

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 27 August 2025**

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<b>APPLICATION REF. NO:</b>	25/00251/FUL
<b>STATUTORY DECISION DATE:</b>	11 <sup>th</sup> August 2025 (Extension of Time until 28 <sup>th</sup> August)
<b>WARD/PARISH:</b>	Sadberge And Middleton St George / Bishopton Parish Council
<b>LOCATION:</b>	West End, The Green, Bishopton
<b>DESCRIPTION:</b>	Construction of a bridge over Bishopton Beck with the installation of post and rail fencing with gates. Part change of use of existing field to allow formation of a road linking into the existing stable yard and field access, to provide alternative domestic access route to the dwelling (Retrospective Application)
<b>APPLICANT:</b>	Mr & Mrs Hewison

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

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

**APPLICATION AND SITE DESCRIPTION**

1. This application site relates to a segment of land located off 'The Green' main road. The application site sits North of this main road, and to the East is a beck, followed by the application site property of West End. To the East of this beck is also the residential neighbouring garden of 1 The Green. It should be noted that this garden is not directly attached to this neighbouring property of 1 The Green. There is an existing access road between this residential garden and No. 1 The Green which serves as the existing vehicular access for 1 The Green and West End. The site is located within the Bishopton Conservation Area.

2. Retrospective planning permission is sought for the construction of a vehicular bridge to connect the application site to the domestic garden and wider plot of West End. The application site was originally part of a field which allowed horses to stay and graze on the land. Therefore, a part change of use is required to facilitate the hardstanding for this connecting access route to the bridge. But the use of the field for a paddock use is not being stopped. As such, the description was amended accordingly for accuracy purposes, but as the nature of the scheme has not changed, it was not considered necessary in this instance to carry out a re-consultation.
3. The existing access shared by West End and 1 The Green would remain; it is not the intention of West End to no longer use this existing access point. The new hardstanding within the application site red edge, would allow the provision of a new domestic access route as well as another alternative access to the stables.
4. It should be noted that the field contains two existing stable buildings and hardstanding in association with the field use. The hardstanding for the stable area has been replaced to match the material of the new access road. The stable blocks and field are within the applicant's ownership, with the horses stored on site belong to the applicant.

#### **MAIN PLANNING ISSUES**

5. The main planning issues are whether the proposed retrospective works are acceptable in terms of their impact on:
  - (a) Character
  - (b) Ecology
  - (c) Amenity
  - (d) Highway Safety
  - (e) Flood Risk
  - (f) Residual Matters

#### **PLANNING POLICIES**

6. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
  - Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
  - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
  - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
  - New development will be focused in areas of low flood risk (Flood Zone 1). In accordance with National Policy a site specific flood risk assessment will be required. Development proposals will be expected to mitigate and adapt to climate change, designed to ensure they are safe over the lifetime of the development and to ensure that flood risk is not increased elsewhere (*Policy DC2*).

- Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
- Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
- Development will be expected to minimise the impact on and provide net gains for biodiversity (*Policies ENV7 and ENV8*).
- Protects the significance of heritage assets (*Policy ENV1*).
- Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).

## RESULTS OF TECHNICAL CONSULTATION

### Environment Agency

7. Overall, no objections. Whilst it has been assessed that the bridge does not increase risk to others, the new bridge is considered unsuitable for emergency access/egress in the event of a flood. As noted in the Flood Risk Assessment, the applicant is in breach of Environmental Permitting Regulations 2016, and has been issued with a formal warning from the Environment Agency. A permit cannot be issued retrospectively.
8. At the request of the Environment Agency, an informative will be attached, setting out when the Environment Agency must be consulted, before any works take place within proximity to the main river and/or its floodplain.

### Durham Archaeology

9. No archaeological objection.

### Parish Council

10. The application is in three related parts to which the Parish Council has separate responses:
  - Construction of the bridge over Bishopton Beck: NO COMMENT – structure is on their land and has no bearing or impact on anyone else. We are, however, interested to know if there is any environmental impact caused by this type of construction;
  - Road linking into the existing stable yard: OBJECTION – although the road is also on the property and was first laid as a track some time ago, the Parish Council is very concerned that the intention is to make a highly dangerous point of access from the premises to the road at a point where accidents have previously occurred(see below);
  - Alternative domestic access route to the dwelling: OBJECTION - the Parish Council is strongly against making the proposed access the main point of entry and, especially, egress onto the road. The point of access being proposed would turn a junction that already has four routes converging into one with a fifth route from and to the property. This junction is already a hazard with cars coming down Folly Bank at speed which has resulted in accidents in the past. This new access would be a blind junction to cars coming down the hill as well for those leaving the property. In other words the proposal is to create a fifth part of an already problematic four route junction. We

urge Planning to insist that the main access point remains the one already in place which is located further away from the other parts of the junction.

#### Ecology

11. In terms of ecological impact, I accept and agree with the Environment Agency and EcoSurv concluded that there have been minimal ecological impacts.
12. The Biodiversity Net Gain assessment has concluded that with the appropriate post-development habitat creation and enhancement there is the potential to have a 15.7% increase in Habitat Units and 1.79% increase in Water Course Units. I accept this is possible with the creation and enhancements proposed. This would need to be secured for no less than 30 years by Condition.
13. I agree with the BNG report that additional enhancement in the form of bird and bat boxes should be installed on retained trees onsite. As such, it is advised that a minimum of four bird boxes suitable for a range of species are installed, and four bat boxes should be installed. A plan showing the number, type, and location should be submitted to planning. This can be submitted post-decision as a Condition.
14. A Biodiversity Enhancement Management Plan (BEMP) or Habitat Management and Maintenance Plan (HMMP) should be submitted to support the management and maintenance of the created and enhanced habitats, and the enhancement features onsite. This can be submitted post-decision as a Condition.

#### Highway Development Control

15. The applicant seeks consent for the use of an existing field access to be used for residential access to the above dwelling. Whilst this is an historic field access which would have been used infrequently in the past, it has in recent years, been used by the applicant for accessing stabling and a paddock area, with the residential access being taken from a shared access and driveway located approximately 80m to the east on 'The Green'.
16. The rationale for the relocated access presented by Prism Planning within the planning statement refers to the existing limitations on visibility: "The available visibility splay from this access is extremely limited and sub-standard, exiting onto The Green within the village 30 mph speed limit. Photographs of the access are appended to this letter and highlight that the availability is somewhat less than 2.4m x 2m".
17. Visibility from the existing residential access is restricted, owing to the limited width of grass verge and position of boundary fences and vegetation. This requires drivers to edge out forwards onto the carriageway of the Green, with limited intervisibility between exiting drivers and approaching vehicles of the major road.
18. Similarly, the existing driveway does not enable two-way passage of vehicles, with stationary vehicles therefore required to wait on The Green to make way for exiting vehicles. Whilst my first recommendation would be to improve visibility from the existing access as it is located within the 30mph speed limit, given the limited width of verge, and

that land required to improve visibility is not under the control of the applicant, this is not practicable or deliverable in this instance.

19. The planning statement offers the following explanation of the alternative field access:
20. "The available visibility splay from the new entrance, at a point 2.4m back from the edge of the carriageway shows almost 53m easterly, towards the main body of the village, and just over 82m in a westerly direction. It is appreciated that the required theoretical visibility splay would normally be in the region of 90m to the west and 70m to the east- and that the available visibility is slightly less than would normally be sought. However, it will be appreciated that the alternative fall-back position is to continue to require the use of the original access which has an available visibility splay of less than 2m in both directions and therefore represents a considerably less safe access."
21. I would highlight that the visibility requirements within a 40mph rural speed limit are 2.4x 120m in each direction under Design Manual for Bridges (DMRB) standards, not the figures referred to above by the agent, however the lesser requirements of Manual for Streets (MfS) which can be applied for roads with a 40mph speed limit or below, require lesser visibility of 2.4m x 59m.
22. It is therefore clear that the available level of visibility easily exceeds MfS requirements, whilst own observations taken from a recent site visit confirm that the available visibility exceeds that quoted by the agent, and is in line with DMRB standards looking westwards, whilst eastwards visibility is approximately 100m and extends into the 30mph speed limit where approach speeds will there be lower for westbound traffic approaching from the 30mph speed limit. It is therefore demonstrated that the relocated access offers significantly improved visibility over the existing access and as such offers betterment to highway safety.
23. Whilst I note the objections raised, a review of the most recent 5-year period of personal injury collisions demonstrates that there have been no recorded incidents at this location or the nearby staggered crossroad junction. The incident referred to in the Parish objection was not a personal injury collision and was attributed to driver behaviour, not any inherent highway safety or engineering concern.
24. Furthermore, since the time of this incident, the Council as Local Highway Authority (LHA) has implemented a 40mph speed limited 'buffer' to manage approach speeds. I would also highlight that this is an existing access, there is no proposal to construct a 5th junction approach. Furthermore, there is no additional development or increase in traffic generation, rather vehicle movements are transferred from one existing sub-standard access to an alternative access which offers visibility in line with national recognised highway design standards.
25. Should you be minded to approve the application, the existing access would also require upgrading to a sealed surface within the limits of public highway adoption to ensure that it is suitable for daily use by road vehicles and prevent the depositing of loose material on

the highway. As the application is retrospective, the required works should be completed within an agreed timescale. I would suggest that a period of three months from the date of an approval would be reasonable.

26. All works within the public highway require separate approval from the local highway authority, in this case an agreement under Section 184 of the highways act 1980, is needed to upgrade the existing field access to the standard required for a residential access.
27. I would raise no highway objection to the proposal, subject to the above being conditioned.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

28. At the time of writing, objection comments were received from three properties within Bishopton. One objector submitted a secondary objection letter, with another objector providing a further neutral comment.
29. At the time of writing, support comments were received from 20 properties. Out of these 20 properties, 12 properties are within the Bishopton area, with the rest being located within the wider area of Darlington and the boroughs of Stockton, Redcar, Hartlepool and Middlesbrough.
30. The applicant submitted a statement in response to comments received.
31. The main neighbouring concerns and support comments are summarised below, but all comments (along with associated photographs) are available online using the below weblink;  
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SSPLWJFPG7F00>

### Main concerns:

- Planning permission not obtained for driveway that has been installed within domestic curtilage.
- Installation of hardstanding on field and domestic plot has eroded the natural green space for this area.
- Impacts upon BNG
- Errors on the planning application form
- The applicant only has a right of way over the existing access, they do not own the existing access.
- Applicant will need to 'give up' their right to use the existing vehicular access
- No notice given to neighbours by applicant of intended works
- Impacts upon flood risk / drainage
- Impacts upon highway safety / Intensification of use of existing field access, close to a busy junction.
- Vehicles entering Bishopton are often speeding; concerns of increasing accident risk at this farm entrance.

- There has been vehicle accidents in the past; concerns that this access would increase this risk
- The new road/ access would generate additional traffic to/ from West End
- No street lighting or pavements within proximity of the site.
- The approval of the Solar Farm, Byers Gill will increase vehicle numbers going through the village during its construction phase, as well as the maintenance of the site after construction.
- No assurances that the bridge is stable and able to withstand increased water levels and use for vehicles
- The new access route will impact upon residential privacy

Main support reasons:

- Bridge is of solid construction and in keeping with the area
- The works have resulted in a visual and land management improvement to the field/ paddock. Previously the field was neglected, used as a 'dumping ground' and for 'antisocial behaviour'.
- The existing shared vehicular access has reduced visibility when leaving/ entering, creating a highway and pedestrian safety issue.
- Vehicles have to swing onto the opposite side of the road to enter the existing access to West End
- The existing access is steep which is difficult to use during the winter months.
- New road provides an alternative route from West End with the existing farm access having improved visibility when leaving/ entering. This access will be safer than the existing, including for pedestrian users.
- There have been no issues for the existing farm access for years
- Vehicles entering Bishopton are often speeding and the existing access is not highly visible. But the farm access is more visible for road users which in turn is likely to encourage drivers to slow down.
- The new access has created a 'pull in' area for vehicles, to avoid them having to wait on the road.
- The existing junctions mean that vehicles have to stop, making the farm access safer to use than the existing.
- The farm access/ new road is to serve a private house and a few stables. Therefore, it is not likely to generate more traffic than the existing access.
- The new road allows a safer access for the applicants to tend to their horses and use a 'barrow or grass cutter' to tend to the field, rather than using the main road for this access.
- The 40mph speed limit, helps reduce any associated highway risks
- The road outside of the application site has not had accidents and is highly visible to road users.
- There are other bridges across the beck and this new bridge will not worsen the impact upon flooding because it is up to the residents abutting the beck to clear the beck on a regular basis.

**PLANNING ISSUES/ANALYSIS**

**(a) Character**

32. Objection comments have stated that a driveway was installed within the domestic curtilage of the host dwelling without the necessary planning permissions. Further comments state that the overall installation of hardstanding has eroded the natural greenery for this area. Conversely, support comments state that the works have resulted in a visual and land management improvement, as previously the land was neglected.
33. To address the first matter raised, a new driveway has been installed within the domestic curtilage and this runs along the Southern boundary of the curtilage of West End, towards the beck to the West. This new driveway has been installed fully within the domestic curtilage of West End and it links to the existing parking and driveway area to the frontage/ South of this host dwelling.
34. It should be noted that domestic hardstanding does not require planning permission and is permitted development under Schedule 2, Part 1, Class F (of the General Permitted Development Order). There are no restrictions for the creation of hardstanding that is located within a conservation area and there is no local Article 4 direction which would prohibit the installation of hardstanding. The only restrictions under this Class, are in relation to the size of hardstanding and its positioning forwards of the host dwelling and between a highway, which would result in the surface needing to be porous. Therefore, given the siting of the hardstanding, this requirement would not apply, but upon a site visit inspection, the material does appear to be of a porous material.
35. Therefore, the driveway within the domestic garden of the host dwelling does not require planning permission and cannot be assessed as part of this application. The construction of the bridge, with the associated change of use and hardstanding does require planning permission and will be assessed accordingly as part of this current planning application.
36. With regards to the implementation of the hardstanding of the application site, whilst it is accepted that it will have removed greenery to accommodate this new route, it is considered that limited views would be achieved from the main street scene levels. Therefore, it is considered to have a minimal impact upon the character of the wider area. Nevertheless, the connecting road would be read in association with the existing field use and would not appear unduly out of context.
37. In addition, the bridge is not considered to be visible from the nearby street areas, thereby limiting the impact upon the character of the wider area. Notwithstanding, the bridge is considered to be proportionate to the site and of a simple construction, which again would not appear out of context for a rural setting.
38. It should be noted that the application site is situated within the Bishopton Conservation Area and accordingly the views from the conservation consultant have been sought. They note that the main character of this area, derives from this historic layout as well as the attractive historic buildings lying within. They go on to say that the 'installed track matches materiality wise with the existing and the general design and construction of the bridge and boundary fencing is not considered to be incongruous in respect of the site



context or that of the Bishopton Conservation Area, largely appearing as part of the established site character.' They also note that the site is well screened from the approach into the village by established vegetation. Overall, they concluded that the development would have a neutral impact upon the significance of the conservation area.

39. The proposed development owing to its design, scale and siting, is not considered to create a harmful impact upon character of the area or the conservation area. The development is considered to be acceptable in this regard.

**(b) Ecology**

40. Impacts upon Biodiversity Net Gain (BNG) were raised and as part of the application, an Ecological Scoping Report and associated BNG documents were submitted.
41. It should be noted that retrospective planning applications are normally exempt from Biodiversity Net Gain requirements. But there is a local requirement for the development to comply with policies ENV7 and ENV8, which require the impacts of the development to be assessed and the provision of net gains in biodiversity to be demonstrated using the Defra Biodiversity Metric. Therefore, the developer does have to demonstrate a net gain in biodiversity and so it is considered appropriate in this instance that the required BNG documents have been provided.
42. The ecologist has determined based on the submitted details that there have been minimal ecological impacts. To provide BNG enhancements, bird and bat boxes can be installed on trees located on site. This information can be conditioned for the final details to be provided at a later date, which is considered reasonable in this instance.
43. With regards to BNG, there would be the creation of post-development habitat creation and enhancement. There is the potential to have 15.7% increase in Habitat Units and 1.79% increase in Water Course Units. As enhancement in biodiversity is being created on site, there will be a requirement to submit either a Biodiversity Enhancement Management Plan (BEMP) or Habitat Management and Maintenance Plan. This will set out the management and maintenance of the created and enhanced onsite habitats, and this can be secured via condition and worded in a way to ensure this is maintained for no less than 30 years.
44. The development is considered to be acceptable, with regards to ecological impacts and the development would provide a net gain in biodiversity.

**(c) Amenity**

45. Owing to the nature of the works, the development is not considered to create an adverse overbearing or overshadowing impact. The bridge is situated over the beck and is of a relatively 'open' construction as to not create a bulky form of development that would be detrimental to amenity.
46. An objection comment stated that the access route will impact upon privacy. It is considered that the connecting route to the bridge, as well as the bridge itself, could be

assessed for this residential impact. However, whilst the domestic hardstanding can't technically be considered, it is appreciated that without the new access route and bridge, that vehicles would not be coming from this direction. But it should be noted, that this would not stop the applicant from using that domestic driveway to drive and park vehicles down to the bottom of their garden.

47. The nearest property that could be affected by these works is 1 The Green, and as already explained, the garden of this property sits East of the application site, with the main property separated by the existing shared vehicular access. It is not therefore considered that there would be an adverse impact upon privacy for this neighbouring property. With regards to their garden, it is of large size, with the Northwestern corner being the closest to the bridge.
48. Due to the nature of the access route and bridge, it is not considered to be used as a frequent amenity area. As it is to be used as a point of access, views towards the neighbouring garden would not be of a prolonged nature. The low level fence and mature vegetation are also considered to assist in screening any views from a vehicle. Whilst it is noted that this vegetation may lose its leaves during the winter months, the positioning of the bridge and hardstanding against that of the neighbouring garden is considered to be set away from one another, likely creating obscure views towards this section of garden area.
49. Overall, it is considered that the development would not create a significant impact upon privacy as to warrant a reason for refusal in this instance.
50. Reference was also made about the intensification of the use of the site. However, as the access is to serve the field which is owned by the applicants of West End, it is not considered that there would necessarily be an intensification of use. The same amount of occupants would still operate the land, and so whether they do this via the existing access or the alternative route, overall it is considered that the associated disturbance levels would be similar to one another.

**(d) Highway Safety**

51. The objection comments have stated that the new route to connect to the existing field access would create a highway safety issue as well as creating an intensification of the existing field access at a busy junction. They reference that vehicles travel at high speed into the village, thereby increasing the accident risk at this farm entrance, in which there have been historic accidents. They also go on to say that the access would generate additional traffic. There is the concern that there is no street lighting or pavements within proximity of the site. Lastly, reference has been made to the Byers Gill development in which there would be an increase in traffic during its construction as well as maintenance thereafter.
52. Conversely to the above, the support comments note that the existing access from West End and 1 The Green has limited visibility, creating a highway and pedestrian safety issue. They note that vehicles have to swing onto the opposite side of the road to enter the

driveway, which is steep in nature and therefore difficult to use in the winter months. The new route to the farm access provides an alternative route with improved visibility and it is safer than the existing access. They note that there have been no issues for this farm access for a number of years which has had no accidents. They also argue that the farm access would encourage vehicles to slow down and the speed limit has been reduced to 40mph. In addition, as there is a junction nearby, this means vehicles must stop. It was also stated that an area has been created to allow vehicles to pull in off the road; historically vehicles had to wait in the road to gain access into the field. They argue the access/route would serve a private house which would not generate additional traffic.

53. The development has been assessed by the Highway Development Control section in which the following assessment can be given.
54. The proposed new route would connect an existing field access to the domestic plot of West End, allowing the existing farm access to be used for domestic purposes too; it would provide an alternative route to and from West End. Whilst this is a historic field access which would have been used infrequently in the past, it has in recent years, been used by the applicant for the paddock area, with the residential access being taken from a shared access and driveway located approximately 80m to the east on 'The Green'.
55. The reasoning the new route / access point is due to limitations on visibility from entering / leaving the existing access at West End. The highways section notes that visibility from the existing residential access is restricted, due to the limited width of grass verge and position of boundary fences and vegetation. As a result, this requires drivers to edge forwards onto the carriageway of The Green, with limited intervisibility between exiting drivers and approaching vehicles of the major road. It is also noted that the existing driveway does not allow two-way passage of vehicles. Therefore, stationary vehicles must wait on The Green, in order to make way for exiting vehicles.
56. Due to the limited width of verge and that the land required to improve visibility is not under the control of the applicant, it is not considered to be practicable nor deliverable in this instance to improve the current access arrangement.
57. The planning statement argues that the farm access allows for a betterment of visibility over the existing access point. The Highways section have reviewed this information and concluded that the visibility requirements within a 40mph rural speed limit are 2.4x 120m in each direction under Design Manual for Bridges (DMRB) standards. However, the lesser requirements of Manual for Streets (MfS) can be applied for roads with a 40mph speed limit and requires lesser visibility of 2.4m x 59m.
58. The Highways section considers the development and associated visibility to meet the MfS requirements. Nevertheless, they have also carried out their own observations taken from a recent site visit. They confirmed that the available visibility exceeds that quoted by the agent, and is in line with DMRB standards looking westwards, whilst eastwards visibility is approximately 100m and extends into the 30mph speed limit where approach speeds will be lower for westbound traffic approaching from the 30mph speed limit. It is therefore

demonstrated that the relocated access offers significantly improved visibility over the existing access and as such offers betterment to highway safety.

59. The objections relating to vehicular accidents are noted. But a review of the most recent 5-year period of personal injury collisions, demonstrates that there have been no recorded incidents at this location or the nearby staggered crossroad junction. The incident referred to in the Parish objection was not a personal injury collision and was attributed to driver behaviour, not any inherent highway safety or engineering concerns. Furthermore, since the time of this incident, the Local Highway Authority has implemented a 40mph speed limit 'buffer' to manage approach speeds.
60. With regards to the concerns expressed about adding to an existing junction, it should be noted that this farm access, is an existing access. There is no proposal to construct a fifth junction nor would there be additional development or increase in traffic generation. It is considered that vehicle movements would be transferred from one existing sub-standard access to an alternative access, which offers visibility in line with national recognised highway design standards.
61. Overall, the development is not considered to create an adverse impact upon highway or pedestrian safety and therefore, there are no grounds to refuse the works on highway safety issues. However, the existing farm access would need to be upgraded to a sealed surface for daily use by road vehicles, to ensure that loose material is not deposited on the highway. This information and associated timeframe for completion can be conditioned accordingly.

**(e) Flood Risk**

62. Objection comments state that there would be an impact upon flood risk and drainage due to the material used, whilst some support comments argue that the bridge will not worsen this impact. It is argued that there are other bridges across the beck and flooding only occurs when residents abutting the beck do not clean the beck on a regular basis.
63. The application site is located within Flood Zone 3 with parts of the site located in a high risk of surface water flooding. Whilst a comment has been made regarding the material used, it was noted as part of the site visit that the material appeared to be porous which would allow surface water to drain naturally through the ground. This has also been confirmed to be permeable within the submitted Flood Risk Assessment.
64. The assessment makes reference to the relatively flat land surrounding the beck, with overland floods being relatively small. But to address flood risk, the bridge has been situated approximately 30cm higher than the bank top. The submitted assessment also states that in the event of a flood, due to the nature of the bridge it will allow water to pass over or around the bridge and will not therefore cause or divert the path of flood. In addition, should this access not be able to be used within a flood event, the applicants would revert back to their existing vehicular access point which is situated at a higher land level.

65. The Flood Risk Assessment has been assessed by the Environment Agency and overall, no objections were raised. They concluded that the bridge would not increase risk to others. However, they did note that the new bridge is considered unsuitable for emergency access/egress in the event of a flood, but as noted above, the existing vehicular access can be used in a flood event.
66. The Environment Agency stated that the applicant is in breach of Environmental Permitting Regulations 2016, and they have been issued with a formal warning from the Environment Agency. A permit cannot be issued retrospectively, and they've requested that an informative is attached setting out when consultation must be carried out with the Environment Agency.
67. Based on the nature of the works, the information provided and the consultee response received, the development is not considered to adversely impact upon flood risk as to warrant a reason for refusal.

**(f) Residual Matters**

68. A neighbouring objection referenced an error of the application form, stating that notice firstly wasn't given and that the dates do not match with one another. It is up to the applicant to serve notice to the appropriate landowners should development encroach onto third party land. And without evidence to the contrary, it is considered that the relevant planning processes have been followed. It should also be noted that the Local Planning Authority carried out neighbour consultation on this application. Whilst the notice date and final sign off date differ, it indicates that notice was given before the application form was finally signed off and submitted. This would be acceptable from a planning process point of view.
69. Objection comments state that the existing vehicular access serving both West End and 1 The Green, is a right of access for West End. Should approval be granted, there will be a legal requirement for the applicant to surrender their current entitlement to the land/ access for 1 The Green. However, it should be noted that issues relating to land ownership and right of access are not a planning matter and no further consideration can be given. This will be a civil matter to resolve between the parties who own the land and/ or have a right of access.
70. The concerns of the objector's state that there have been no assurances that the bridge is stable for vehicular use and can withstand increased water levels. Contrary to this, support comments state that the bridge is of solid construction. Based on the information and consultee comments received, it is not considered that there is sufficient evidence to demonstrate that the bridge is not suitable for vehicular use or increased water levels. Nevertheless, the structural stability of the bridge would likely fall under the remit of the Environment Agency and Building Control for further review should it ever be required.

**THE PUBLIC SECTOR EQUALITY DUTY**

71. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise

of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

72. 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**

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

## **RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. Approved Plans

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

01 REV A

02 REV A

03 REV A

04 REV A

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

2. Bird/ Bat Boxes

Within a period of 3 months of the date of this decision, bird and bat boxes shall be installed once a plan showing the number, type and location of bird and bat boxes has been submitted to and agreed in writing with the Local Planning Authority. These details shall show a minimum of 4 bird boxes suitable for a range of species and a minimum of 4 bat boxes and these are to be installed on retained trees onsite. These agreed details shall be carried out in full within 3 months of the date of this decision and thereafter shall be maintained in accordance with these details for the lifetime of the development.

Reason: To deliver biodiversity net gains in accordance with Darlington Local Plan Policies ENV7 and ENV8.

3. Biodiversity Enhancement Management Plan/ Habitat Management and Maintenance Plan

Within a period of 3 months of the date of this decision, either a Biodiversity Enhancement Management Plan (BEMP) or Habitat Management and Maintenance Plan (HMMP), prepared in accordance with the submitted Biodiversity Net Gain Statement, shall be submitted to and approved in writing by the Local Planning Authority. The BEMP or HMMP shall include a duration of no less than 30 years for the management and monitoring of the habitats outlined within the Biodiversity Net Gain documents. The approved BEMP or HMMP shall be strictly adhered to and implemented in full for its duration.

Reason: To demonstrate how the land will be managed in accordance with the submitted Biodiversity Net Gain documents, in the interests of maintaining biodiversity net gains.

4. Upgrade Existing Field Access

The existing field access shall be formed in a sealed bitmac surface material, between the carriageway edge and highway boundary, within not later than 3 months from the date of this hereby approved development. Works shall be completed in accordance with the details approved in writing by the Local Highway Authority, as part of an agreement granted under Section 184 of The Highways Act 1980.

Reason: To provide for adequate and satisfactory provision of access and off-street accommodation for vehicles in the interests of highway safety and the general amenity of the development.

## **INFORMATIVES**

### Informative: Environmental permit

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-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### Informative: Vehicle Crossing

The applicant is advised that works are required within the public highway, to amend an existing vehicle crossing; contact must be made with the Assistant Director: Highways, Design and Projects [HighwaysStreetLightingDefects@darlington.gov.uk](mailto:HighwaysStreetLightingDefects@darlington.gov.uk) to arrange for the works to be carried out or to obtain agreement under Section 184 of The Highways Act 1980 to execute the works.