

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11 March 2026

APPLICATION REF. NO:	21/00986/FUL
STATUTORY DECISION DATE:	11 March 2026
WARD/PARISH:	Park West
LOCATION:	51 Blackwell, DARLINGTON DL3 8QT
DESCRIPTION:	Demolition of existing dwelling, erection of 2 no. four bed dwellings (self-build development) and slope stabilisation works
APPLICANT:	Mr Lees

RECOMMENDATION: GRANT 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=QXZ7OUFP1IA00>

APPLICATION AND SITE DESCRIPTION

1. No 51 Blackwell is an existing, vacant 1.5 storey dwelling on the west side of Blackwell. The surrounding area is residential in character comprising a mix of detached and semi-detached properties of varying styles and designs. The application site is bound to the north by a development site where planning permission (ref no 10/00040/FUL) has been granted for three dwellings (referred to as Plots 3, 4 and 5), to the east by dwellings on the opposite side of Blackwell; to the south by No 49 Blackwell and to the west by the sloping embankment which leads down to the River Tees.
2. The planning application involves the demolition of the existing dwelling and the erection of two new dwellings with associated slope stabilisation works. The two dwellings would be of a contemporary design incorporating a split-level arrangement

due to the sloping topography of the site. The dwellings are 3 storeys to the front and 4 storeys to the rear and each one has four bedrooms with three in curtilage parking spaces accessed directly off Blackwell. Each dwelling includes an external balcony area at first floor and second floor levels to the rear. The proposed materials involve a lightweight steel frame construction, cedar cladding and white render. A slope stabilisation strategy has been submitted which includes:

- Gabion Retaining Walls: An existing Gabion-faced terramesh flood control retaining wall and Gabion mattress exist on site. Further levels are to be added, and these will be faced with class 6g gabion stone.
- Drainage System: An existing land drain wrapped in a geotextile membrane is existing on site.
- Piled construction: The foundation design will incorporate piled foundations with a concrete raft base, arranged in a stepped configuration.

MAIN PLANNING ISSUES

3. The main planning issues to be considered here are whether or not the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Design and Impact on the Appearance of the Street Scene
 - c) Residential Amenity
 - d) Highway Safety and Parking Provision
 - e) Ecology and Biodiversity Net Gain
 - f) Trees and Landscaping
 - g) Land Contamination
 - h) Land Stability
 - i) Flood Risk and Drainage
 - j) Nutrient Neutrality

PLANNING POLICIES

4. The Following policies within the Darlington Local Plan are relevant along with the National Planning Policy Framework 2024 and Government Guidance: Land Stability (GOV.UK)
 - 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
 - H3: Development Limits
 - ENV3: Local Landscape Character
 - ENV4: Green and Blue Infrastructure

ENV7: Biodiversity & Geodiversity & Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN4: Parking Provision including Electric Vehicle Charging
IN6: Utilities Infrastructure

5. The Design of New Development SPD is also relevant to the planning application.

RESULTS OF TECHNICAL CONSULTATION

6. There are no objections to the principle of the proposed development from the Council's Highways Engineer, Transport Planning Team, Ecology Officer, Environmental Health Officer, Lead Local Flood Authority subject to the imposition of planning conditions where appropriate.
7. Natural England have raised no objections to the planning application.
8. The Environment Agency and Northumbrian Water have raised no objections to the planning application.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Following receipt of the planning application, a notification and publicity exercise was carried out by the Local Planning Authority. Further notifications have been issued following the submission of amended plans at various points of the determination process.
10. Three letters of support have been received from the occupant of No 56 Blackwell. The letters of support state that the properties are in line with British Standards in areas of slope stabilisation to confirm to cost effectiveness, that the applicant has proved to be the only developer capable of developing adjacent plots particularly in regard to slope stabilisation and the development will stabilise the site and provide support to the boundaries at No 49 Blackwell, the road as well as Plot 5 of the adjacent site
11. Overall, multiple objections to the planning application have been received from thirteen contributors who are a mix of occupants of neighbouring properties, landowners of the adjacent development site and their legal representatives. The material planning considerations raised can be summarised as follows:
 - *Lack of information on boundary treatments and gabion walls*
 - *Loss of privacy for No 49 Blackwell*
 - *Concerns over impact on land stability*
 - *Buildings works to impact on trees on adjacent boundary within No 49 Blackwell*
 - *Concern over the acceptance of Geotechnical Certificate dated 2010*
 - *Concerns over flood risk*

- *Concern over land contamination*
- *The views from the A66 towards Blackwell will not be enhanced by the proposed development*
- *The dwellings are not in keeping with other properties in Blackwell*
- *Two dwellings on the site is overdevelopment*
- *Loss of privacy and amenity impacts on Plot 5 of adjacent building site*
- *There is a lack of landscaping within the proposals, especially on the Blackwell frontage*
- *The use of flat roofs is not acceptable and out of keeping with the local area*
- *Whilst flat roofs have been replaced with pitched roofs, the development remains out of keeping with the character and appearance of the street*
- *Lack of information on piling methods, retaining walls and foundations*
- *The proposed dwellings will have an overbearing impact on the dwelling on Plot 5 of the adjacent development site*
- *The proposed vertical piled foundation system is not appropriate*
- *The narrow nature of the dwellings is out of keeping with the street scene*
- *The proposed materials are inappropriate when viewed from the A66 when approaching Darlington*
- *The development does not accord with local development policies and the National Planning Policy Framework 2024 in regard to design and urban design*
- *Extreme weather and flooding in recent years has shown the limitations of the gabion flood defences.*

12. Comments have been submitted relating to the submitted plans, application forms, and the Ownership Certification. The street scene plans that have been submitted in support of the planning application are indicative and have been submitted for illustrative purposes only. The plans do not form part of the suite of approved plans that are listed under planning condition 2) and further planning conditions have been recommended to secure the precise details of site levels, street scene and gabion details.
13. The Ownership Certification for the planning application has been amended (August 2025) and the appropriate landowners have been served notice on the planning application. Officers are satisfied that the correct certification has now been received.
14. An objection has been submitted which assesses the application against development plan policies that are no longer relevant and have been superseded by the Darlington Local Plan 2016 – 2036. The relevant local development plan policies are listed in paragraph 4 of this report.
15. Objections have been made regarding the proximity of the dwellings to the neighbouring boundaries, that the applicant has no legal right to access land outside his ownership and the development will cause structural/party wall issues for any property constructed on Plot 5 of the adjacent development site. The Party Wall etc Act 1996 provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings. Anyone

intending to carry out work (anywhere in England and Wales) of the kinds described in the Act must give Adjoining Owners notice of their intentions. However, the Act is a separate process, and it is not a material planning consideration. However, the granting of a planning permission does not negate the need for an applicant to consider and/or seek further legal advice as whether The Party Wall etc Act 1996 is relevant to their proposals.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

16. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
17. 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 therefore the proposal accords with policy H3 and the distribution of development within Policy SH1 of the Local Plan.
18. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. The proposal is a small-scale windfall development which would contribute towards the achievement of this local plan policy requirement.
19. The application has been supported by a Self-Build Declaration whereby the applicant has confirmed that he would occupy one of the proposed dwellings and has directly commissioned the proposed build and had control over the design, specification and layout of the proposed development. The proposal would meet the definition of a self-build development under the National Planning Policy Framework 2024 and the Self Build and Custom Housebuilding Act 2015. Policy H4 of the Local Plan states that in order to increase housing options, the Council will encourage and support the delivery of self-build housing and the demand for this type of housing will be monitored and the Council will assist in the delivery of sites. This development would make a contribution towards self-build housing plots in the Borough, and an appropriate planning condition has been recommended in relation to the self-build nature of the development.

b) Design and Impact on the Appearance of the Street Scene

20. The prominent character of the area is defined by two storey dwellings that relate directly with the street. Brickwork and white render can be found on some dwellings and cedar cladding is another notable feature on Nos 57 and 59 Blackwell. Most

properties have pitched, slate-tiled roofs, with some having dormer windows and small gables.

21. The application site is on the west side of the Blackwell and to the south of land which has planning permission (ref no: 10/00040/FUL) for the erection of three detached dwellings of contemporary design. These dwellings, of differing modern designs, would be three storeys when viewed from the street and five storeys when viewed from the rear due to the changes in land levels. The dwellings would be constructed from a mix of glazing, render, stone and timber cladding.
22. Nos 57 and 59 Blackwell are located to the north of the development site, and they were built under planning permission ref no: 11/00299/FUL (and subsequent approvals for amendments). These dwellings are similar in design and are also three storeys when viewed from the street and five storeys when viewed from the rear. Again, the design of these dwellings is very contemporary, and they are constructed from a mix of materials such as stone, painted render, glass and cedar boarding.
23. The proposed dwellings would face onto Blackwell with an enclosed forecourt providing space for the parking of vehicles. Each dwelling would have a garage to the side. When viewed from the street, the dwellings would be a maximum of three storeys (approximately 9.6m) and four storeys when viewed from the rear (approximately 12.4m).
24. The dwellings have a projection to the rear giving them an overall length of approximately 19.9m. At street level, the ground floor of the dwellings comprises a utility room; kitchen and living room and there is an attached garage to the side. The first floor comprises three bedrooms (one above the garage) and a balcony and there is a studio area on the second floor with a balcony. When viewed from the rear there is a bedroom/study and dressing room at Lower Ground Floor level (not visible from Blackwell). The ground, first and second floors would cantilever over the lower ground floor level creating a recessed area.
25. The design of the dwellings has been amended by the introduction of pitched roofs following comments made by residents and to ensure that the dwellings include design features that can be found in the existing, traditional properties in the street.
26. The dwellings would be constructed from a lightweight steel frame, and the materials would be a mix of white render and cedar cladding which are materials that can be found in the existing traditional dwellings and within the modern properties that have been built within the street (No 57 and 6=59 Blackwell).
27. As part of the design process, sustainable practices that support environmental and energy efficiency have been considered and these include a solar hot water system, a rainwater harvesting system and heat recovery ventilation. Whilst these features are welcomed, a planning condition has been recommended to secure the submission of a

proposals to reduce the need for energy consumption and carbon emissions and for energy efficiency measures in accordance with Policy DC1 of the Local Plan.

28. The planning application has been supported by indicative Street Plans. Whilst these plans are indicative, submitted for illustrative purposes only and do not form the suite of approved plans set out under Condition 2) below, they do show the proposed dwellings alongside the contemporary designed dwellings referred to in paragraphs 21 and 22 of this Report. The proposed dwellings when viewed from Blackwell have been designed to reflect the new local environment of this part of the western side of the street which will be a mix of modern and traditional dwellings. They respond to the modern context of the neighbouring plots in terms of scale, form, height, layout, materials, colouring, fenestration and design. The design of the frontages is modern and simplistic, and the dwellings would not be overbearing, dominant or bulky additions to the street scene. Notwithstanding the above, planning conditions have been recommended to secure the submission of detailed street scene plans as well as site levels.
29. When viewed from the rear, the design of these elevations is also very simplistic and clean. Whilst the application site is no longer located within a designated Area of High Landscape Value, it is acknowledged that it is within an area of visual importance as views across this site and the rear of the neighbouring properties are available from the A66 approaching Darlington and also from parts of the Teesdale Way walking route which is further north on the River Tees riverbank. The proposed dwellings will assimilate into the local context when viewed from these vantage points as they will be seen alongside Nos 57 and 59 Blackwell, and the dwellings on Plots 3, 4 and 5 once they are completed. The proposed dwellings would be constructed from similar materials and would be of a similar scale as the previously approved properties.
30. The proposed gabion wall would extend one metre higher than the existing gabion structure that is already in place from Nos 49 to 51 Blackwell and it is envisaged that the walls will, over time, assimilate into the landscape with the use of materials and treatments same as the existing features. It is considered that the visual impact of the land stabilisation features will not have an adverse impact on the long or short distance views of the site from the River Tees and beyond.
31. The forecourt area to the front would be enclosed by a wall. Timber fencing would be erected to demarcate the rear gardens of the two dwellings and along the boundaries with adjacent development site and No 49 Blackwell. The fencing would be augmented by hedgerow planting. A planning condition has been recommended to secure the precise details of the means of enclosure.
32. A planning condition has been recommended to remove certain household permitted development rights to ensure the Local Planning Authority retains control over the development in the future. This is consistent with the planning approvals for the adjacent plots.

33. The proposed development would accord with policies DC1 and ENV3 of the Local Plan in this regard.

c) Residential Amenity

34. The application site is bound to the south by No 49 Blackwell and to the north by Plot 5 of the adjacent development site. There are also dwellings to the east on the opposite side of Blackwell.
35. The dwelling on Plot 5 of the adjacent development site is three storeys when viewed from the street and five storeys when viewed from the rear due to the changes in land levels. The south elevation of this dwelling would face onto the application site and contains a lounge window and narrow corner windows. There are other glazed openings, but they are not into habitable rooms (voids), and the dwelling will have balcony areas to the rear are varying floor levels.
36. The proposed dwelling in the northern section of the application site would be in close proximity to the shared boundary of the dwelling on Plot 5. The dwelling would have an overall length of 19.9m at ground floor level reducing in depth at first and second floor levels as the proposal has a stepped design at the rear. There would be no window openings in the north elevation of the proposed dwelling, and a planning condition has been recommended to ensure that no further window openings can be inserted into the proposed dwellings without planning permission.
37. The stepped arrangement to the rear of the dwelling will help to reduce the visual impact, dominance and bulk of the dwelling and its north elevation when viewed from the adjacent Plot.
38. The proposed dwelling would have a balcony at first and second floor levels in order to benefit from the views across the River Tees and beyond that neighbouring dwellings currently enjoy or will enjoy once built. The dwelling on Plot 5 would have a balcony at Lower Ground Floor level and first floor level. A planning condition has been recommended for the submission of appropriate forms of screening for the balconies on the proposed dwellings in order to safeguard the amenities of this neighbouring Plot.
39. The proposed dwelling would project beyond the front of the property on Plot 5 but not to an extent that would adversely impact on the outlook from any windows. The proposed dwelling would also project beyond the rear elevation of the neighbouring Plot, but again, not to an extent that would result in adverse amenity conditions that would justify a reason to recommend refusal for the application.
40. The relationship between the two proposed dwellings is acceptable. Whilst the habitable windows in the south elevation of the north dwelling will have a view onto the solid northern elevation of the south dwelling, the rooms that would be impacted are large open plan spaces with dual aspects with habitable openings on the west elevations to allow for light and an outlook over the River Tees and their gardens.

41. No 49 Blackwell is an existing two storey dwelling with a garage to the side and a conservatory to the rear. The south elevation of proposed dwelling nearest to this property would face onto No 49 and whilst this elevation would contain habitable windows at ground and first floor level, the applicant has agreed that these openings are fitted with obscured glazing and this can be conditioned. Having obscure glazing within this proposed dwelling would not harm the amenities for the future occupants due to the open plan nature of the rooms and location of other windows (as set out in paragraph 40 of this report).
42. As mentioned in paragraph 38 of the report, a planning condition has been recommended for the submission of appropriate screening for the proposed balconies to limit the extent of overlooking at neighbouring dwellings. There are also existing trees in the rear garden of No 49 Blackwell which will provide some visual screening of the proposed dwellings which will help to reduce privacy impacts and the visual impact of the development when viewed from this property and its garden area.
43. It is acknowledged that the rear garden areas of neighbouring dwellings will be overlooked to some degree. However, it is not unreasonable to expect some level of overlooking of gardens within an urban area and the extent of overlooking that may occur as a result of the proposed development is not considered to be significantly adverse.
44. The dwellings on the opposite side of Blackwell would not be adversely impacted in terms of privacy or outlook although it is acknowledged that the view from these properties will change as a result of the presence of this modern development.
45. Planning conditions have been imposed to secure the submission of a Construction Management Plan, to control the hours of demolition and construction and for the submission of a statement for the proposed piling method. The proposed development would, with the use of appropriate planning conditions, accord with Policies DC3 and DC4 of the Local Plan.

d) Highway Safety and Parking Provision

46. The proposed development does not raise any fundamental concerns regarding highway safety or traffic generation. The additional vehicle movements associated with one extra dwelling on the site are considered “de minimis” within the local highway network and would not justify refusal under National Planning Policy Framework (2024) guidelines which advises refusal only where a ‘severe impact’ is demonstrated.
47. A review of the most recent 5-year period of recorded Police accident statistics reveals that there have been just 2 recorded ‘minor’ personal injury collisions (PICs) within near proximity of the site, both occurring at the junction of Blackwell/A167, however there is no particular pattern of incident and the negligible increase in vehicle traffic would not demonstrate any road safety concern or impact.

48. The site is located within an existing residential street and as such is in a sustainable location, with good access to local amenities and services. The nearest bus stops are located within 400m walking distance, and the site is located on the 'Blackwell' advisory cycle route.
49. As each dwelling would have three in curtilage parking spaces, the development meets current Tees Valley Design Guide standards. In addition to the in-curtilage driveway parking, each dwelling also features an integral garage, which is of sufficient size to meet recommended standards for a practical and usable parking space.
50. Each dwelling has a separate means of vehicle access, which requires works within the public highway. The applicant will therefore be required to gain the appropriate consent from the Local Highway Authority. In this case an agreement under Section 184 of the Highway Act 1980 will be needed prior to commencement of any works within the highway.
51. Planning conditions have been recommended to request the submission of cycle parking and electric charging points details to encourage the use of sustainable forms of development in accordance with Policy IN4 of the Local Plan.
52. There are no highway objections to the proposed development, and the application would accord with policies DC1 and IN4 of the Local Plan in this regard.

e) Ecology and Biodiversity Net Gain

53. The planning application has been supported by an updated Preliminary Ecological Appraisal and the Council's Ecology Officer is satisfied that the surveys have been conducted using best practice methodology. The Appraisal concludes that habitats on the application site are of value at no more than site level, however the surrounding woodland and riverine habitats are of value at district level. The existing building provides roosting opportunities for bats and suitable habitat for nesting birds, and the overgrown garden provides suitable habitat for small mammals and common amphibians such as hedgehog and common toad, along with foraging habitat for badger. The Appraisal advises that the proposals will not directly impact the adjacent woodland and riverine habitats which provide opportunities for commuting, roosting and foraging bats, along with suitable habitat for badger and otter. Indirect impacts to species which may be present within these habitats are possible therefore mitigation measures are recommended which the Council's Ecology Officer considers are suitable and can be secured by a planning condition.
54. A Sensitive Lighting Strategy has been submitted in support of the planning application which states that external lighting will be limited to wall-mounted lights adjacent to entrance doors, low-level bollard lighting along driveways and paths (if required) and no street or security lighting is proposed. To protect floodplain grassland and the riparian corridor at the rear of the site, which may be used by foraging bats and otters and tree

planting and native hedgerows which provide potential for bat commuting or bird nesting, no lighting will be installed in rear gardens, especially where they border the floodplain or tree planting and a buffer zone free from light spill will be maintained along the southern boundary adjacent to the watercourse. The Strategy concludes that these measures will result in a low-impact, ecologically sensitive lighting strategy to safeguard key habitats. The Council's Ecology Officer has advised that the findings of the Strategy are suitable, and they can be secured by a planning condition.

55. An updated Bat Survey has been submitted in support of the planning application and did not indicate that the property is being utilised by roosting bats. However, given the mobile nature of the species observed, precautionary measures should be taken when carrying out demolition. There is potential for birds to nest within the structures and therefore works should ideally be timed to occur outside the bird breeding season (March – August inclusive) to avoid impacting any actively breeding birds. Alternatively, if demolition is proposed within the breeding bird season, a competent ecologist should undertake a breeding bird risk assessment to check for any active birds' nests. The use of integrated bat boxes, bat access tiles and bird boxes has been recommended and should be integrated within the final design of the proposals to enhance the biodiversity value of the site post-development. The Council's Ecology Officer has advised that the findings of the Survey are acceptable, and they can be secured by a planning condition.
56. Further planning conditions have been recommended to secure a working method statement to protect otters, reptiles and amphibians and for the submission of an invasive species management plan.
57. As stated in paragraph 19 of this report, the development is a self-build project which results in the proposal being exempt from the mandatory requirement to achieve a 10% gain in biodiversity. However, to accord with policy ENV8 of the Local Plan, a net gain in biodiversity must still be demonstrated. The planning application has been supported by a Biodiversity Net Gain (BNG) metric and report, and the results show the development would reach the net gain required by policy by providing an uplift of 2.38% Habitat Units by the planting of trees and a hedgerow. As the habitats created are within the boundary of a residential garden there will be no requirement for a S106 agreement instead be secured by condition to be managed and retained for a period of 30 years.
58. A planning condition was attached to both planning permission reference number 10/00040/FUL and 11/00299/FUL for the provision and management of a buffer zone alongside the River Tees and that the zone should then be free of structures, hardstanding, footpaths, fencing and not used as formal garden. Whilst the Environment Agency have not requested such a planning condition for this application, it is not considered unreasonable to repeat the condition here in order to be consistent across all development sites and to protect the River Tees watercourse
59. The proposed development would accord with policies ENV7 and ENV8 of the Local Plan in this regard.

f) Trees and Landscaping

60. The Biodiversity Net Gain Statement submitted in support of the application confirms that the density of vegetation and gradient of the land significantly restricts access to the area for detailed inspection, however some of the species observed from the periphery include buddleia, bramble, common nettle, rosebay willowherb, ivy, spear thistle, willow., sycamore and silver birch saplings. Two specimens of giant hogweed *Heracleum mantegazzianum* were observed and within the garden are rubble piles and deadwood. An unmanaged hedgerow is present to the eastern site boundary where the site adjoins the public highway. It is thought this was formerly a privet hedgerow, however it is heavily overgrown with ivy and self-seeded trees.
61. In order to achieve a net gain in biodiversity, fifteen small trees would be planted within the western part of the application site on land above the gabion wall and a hedgerow is to be planted along a section of the north and south boundaries of the site. A planning condition has been imposed to secure the submission of a detailed landscape scheme based on the net gain planting proposals.
62. As part of the Conclusions and Recommendations of the Preliminary Ecological Appraisal, it is recommended that any trees in close proximity to the works should be protected using Heras or equivalent fencing around their Root Protection Areas, in accordance with British Standard documentations BS 5837:2012 – ‘Trees in relation to design, demolition and construction. Recommendations.’ This would be secured via planning condition.
63. The proposed development would accord with policy ENV4 of the Local Plan in this regard.

g) Land Contamination

64. A Land Contamination Screening Assessment has been submitted in support of the planning application which states that the application site is currently in domestic use and historically is not known to have been subject to potentially contaminative uses. It is highlighted in the Assessment that the proposal will involve the importation of soil to raise site levels. The Council’s Environmental Health Officer has advised that no land contamination conditions are necessary, and no further control is warranted under the planning process in this instance. However, an appropriate Informative has been added. The planning application would accord with Policy DC1 of the Local Plan in this regard.

h) Land Stability

65. The National Planning Policy Framework 2024 states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (para. 197). Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising

from land instability and adequate site investigation information, prepared by a competent person, is available to inform assessments. A competent person is a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

66. Government guidance on Land Stability states that land instability may result in landslides, subsidence or ground heave. Failing to deal with this issue could cause harm to human health, local property and associated infrastructure, and the wider environment. The planning system has an important role in considering land stability by:
- a) minimising the risk and effects of land stability on property, infrastructure and the public.
 - b) helping ensure that development does not occur in unstable locations or without appropriate precautions; and
 - c) to bring unstable land, wherever possible, back into productive use.
67. When dealing with land that may be unstable, the planning system works alongside a few other regimes, including Building Regulations, which seek to ensure that any development is structurally sound. A range of planning mechanisms, through both plan policies and in determining planning applications, can be used to mitigate and minimise risks to development proceeding. These include:
- a) establishing the principle and layout of new development, for example designing a layout to avoid hazards.
 - b) ensuring proper design of buildings and their structures to cope with any movement expected, and other hazards or
 - c) requiring ground improvement techniques, usually involving the removal of poor material and its replacement with suitable inert and stable material.
68. The Local Planning Authority accepts that, in principle, the application site is suitable for the proposed development taking account of ground conditions and that planning applications have been granted for housing development of similar designs and stabilisation proposals on adjacent sites. Nos 57 and 59 Blackwell have been constructed by the same applicant that is seeking planning permission for two dwellings on this site.
69. In accordance with government guidance, the planning application has been supported by a Stability Risk Assessment Report prepared by Simpson Coulson Limited. According to their website, Simpson Coulson Limited are a multi-disciplinary engineering consultancy that provides engineering design and construction services to a wide range of clients, and they offer specialist services including civil engineering, structural engineering, marine engineering, project management and construction.
70. The Report confirms that in 2009 a flood retaining gabion was constructed for the prevention of slope instability and flooding from River Tees which has stabilised the upper slopes between Nos 49 to 59 Blackwell. Existing gabion faced terramesh flood

defence retaining walls in stepped formation was constructed for prevention of slope instability and landslides. This wall is 100m long and has gabion returns for retaining at the sides which helps in prevention of flooding as the lower level of slopes can be under water.

71. The Report advises that various mitigating strategies are considered for Blackwell site to reduce the potential risks generated by instability of slopes. The main measures involve flood defence walls, pile foundations and better drainage system and these will help in strengthening the soil and prevent soil erosion influencing instability. The Report concludes that the geotechnical investigations and slope stability analyses have identified potential risks of soil instability, particularly due to the site's sandy clay strata and its proximity to the River Tees. Mitigation measures, including the existing flood defence gabion walls, comprehensive drainage systems, and the proposed piled foundations with a stepped concrete raft base, effectively address these challenges. The gabion walls have been designed to British Standards, preventing soil erosion and reducing hydrostatic pressure on the slope, while the drainage system ensures the site remains stable by managing groundwater levels.
72. The application has been supported by a Geotechnical Certificate to certify that the Slope Stability Analysis for the Geotechnical Activities at the application site has been prepared with reasonable professional skill, care and diligence, and that:
 - a) it constitutes an adequate and economic design for the project.
 - b) solutions to all the reasonably foreseeable geotechnical risks have been incorporated with acceptable factors of safety.
 - c) the work intended is accurately represented and conforms to the Clients requirements.
 - d) the documentation has been prepared in strict accordance with PPG 14 and the relevant British Standards
73. Further to the submission of the Report, the applicant has advised that they are confident in the design and implementation of the piled foundation system, which is a conservative and widely accepted engineering solution. It has been designed to ensure full structural stability for both proposed dwellings and to eliminate risk to any neighbouring properties or land. All works have been designed and validated by Chartered Engineers and is covered by significant Professional Indemnity insurance. The site conditions have been well documented over the years, and full consideration has been given to all site conditions and characteristics via analysis/calculation and experience of the site by the Chartered Engineers.
74. Members are advised that when determining planning application ref no: 11/00299/FUL in July 2011 for two dwellings at No 59 Blackwell (now known as Nos 57 and 59 Blackwell), officers and the Members of the Planning Applications Committee accepted the submission of an Analysis which had been carried out by a person who fulfilled the "competent person" requirement of Government Guidance and by virtue of a signed Certification the "developer" had confirmed that he had access to the relevant and

appropriate expertise to design and interpret the necessary site investigations to design the appropriate measures for remediation, prevention and precaution. The applicant for 11/00299/FUL is also the applicant for this application and the same form of supporting information has been supplied.

75. Government Guidance states that a local planning authority requires an applicant to carry out a preliminary assessment of a site, including a desk top study to identify risks of land and/or slope stability and if those investigations identify that the risks are acceptable or that risks have been mitigated to an acceptable level, the local planning authority must proceed to a decision subject to any appropriate conditions to mitigate land stability.
76. Officers accept the principle of the proposed stabilisation works and planning conditions have been imposed to secure details of the method of piling and to provide precise details of retaining walls and foundations.
77. Officers consider that based on the submitted information, the development is in accordance with the National Planning Policy Framework 2024 and Government Guidance: Land Stability.

i) Flood Risk and Drainage

78. The planning application has been supported by a Flood Risk Assessment. The River Tees is located to the west of the site, and all existing surface water drainage is taken directly into soakaways within the site boundary. All existing foul drainage is taken into Northumbrian Waters foul drainage network located within Blackwell.
79. The Flood Map produced by the Environment Agency indicates that proposed dwellings are located in Flood Zone 1, with a low probability of flooding. The western edge of the application site does border Flood Zones 2 & 3 but no development is proposed at the in this area other than increasing the height of the already constructed gabion basket retaining wall.
80. Surface water drainage design must take account of the necessary run-off and flow rates arising from the overall development. The rate of discharge from the overall development will be dependent on the time of concentration to the point of discharge. It is proposed that a new drainage system will be incorporated into the development based, as far as reasonably practical, on SUDS (Sustainable Urban Drainage Systems). This may possibly comprise of rainwater harvesting systems and soakaways in conjunction with permeable driveways. Attenuation requirements may also be necessary, dependent upon the drainage design methodology and site outfall requirements such as Environment Agency imposed Greenfield discharge rate. It is envisaged that the foul water drainage will consist of a pumped system from the lower basement areas and be discharged into the existing NWL foul network located in Blackwell. Details of a proposed drainage system for disposal of foul water would be secured by a planning condition.

81. Due to the proximity of Flood Zone 3, it is considered prudent to implement a flood warning system and evacuation plan as well as flood warning notices. It is expected that a flood warning system would incorporate a review of possible extreme conditions for the year ahead, with the necessary events being recorded. At and around the time of these possible events, close monitoring of the Environment Agency's flood information services will be utilised to aid the early warning process and/or to implement the evacuation procedure, if and when necessary. A planning condition has been recommended to secure the submission of a Plan.
82. The Environment Agency and Northumbrian Water have raised no objections to the planning application, but the EA have requested that an Informative is attached to inform the developer of the requirements of the Environmental Permitting (England and Wales) Regulations 2016. The development would accord with Policy DC2 of the Local Plan and the National Planning Policy Framework 2024 in this regard.

j) Nutrient Neutrality

83. 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.
84. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.
85. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.
86. The following information has been submitted in support of the planning application to enable the Local Planning Authority to undertake the Screening Assessment and where necessary Appropriate Assessment:
- Nutrient Budget Calculator (30 September 2024)
 - Countersigned Provisional Nutrient Credit Certificate (NM-D-TCC-1390).

87. This proposal for 1 net additional dwelling would increase the total annual nitrogen load arising by 1.56kg per year. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary in order to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 1.56 credits from the Natural England Tees Catchment credit scheme which is equivalent to the surplus nitrogen of 1.56kg that needs to be mitigated.
88. The applicant has provided a countersigned provisional credit certificate obtained from Natural England which is sufficient evidence for this form of mitigation to be considered robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition to ensure that the required and necessary mitigation is secured and in place has been recommended.
89. The proposed mitigation measures would adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA. As a result, 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 the imposition of the planning condition as set out above.
90. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they have raised no objections

THE PUBLIC SECTOR EQUALITY DUTY

91. 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. A planning condition has been imposed to ensure that the development accords with Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings)

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

92. 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

93. The proposed development involves the demolition of an existing dwelling within the development limits of the urban area and the erection of two replacement dwellings. The new dwellings are of a contemporary, modern design but they do incorporate design features such as pitched roofs and materials that can be found within the existing traditional dwellings within the street. Notwithstanding this, the application site is adjacent to a development site for three modern dwellings, and two further contemporary properties have been constructed (Nos 57 and 59) on Blackwell. The proposed dwellings would integrate well within this new street scene consisting of modern and traditional properties.
94. There are no adverse amenity concerns, subject to the imposition of appropriate planning conditions and there are no highway or flood risk/drainage objections. A net gain in biodiversity has been achieved through a landscaping scheme which would supplement other enhancements such as bat and bird boxes. Nutrient neutrality would be achieved through the purchase of nutrient credits from Natural England.
95. The applicant has submitted a Land Stability Risk Assessment and Officers consider that the planning application has been supported by the appropriate level of information in accordance with Government Guidance.

GRANT PERMISSION SUBJECT TO THE FOLLOWING PLANNING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a) Drawing Number 21076 CD 006 P1 Site Block Plan
 - b) Drawing Number L021034 005 Proposed Site Levels Plan
 - c) Drawing Number 21076 CD 004 P1 Existing and Proposed Section
 - d) Drawing Number 21076 CD 005 P1 Proposed Plan
 - e) Drawing Number 21076 CD 011 P1 Proposed Floor Plans
 - f) Drawing Number 21076 CD 012 P1 Proposed Elevations
 - g) Drawing Number L021034 001 Location Plan

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

3. Prior to the first occupation of each dwelling 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

4. Prior to any site clearance, demolition works and/or the commencement of the development, a site-specific Demolition and Construction Management Plan 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 Report 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 Report 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
 - h. Details of wheel washing.
 - i. Road Maintenance.
 - 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

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

REASON: In the interests of residential amenity

6. Prior to the commencement of the development, a detailed scheme for the disposal of foul water from the basement development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2024.

7. Prior to the first occupation of each dwelling, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an appropriate plan is in place times of extreme flood events

8. Prior to the commencement of the development, details of the piling method including a method statement, justification for its choice, means of monitoring vibration and a groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed 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 residential amenity

9. The dwellings shall not be constructed above damp proof course until details of the external materials to be used in the carrying out of this permission have been submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

10. Prior to first occupation of the development hereby permitted, precise details of the means of enclosure on all existing and proposed boundaries for the site shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include the height, location, design, materials, colour scheme and elevations (including elevations to show any stepped arrangements in the rear gardens) of the means of enclosure. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be erected prior to the first occupation of each dwelling

REASON - To safeguard the visual amenities of the locality and privacy of adjoining properties.

11. Prior to the commencement of development, an Arboricultural Impact Assessment; an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved, in writing, by the Local Planning Authority as recommended in the submitted document entitled "Preliminary Ecological Appraisal, 51 Blackwell, Darlington, DL3 8QY" produced by Ecoserv and dated January 2025. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON - To enable the Local Planning Authority to ensure the retention of existing trees on and around the site and their protection from damage during the construction phase, in the interests of visual amenity.

12. Notwithstanding the details shown on the approved plans and the submitted Land Stability Risk Assessment dated October 2024 and produced by Simpson Coulson Limited, precise details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development:

- a) Existing and proposed site levels within the application site and across neighbouring land at points to be agreed with the Local Planning Authority
- b) Finished floor levels for existing dwellings and proposed dwellings
- c) Proposed Street Scene plans
- d) Proposed Rear View of the Proposed Development Plan including gabion wall location and details
- e) Details of retaining walls including, dimensions, construction details and location

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

13. No additional windows or other openings shall be formed within either dwelling hereby approved without planning permission first being obtained from the Local Planning Authority.

REASON - To protect the amenities of the neighbouring properties against increased overlooking with resultant loss of privacy,

14. The windows formed in the south facing elevation of the dwelling adjacent to No 49 Blackwell, Darlington shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the neighbouring property.

15. No dwelling shall be constructed above damp proof course until precise of privacy screens for the balcony areas on each dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be in place prior to the first occupation of each dwelling. The screens shall not be replaced or removed without planning permission first being obtained from the Local Planning Authority

REASON - To protect the amenities of the neighbouring properties against increased overlooking with resultant loss of privacy,

16. No dwelling shall be constructed above damp proof course, until a scheme for the provision and management of a buffer zone alongside the River Tees has been submitted to and agreed in writing by the Local Planning Authority. The buffer zone to

be identified as land between the River Tees and existing gabion wall should be without structures, hardstanding, footpaths, fences and should not include domestic gardens or formal landscaping. The buffer zone needs to be designed and managed to develop this natural character. The development shall not be carried out otherwise than in complete accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- a) Plans showing the extent and layout of the buffer zone
- b) Details of the planting scheme (for example, native species)
- c) Details demonstrating how the buffer zone will be protected during development and management/maintained over the longer term.

REASON - Development that encroaches on watercourses has a potentially severe impact on their ecological value and the creation of a buffer zone will ensure protection of the habitat corridor to allow the movement of species along the watercourse.

17. The development hereby approved shall be constructed as self-build and custom dwellings within the definitions of self-build and custom house building in the 2015 Self Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act):

- a) The first occupation of the dwellings hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwellings.
- b) The Council shall be notified, in writing, of the persons who intend to take up first occupation of the dwelling at least two months prior to the first occupation.

REASON – To ensure that the development complies with the self-build and custom house building definition and to ensure that the development is an exempt from the mandatory net gain in biodiversity requirements set out in local and national development plans.

18. No dwelling shall be constructed above damp proof course until precise details of measures to reduce the need for energy consumption and make the development energy efficient have 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

19. Prior to the first occupation of each dwelling, precise details of safe and secure cycle parking storage for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with agreed details, which shall be installed prior to the first

occupation of the dwelling and remain in situ for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

REASON: To encourage the use of sustainable modes of transport in accordance with Policy IN4 of the Darlington Local Plan 2016 – 2036.

20. Prior to the first occupation of each dwelling, precise details of refuse storage areas for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with agreed details, which shall be installed prior to the first occupation of the dwelling and remain in situ for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the amenity of the area

21. Prior to the first occupation of each dwelling, precise details of an electric vehicle charging point for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The minimum requirement would be a simple phase 13-amp socket. The development shall not be carried out otherwise than in complete accordance with agreed details, which shall be installed prior to the first occupation of the dwelling and remain in situ for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

REASON: To encourage the use of sustainable modes of transport in accordance with Policy IN4 of the Darlington Local Plan 2016 – 2036.

22. Should the internal driveway for the dwellings hereby approved be constructed from gravel or other forms of unbound material, the first two metres back from the edge of the public highway of the internal driveway shall be constructed in a sealed material.

REASON: In order to prevent loose material from being deposited on the public highway

23. No dwelling shall be occupied until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details shown on the approved plans. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

24. Notwithstanding any planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 184 of the Highways Act 1980 has been entered into between the Developer and Darlington Borough Council as the Local Highway Authority. For the avoidance of doubt, to carry out works within the highway without a formal Agreement in place is an offence under the Highways Act 1980.

REASON: To provide for appropriate vehicle and pedestrian access facilities in the interests of highway safety and the general amenity of the development.

25. The development hereby approved shall not be carried out otherwise than in complete accordance with the Conclusions and Recommendations set out in Section 6 of the submitted document entitled "Preliminary Ecological Appraisal, 51 Blackwell, Darlington, DL3 8QY" produced by Ecoserv and dated January 2025

REASON: In the interests of the biodiversity of the site and local area

26. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted document entitled "Sensitive Lighting Strategy" dated July 2025. For the avoidance of doubt, no external lighting shall be installed within the application site and on the dwellings other than the lighting detailed in the Strategy without first obtaining formal consent from the Local Planning Authority

REASON: In the interests of the biodiversity of the site and local area

27. The development hereby approved shall not be carried out otherwise than in complete accordance with the Conclusions and Recommendations set out in Section 6 of the submitted document entitled "Bat Activity Survey Report, 51 Blackwell, Darlington, DL3 8QY" produced by Ecoserv and dated July 2025

REASON: In the interests of the biodiversity of the site and local area

28. Notwithstanding Conditions 25 and 27, no dwelling shall be constructed above damp proof course until precise details of bat roosting and bird nesting features have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed details which shall be retained for the lifetime of the development.

REASON: In the interests of the biodiversity of the site and local area

29. Notwithstanding Condition 25 and prior to the commencement of development, including any demolition and clearance works, a Working Method Statement for the protection of otters shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the Statement shall be outlined to contractors on site as a toolbox talk, prior to any clearance works commencing in accordance with the document entitled "Preliminary Ecological Appraisal, 51 Blackwell, Darlington, DL3 8QY" produced by Ecoserv and dated January 2025

REASON: In the interests of the biodiversity of the site and local area

30. Notwithstanding Condition 25 and prior to the commencement of development, including any demolition and clearance works, a Working Method Statement for the

protection of reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the Statement shall be outlined to contractors on site as a toolbox talk, prior to any clearance works commencing in accordance with the document entitled "Preliminary Ecological Appraisal, 51 Blackwell, Darlington, DL3 8QY" produced by Ecoserv and dated January 2025

REASON: In the interests of the biodiversity of the site and local area

31. Notwithstanding Condition 25 and prior to the commencement of development, including any demolition and clearance works, an invasive species management plan outlining the methods used to ensure management and biosecurity throughout the development shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the biodiversity of the site and local area

32. No dwelling shall be constructed above damp proof course until a landscaping scheme based on Section 4, Figure 3 of the submitted document entitled "Biodiversity Net Gain Statement 51 Blackwell Darlington DL3 8QY" produced by Ecoserv and dated August 2025, has been submitted to, and approved in writing by, the Local Planning Authority. The agreed 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, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of 30 years to the satisfaction of the Local Planning Authority.

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

33. Notwithstanding Condition 32, development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed.
- b) Ecological trends and constraints on site that may influence management.
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans.
- d) Description of the management operations necessary to achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a works schedule, including annual works schedule.
- g) Details of the monitoring needed to measure the effectiveness of management.
- h) Details of the timetable for each element of the monitoring programme.

- i) Details of the persons responsible for the implementation and monitoring.
- j) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- k) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

REASON: To enhance biodiversity in accordance with the National Planning Policy Framework.

34. The dwellings hereby approved shall be constructed to meet building regulation M4(2) (Accessible and Adaptable Dwellings) as a minimum.

REASON – To ensure that new dwellings provide quality living environments for residents both now and in the future in accordance with policy H4 of the Darlington Local Plan 2016 – 2036

35. 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 each dwelling 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.

36. The garages for each dwelling hereby approved 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.

INFORMATIVES

Highways

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.

Land Contamination

Any material/soil imported onto the development site must be suitable for use and free from contamination.

Environment Agency

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

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

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

enquiries@environment-agency.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.