of materials, method of construction and finished appearance.

REASON - In order to preserve the historic fabric of the building in accordance with Darlington Local Plan Policy ENV1.

5. Prior to any external repointing or repair works to the listed Polam Hall villa taking place, a specification for the mortar together with a method statement for the carrying out of the works, shall be submitted to and approved in writing by the Local Planning Authority. All repair works shall be undertaken and maintained in accordance with the approved details.

REASON – To ensure that the proposed works are appropriate in order to preserve the historic fabric of the listed building in accordance with Darlington Local Plan Policy ENV1.

6. Prior to any of the following roof works being carried out:
 - a) Roof repairs
 - b) New rainwater goods
 - c) Roof replacements (to retained buildings)
 - d) Replacement of the existing roof lantern (as shown on GA EFAA Roof Plan, drawing number SRP1142-RYD-01-R3-D-A-3073-P2)

A detailed method statement setting out the intended works shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter the development shall be completed in accordance with the approved details and thereafter be so maintained.

REASON – To safeguard and enhance the special character of the listed building in accordance with Darlington Local Plan Policy ENV1.

7. All roof repairs to retained buildings shall be undertaken with matching roof tiles or slates, or alternatively prior to the installation of any replacement tiles or slates, samples shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any roof repairs shall be carried out in accordance with the details as approved and be so maintained.

REASON – In order to preserve the historic fabric of the building in accordance with Darlington Local Plan Policy ENV1.

8. Prior to the commencement of that part of the development, a method statement and proposed scheme details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Proposed new floor finishes and retained historic floor finishes within the ground floor of the listed Polam Hall villa
 - b) Cornice plaster repairs including works of making good to ceilings
 - c) External stonework repairs
 - d) Retrained internal doors/woodwork repairs including any redecoration

Thereafter the development shall be carried out in accordance with the details as approved and be so maintained.

REASON – In order to preserve the historic fabric of the building in accordance with Darlington Local Plan Policy ENV1.

9. Prior to the commencement of any work relating to the removal of the existing head teachers office, a method statement detailing how the removal works are to be undertaken and making good the villa, including details of the new window to be installed following removal, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the details as approved and any remedial works including the installation of the new window shall be maintained in accordance with the approved details.

REASON – In order to preserve the character and appearance of the building in accordance with Darlington Local Plan Policy ENV1.

10. Prior to the commencement of any work to the boundaries of the school site along Grange Road, a scheme of proposed works to the boundaries to include details of works for the formation/improvement of existing pedestrian access points, repointing works and any other remedial or repair works to the boundaries, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the details as approved and be so maintained.

REASON – In order to preserve the character and appearance of the building in

accordance with Darlington Local Plan Policy ENV1.

11. Prior to the construction of any works above damp proof course level of any new building/extended building details of the following, including samples if requested, shall be submitted to and approved in writing by the Local Planning Authority:

- a) Wall and roof materials
- b) Details of new windows and doors
- c) Details of hard landscaping materials

Thereafter the development shall be carried out in accordance with the details as approved and be so maintained for the lifetime of the development.

REASON - In order to ensure that the materials used preserve the character and appearance of the host building and wider locality in accordance with Darlington Local Plan Policy ENV1.

12. Prior to the commencement of any works relating to the new glazed link to be erected between the new building and the Grade II listed Polam Hall villa, elevations and section details of the link at an appropriate scale (1:20 or as agreed) shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall show the following:

- a) Details of openings
- b) Depth of reveals
- c) Details of frames
- d) Details of meeting rails
- e) Details of glazing bar and glazing cavity
- f) Details of the colour finish

Thereafter the development shall be carried out in accordance with the details as approved and be so maintained for the lifetime of the development.

REASON – To ensure that the character, appearance, and integrity of the listed building is not prejudiced thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, and Darlington Local Plan Policy ENV1.

13. Details of any new ancillary works to the Grade II listed Polam Hall including any extraction or ventilation equipment, CCTV, alarm and utility meter boxes, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved and be so maintained for the lifetime of the development.

REASON – To ensure a satisfactory external appearance to the building in accordance with Darlington Local Plan Policy ENV1.

14. Should any hidden historic features be revealed during works to the Grade II listed Polam Hall, they should be retained in situ. Works shall be halted in the relevant area of the building, and the Local Planning Authority should be notified immediately for inspection. Works shall not recommence in that area without the agreement of the Local Planning Authority.

REASON – To safeguard the special character of the listed building in accordance with Darlington Local Plan Policy ENV1.

PA52 BRIAR HOUSE, 2 BLACKWELL, DARLINGTON, DL3 8QY

23/00734/OUT – Outline planning application with all matters reserved for the demolition of existing outbuildings and the erection of 2 No. dwellings with new access drive to connect with existing access.

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Ecology Officer, Arboricultural Officer, Environmental Health Officer, Transport Policy Officer, Natural England, National Highways, Durham County Council Archaeology Team and Northern Gas Networks. Twenty five letters of objection were taken into consideration, alongside the views of the agent and two objectors whom the Committee heard).

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

1. Details of the access, appearance, landscaping, layout, and scale of the whole of the development or within each phase of the development hereby permitted (hereinafter called "the reserved matters") for each phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

2. Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

REASON - To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990.

3. The development shall be begun two years from the final approval of the reserved matters referred to in condition (1) or, in the case of approval on different dates the final approval of the last such matter to be approved.

REASON - To accord with the provisions of Section 92(1) of the Town and Country

Planning Act 1990.

4. The planning application(s) made in pursuance of condition 1 shall not propose more than two dwellings.

REASON - For the avoidance of doubt.

5. The planning application(s) made in pursuance of condition 1) for the North Plot shall not propose a dwelling of more than two storeys in height.

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

6. The planning application(s) made in pursuance of condition 1) for the North Plot shall not propose a dwelling which has habitable windows in the north and east elevations.

REASON - To safeguard the amenities of neighbouring dwellings.

7. The planning application(s) made in pursuance of condition 1) for the East Plot shall not propose a dwelling of more than 1.5 storeys in height.

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

8. The planning application(s) made in pursuance of condition 1) for the East Plot shall not propose a dwelling which has habitable windows in the north and south elevations.

REASON - To safeguard the amenities of neighbouring dwellings.

9. The landscaping scheme submitted in pursuance of condition 1) must include precise details of the proposed tree and hedge planting and also existing trees and hedging to be retained in accordance with the submitted Arboricultural Impact Assessment Rev 3 produced by Andrew Hampton dated October 2025. The landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority.

Trees T2 to T8 and T40 shown within Appendix 4 of the submitted Arboricultural Impact Assessment Rev 3 produced by Andrew Hampton dated October 2025, shall not be removed or pruned without the consent of the local planning authority to whom a planning application shall be made.

Any other trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site in the interests of the visual amenity of the area and the neighbouring dwellings.

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

- a) Drawing Number 565 A.03 Rev 13 East Plot Dimensions
- b) Drawing Number 565 A.04 Rev 13 General Plot Areas
- c) Drawing Number 565 A.05 Rev 13 North Plot Dimensions
- d) Drawing Number 565 A.06 Rev 13 Briar House Areas
- e) Drawing Number 565 A.07 Proposed & Existing
- f) Drawing Number 565 A.10 Rev 12 Parking and Bins
- g) Drawing Number 23265 Bird and Bat Box Types and Locations

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

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

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

12. Prior to any demolition works and/or the commencement of the development, a site-specific Demolition and Construction Management Plan for the whole development or for each dwelling, 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 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 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, if required
- h) Details of wheel washing.
- i) Road Maintenance, if required
- 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.

13. The planning application(s) made in pursuance of condition 1 shall include precise details of the internal highway layout and site access route. The details shall include precise widths, passing places, footways, details of bin collection area and turning facilities along with details of all boundary fencing and surface finishes. The development shall not be carried out otherwise than in complete accordance with the approved details. No part of the development must be brought into use until the vehicle access, parking, manoeuvring, and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created, these areas must be maintained clear of any obstruction and retained for their intended purpose for the lifetime of the development.

REASON - To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

14. Prior to the commencement of each dwelling, details of a vehicle swept path analysis to support the movement framework for emergency vehicles, and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

15. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved under any planning application submitted under Condition 1). Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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.

16. Prior to the commencement of the dwelling on North Plot and/or East Plot, details of how that dwelling would be constructed to meet Building Regulation M4 (2) (Accessible and Adaptable Dwellings) as a minimum shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – To ensure that the development includes a dwelling which provides quality living environments for residents both now and in the future in accordance with policy H4 of the Darlington Local Plan 2016 – 2036.

17. Within each dwelling, any windows for habitable rooms with a direct line of sight to the A66 associated with the dwellings hereby approved shall have acoustic trickle vents with a minimum sound reduction of 35dB (Dn,e,w (Ctr)) (when open). If trickle vents are not proposed, details of an alternative ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to

installation.

REASON – To safeguard the amenities of the future occupants of the proposed dwellings.

18. Prior to or at the same time as a reserved matters application (relating to access, layout etc) and any site investigative works, a Phase 1 Preliminary Risk Assessment shall be prepared by a "suitably competent person(s)" and submitted to and agreed in writing with the Local Planning Authority. The Phase 1 Preliminary Risk Assessment shall include a Site Inspection and a Conceptual Site Model (CSM) to identify and illustrate all potential contamination sources, pathways and receptors associated with the site and the surrounding environment.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

19. As required by the Phase 1, prior to the commencement of the development and any site investigation works or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

20. As required by the Phase 1, prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be conducted, supervised and documented by a "suitably competent person(s)" and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan). A Phase 2 Site Investigation and Risk Assessment Report prepared by a "suitably competent person(s)", in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority dispenses with the

requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

21. As required by the Phase 1 and 2 and prior to the commencement of the development or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

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

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

23. As required, the Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and

effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

24. No building shall be constructed above damp proof course on the North or East Plot until precise details of an Electric Charging Vehicle socket for that dwelling has 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. The agreed details shall be retained for the lifetime of the development.

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.

25. No building shall be constructed above damp proof course on the North or East Plot until precise details of a safe cycle storage area for that dwelling has 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. The agreed details shall be retained for the lifetime of the development.

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.

26. Within 12 weeks of the date of the decision (below) or an extended time period agreed with the Local Planning Authority, a certificate / receipt for the purchase of 0.23 off site habitat units from a Habitat Bank, shall be submitted to and approved in writing by the Local Planning Authority.

REASON - In the interests of Ecology, to comply with policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

27. No building shall be constructed above damp proof course on the North or East Plot until precise details of measures to reduce the need for energy consumption and make that dwelling energy efficient has 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 in accordance with Policy DC1 of the Darlington Local Plan 2016 - 2036.

28. The development hereby approved shall not be carried out otherwise than in complete accordance with the Arboricultural Impact Assessment Rev 3 produced by Andrew Hampton dated October 2025. For the avoidance of doubt, the tree protection barriers shall consist of a vertical and horizontal scaffold framework well braced to resist impacts. The vertical tubes should be placed at a distance not exceeding 3m apart. The weldmesh or Heras panels should be a minimum of 2.mts high and securely attached to the scaffold framework with wire or scaffold clamps. Within the tree and hedge protection areas the following restrictions shall apply:
- a) No construction activity whatsoever shall occur.
 - b) No unauthorised vehicles, or plant machinery shall be driven, or parked.
 - c) No alterations of ground levels or conditions, other than tree protection measures
 - d) No chemicals, or cement washings permitted.
 - e) No excavation whatsoever shall occur.
 - f) No spoil shall be stored.
 - g) No fires shall be permitted.
 - h) All hazardous materials shall be forbidden.
 - i) Where hard surfaces are to be removed, this shall be done using hand tools.
 - j) Any structures such as the garage, greenhouse, garden wall and raised beds shall be removed manually and without mechanical excavators.

REASON - In the interest of the visual appearance of the development and local area.

29. The development hereby approved shall not be carried out otherwise than in complete accordance with the Recommendations (Section 6) set out in the submitted document entitled Ecological Impact Assessment- Version 3 produced by OS Ecology dated February 2025.

REASON - In the interests of ecological enhancement for the application site.

30. The bin store provision for the North and East Plots as shown on Drawing Number 565 A.10 Rev 12 shall be provided prior to the first occupation of each dwelling and shall remain in place or the lifetime of the development.

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

31. 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 dwellings on the North and East Plot or within their curtilage hereby permitted without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In the interests of the visual appearance of the development and to

safeguard the amenities of the neighbouring dwellings.

32. Any garage included within the application(s) made in pursuance of Condition 1) shall be provided prior to the dwelling to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the planning permission first being obtained from the Local Planning Authority.

REASON - To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.

PA53 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:-

- a) Allowed the appeal by Mr Mr Jijhar Singh against this authority's decision to refuse permission for Display of 1 No. internally illuminated fascia sign to front elevation and 1 non-illuminated vinyl sign to side elevation (retrospective application) at 318 North Road, Darlington, DL1 3BH.
- b) Dismissed the appeal by Mr J Bertuccelli against this authority's decision to refuse permission for 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) at 21 Lanethorpe Road, Darlington, DL1 4SG.

RESOLVED – That the report be received.

PA54 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.

PA55 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 5 JANUARY 2026 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA46/Dec/2025, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 5 January 2026.

RESOLVED - That the report be noted.

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

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

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

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 11 February 2026

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

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

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

Address/Site Location	Reference Number
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: 11th February 2026

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 6 no. 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 draw 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.

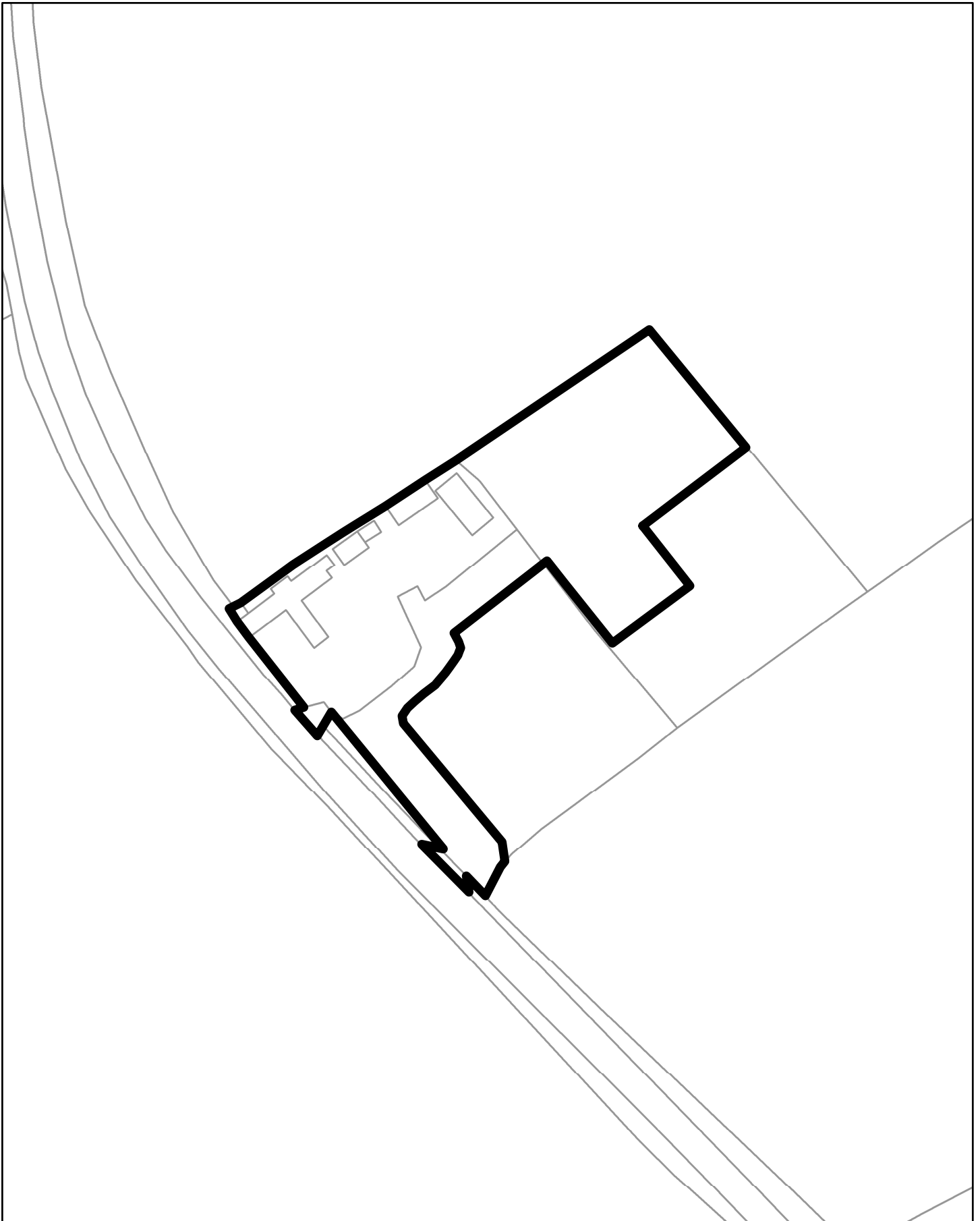
g) other matters

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.

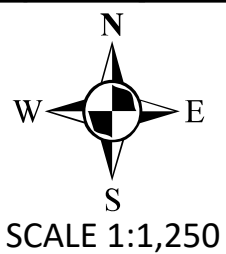


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Planning Ref No: 24/00926/FUL

DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION & ADVERTISEMENT CONSENT

APPLICATION REF. NO:	25/00362/FUL Appeal A 25/00364/ADV Appeal B
APPEAL REF. NO:	Appeal Ref: APP/N1350/W/25/3370353 Appeal A Appeal Ref: APP/N1350/H/25/3370354 Appeal B
LOCATION:	33 West Auckland Road Darlington DL3 9EL
DESCRIPTION:	Installation of 1 No. external security roller shutter and Installation of new shopfront (Retrospective Application) Appeal A Display of 1 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign to the front elevation (Retrospective Application) Appeal B
APPLICANT:	Miss Anh Thi Ngoc Vo

ASSISTANT PLANNING OFFICER: PATRICIA BASTON

BRIEF SUMMARY:

1. The shop is in a prominent position on West Auckland Road and close to the end of a row of terraced commercial properties and these properties have residential flats above.

KEY POINTS TO NOTE:

2. Retrospective planning permission was being sought for the unauthorised installation of 1 No. external security roller shutter and Installation of new shopfront (Appeal A).
3. Whilst advertisement consent had been submitted to regularise the unauthorised display of 1 No. internally illuminated fascia sign and 1 No. internally illuminated projecting sign to the front elevation (Appeal B).

REASON(S) FOR REFUSAL:

Appeal A

4. In the opinion of the Local Planning Authority, the replacement shopfront, roller shutter and its external housing by reason of their scale, form, design and materials has resulted in a form of development at odds with the character and appearance of this part of West Auckland Road, with resultant impacts on the visual appearance of the application property and immediate surroundings. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.
5. The replacement shopfront fails to make adequate provision for access to the premises for those with mobility issues, contrary to Policy IN2(a) (Improving Access and Accessibility) of the Darlington Local Plan (2016-2036).

Appeal B

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

BOTH APPEALS DISMISSED:

Appeal A

7. The Planning Inspector found that:
 - the roller shutters failed to respond positively to local context and character, and the shopfront lacks the positive and distinctive features of other remaining traditional shopfronts within the parade, or indeed those features that were previously present within the appeal property's shopfront. And is therefore contrary to the aims and provision of Darlington Local Plan (DLP) Policy DC1.
 - the scheme failed to make appropriate provision for suitable and inclusive access to the premises, contrary to DLP Policy IN2.

Appeal B

8. The Planning Inspector found that:
 - The installed signage would harm amenity, given that the fascia signage is poorly proportioned and dominates the shop's façade, whilst the combination of the illuminated lettering and projection sign is unnecessary harsh. The proposal would therefore conflict with paragraph 141 of the National Planning Policy Framework and DLP Policy DC1.

Appeal Decisions

Site visit made on 29 October 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2026

Appeal A Ref: APP/N1350/W/25/3370353

33 West Auckland Road, Darlington DL3 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss Anh Thi Ngoc Vo against the decision of Darlington Borough Council.
 - The application Ref is 25/00362/FUL.
 - The development is installation of 1no. external security roller shutter and installation of new shopfront.
-

Appeal B Ref: APP/N1350/H/25/3370354

33 West Auckland Road, Darlington DL3 9EL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Miss Anh Thi Ngoc Vo against the decision of Darlington Borough Council.
 - The application Ref is 25/00364/ADV.
 - The advertisement is 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign to the front elevation.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. I have adopted the descriptions given to the appeal proposals as they are set out on the Council's decision notices as they more accurately and concisely describe what is proposed in each instance, albeit with the omission of the words 'retrospective application' as these are not acts of development or a description of the advertisements for which consent is sought. I am satisfied that in so doing neither main party would be disadvantaged.

Background and Main Issues

4. The applications were submitted jointly on one application form and split into two applications by the Council. As a consequence I have two appeals before me to determine, albeit that both relate to the same property. Appeal A seeks planning permission for the installation of a new shopfront and externally mounted security roller shutter. Appeal B relates to the display of an internally illuminated fascia sign and an internally illuminated projecting sign. All would be at the front of the appeal premises.

Appeal A

5. With regard to Appeal A, the main issues are the effects of the development upon:
 - The character and appearance of the appeal property and the surrounding area; and

- The accessibility of appeal property.

Appeal B

6. With regard to Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The reason for refusal refers to Policy DC1 of the Darlington Local Plan (the LP). The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken the local plan policy into account insofar as it is material to matters of amenity, it has not been decisive in my consideration of this appeal.
7. The Council have not objected to the proposal on grounds of public safety, nor have I been presented with any further compelling evidence to lead me to reach an alternative conclusion on this matter. Having regard to the above therefore, the main issue in relation to Appeal B is the effect of the advertisement upon amenity.

Reasons

Appeal A

Character and appearance

8. The appeal property is a mid-terrace two storey property within a short parade of commercial premises on West Auckland Road. With the exception of a larger and more modern small supermarket building opposite, premises within the parade typically provide a mix of commercial uses at ground floor with residential above.
9. The ground floor commercial units on the same side of the road as the appeal property display a mix of shopfront styles, albeit that there are some broadly consistent features across most of the units. Entrance doors to the ground floor units tend to be positioned centrally and recessed within the shopfront and with low stallrisers and large glazed windows on either side of the entrance.
10. Those that still display more traditional shopfronts retain timber pilasters with console brackets and corbel detailing, shallow fascia panels and, most notably, distinctive transom bars with smaller glazed upper panels and fanlights above the doors. A photograph submitted with the application drawings show that the appeal property previously displayed many of these traditional features.
11. The appeal scheme retains the central doorway opening flanked by the large, glazed windows and low stallrisers. However, the doorway is now flush with the shopfront, thereby losing the heavily recessed entrance typical of the other, more traditional shopfronts within the parade. The roller shutter housing, mounted externally and projecting forward of the shopfront's façade, adds additional solidity to the increased depth of fascia to the extent that the upper elements of the shopfront dominate. The extra depth of the fascia and the shallower glazing, the latter of which comes at the expense of the pleasingly proportioned leaded top-lights, is further compounded by the thick door surround which adds to the resulting shopfront's somewhat heavy-handed visual appearance. Overall, the shopfront is incongruously and unnecessarily top-heavy.

12. Darlington Local Plan (DLP) Policy DC1 sets out the Council's approach to securing good design which, it states, is required to create attractive and desirable places. Principles of good design include that proposals reflect local character, and that detailed design responds positively to local context in terms of, amongst other factors, materials and architectural detailing. For the reasons set out above, the appeal scheme fails to respond positively to local context and character and the shopfront lacks the positive and distinctive features of other remaining traditional shopfronts within the parade, or indeed those features that were previously present within the appeal property's shopfront. The appeal scheme is contrary to the aims and provisions of DLP Policy DC1 as a consequence.
13. It has been stated that the installation of security shutters was a response to incidences of individuals looking through the previously clear glazing 'after hours' and was undertaken as a preventative measure. References have been made to persistent concerns regarding anti-social behaviour and crime in the area but it is not clear that these relate to anti-social behaviour or are particularly related to the appeal site and its immediate environs.
14. Further commentary with regard to security concerns was provided by the Council in the delegated officer report as a result of consultation at the application stage with Durham Constabulary. From the available evidence, anti-social behaviour incidents in the wider area around the appeal site are limited in number, low-key in their nature and not directly related to the appeal site or the concerns expressed by the appellant. It has not therefore been adequately demonstrated that instances of crime, or the fear of crime, are sufficient well-founded to justify the level of harm to character and appearance that otherwise arises from the appeal scheme, nor that there are no other less harmful solutions to the appellant's concerns in this respect.
15. I note the appellant's willingness to consider the application of a different colour to both the roller shutter housing and the shutter itself, as well as the possibility of replacing the shutter with a perforated shutter design. Whilst a perforated shutter design may slightly improve its appearance when closed, neither it nor the other measures set out by the appellant would wholly address the cumulative visual harm that I have noted above.

Accessibility

16. The repositioning of the previously heavily recessed doorway entrance to a position flush with the shopfront has introduced a not insignificant step up from forecourt level to internal floor level. Previously, the recess allowed a gradual incline from forecourt to internal floor level.
17. DLP Policy IN2 seeks to promote accessibility and improve access. It states that, amongst other things, for buildings to which the general public and employees have access to alterations to existing buildings will be expected to provide suitable access particularly for people with mobility issues. The alterations to the shopfront have resulted in a step that is inconsistent with the aims and objectives of DLP Policy IN2.
18. The appellant has indicated that reasonable adjustments could be made to the entrance, including a portable or fixed threshold ramp, a wider entrance door or clearer signage and circulation. The ramp that is shown on the photographs submitted with the application drawings show a very short, steep ramp to bridge

the difference in levels, whilst a longer and shallower ramp would project further into the forecourt area. It is not explained how a wider door or signage would address the accessibility issues arising from the difference in levels but, in any event, these would amount to material amendments to the scheme that were not before the Council in its determination of this matter.

19. The appeal scheme therefore fails to make appropriate provision for suitable and inclusive access to the premises, contrary to the aims and provisions of DLP Policy IN2.

Appeal B

Amenity

20. The fascia sign dominates the premises' frontage. The additional depth of the fascia panel, coming at the expense of the pleasing leaded top-lights of the previous shopfront, is jarring not just individually in the case of the appeal site, but particularly so in the immediate context of remaining, more traditional shopfronts and signage schemes elsewhere within the short parade.
21. Whilst it is accepted that there is a variety of signage schemes and, particularly, shopfront fascia signs, along the parade, the degree of illumination of those schemes is limited. It is only the lettering in the appeal scheme that would be illuminated by internal halo lighting, rather than the fascia box, but the illumination of both the lettering and the projecting signage box together appears harsh and stark.
22. The principle of advertising signage is not disputed, nor is the intention of the signage to draw attention. However, the fascia signage is poorly proportioned and although the appellant describes it as 'fitting cleanly within the existing shopfront frame' a comparison between photographs of the previous and current shopfronts reveals the visual cost that this has come with. As a consequence the fascia signage dominates the shop's façade whilst the combination of the illuminated lettering and projecting sign is unnecessarily harsh.
23. The refusal reason refers to Darlington Local Plan (DLP) Policy DC1 sets out the Council's approach to securing good design and the role that this plays in creating attractive and desirable places where people want to live, work and invest. To this end, it takes into consideration the context of the surrounding area and proposals should respond positively to, amongst other things, local context and in terms of scale, form and architectural detailing. As I have concluded that the proposal would harm amenity, it would also conflict with these policies insofar as they are material to matters of amenity, and with the guidance set out at paragraph 141 of the National Planning Policy Framework, which recognises that the character and quality of places can suffer when advertisements are poorly sited and designed.

Other Matters

24. The application was not refused by the Council on public safety grounds. The appellant cites public safety benefits arising from clear signage, particularly in darker hours and during the winter months. The appeal site does not lie within a poorly lit area, and is within a commercial context with street lighting nearby. I am not persuaded that any benefits that the appellant claims may arise from clear signage schemes would be any more than limited, and would not therefore be

sufficient to justify the harm that otherwise occurs as a consequence of the illuminated signage scheme.

Conclusion

25. For the reasons set out, and having considered all other matters raised, I conclude that Appeal A and Appeal B should both be dismissed.

G Robbie

INSPECTOR

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

REF. NO:	24/01178/CU
APPEAL REF. NO:	APP/N1350/W/25/3373582
LOCATION:	45 Greenbank Road, Darlington, DL3 6EN
DESCRIPTION:	The development proposed is change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis)
APPELLANT:	Mr Danii Vnoutchkov

BRIEF SUMMARY:

1. The key issues are the effect of the development on the living conditions of neighbouring occupants in regard to noise and disturbance, and parking provision.

KEY POINTS TO NOTE:

2. The appeal site is a terraced property which was being converted to a six person house in multiple occupation (Class C4). The proposal was to convert the property into a nine bed HMO (sui generis).

REASON(S) FOR REFUSAL:

3. The planning application was presented to the Planning Applications Committee in July 2025 with a recommendation to approve, subject to planning conditions. Having considered the report, alongside the views of the Applicant's Agent, an Objector and a Ward Councillor who spoke at the Meeting, planning permission was refused contrary to recommendation. The refusal reason was:
4. *The application site is located within an area where there is a high concentration of properties in multiple occupation and in the opinion of the Local Planning Authority, the introduction of a nine person house in multiple occupation in this location will lead to adverse amenity conditions for the occupants of the neighbouring properties in terms of noise, disturbance and lack of parking. The proposal would be contrary to Policies DC4 and H8 of the Darlington Local Plan (2016 - 2036).*

APPEAL ALLOWED:

5. The Planning Inspector considered that the level of activity of nine adults living independently is unlikely to be significantly greater than that of a large single family household or six individuals living in a small HMO. The Inspector advised that no substantive evidence had been provided to demonstrate that the proposed use would result in disturbance to neighbouring properties. Furthermore, the Planning Inspector was not certain that the use of rooms on the ground floor as bedrooms would harm the amenity of neighbouring occupants over their existing use as a lounge and dining area.
6. Regarding parking provision, it was noted that the Council's Highways Officer considered that the likely additional parking demand as a result of the proposal would equate to 1 or 2 spaces, and that no concerns in relation to parking provision. The Planning Inspector reviewed a Transport Technical Note submitted in support of the appeal which included a parking survey that concluded that there was a minimum spare capacity of 94 on-street car parking spaces in the evening and 92 during the day. This equated to between 31% and 34% of on street parking being unutilised within a short walking distance of the appeal site. The Planning Inspector supported the findings of the Transport Technical note which demonstrated that the additional parking requirements of three additional individuals would not result in an unacceptable level of parking stress to the area.
7. For the reasons above, the Planning Inspector concluded that the development would not have a harmful effect on the living conditions of neighbouring occupants in regard to noise and disturbance and parking provision and the appeal was allowed subject to conditions relating to bin and cycle stores being available for use prior to the first occupation of the property and that a Final Nutrient Credit Certificate must be submitted to the LPA before first occupation of the property.
8. The Planning Inspector noted that Policy H8 of the Local Plan does not prohibit high concentrations of HMOs or self-contained flat within any particular part of the Borough. Also, whilst several representations raised concerns that future occupants would participate in antisocial behaviour, criminal activity and littering, there was no evidence to clearly show that occupants of a large HMOs are more likely to carry out such activities, when compared to occupants of a single family dwelling or small HMO.
9. The Planning Inspector considered that insufficient evidence had provided to show that the use would have an adverse impact on property values, water pressure and the sewage system. The appeal decision also highlights that HMOs are subject to separate licensing requirements that ensure appropriate fire and health and safety measures are implemented and buildings are properly maintained and accordingly concerns in this regard will be managed and monitored under separate legislation.



Appeal Decision

Site visit made on 2 December 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

Appeal Ref: APP/N1350/W/25/3373582

45 Greenbank Road, Darlington DL3 6EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Danii Vnouchkov, Vnouchikov Properties, against the decision of Darlington Borough Council.
 - The application Ref is 24/01178/CU.
 - The development proposed is change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis) at 45 Greenbank Road, Darlington, DL3 6EN in accordance with the terms of the application, Ref 24/01178/CU, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development in the banner heading and decision section above was taken from the decision notice and the appeal form, rather than the planning application form, as this is a clearer and more accurate description of the development.
3. In December 2024 a Certificate of Lawfulness¹ was issued for the change of use of the property from a single dwelling (Class 3) to a 6 person house of multiple occupation (HMO) (Class 4). The certificate confirmed that the change of use constituted permitted development and a planning application was therefore not required in this instance.
4. A Transport Technical Note dated September 2025, was submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on the evidence submitted. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this report.

Main Issues

5. The main issues are:
 - the effect of the development on the living conditions of neighbouring occupants in regard to noise and disturbance, and parking provision.

¹ 24/01010/PLU

Reasons

6. There is some dispute between the main parties regarding the current use of 45 Greenbank Road. The Council states that the change of use of the building from a family dwelling to a small HMO has not commenced, while the appellant states that it has. Based on the planning history of the appeal site, and the evidence before me, it is reasonable to suggest that, even if it is not currently occupies as such, the property could be in use as a six bedroom HMO. No external alterations are proposed as part of the appeal. As such my assessment falls to consider the effect of an increase of three occupants on the living conditions of neighbouring occupants in terms of noise and disturbance.
7. It is evident from the information before me that an HMO is not directly comparable to a family dwelling, mainly because they appeal to different client groups such as students and young professionals, requiring short term accommodation. Notwithstanding this, the level of activity of nine adults living independently is unlikely to be significantly greater than that of a large single family household or six individuals living in a small HMO. Further, the Council has provided no substantive evidence to demonstrate that the proposed use would result in disturbance to neighbouring properties.
8. The terraced form of development on Greenbank Road results in properties that are close to one another, separated at the front by low walls. This proximity, together with the higher housing density means that increased levels of noise and disturbance would be expected. Further, I am not certain that the use of rooms on the ground floor as bedrooms would harm the amenity of neighbouring occupants over their existing use as a lounge and dining area.
9. The submitted Transport Technical Note includes a parking survey that concludes that there was a minimum spare capacity of 94 on-street car parking spaces in the evening and 92 during the day. This equates to between 31% and 34% of on street parking is unutilised within a short walking distance of the appeal site. The findings of the Transport Technical note demonstrates that the additional parking requirements of three additional individuals would not result in an unacceptable level of parking stress to the area. I also note that the Council Highways Officer considered that the likely additional parking demand as a result of the proposal would equate to 1 or 2 spaces, and they raised no concerns in relation to parking provision.
10. For the reasons detailed above the development would not have a harmful effect on the living conditions of neighbouring occupants in regard to noise and disturbance and parking provision. I therefore do not find conflict with policies DC4 and H8 of the Darlington Local Plan 2016-2036 (DLP) which seek to protect the living conditions of occupants of neighbouring properties in regard to noise and disturbance and require that new HMOs will not have a significant impact on vehicular access and parking.

Other Matters

11. I note that several representations have been submitted in regard to the scheme. Concerns regarding the effect of the development on parking provision and noise and disturbance are addressed in the reasons section above. It is acknowledged that there are several HMOs on Greenbank Road. However, the wording of DLP

policies H8 and DC4, do not prohibit high concentrations of HMO's or self-contained flats.

12. Several representations raise concerns that future occupants would participate in antisocial behaviour, criminal activity and littering. However, there is no evidence before me to clearly show that occupants of a large HMOs are more likely to carry out such activities, when compared to occupants of a single family dwelling or small HMO.
13. Concerns have also been raised regarding the alterations that have been carried out at the property previously. For the avoidance of doubt, I have determined the appeal based on the plans and information before me.
14. Only minor internal alterations are proposed as part of the change of use. Any adverse noise and disruption amenity impacts arising from construction activity and construction traffic would be temporary and short lived.
15. Concerns have been raised regarding the impact of the development on property values, water pressure and the sewage system. However, there is no substantive evidence before me to demonstrate that the scheme would have a harmful impact in regard to any of these matters.
16. The provision of cycle parking and waste storage facilities are addressed with appropriate conditions; detailed below. This resolves concerns in regard to these matters.
17. Further, HMOs are subject to separate licensing requirements that ensure appropriate fire and health and safety measures are implemented and buildings are properly maintained; accordingly concerns in this regard will be managed and monitored under separate legislation.
18. I note concerns regarding the loss of family housing in the area. However, the appellant states that they have changed the use of the property from a dwellinghouse to a House of Multiple Occupation for up to 6 persons (Use Class C4). As such, the loss of a family home would more than likely occur either way. This is a significant consideration in favour of the proposal.

Conditions

19. I have considered the suggested conditions against the tests set out in the Planning Practice Guidance and the National Planning Policy Framework. I have attached conditions relating to the time limitation for the commencement of the development and compliance with the approved plans in the interests of clarity and certainty.
20. In order to ensure the proposal would meet the needs of future occupants I have attached conditions relating to the provision of cycle parking and waste storage facilities.
21. I have also included a condition requiring that a Final Nutrient Credit Certificate is submitted to the Council in order to ensure that the nutrient impact of the development is suitably mitigated.

Conclusion

22. For the reasons given above the appeal should be allowed.

C Livingstone

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no 251 C.
- 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.
- 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.
- 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.

***** END OF CONDITIONS*****

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DARLINGTON BOROUGH COUNCIL
APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	25/00416/FUL
APPEAL REF. NO:	APP/N1350/D/25/3368788
LOCATION:	37 John Fowler Way, Darlington
DESCRIPTION:	Erection of 1.8m high timber fence to rear boundary (retrospective) and proposed 1.8m timber fence to side boundary
APPLICANT:	Mr Michael Dearnley

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY:

1. This appeal follows the refusal of planning permission for the erection of a retrospective and proposed boundary treatment as described above. In summary, the application was considered and refused owing to the impacts upon the character of the area.

REASON(S) FOR REFUSAL:

2. In the opinion of the Local Planning Authority, the proposed fences form an obtrusive and incongruous feature within the street scene and reduces the visual openness and verdant character of the surrounding area and given its location, it is out of keeping with the surrounding boundary treatments, to the detriment of the character and appearance of the street scene, contrary to Local Plan Policy DC1 and paragraph 135 of the National Planning Policy Framework.

KEY POINTS TO NOTE:

3. The Inspector issued a split decision, and the appeal was part allowed and part dismissed. The rear (retrospective) boundary treatment has been allowed, and the proposed side boundary treatment has been dismissed.

APPEAL PART ALLOWED / PART DISMISSED:

4. In summary, the rear boundary treatment was not considered to adversely impact upon the character of the area which is why this part of the application was allowed. The inspector considered the character of the street scene to have similar fences abutting the rear and the street was not heavily trafficked. On balance, they considered this rear fence to be read in context with other neighbouring boundary treatments.

5. In summary, the proposed side fence was refused owing to an impact upon character. It was considered a more prominent position, and the proposed boundary treatment would be rectangular in form as opposed to a curved feature as is the case with the rear boundary treatment. The proposed side boundary was considered to jut out and would result in a 'clumsy' arrangement when viewed with the existing boundary and rest of the street scene.
6. Neighbour objections raised concerns about highway safety. This was noted but the inspector did not observe any highway safety issues as part of their site visit and they had no reason to doubt the no objections raised by the Council's Highway Engineer.

Appeal Decision

Site visit made on 2 September 2025 by A Morrison MTCP MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

Appeal Ref: APP/N1350/D/25/3368788

37 John Fowler Way, Darlington, County Durham DL2 2GG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Michael Dearnley against the decision of Darlington Borough Council.
 - The application Ref is 25/00416/FUL.
 - The development is the erection of a 1.8m height timber fence to rear boundary and the proposed erection of a 1.8m height timber fence to side boundary.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1.8m height timber fence to rear boundary at 37 John Fowler Way, Darlington, County Durham DL2 2GG in accordance with the terms of the application, Ref 25/00416/FUL, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.
2. The appeal is dismissed insofar as it relates to the proposed erection of a 1.8m height timber fence to side boundary.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

4. In its processing of the application, the Council changed the description of the development from that entered on the application form. I am of the view that the appellant's original description was not sufficiently accurate and concise and therefore will adopt the Council's description in my decision.
5. The application form stated that the development was started on 11 April 2025 but had not been completed. I saw during my visit that the fence to the rear boundary had been completed, whilst the fence to the side boundary had not been started. This appears to be in accordance with the plans before me and I have therefore considered the appeal on this basis.
6. The two sections of fence subject of this appeal are clearly severable from one another, as physically and functionally independent developments. Therefore, under section 79(1)(b) of the Town and Country Planning Act 1990, I have the power to issue a split decision in this case.

Main Issue

7. The main issue is the effect of the completed and proposed development on the character and appearance of the area.

Reasons for the Recommendation

8. 37 John Fowler Way is an end terrace dwelling located at the entrance of a lightly trafficked no-through road within a modern housing estate towards the edge of Darlington. The property is a corner plot, with the highway curving around its side to its rear, where it terminates as the means of access to car parking for neighbouring dwellings within the same enclave of development.
9. I understand that before the new timber fence was installed along the rear boundary with the adjoining pavement, the property's rear garden was enclosed by a similar fence that was set back from the highway. This original layout set aside a small area of land between the fence and the pavement, which was planted. The brick wall, fence and gate forming the garden's side elevation to the highway are also set back, with planting again within this narrow margin.
10. During my visit I observed that this arrangement – where the rear garden enclosures are set back from the boundary, is not characteristic of the area. In the locality, rear gardens are commonly defined by fence and walls of straightforward alignment, built directly along property boundaries with highways and footpaths. This includes an established fence at 1 John Fowler Way sited opposite the site, which, though I understand was not an original feature of the housing development's layout, nevertheless now forms part of the area's character.

Rear fence

11. The timber fence constructed along the property's rear boundary has resulted in the enclosure of the small area of planted land as originally laid out. I appreciate that the original rear fence was set back to contribute an element of spaciousness around the road's curve, notwithstanding that this arrangement was at odds with the prevailing abutting of rear gardens with the highway in the locality. Having reviewed images of this space prior to the new fence's installation, it is apparent that due to its rearward siting and separation from the property's driveway, there was little incentive for it to be maintained by its owner. In addition, due to its small size and the presence of the two adjacent brick walls as visually blocking features, regardless of its condition, in practice the area performed a negligible function in respect to openness, and its contribution to the street scene.
12. Extending in a gentle curve along the full width of the rear boundary with a vertical board construction, the new fence has been built to a similar appearance to those existing at the site and within its surroundings. As viewed from different positions on John Fowler Way, it is consistently seen within the context of neighbouring brick walls and fences and is appropriately sympathetic to these widespread features in the locality with respect to its design and scale. Although the new fence is now not aligned with the neighbouring fence, the relative discreetness of this juxtaposition does not harm the overall aesthetic of the street scene, whereas its arrangement along the same line of projection to the pavement as that of the adjacent brick wall appears logical and fitting to its setting.

13. Whilst I accept that the siting of the development is prominent on the highway's bend, it is perceived together with the opposing fence of the same style at No 1 which runs along the pavement for a similarly short length. I appreciate that unlike the appeal site, No 1 is not a corner plot, and that its fence adjoins a parking area. Nevertheless, the two enclosures are closely comparable features through their positioning, proximity and appearance, and so the presence of this established neighbouring development contributes to my findings as to the acceptability of the new rear fence.
14. Given the compatibility of the fence to its setting and my observation that the small pocket of land as now fully enclosed previously had no material positive effect on the quality of the area, I am satisfied that the development as carried out is a suitable response to the character of the locality.
15. For the above reasons, I conclude that the erection of the 1.8m high timber fence to the rear boundary does not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with Policy DC 1 of the Darlington Local Plan 2016-2032, which requires development to be of a good design, including through reflecting and responding positively to the local context.

Side fence

16. The proposed timber fence to part of the appeal site's side boundary would be of the same design and height to that already constructed across the rear. It would take the form of a small rectangular projection out from the existing side garden enclosure, jutting out to the pavement's edge. In doing so, the new triple sided fence would disrupt the simple straight and set back alignment of the original side wall, fence and gate.
17. At my visit I noted that garden enclosures in the locality typically take the form of straight or gently curved walls or fences, with no instances of the type of small projection as constitutes this element of the appeal scheme. Although the design of the fence would match the existing on the property, unlike the simplicity of the completed new rear fence, the resulting convoluted alignment would appear clumsy as viewed against the retained span of straight wall and gate to either side. The incongruity of this fenced protrusion within the street scene would be furthermore exacerbated through its awkward positioning abutting a lamppost together with its high degree of prominence as facing the road's entrance.
18. On this basis, I conclude that the proposed erection of a 1.8m high timber fence to the side boundary would have a harmful effect on the character and appearance of the area. In doing so, it would conflict with Policy DC 1 of the Darlington Local Plan 2016-2032 which requires development to be of a good design, including through reflecting and responding positively to the local context.

Other Matters

19. Concerns have been raised about a reduction in highway and pedestrian visibility because of the new rear boundary fence. However, I note that the Council's Highway Engineer has raised no objection to the development, and furthermore, I did not observe there to be any highway safety issues at the time of my visit.

Conditions

20. As the construction of the fence to the rear boundary has already taken place, conditions relating to time limit for construction and materials are unnecessary. Given that I have found its existing appearance to be acceptable, I am also satisfied that a condition requiring the fence to be stained or painted is not required.

Conclusion and Recommendation

21. The appeal scheme includes two different elements. I have concluded that the rear fence boundary fence as completed does not have a harmful impact upon the character and appearance of the area. However, I have concluded that the side boundary fence as proposed would have a harmful impact upon the character and appearance of the area.
22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed in respect of the rear boundary fence and that the appeal should be dismissed in respect of the side boundary fence.

A Morrison

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is determined as a split decision, in the terms set out above.

Martin Seaton

INSPECTOR

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

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