

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 January 2026

APPLICATION REF. NO:	23/00734/OUT
STATUTORY DECISION DATE:	30 January 2026
WARD/PARISH:	Park West
LOCATION:	Briar House, 2 Blackwell Darlington DL3 8QY
DESCRIPTION:	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
APPLICANT:	Mr & Mrs Eastwell

RECOMMENDATION: GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYEEIIFPJS00>

APPLICATION AND SITE DESCRIPTION

1. Briar House is located on Blackwell, in close proximity to the junction of Bridge Road (A66(T)). The property has a front garden to the south and west and a long rear garden to the east. There are outbuildings to the rear of the property, including garages and a single storey greenhouse and the surrounding area is residential in character.
2. There is an existing shared vehicular access between Nos 4 and 6 Blackwell which leads primarily to the rear of Briar House, but it also provides pedestrian access to the rear of Nos 6, 8 and 10 Blackwell. At the top of the shared access is a timber boarded garage and a further garage with a corrugated sheet roof. There is a forecourt to the front of these buildings.

3. Outline planning permission is sought to erect two dwellings. Outline planning applications are submitted to gain an understanding as to whether the nature and principle of a development is acceptable. Specific details known as "reserved matters" would be subsequently submitted should outline planning permission be granted. Reserved matters include the appearance, means of access, landscaping, layout and scale and at outline stage, they can be withheld in their entirety or on an individual basis, depending on the detail known at the application stage. In this instance, all such reserved matters have been withheld for future submission and consideration.
4. However, sufficient information has been submitted to enable the local planning authority to assess and determine the application. In line with the information submitted in support of the planning application, the proposed dwellings will be referred to as:

North Plot

This dwelling would be located at the top of the existing shared access between Nos 4 and 6 Blackwell and would replace the existing timber boarded garage in this location. This would be a two storey, 1 bed dwelling with living accommodation at first floor and an internal garage below. Amenity space would be to the front and side/rear.

East Plot

This dwelling would be in the rear garden of Briar House. Access would be provided by demolishing the existing garage with a corrugated sheet roof and the greenhouse to the rear of Briar House and then connecting an internal drive to the access between Nos 4 and 6 Blackwell. This property would be a four bed, dormer bungalow.

5. The planning application, as originally submitted, was for the two dwellings to be both located within the rear garden of Briar House. Amended plans were subsequently submitted to reflect the above locations.

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) Highway Safety and Parking Considerations
 - c) Residential Amenity
 - d) Impact on the Visual Appearance and Character of the Area
 - e) Impact on Trees
 - f) Ecological Considerations
 - g) Nutrient Neutrality
 - h) Flood Risk and Drainage
 - i) Archaeological Considerations
 - j) Land Contamination

PLANNING POLICIES

7. The relevant local development plan policies are as follows:

Darlington Local Plan (2016 - 2036)

- SD1: Presumption in Favour of Sustainable Development
- SH1: Settlement Hierarchy
- DC1: Sustainable Design Principles and Climate Change
- DC2: Flood Risk & Water Management
- DC3: Health & Wellbeing
- DC4: Safeguarding Amenity
- H1: Housing Requirement
- H3: Development Limits
- H4: Housing Mix
- H8: Housing Intensification
- ENV1: Protecting, Enhancing and 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
- IN6: Utilities

RESULTS OF TECHNICAL CONSULTATION

- 8. Following the submission of the amended plans, the Council's Highways Engineer, Ecology Officer, Arboricultural Officer, Environmental Health Officer, Transport Policy Officer have raised no objections to the principle of the development, subject to the imposition of planning conditions, where appropriate.
- 9. Natural England has raised no objections to the principle of the development subject to the imposition of a planning condition to secure nutrient credits.
- 10. National Highways have raised no objections.
- 11. The Durham County Council Archaeology Team has raised no objections.
- 12. Northern Gas Networks has no objections to the proposed development.

RESULTS OF PUBLICITY AND NOTIFICATION

- 13. Following the Council's publicity and notification exercises for the planning application, as originally submitted, nine objections were received, and they can be summarised as follows:
 - *Inappropriate access arrangements for existing and proposed occupants, visitors, deliveries*
 - *Inadequate pedestrian safety on existing access*
 - *Increase in parking in an area where there is only on street parking available.*

- *Loss of wildlife and trees*
- *Over development of the site*
- *Increase in noise and light pollution.*
- *Loss of privacy and adverse impact on outlook*
- *Development is out of character with the local area.*
- *Loss of Garden*

14. Following the Council's notification exercise on the amended plans, nine objections were received, and they can be summarised as follows:

- *Safety concerns for pedestrians and occupants of 4 Blackwell and Briar Cottages using the access road.*
- *Concern that the application will set a precedent for the conversion of other buildings to a dwelling.*
- *Parking concerns and the development will lead to an increase in on street parking.*
- *The access is an alleyway, barely one car wide, that passes within inches of house entrance and shared access to back of other properties.*
- *There is no information regarding building heights. Access to sunlight could be restricted.*
- *The development will lead to overlooking of properties.*
- *Increase in traffic and will lead to more on street parking.*
- *The development will impact on greenery, wildlife and open space.*
- *The East Plot appears to be too close to other residential properties.*
- *There is no indication over time frame of construction phases.*
- *Extra noise*
- *Amended plans do not overcome previously made Objections.*
- *Loss of green space*
- *Concerns over proposed tree removals and measures to retain existing trees.*
- *Concerns over future developments at the Plots, such as extensions and garage conversions*
- *The rear of properties on Blackwell will be overlooked.*
- *Blackwell is a busy road, and this will lead to dangerous conditions for cars and cyclists.*
- *The access has parked cars either side causing a restricted view for the drive of the vehicle and for those driving on Blackwell.*
- *Existing fencing to the rear of properties on Blackwell will not afford adequate privacy with the North Plot*
- *Existing trees which provide screening from North Plot could be removed in the future.*
- *The development will lead to light pollution and an increase in noise pollution.*
- *Existing properties will be overlooked by the East Plot*
- *Headlights and engine noise will create amenity problems.*
- *Noise pollution from domestic activities associated with the dwellings.*
- *More information is required to show removal of leylandii trees on boundary with No 14 Briar Walk*

15. Following the submission of updated arboricultural and ecology reports and information, a further seven letters of objection were received. These further comments can be summarised as follows:

- *Concerns over tree removal*
- *Increase in traffic generation.*
- *Loss of green space and garden*
- *Concerns over pedestrian access and safety on access*
- *Bin storage concerns*
- *Loss of privacy*
- *Increase in on street parking.*
- *Concerns over proximity distances between existing and proposed properties*
- *Increase in noise pollution.*

16. Based on the information contained within the planning application and comments made by neighbours, the existing access is within the ownership of the occupants of Briar House and others have a Right of Access over it. Issues regarding the legality of increasing the number of properties using the access or other legal access matters are not material planning considerations and would be private civil matters between the relevant parties.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

17. 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 (2023) supports the plan led system providing that planning decisions should be “genuinely plan led” (NPPF para 15)

18. Policy H3 of the Local Plan seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies. The site is located within the development limits of the main urban area. The proposal accords with policy H3 and the distribution of development within policy SH1 of the Local Plan.

19. Policy H8 of the Local Plan is relevant. Part B of the policy refers to back land or garden development and states that development of a rear residential garden for a new dwelling will not normally be permitted, however, a limited scale of back land garden development may be acceptable providing it does not have significant adverse impact upon the following:

- a) Rear Garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats.
- b) The privacy of existing homes and gardens of neighbours or occupiers of the new development.
- c) Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours.
- d) Existing trees, shrubs, and other wildlife habitats.

20. Finally, it sets out that all development proposals should have regard to the Design of New Development SPD (2011) or most recent version. This report will assess the proposal against this Policy alongside all other material planning considerations.
21. Policy H4 of the Local Plan sets out requirements for accessible, adaptable and wheelchair user dwellings for new residential development to ensure homes provide quality living environments for residents both now and in the future. A planning condition (No 16) is recommended to ensure that any development proposals are compliant with Policy H4 of the Local Plan.
22. The application site is located in a gypsum (deep) safeguarding area protected by policy MWC4 of the Tees Valley Minerals & Waste DPD Core Strategy (2011). The policy sets out the circumstances when non-mineral development will be permitted in these minerals safeguarding areas. This small site adjacent to existing homes and allotments is unlikely to be suitable for mineral extraction and a large area of the south-eastern part of the borough is also covered by this designation. The application would be compliant with this policy.

b) Highway Safety and Parking Considerations

23. An existing shared access, located between Nos 4 & 6 Blackwell would be used as part of the development proposals. This sits within the 30mph speed limit and is approximately 30m from the priority junction with Bridge Road (A66). Whilst this is comparatively close to the junction, it is open and well sighted, with other vehicle access being located closer to or having direct access to the A66, which has a 60mph 'National' speed limit.
24. A review of the most recently available 5-year period of recorded Police accident statistics shows that there have been no recorded personal injury collisions associated with the site access or nearby Blackwell/A66 junction. As such there is no evidenced reason to conclude that the proposal should be refused on highway safety grounds, or that a minor intensification of use of the access would create an unacceptable highway safety risk.
25. The concerns with existing parking provision for nearby dwellings is noted, as many properties are reliant upon street parking. It is acknowledged that this may be a limited resource for residents and their visitors, but this is an existing situation, which provided that the proposed dwelling(s) fully meets current in-curtilage parking standards, there is no reason to suggest that this situation would be made worse. Adequate parking provision would be secured as part of a suitably worded condition (No 15).
26. The dwellings are accessed via a private shared driveway which extends from the boundary of the public highway between existing dwellings. This is under the control of the applicant as part of the curtilage of Briar House, although it would appear the neighbouring properties have a right of access. The first part of the access is somewhat constrained between the property boundaries measuring 4.0m which reduces to 3.5m at a localised pinch point, after which the access widens out to a turning and passing area.

27. The Tees Valley Design Guide (TVDG) advises that a maximum of five dwellings should be served via a single private access/driveway provided that a running carriageway of a minimum width of 3.7m can be provided. The guidance does however acknowledge that an access may be reduced to 3.1m in width over a short distance provided that emergency vehicles are able to access the site. This is generally considered to be a standard size for an appliance which will need to be able to get to within 45m of dwelling entrances in order to operate at the scene of a fire. Provision should also be made for typical servicing vehicles to turn within the site. Suitable vehicles include a large courier type van and a supermarket home delivery box type van. A planning condition (No 14) is recommended to ensure suitable access arrangements can be demonstrated by use of swept path analysis.
28. Currently, the access is partially obstructed and narrowed by decorative planters and features a fence which exceeds 1.0m in height at the highway boundary. The planters would need to be removed to provide additional passing space and margin for pedestrian safety. The boundary fencing, and gate posts would also need to be removed to make best use of the full width of the access and improve invisibility. These measures will be possible as the access is within the ownership of the applicant and Condition No 13 is recommended to secure the submission of detailed access arrangements for both vehicles and pedestrians.
29. Whilst there would be daily vehicles movements associated within the access and egress of the two proposed dwellings, vehicles using the existing shared driveway/access is firmly established and is not a new occurrence with which existing residents would have to become accustomed. Whilst the existing level and frequency of use of garages within the site is unclear, they could potentially be put back into use at any time without the requirement for planning approval. The proposed demolition of an existing garage could therefore potentially be 'netted off' from traffic generation associated with the two dwellings.
30. Suitable arrangements should be made for refuse collection as the access road is longer than the 25m maximum allowable walking distance from the public highway for pick up. The Council's own collection service would generally not enter a private driveway as it is unlikely to be constructed to an appropriate standard to accept the imposed loads of such a heavy vehicle or that the vehicle would be able to access and safely turn within the site. The submitted plans show the areas where bins will be sited for each plot and a bin collection area. However, as part of Condition 13), precise details of the collection point will need to be provided.
31. Regarding the impact of the development on the local road network, the Council's Highways Engineer has raised no objections.
32. Planning condition 32 is recommended to ensure that should the design proposals for the dwellings on the North and East plots include garaging, such spaces cannot be used for purposes other than parking purposes without planning permission first being obtained from the Local Planning Authority.

33. The application site is within 400m of bus stops (Bridge Road/Blackwell House bus stops), which are served by high frequency services and the Blackwell/Briar Close bus stops that are served by the Number 29. Although there are bus stops within 400m of this development, the bus stops that are served by the Service 29 are not adequate as they only provide a 2 hourly service which does not meet the criteria of a regular service (at least every 30 minutes) and the services that operate to the Bridge Road/Blackwell House bus stops, for the outbound bus stop, does not have a safe walking route as it would require crossing a high speed road. However, given the nature and size of this development, the Council's Transport Policy Section have not objected to the proposal and there would not be a requirement to secure a financial contribution to public transport improvements.
34. The application site is located close to the cycling network with there being advisory cycle routes and signed cycle routes close by that connect to the wider cycle network. Planning condition 25 is recommended to secure appropriate cycle parking for each plot in accordance with policy IN4 of the Local Plan.
35. Planning condition 24 is recommended to ensure that each dwelling has an electric charging vehicle socket to comply with policy IN4 of the Local Plan.
36. Regarding the impact of the development on the Strategic Road Network, National Highways raised no objections to the planning application as originally submitted. Following the submission of amended plans, National Highways advised that the new information does not significantly affect the access arrangements to the Strategic Road Network, (A66 Bridge Road). National Highways have noted that the access arrangements are not directly onto the SRN but are onto Blackwell, which is on the Local Road Network.
37. As set out in paragraph 3 of this report, the precise access arrangements for this development will be subject to a future reserved matters application. However, sufficient information has been provided to enable the Council's Highways Engineer and National Highways to support the principle of the existing shared access being used for two additional dwellings. Subject to the recommended planning conditions, the proposal would comply with policies DC1, IN2, IN4 and H8 of the Local Plan in this regard.

c) Residential Amenity

38. The application site is within a residential area, and it is bound on all sides by existing dwellings and their garden areas. The minimum separation distances between existing and proposed dwellings are set out in the Design of New Development SPD (2011). There must be a separation distance of 21m between elevations with habitable rooms and 12.5m between habitable and non habitable rooms in order to achieve satisfactory levels of privacy.
39. The area at the top of the shared access road where the dwelling on the North Plot would be sited is enclosed to the north, east and west by fencing of varying styles. There are also existing cypress trees along these boundaries which give some screening of the existing garages from the neighbouring properties.

40. Regarding the dwelling on the North Plot, the front and rear elevations of this two-storey dwelling will be west and east facing respectively. The separation distances between the front elevation of the proposed dwelling and the rear elevations of the existing dwellings on Blackwell would exceed the requirements of the Design SPD. Planning condition 6) is recommended to ensure that no habitable windows can be inserted within the north and east facing elevations of any proposed dwelling in order to prevent the overlooking of neighbouring dwellings in those directions as existing trees will need to be removed to facilitate this dwelling (see Section e) of this Report).
41. Any new dwelling in this location will be visible from the gardens and properties on Briar Walk to the north (No 12) and east (No 14) due to the need to remove existing trees on these boundaries. However, it is possible that a dwelling can be designed to minimise its visual impact when viewed from these properties and the separation distances between the properties is considered to be adequate to ensure that any new dwelling is not adversely dominant or overbearing.
42. Whilst the separation distances between the proposed dwelling and the existing dwellings on Blackwell are compliant with the Design SPD, the existing cypress trees do form a screen between them and this part of the application site. The Arboricultural Assessment that has been submitted in support of the planning application indicates that these trees would be retained (See Section e) of this Report). Whilst the trees are not of a species, condition or location to justify protecting them with a preservation order, it has been agreed that these trees cannot be pruned or removed without the formal consent of the local planning authority (see planning condition No 9).
43. The rear garden of Briar House is enclosed by a mix of stone wall (south); hedging and fencing (east); stone wall and hedging (north). There are a limited number of trees around the edges of the garden which provide further albeit screening of this part of the application site.
44. Regarding the dwelling on the East Plot, the front and rear elevations of this dormer property will be west and east facing respectively. The separation distances between these primary elevations and the rear elevations of the neighbouring properties to the west and east would exceed the requirements of the Design SPD. A new hedge would provide further screening between the proposed dwelling and Briar House and would also delineate the new domestic curtilages. Planning condition 8) is recommended to ensure that no habitable windows can be inserted within the north and south facing elevations of any proposed dwelling in order to prevent the overlooking of neighbouring dwellings.
45. A dormer property in the rear garden will still be visible from the neighbouring dwellings and their garden areas but not to such an extent that a building would be visually overbearing or dominant resulting in adverse amenity conditions.
46. It should be noted that planning conditions 6) and 8) would not prevent hallway or stairwell windows being inserted into the elevations mentioned in the conditions as such openings are not habitable openings and bathroom windows could also be inserted as they would be fitted with obscured glazing.

47. Regarding the proposal resulting in an increase in noise from activities by future occupants and light pollution from external lighting, these are factors and activities that would be expected to occur in residential areas which can fall outside the remit of planning control. Should there be such adverse effects in the future, they can be investigated under other forms of legislation by the Council.
48. The existing means of enclosure, trees and proposed hedging around both the North Plot and East Plot will minimise light pollution from car headlights. The neighbouring properties are likely to experience traffic noise associated with the proposed development and the existing means of enclosures around the site will provide an element of noise mitigation. However, it is not anticipated that the development would generate significant traffic generation and movements to refuse planning permission on such grounds. Planning permissions have been granted and appeals have been allowed elsewhere in the Borough for back land development comprising more dwellings than being proposed on this site.
49. The proposed dwellings are set back from the A66(T) but depending on final site layout/plot orientation some habitable rooms could have a direct line of sight to the A66(T). Whilst standard glazing for windows should be sufficient in terms of protecting the residential amenity of future occupants, alternative ventilation i.e. acoustic trickle vents, have been recommended to be installed for habitable rooms with a line of sight to the A66(T) to allow for ventilation without the need to open windows. This matter is covered by planning condition 17).
50. Planning condition 12) secures the submission of a Construction Management Plan prior to the commencement of works on each Plot.
51. Planning condition 31) is recommended to ensure that future enlargements, extensions and detached buildings etc cannot be constructed without the benefit of first obtaining planning permission in the interests of safeguarding the amenities of the neighbouring dwellings.
52. Overall, with the use of the recommended planning conditions, future development proposals can be developed and presented which would safeguard the amenities of the existing dwellings in terms privacy and outlook in accordance with policies DC3, DC4 and H8 of the Local Plan.

d) Impact on the Visual Appearance and Character of the Area

53. The application site comprises a domestic garden to the rear of Briar House and an area of hardstanding where two garages are currently located. These areas are within a residential area and are bound by neighbouring properties and their garden areas. Both parts of the application site are within the ownership of the applicant, and they are not highly visible from any public vantage points. The garden area does not contribute to a larger swathe of green space used for the general amenity of residents and acceptable measures to mitigate any impact on wildlife have been agreed and secured via a planning condition (No 29). As a result, the principle of redeveloping the site for back land development, in this instance, would not be contrary to part a) of Policy H8 of the Local Plan.

54. Furthermore, the proposed scheme has been amended to relocate the North Plot from the rear garden area so that the redevelopment proposals in this location are for one in the rear garden and one where there are existing buildings. Again, this would accord with Policy H8 of the Local Plan which does permit “limited” back land development, subject to the listed criteria.
55. Whilst the designs of the two dwellings would be the subject of future reserved matters applications, sufficient information has been provided to enable the local planning authority to consider the impact of the proposals on visual appearance and character of the local area and parameters have been agreed which any future proposals would need to be comply with.
56. There is a mix of dwellings in the immediate locality of the application site. Dormer bungalows and semi-detached dwellings can be found on Briar Walk (north); modern detached dwellings form Romanby Drive (east); Bridge House is a dormer bungalow (south) and the properties on Blackwell (west) are a mix of semi detached and terraced properties.
57. The dwelling on the North Plot would be a two-storey unit so that it reflects the storey heights of the properties on Blackwell. Living accommodation would be primarily on the first floor with garage space below. Planning condition 5) is recommended to ensure that the dwelling in this location does not exceed two storeys.
58. The dwelling on the East Plot would be a dormer bungalow to reflect the characteristics of the properties directly to the north on Briar Walk and Bridge House to the south. Planning condition 7) is recommended to ensure that the dwelling in this location does not exceed 1.5 storeys.
59. Policy H8 makes reference to development proposals having regard to the Design of New Development SPD (2011). Under the provisions of the SPD, the application site is within Character Zone 4 (Outer Suburbs) and developments of between 1 and 2.5 storeys are generally considered to be acceptable within Zone 4 and therefore, subject to the use of the aforementioned planning conditions, future proposals for the site would not be in conflict with the Design SPD.
60. Matters relating to scale, materials and the precise design of the dwellings would be the subject of future reserved matters applications, but it will be possible to ensure that any development will reflect the local environment and respond positively to the local context in accordance with policy DC1 of the Local Plan and the Design SPD.
61. Planning condition 27) is recommended to secure the submission of details for how the dwellings will be energy efficient to comply with policy DC1 of the Local Plan.
62. Planning condition 31) is recommended to ensure that future enlargements, extensions and detached buildings cannot be constructed without the benefit of first obtaining planning permission in the interests of the visual appearance of the site and local area.

e) Impact on Trees

63. Paragraph 131 of the National Planning Policy Framework states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It goes on to emphasise that existing trees should be retained wherever possible.
64. An updated Arboricultural report has been submitted in support of the planning application. In addition to the twenty trees and garden hedge that were originally assessed, a further thirteen trees have been surveyed in accordance with BS5837. None of the existing trees are covered by a tree preservation order and the application site is not within a conservation area.
65. To facilitate the erection of dwelling on the East Plot, three domestic cooking apple trees would be removed. Three existing hawthorn trees would be lifted and relocated elsewhere within the garden as part of a landscaping scheme for the site. The Council's Arboricultural Officer has advised that none of these trees are worthy of a tree preservation order. All other trees within the rear garden would be retained and tree protection barriers erected around them during the construction phase (planning condition 28)
66. To facilitate the erection of a dwelling on the North Plot, four leyland cypress trees and a cedar tree would need to be removed. Two further cypress trees would be removed to facilitate the access road and new driveway leading to the dwelling on the East Plot. None of these trees are worthy of a tree preservation order and again, tree protection barriers would be erected around the trees to be retained.
67. The Assessment also sets out a methodology for any works that are necessary within the root protection areas of the trees in order to protect root systems. The Council's Arboricultural Officer has raised no objections to the proposed tree removals, the use of protective barriers and methodologies contained within the Assessment. Planning condition 28 is recommended to secure these measures.
68. Whilst precise details of a landscaping scheme will be the subject of a future reserved matters application, the Assessment states that as well as the three trees being relocated elsewhere within the site, two further trees and two new hedges will be planted. Planning condition 9) secures the timeframe for the implementation of any approved landscaping scheme and for the need to replace any trees or shrubs that are dead, diseased or dying. Overall, the proposed development would accord with policy H8 of the Local Plan and the NPPF in this regard.

f) Ecological Considerations

69. An updated ecological assessment for the application site advises that the existing grassland habitats on site are of low ecological value and the individual trees are of local value only. Habitats within the site are of low suitability for bats and the site is poorly connected to suitable surrounding habitat. There are three buildings within the site: two garages with low suitability bat roosting features and a greenhouse with negligible suitability.

70. The site provides suitable habitat for a variety of urban bird species within the garage building and within trees and shrubs within the garden. The site is of local value to birds.
71. Due to the distance of the pond with GCN records (within the former Blackwell Golf club site, now developed for residential purposes) and the size of the site, the risk of great crested newts being present within the application site is low. Hedgehog and common toad may be present on occasion, and the site is considered to be of up to local value to these species.
72. The ecology assessment identifies the ecological impacts of the development and recommends mitigation and compensation measures including, but not limited to, restrictions on when works are carried out, method statements for the demolition of the garages, the inclusion of bird and bat boxes within the designs of the new dwellings and hedgehog gaps in boundary fencing. The Council's Ecology Officer accepts the findings of the Assessment and the mitigation measures. Planning condition 29) is recommended to ensure that the development is carried out in accordance with the submitted mitigation and compensation measures set out in the Assessment.
73. This application was submitted prior to the now mandatory requirement for a development to show a 10% net gain in biodiversity coming into force. However, the development must still achieve a net gain as set out in Policy ENV 8 of the Local Plan. An updated Biodiversity Net Gain assessment has been submitted in support of the planning application, and it proposes the purchase of 0.23 Habitat Units from an off-site provider to meet the Policy requirement. Planning condition 23) is recommended to ensure that a certificate or receipt for the purchase of the offsite credits is submitted to the local planning authority. The proposed development would meet policies ENV7, ENV8 and H8 of the Local Plan in this regard.

g) Nutrient Neutrality

74. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.
75. A 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 Local Planning Authority must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the affected sites conservation objectives.

76. The information required to enable the Local Planning Authority to undertake the screening assessment and where necessary appropriate assessment is provided by the Nutrient Assessment, Nutrient Budget Calculator (20 January 2025) and Countersigned Provisional Nutrient Credit Certificate (NM-D-TCC-1388) that have been submitted in support of the planning application. The submitted nutrient budget calculator demonstrates that the proposals will increase the nitrogen arising from the development and consequently it cannot be ruled out at the screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.
77. This proposal for two additional dwellings would increase the total annual nitrogen load arising by 3.12kg per year. The applicant proposes to mitigate this nitrogen surplus by purchasing 3.12 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen that needs to be mitigated. The countersigned provisional credit certificate (NM-D-TCC-1388) obtained from Natural England is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A preoccupation condition (No 11) is recommended to ensure that the required and necessary mitigation is secured and in place.
78. It can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to condition as set out above. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and have raised no objections.

h) Flood Risk and Drainage

79. The application site is within Flood Zone 1 with a low flood risk, and it is not within an area identified as being at risk from surface water flooding. The planning application states that surface water would be disposed of into the main sewer. The proposed development would accord with policy DC2 of the Local Plan in this regard.

i) Archaeological Considerations

80. Whilst the Local Plan identifies the application site being located within an area of high archaeological potential, the Senior Archaeologist from Durham County Council has advised that there are no objections to the planning application. The proposal would accord with policy ENV1 of the Local Plan in this regard.

j) Land Contamination

81. A Screening Assessment has been submitted in support of the planning application with photographs of the site. The proposal involves demolition of an existing brick garage with a corrugated asbestos roof (as referred to in the Amended Design and Access Statement), as well as a backing wall, greenhouses and small shed.
82. As there are potential contamination risks and based on the sensitive end user, standard planning conditions relating to land contamination have been recommended. The proposed development would accord with Policy DC1 of the Local Plan in this regard.

THE PUBLIC SECTOR EQUALITY DUTY

83. 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. As stated in paragraph 21 of this report, a planning condition has been recommended to ensure that one of the dwellings meets Building Regulation M4 (2) (Accessible and Adaptable Dwellings). The development would accord with Policy IN2 of the Local Plan in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

84. 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

85. Outline planning permission is sought for the erection of two dwellings at Briar House, with all matters relating to access, appearance, landscaping, layout, and scale reserved for future consideration. Sufficient information has been provided to enable the local planning authority to consider whether the principle of the proposed development can be supported.

86. The application site is within the development limits of the urban area and it is considered that, subject to the imposition of the recommended planning conditions, this limited form of back land development would comply with Policy H8 of the Local Plan and all other appropriate local development plan policies. A net gain in biodiversity would be achieved through the purchasing of Habitat Units from an off-site provider. The proposal would achieve nutrient neutrality through the purchasing of credits from the Natural England Tees Catchment credit scheme.

GRANT OUTLINE PLANNING PERMISSION 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.

INFORMATIVE

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.