

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5th March 2025

APPLICATION REF. NO:	24/00231/FUL
STATUTORY DECISION DATE:	28 March 2025
WARD/PARISH:	Northgate
LOCATION:	Garage Block Adjoining 31 Pendower Street Darlington
DESCRIPTION:	Demolition of existing garages and erection of 8 No. garages, replacement/remedial works to retaining wall, provision of fencing, gate and stepped access to rear, resurface road to front together with associated works (Amended Flood Risk Assessment and Additional Ecological Assessment received 12 September 2024; Ecology Assessment and Biodiversity Metric Calculator received 6th January 2025)
APPLICANT:	Mr Daniel Richardson

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND PLANNING CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S9TZBIFPHFA00>

APPLICATION AND SITE DESCRIPTION

1. The application site is located at the eastern end of Pendower Street within the Northgate Conservation Area. The site is currently very overgrown and has previously been used for the siting of garages on hardstanding areas but only three garages currently exist. The site measures 0.3 hectares and is split into two levels with a 3m high retaining wall running east to west supporting the higher level on Pendower Street.

The majority of the site has been enclosed by metal herras fencing along the Pendower Street frontage to try and provide some security for the vacant buildings and site.

2. The site is bound to the north and east by the Cocker Beck and to the south and west by existing dwellings on Pendower Street and a flatted development, known as The Deanery. The front gardens of the dwellings on Westbrook Villas can be found on the opposite bank of the Cocker Beck.
3. Planning applications and appeals submitted by previous applicants/owners to redevelop the site for residential purposes have been refused and dismissed. The applications were submitted in 2010 (ref no 10/00015/FUL), 2012 (ref no 12/00562/FUL) 2015 (ref no 15/00740/FUL) and 2019 (ref no 19/00695/FUL)
4. This planning application is for the demolition of the remaining three garages and the erection of eight single garages with associated works around the site including fencing and steps leading to the lower level of the site. The garages would be constructed from a mix of brickwork at the lower quarter and render above. The garages would measure approximately 3.1m wide; 6.2m long under a sloping roof measuring 2.6m at the front dropping to 2.4m at the rear. The garages would be located on the higher level of the site.
5. The intention of the applicant would be to rent the garages for storage and parking purposes.

MAIN PLANNING ISSUES

6. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on the Northgate Conservation Area and Street Scene
 - c) Highway Safety and Impacts
 - d) Residential Amenity
 - e) Impact on Trees
 - f) Biodiversity Net Gain and Ecology
 - g) Flood Risk and Drainage
 - h) Land Contamination
 - i) Other Matters
 - j) Planning Obligations

PLANNING POLICIES

7. Along with the National Planning Policy Framework (2024) and the Northgate Conservation Area Appraisal (2007), the following local development plan policies are relevant:

Darlington Local Plan 2016 - 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy
H3: Development Limits
DC1: Sustainable Design Principles and Climate Change
DC2: Flood Risk & Water Management
DC3: Health & Wellbeing
DC4: Safeguarding Amenity
ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV3: Local Landscape Character
ENV4: Green & Blue Infrastructure
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

8. The Council's Highways Engineer, Environmental Health Officer, Arboricultural Consultant and Ecology Officer have raised no objections to the planning application.
9. Northern Gas Networks have raised no objections.
10. Following the submission of a revised Flood Risk Assessment, the Environment Agency have not objected to the planning application.

RESULTS OF PUBLICITY AND NOTIFICATION

11. Five letters of objection have been received from four households following the Council's publicity and notification exercises. One of the household addresses is not within the vicinity of the application site. The objections can be summarised as follows:
 - *Parking in the street is already busy. If the garages were leased out this could significantly increase the amount of traffic and parking issues if non local residents were to lease them*
 - *The rear access to the garages would also pose a risk of attracting anti-social behaviour and used as a gathering spot for groups.*
 - *There is no denying that the current state of the land is an eyesore as the landowner has neglected it. However, this could be a beautiful greenspace if owned by the council.*
 - *This garage block is situated on the other side of the Cocker Beck from the Northgate Conservation Area. The site is now open aspect due to it been partly demolished and left to deteriorate over many years.*
 - *According to the submitted plans a 2metre wildlife corridor will be left. This cannot be achieved under the present plans (retaining walls will only permit 60 to 80 cm).*
 - *There is nothing mentioned of the current state of the embankment of the Cocker Beck.*
 - *If this garage block is built will it be the end of the cocker beck corridor with footpath that the council would like to see link with Northgate, or do they propose*

to use land on the Northgate Conservation Area to fulfil this scheme (possibly using gardens and providing a footbridge) Would it not be better to purchase this small triangle of land, landscape it and complete the cocker beck corridor to Northgate

- *The proposal will result in a loss of green open space.*
- *Height of garages and being built forward of the existing building line will lead to a feeling of the road being enclosed.*
- *Extra noise in the street which is a quiet cul-de-sac at the moment.*
- *This is a conservation area, and we do not need any more buildings crammed into small spaces.*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

12. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
13. The development is identified by the Local Plan as being within the development limits for the urban area and therefore the principle of the development can be supported in general policy terms subject to compliance with other local and national planning policies (Policy H3).

b) Impact on the Northgate Conservation Area and Street Scene

14. The application site has previously been the subject of planning applications and appeals for residential development on the site which have all been dismissed. The last appeal decision was dated September 2020 and within the decision letter, the Planning Inspector stated that the Northgate Conservation Area is characterised by the mature trees around the Cocker Beck providing a secluded and leafy riverside setting for the Beck and surrounding properties. The significance of the Conservation Area in this location derives from the landscape setting of the Cocker Beck within the wider urban context. This is reaffirmed on the Northgate Conservation Area Appraisal (2007) where the Cocker Beck and its landscape setting are seen as being a key element of the special character of Westbrook Villas which is located on the opposite riverbank to the application site.
15. Policy ENV1 of the Local Plan conforms with the National Planning Policy Framework 2024. The policy states that when considering proposals affecting all designated heritage assets including Conservation Areas great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal. Proposals resulting in substantial harm to or total loss of the significance of a

designated heritage asset (or an archaeological site of national importance) will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:

- a) the nature of the heritage assets prevents all reasonable uses of the site;
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate
- c) marketing that will enable its conservation;
- d) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- e) the harm or loss is outweighed by the benefit of bringing the site back in to use.

16. In addition to the above requirements, proposals affecting a conservation area, involving the alteration, extension or change of use of a building or construction of any structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. Special attention should be given to:

- a) existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, massing, detailing of development and the use of materials in its construction; and
- b) existing hard and soft landscaping features including areas of open space, trees, hedges, walls,
- c) fences, watercourses and surfacing and the special character created by them; and
- d) historic plot boundaries and layouts; and
- e) the setting of the conservation area.

17. Development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm.

18. The demolition of buildings or structures in a conservation area will not be permitted if:

- a) the building makes a positive contribution to the character and appearance of the conservation area (as identified within the conservation area appraisal); and
- b) the structural condition of the building is repairable; and
- c) there are no approved detailed plans for the redevelopment of the site and a contract has not been entered into for the implementation of that redevelopment; and
- d) there has been insufficient consideration of other options to re-use the building in its current form.

19. A public consultation has recently been carried out by the Local Planning Authority on a revised Character Appraisal for the Northgate Conservation Area and the finalised

appraisal will be considered at Council and Cabinet Meetings in March 2025. As part of the draft Appraisal, a recommendation is made to amend the extent of the Conservation Area boundary and the area where this planning application site is located would be removed and taken out of the Conservation Area. Whilst this carries limited weight in the decision making process for this planning application as the Appraisal has yet to be adopted, its recommendation to remove the site from the Area is a form of confirmation that the application site and buildings do not make a positive contribution to the significance of the Conservation Area. Nevertheless, this Report will still consider the impacts of the development on the Conservation Area in accordance with local and national development plan policy.

20. It is not clear from recent planning records as to when the existing garages were built on the site or when some of them were demolished. However, the buildings that remain on site do not contain any historic or architectural interest or features and they do not make a positive contribution to the character and appearance of the conservation area. The site is quite well screened from the dwellings and front gardens of Westbrook Villas by existing trees and vegetation on the northern riverbank of the Cocker Bank. There is no direct reference made within the Northgate Conservation Area Character Appraisal (2017) about any contribution that the application site or buildings may currently make to the significance of the Area.
21. The site has remained vacant and overgrown over the years (since at least 2010) as attempts by previous owners/applicants to redevelop the site for residential purposes have been unsuccessful.
22. The site is located on the eastern end of Pendower Street which is primarily characterised by two storey dwellings on either side of the street apart from The Deanery which is a three storey flatted development. The dwellings opposite the application site have steps leading to their front doors due to level changes with the street.
23. The garages would be single storey, slightly set in from the back edge of the footpath and they would be of a very similar scale and design as the existing buildings on the site.
24. The proposed redevelopment of the site would result in the site being brought back into use, improving its visual appearance which will have a positive impact on the overall general appearance of this part of Pendower Street.
25. The garages would not have a negative or overbearing impact on this part of the Conservation Area or the general scene due to their scale and positioning within the site and street.
26. The scheme would not result in the removal of trees on the opposite bank of the Cocker Beck which are recognised as being an intrinsic feature of the Northgate Conservation Area

27. It is considered that the proposed development would sustain the significance of the Northgate Conservation Area, and it is noted that if the draft Appraisal is adopted, the site could be removed from the Conservation Area designation. The proposal will not have an adverse impact on the appearance of the street scene. The planning application would conform with policies DC1, ENV1 and ENV3 of the Local Plan and the National Planning Policy Framework (2024) in this regard.

c) Highway Safety and Impacts

28. Access to the garages is from Pendower Street which is sufficiently wide enough to enable access despite the prevalence of on-street residential parking on each side of the street. This is evidenced by a swept path analysis submitted in support of the planning application showing that a car can take access and egress even if cars are parked opposite.
29. The increase in vehicle movements generated from the additional garages is considered “de minimis” in highway safety terms and will not have any material impact on highway safety.
30. The proposed garages meet the current Tees Valley Design Guide standards, which advises that garages should measure a minimum of 6x3m internally in order to be considered a usable parking space. Garages below this dimension are often impractical for the keeping of a modern vehicle and are difficult to access and egress. Where garages are not conveniently located and of sufficient size to be easy to use, they are unlikely to be used for parking and more often are used for storage. The location and internal dimensions of the garages does however enable them to be used for either storage or parking.
31. The garages are to be set back from the highway boundary by 1.0 – 1.5m to provide a narrow forecourt/apron between the garages and the public highway, which aids visibility for safe access and egress but is also sufficiently small to prevent parking in front of each garage and overhanging of the footway.
32. Residents within Pendower Street are reliant upon on-street parking and parking in front of the dwellings located opposite is currently evident and must be expected in the future. Therefore, wider garage doors are to be installed with an approximately 2.8m wide roller shutter door to help with access and egress vehicles when vehicles are parked opposite.
33. The extents of public highway include the concrete apron/footway which is located across the full frontage of the site. This area is cracked and deteriorated and does not provide a level continuous route for persons with mobility or visual impairment. Works are therefore needed within the public highway in order to provide a suitable means of vehicle access for each unit. The existing concrete footway/access would need to be reconstructed to include a level route trip free pedestrian route which is suitable for users of wheelchairs/mobility scooters. Such works will need approval from the Local

Highway Authority under Section 184 of the Highways Act, which is a separate process under highways technical approval, if planning permission is granted.

34. The proposed development would accord with policies DC1, IN1, IN2 and IIN4 of the Local Plan in this regard.

d) Residential Amenity

35. The site has previously been used for garaging purposes albeit not for a number of years. It is currently overgrown and in a poor condition which may attract antisocial behaviour, and this is an opportunity to tidy the site and bring it back into use which will improve security.
36. Should the garages remain in the ownership of the applicant and be rented to interested parties, it would be the owner's responsibility to ensure that the garages are well maintained and kept in good condition and do not create any antisocial conditions.
37. Planning conditions have been recommended to control the hours of demolition and construction and to restrict the usage of the garages to the parking of vehicles and storage only.
38. The garages would not have an adverse impact on No 31 Pendower Street or the dwellings opposite the site in terms of outlook or privacy due to their scale and location.
39. The proposed development is considered acceptable in amenity terms and accords with policies DC3 and DC4 of the Local Plan in this regard.

e) Impact on Trees

40. There are no trees within the application site covered by a tree preservation order. There are trees, outside the application site and on the opposite bank of the Cocker Beck which are covered by Orders dated 1975 and 2017. These trees do make a significant contribution to the street and the Northgate Conservation Area.
41. Tree removal works have previously occurred on the application site in 2017 (ref no17/01128/TFC). A Tree Report submitted in support of the planning application states that the majority of the site is taken by self-seeded individual trees, primarily Goat Willow and Buddleia of low quality.
42. Of the ten individual trees that were surveyed within the application site, seven would need to be removed to facilitate the development or to prevent problems in the future. The majority of these trees are considered to be low quality. The three trees which can be retained, including the only high quality tree (a Sycamore) would be protected by fencing during the construction. Two groups of low quality trees which form the majority of the site would be removed.
43. The Council's Arborist consultant accepts the reasoning for the tree removals and has raised no objections to the overall works.

44. No protected trees or groups of trees on the opposite bank of the Cocker Beck would be affected by the proposed development.
45. It is noted that if the application site is removed from the Northgate Conservation Area, the developer would not require any form of consent from the Local Planning Authority to carry out works to the trees within the site.
46. The proposal is considered to be acceptable in arboreal grounds and complies with policy ENV4 of the Local Plan in this regard.

f) Biodiversity Net Gain and Ecology

47. The planning application has been supported by an updated Ecological Impact Assessment which advises that the main habitats within the site (excluding buildings and hard standing areas) are bramble scrub and mixed scrub of limited ecological value. A survey of the area noted the presence of Japanese Knotweed 3m and 10m north of the application site and Himalayan Balsam was found 20m to the east.
48. The Assessment concludes that the proposed development will result in some loss of foraging habitats and makes recommendations for mitigation measures and working practices to protect bats, nesting birds, hedgehogs, otter and water vole. The provision of two wall mounted nest boxes have been recommended as ecological enhancements.
49. The Council's Ecology Officer is satisfied that the Ecological Impact Assessment has been conducted using best practice methods and the results of the survey are sound. As such, the recommendations and mitigation set out in the report are secured by a planning condition.
50. The site includes a 2m wildlife zone alongside the riverbank of the Cocker Beck. The Assessment recommends that netting/fencing is erected on the boundary of the site to ensure that no materials from the site are allowed to enter into this area and the watercourse and that the fencing shall remain in place until the works are complete/ Thereafter, a planning condition has been recommended to ensure that this area remains free of development such as fencing etc.
51. The Council's Ecology Officer is also satisfied that the site has been checked for invasive species and that none are present within the site boundaries. A cautionary approach when clearing the vegetation to ensure that no invasive species are accidentally introduced to the site is advised.
52. A Biodiversity Net Gain (BNG) assessment has been submitted in support of the planning application. The baseline of habitats onsite are 0.12 habitat units and 0.17 watercourse units. Due to the water course not being impacted by the development there is no requirement for an uplift of this unit type. The habitat unit has a deficit of 0.10 habitat units, equating to 80% loss of habitat onsite. Due to the size of the site and the limited area of undeveloped land that would remain, it is not possible to achieve a

net gain on site and therefore in order to ensure that the development will still achieve a net gain in accordance with the Local Plan, the developer has agreed to make a financial contribution equivalent to 0.10 habitat units towards upgrading biodiversity offsite elsewhere in the Borough. This would be secured by a Section 106 Agreement.

53. Due to the offsite payment and also the minimal habitat remaining onsite there will be no requirement for the applicant to produce a Biodiversity Management and Monitoring Plan (BMMP) in these circumstances.
54. The proposed development would accord with policies ENV7 and ENV8 of the Local Plan in this regard.

g) Flood Risk and Drainage

55. Following comments made by the Environment Agency, the application has been supported by an updated Flood Risk Assessment (FRA). The development site is partially located in Flood Zone 3 according to the Environment Agency's Flood Map for Planning (Rivers and Sea), but the garages would be located on the higher section of the site, which is located within Flood Zone 1, the lowest flood risk category. The FRA concludes that that the proposed development is classed as "less vulnerable" and is appropriate for the flood risk zones and is not expected to increase the risk of flooding elsewhere. The FRA continues to make recommendations relating to the construction of any retaining walls; finished floor level measurements and the use of permeable paving and water butts.
56. The Environment Agency has raised no objections following the submission of the updated FRA and a condition can be imposed to ensure the recommendations are secured as part of the development. The planning application would accord with policy DC2 of the Local Plan in this regard.

h) Land Contamination

57. The planning application has been supported by a Land Contamination Screening Assessment form which has been reviewed by the Council's Environmental Health Team. Based on the Assessment, land contamination is not a material consideration for this application and the proposal would accord with policy DC1 of the Local Plan in this regard.

i) Other Matters

58. Comments have been made regarding alternative uses for the site, including as public open space or a footpath link. The Local Planning Authority can only determine the proposals that are presented within the planning application and whether there is a more appropriate alternative use is not a material planning consideration, and the application cannot be refused on such grounds.

j) Planning Obligations

59. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

60. The Heads of Terms that have been agreed with the applicant are:

- a) £2500 as a Biodiversity Net Gain contribution to be used by the Council towards improvements on land elsewhere in the Borough.

61. It is considered that these proposals meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

THE PUBLIC SECTOR EQUALITY DUTY

62. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The proposal would include improvement works to the public highway which will benefit access to the garages for persons with mobility issues (Policy IN2 of the Local Plan).

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

CONCLUSION AND RECOMMENDATION

64. The site is located within the development limits for the urban area and therefore redeveloping the site for the proposed purpose can be supported in general planning policy terms subject to compliance with the appropriate local and national development plan policies.

65. The proposed development is acceptable in highway safety terms and the development will not result in adverse amenity conditions for the local area subject to the imposition of a planning condition to control the usage of the units. The development will sustain the significance of the Northgate Conservation Area, but it is noted that the site may not remain in the boundary of the Area should a revised draft Conservation Area Appraisal be adopted by the Council in the future.

66. The proposed development is considered to be acceptable in general design terms and will reinstate the site back to its previous use as garages. Trees will need to be removed to facilitate the development, but they are not covered by a tree preservation order and the majority are low quality specimens. Ecological enhancements have been secured, and the applicant has agreed to make a financial contribution towards offsite biodiversity net gain.
67. The proposed development is considered to accord with the appropriate local and national development plan policies.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE DEVELOPER ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)

- a) £2500 as a Biodiversity Net Gain contribution to be used by the Council towards improvements on land elsewhere in the Borough.

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THAT AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS: SHOULD THE 106 AGREEMENT NOT BE COMPLETED WITHIN THE PRESCRIBED PERIOD WITHOUT WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL ON THE GROUNDS THAT THE APPLICATION HAS FAILED TO PROVIDE ADEQUATE MITIGATION MEASURES TO PROVIDE A SATISFACTORY FORM OF DEVELOPMENT IN ACCORDANCE WITH THE REQUIREMENTS OF DARLINGTON LOCAL PLAN 2016-2036

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a) Drawing Number 01 006 Vehicle Tracking
 - b) Drawing Number 01 002 Block Plans
 - c) Drawing Number 01 004 Proposed Plans
 - d) Drawing Number 01 005 Site Section

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

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

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

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

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

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

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

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

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

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

REASON – in interests of the amenity of the local area

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

REASON – In the interests of pedestrian and highway safety

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then the promoter of these works must contact Northern Gas Networks directly to discuss their requirements in detail. Contact should be made with the Before You Dig Team on 0800 040 7766 (option 3) or beforeyoudig@northerngas.co.uk

Highways

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing; contact must be made with the Assistant Director : Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

Invasive Species

Whilst the site has been checked for invasive species and none are present within the site boundaries, the developer is advised to adopt a cautionary approach when clearing the vegetation to ensure that no invasive species are accidentally introduced to the site.

Environmental Permitting

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they must consult with the Environment Agency at the earliest opportunity.