



DARLINGTON

Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 10 July 2024

Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Appointment of Chair for the Municipal Year 2024/2025
3. Appointment of Vice-Chair for the Municipal Year 2024/25
4. To consider the times of meetings of this Committee for the Municipal Year 2024/2025 on the dates agreed in the Calendar of Meetings by Cabinet at Minute C106/Feb/24
5. To Approve the Minutes of the Meeting of this Committee held on 15 May 2024 (Pages 5 - 46)
6. Declarations of Interest
7. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 47 - 48)
8. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 49 - 50)
 - (a) New Blackwell Lawn Tennis Club (Pages 51 - 60)
9. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
10. Questions

PART II

11. Notification of Decision on Appeals -

The Chief Executive will report that the Inspectors appointed by the Secretary of State for the Environment have: -

- (a) Dismissed the appeal by Mr Kieran Meredith against this authority's decision to refuse permission for application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and removal of condition 3 (garage/car parking) attached to planning permission 21/01226/FUL dated 12 December 2021 (Erection of a two storey side extension to provide a garage/dining room with bedroom above) to permit the conversion of garage into habitable space, the replacement of the garage door with a window, and the provision of 1 no. additional car parking space to the front (amended description) at 32 Clowbeck Court, Darlington, DL3 0BB (23/00823/FUL) (copy of Inspector's decision enclosed).
- (b) Dismissed the appeal by Ryan Beaumont, Beaumont and Partner Ltd, against this authority's decision to refuse permission for erection of a single storey rear extension, dormer window to rear elevation, cycle storage area and erection of boundary wall 2372mm in height with external doors into back lane (part retrospective) description amended by plans and updated planning statement received 08/02/2024) (as amended by plans received 26/01/2024 and 02/02/2024) at 93 Pensbury Street, Darlington, DL1 5LJ (23/00100/FUL) (copy of Inspector's decision enclosed).

Recommended – That the reports be received.

(Pages 61 - 74)

12. Notification of Appeals -

The Chief Executive will report that: -

- (a) Mr Abobaker Omar has appealed against this Authority's decision to refuse permission for applications submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 2 (opening hours) attached to planning permission 20/00963/FUL (Change of use from off-licence (Use Class E) to a hot food takeaway (Sui Generis) with installation of extraction equipment including external flue to north elevation) dated 18 February 2021 to permit a change in opening hours from 11am - 9pm Monday to Sunday to 11am - 10pm Monday to Sunday (Amended Description) at 55 Neasham Road, Darlington, DL1 4AG (23/01224/FUL).
- (b) Mr Dale Jefferies has appealed against this Authority's decision to refuse permission for Erection of a detached single garage and gym with storage area

above (Resubmission) at 3 Roseberry View, Sadberge, Darlington, DL2 1FH (24/00118/FUL).

- (c) Janine Mitchell has appealed against this Authority's decision to refuse permission for works to trees protected under Tree Preservation Order (No. 3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by upto 3m at Greystones Drive, Darlington (23/00338/TF).

Recommended – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

13. To consider the Exclusion of the Public and Press –

RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.

14. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 28 June 2024 (Exclusion Paragraph No. 7) – Report of the Chief Executive (Pages 75 - 84)
15. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
16. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 2 July 2024

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Haszeldine, Kane, Laing, Lawley, Layton, Lee, McCollom, Robinson and Tostevin.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

PLANNING APPLICATIONS COMMITTEE
Wednesday, 15 May 2024

PRESENT – Councillors Cossins (The Mayor) and Haszeldine (Chair), Allen, Anderson, Beckett, Kane, Laing, Lawley, Lee, McCollom, Robinson and Tostevin.

APOLOGIES – Councillors Ali and Bartch.

ALSO IN ATTENDANCE – Councillors Durham, Holroyd, Snedker and Toms.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Lisa Hutchinson (Principal Planning Officer), Paul Dalton (Democratic and Elections Officer) and David Hand (Head of Service for Planning Policy, Economic Strategy and Environment).

PA82 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA83 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 10 APRIL 2024

RESOLVED – That the Minutes of this Committee held on 10 April 2024, be approved as a correct record.

PA84 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission. Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
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(1) BURTREE GARDEN VILLAGE PHASE 1

22/01342/FULE - Hybrid planning application for full planning permission for Demolition of the existing non designated agricultural buildings/structures; Burtree Garden Village Strategic Access Road from Rotary Way to Burtree Lane internal links to future development and development cell access arrangements, parking, associated hard and soft landscaping, public open spaces, SUDS, drainage infrastructure (inclusive of pumping station) and Burtree Village Park (excluding school playing field), temporary construction and/or maintenance access and any other associated infrastructure and outline planning permission (with all matters reserved, excluding principal access for development cells) for, development of up to 750 dwellings Use Class C3 (inclusive of up to 75 retirement/extra care dwellings C2 and/or C3) and community facilities comprising a school (Class F1.a) and sports pitch provision (Class F2), Nursery (Class E) , public house (sui generis), retail/health care/office spaces (Class E), Community Hall (Class E and/or Class F2), local convenience retail/temporary sales office

(Class E and/or F2), Business Incubator Units (Class E), community spaces within development cells and any associated parking, drainage, SUDs, hard and soft landscaping, open spaces, additional private drive access and other associated infrastructure for outline cells. For the avoidance of doubt planning permission is hereby granted separately and severably for site infrastructure landscaping and development cells identified on plan references Early Delivery and Infrastructure Phase Plan 1015-P5 & Land Use Parameters Plan Phase 1 1019-P4 (Additional Otter & Water Vole Survey 06.03.23, Wintering Bird Survey 24.05.23, SUDS basin plans 24.08.23, Bird Hazard Management Plan 29.09.23, additional and amended reports and plans 17.11.23, amended FRA and plans 19.12.23, WSI and amended plans 20.12.23, amended plan 29.01.24, amended plans 09.02.24, CMP and CEMP 15 February 24, amended reports 7 & 12.03.24, Nutrient Neutrality information received 18 March 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Sustainable Transport Officer, Environmental Officer, Public Rights of Way Officer, Education Department, Climate Change Officer and the Ecology Officer, the views of Highways England, Historic England, Northumbrian Water, the Lead Local Flood Authority, the Environment Agency, Durham County Council's Archaeology Team, Teesside Airport's Air Traffic Engineering Manager, Northern Gas Networks, Network Rail, NHS Tees Valley Clinical Commissioning Group, Sport England, Natural England, twelve letters of objection received, two comments received, one letter of support, the comments of the Friends of Stockton and Darlington Railway, the objections of Whessoe Parish Council, and the views of the Applicant's Agent, two Objectors and three Councillors, whom the Committee heard.)

RESOLVED – That Planning Permission be granted subject to:

(1) A Cabinet resolution in relation to the land currently within the ownership of Darlington Borough Council whereby, if the Council is to develop any part of the land itself, it resolves to comply with the Planning obligations set out below; or if the land is to be developed by a third party, it resolves to enter into an agreement pursuant to Section 111 of the Local Government Act 1972 to ensure that the developer enters into a Section 106 Agreement upon the land coming into their ownership;

(2) The Applicant/Owner for the remainder of the application site entering into a Section 106 Agreement to secure the planning obligations set out below;

The planning obligations referred to above are:

- a) £1,057,744.87 towards off site highway improvements on the A68 corridor
- b) £240,853.73 towards off site highway improvements to the A66 Little Burden Roundabout
- c) £750,000 towards half hourly bus service.
- d) Travel Plan contributions based on:
 - £2850 Travel Plan Monitoring fee
 - Travel Plan Personalised Travel Advice based on £300 per dwelling and £100 per full time employee
 - Travel Plan Implementation Bond based on £200 per dwelling and £50 per full

time employee

- e) Mechanisms for the transfer of the school site,
- f) Details of the offsite nutrient neutrality mitigation and
- g) Methods of securing Biodiversity Net Gain

That upon satisfactory completion and signing of the agreements (to be completed within six months), Planning Permission be granted subject to the conditions and reasons set out below; however, should the agreements not be completed within this prescribed period without written consent of the Council to extend this time, the minded to approve status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Darlington Local Plan 2016-2036, without any further reference to the Planning Committee.

GENERAL PLANNING CONDITIONS RELATING TO THE WHOLE SITE

1. The development hereby permitted (including demolition) shall be built in accordance with the approved Plans and documents for the full planning consent (listed at Condition 27)and in general accordance with the approved Plans (including Parameter Plans) and documents in relation to the outline planning consent (listed at condition 44). This is unless a further planning application specific to one or more of the severable phases/areas and/or development cells shown on the following approved plans is submitted and approved by the Council in substitution for that part of the approved development.

- Phase 1 - Hybrid Planning Application Plan 1017 Rev P4
- Early Delivery and Infrastructure Plan 1015 Rev P5
- Indicative Areas Plan 007 Rev P5
- Land Use Parameter Plan 1003 Rev P4
- Landscape Strategy Plan NT15003-006 Rev J
- Access and Movement Plan 1007 Rev P4

If such further planning application is approved, the remaining severable areas may still be developed as approved in this Planning Permission, it being intended that this Planning Permission should permit each severable area separately and severably from the others.

REASON – For the avoidance of doubt

2. The conditions associated with the planning consent can be discharged in whole or in part for each individual development cell as identified on the Land Use Plan and Indicative Areas Plan.

REASON – For the avoidance of doubt

MASTERPLAN AND DESIGN CODE

3. The development hereby approved should come forward in general accordance with the Burtree Garden Village Masterplan Document dated April 2024 (or any subsequent update approved by the Local Planning Authority) produced by IP Planning Limited unless otherwise agreed in writing with the local authority.

REASON: In order to achieve a satisfactory form of development.

4. The development hereby approved should come forward in accordance with the design principles and key characteristics within the Developer Design Guide and Parcel Code Rev P10 dated March 2024 prepared by ID Partnership

REASON: To ensure the development accords with the vision, objectives and strategic design principles of the Burtree Garden Village

SUSTAINABLE DEVELOPMENT

5. The construction of the spine road and associated infrastructure will commence simultaneously from the south and the north as shown within the Indicative Sustainable Delivery Sequence of the agreed Masterplan (Section 11.2 of Burtree Garden Village Masterplan Document Rev P6 April 2024 and produced by ID Partnership), or any subsequent update approved by the local authority.

REASON: To ensure the sustainable infrastructure is brought forward at the earliest stage to ensure the Phase 1 development has appropriate sustainable connectivity to existing nearby services and facilities.

6. No dwellings in outline development cells A to J and P shall be occupied until all the work contained within the defined Infrastructure Delivery Boundary as shown within the Indicative Sustainable Delivery Sequence of the agreed Masterplan (Section 11.2 of Burtree Garden Village Masterplan Document Rev P6 April 2024 and produced by ID Partnership or any updated document agreed with the Local Planning Authority) have been completed unless otherwise agreed in writing by the Local Planning Authority

REASON: To ensure the sustainable infrastructure is brought forward at the earliest stage to ensure the Phase 1 development has appropriate sustainable connectivity to existing nearby services and facilities.

DEMOLITION OF NON DESIGNATED HERITAGE ASSETS

7. Prior to the commencement of any work requiring demolition of existing agricultural buildings at High Faverdale Farm or Whessoe Grange Farmhouse as shown on Drawing Number 1000 Rev D1, Level 2 recordings of the buildings subject to demolition shall be submitted to and approved in writing by the Local Planning Authority prior to the demolition of the relevant buildings. For the avoidance of doubt, separate building recordings can be submitted to enable the demolition of High Faverdale Farm and Whessoe Grange Farmhouse separately.

REASON – To ensure that non designated heritage assets are appropriately recorded prior to any work requiring demolition in accordance with Policy ENV1 of the Darlington Local Plan and the National Planning Policy Framework 2023

ARCHAEOLOGY

8. Prior to the commencement of development associated with outline cells Archaeological Investigations in the form of evaluation trenching should take place for the relevant cell in accordance with the Written Scheme of Investigation 22390 V3 received in October 2023. For the avoidance of doubt, the Written Scheme of Investigation identifies separate evaluation projects for the infrastructure phase and outline development cells as identified in this planning consent. Evaluation trenching for the infrastructure phase is complete.

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework

PUBLIC RIGHTS OF WAY

9. Any footpaths provided in the development shall be carried out in accordance with Movement and Access Plan ref. N81-2724 1007 Rev P4

REASON: To assist with any Stopping Up application through Sections 247 (and 248) of the Town and Country Planning Act 1990 (as amended)

10. The Phase 1 Landscape Strategy ref. NT15003-006 Rev J and Detail Landscape PRoW Plan ref. NT15003-128 Rev B shall be implemented in accordance with the submitted details.

REASON: To assist with any Stopping Up application through Sections 247 (and 248) of the Town and Country Planning Act 1990 (as amended)

TRAVEL PLAN

11. Notwithstanding the approved Area Travel Plan framework, the Area Travel Plan Coordinator (TPC) will be appointed 1 year prior to occupation of dwellings or non-residential buildings and confirmation will be provided to the local authority. The approved Area Travel Plan Framework for Burtree Garden Village dated November 2023 and produced by SAJ Transport Consultants shall be added to the Modeshift Stars Community / Modeshift Stars Business/Residential site, and the Framework Travel Plan shall be continued in accordance with the details contained therein, including the submission and approval of annual reviews until the five years post completion of the site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling and comply with policy IN3 of the adopted Darlington Local Plan.

TREES

12. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations within the approved Arboricultural Impact Assessment (including its appended Tree Protection Plan) for Burtree Garden Village Version 4 produced by Wardell Armstrong dated February 2024 unless otherwise agreed in writing by the Local Planning Authority

REASON – In the interests of good arboricultural practice

LANDSCAPE MANAGEMENT PLANS

13. The development hereby approved shall not be carried out otherwise than in complete accordance with the objectives and recommendations set out within the submitted Landscape and Ecology Management Plan for Burtree Garden Village Version 3 produced by Wardell Armstrong dated April 2024 and the Open Space and Landscape Management Strategy Version 4 produced by Wardell Armstrong dated April 2024 unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interest of achieving a satisfactory form of development

ECOLOGY AND BIODIVERSITY NET GAIN

14. The development hereby approved shall not be carried out otherwise than in accordance with the requirement of the District Newt License

REASON – In the interests of protecting habitats and protected species.

15. All site clearance works such as clearance of tall grassland and other such vegetated habitats suitable for nesting birds including tree and hedgerow removals shall be carried out outside of the nesting season, which is defined as running from March to August, inclusive. If this is not feasible for any reason, a nesting bird survey must be carried out by a suitably qualified ecologist shortly prior to and within 48 hours of the start of works to ensure no active nests are present. In the event that any active nests are found during this survey or at any point during the works, a suitable exclusion zone should be put around the nest, with no work taking place in this area until such time as the nest can be confirmed as no longer active.

REASON – In the interests of protecting habitats and protected species.

16. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted Updated Biodiversity Offsetting Assessment for Burtree Garden Village Phase 1 Version 2 produced by Wardell Armstrong dated February 2024 unless otherwise agreed in writing by the Local Planning Authority

REASON – To ensure the development complies with policies ENV7 and ENV8 of the Darlington Local Plan

17. As set out in the submitted Update Bat Survey Report for Burtree Garden Village Version 1 by Wardell Armstrong dated December 2022 prior to the commencement of any works impacting upon or requiring removal of buildings or trees with bat roost potential, a Mitigation Licence shall be obtained by a suitably qualified ecologist who can demonstrate a good knowledge of bat mitigation/licensing.

REASON - In the interests of protecting habitats and protected species.

18. The development hereby approved shall not be carried out otherwise than in complete accordance with the Avoidance, Mitigation and Compensation and Enhancement measures set out in Sections 5.3 and 5.4 of the submitted Update Bat Survey Report for Burtree Garden Village Version 1 by Wardell Armstrong dated December 2022 unless otherwise agreed in writing by the Local Planning Authority

REASON - In the interests of protecting habitats and protected species.

19. Prior to the commencement of any works within 30m of The Dene Beck watercourse, a Working Method Statement checking for the presence of Otters shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall set out, but not be limited to, that if works are proposed within 30m of the watercourse, a walkover of the riparian corridor within the site boundary and 200m either side will be carried out to check for otter presence and the walkover should be no less than 48hrs prior to the commencement of operations. The development shall not be carried out otherwise than in complete accordance with the approved Statement unless otherwise agreed in writing by the Local Planning Authority

REASON - In the interests of protecting habitats and protected species.

20. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted Biodiversity Management and Maintenance Plan for Burtree Garden Village Version 3 produced by Wardell Armstrong dated February 2024 unless otherwise agreed in writing by the Local Planning Authority

REASON - To ensure the development complies with policies ENV7 and ENV8 of the Darlington Local Plan

21. Prior to the first use of the infrastructure hereby approved or the first occupation of the development whichever is earliest, a Veteran Tree Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority

REASON – To protect the veteran trees to be retained on site.

22. Prior to the first use of the infrastructure hereby approved or the first occupation of the development whichever is earliest, a Black Poplar tree survey and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning

Authority

REASON - To protect the Black Poplar trees to be retained on site.

23. Prior to the first use of the infrastructure hereby approved or the first occupation of the development whichever is earliest, precise details of a scheme for the erection of owl boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the agreed Plan unless otherwise agreed in writing by the Local Planning Authority

REASON: - In the interests of protecting habitats and protected species

FLOOD RISK AND DRAINAGE

24. The development shall not be carried out otherwise than in complete accordance with the submitted Flood Risk and Drainage Strategy Report (Parts 1 to 4 Burtree Garden Village Revision G prepared by Portland Consulting Engineers). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASONS - To reduce the risk of off-site flood risk and flooding elsewhere and to reduce the risk of flooding to the proposed development and future occupants.

25. The development shall not be carried out otherwise than in complete accordance with the submitted SUDs Management and Maintenance Plan Rev B dated December 2023 and produced by Portland Consulting Engineers unless otherwise agreed in writing by the Local Planning Authority.

REASONS - To reduce the risk of off-site flood risk and flooding elsewhere and to reduce the risk of flooding to the proposed development and future occupants.

26. The development of strategic infrastructure, development cell access and strategic landscaping shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy Report Revision G" dated "December 2023". The drainage scheme hereby approved shall ensure that foul flows from phase 1 discharge to the public foul sewer at manhole 9202.

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

FULL PLANNING PERMISSION CONDITIONS

27. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

28. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing Number 1000 D1 Demolition Plan
- Drawing Number 001 01 Rev B Road Layout Sheet 1 of 8
- Drawing Number 001 02 Rev C Road Layout Sheet 2 of 8
- Drawing Number 001 03 Rev B Road Layout Sheet 3 of 8
- Drawing Number 001-04 Rev B Road Layout Sheet 4 of 8
- Drawing Number 001 05 Rev C Road Layout Sheet 5 of 8
- Drawing Number 001-06 A Road Layout Sheet 6 of 8
- Drawing Number 001-07 A Road Layout Sheet 7 of 8
- Drawing Number 001-08 A Road Layout Sheet 8 of 8
- Drawing Number 001 09 Rev A Road Layout Burtree Lane
- Drawing Number 001 10 Rev A Road Layout Rotary Way West
- Drawing Number 001 11 Rev A Road Layout Rotary Way Roundabout
- Drawing Number 001 12 Road Layout Rotary Way East
- Drawing Number 002 01 Rev E Longitudinal Sections Sheet 1 of 12
- Drawing Number 002 02 Rev D Longitudinal Sections Sheet 2 of 12
- Drawing Number 002 03 Rev C Longitudinal Sections Sheet 3 of 12
- Drawing Number 002 04 Rev C Longitudinal Sections Sheet 4 of 12
- Drawing Number 002 05 Rev C Longitudinal Sections Sheet 5 of 12
- Drawing Number 002 06 Rev C Longitudinal Sections Sheet 6 of 12
- Drawing Number 002 07 Rev D Longitudinal Sections Sheet 7 of 12
- Drawing Number 002 08 Rev C Longitudinal Sections Sheet 8 of 12
- Drawing Number 002 09 Rev C Longitudinal Sections Sheet 9 of 12
- Drawing Number 002 10 Rev B Longitudinal Sections Sheet 10 of 12
- Drawing Number 002 11 Rev C Longitudinal Sections Sheet 11 of 12
- Drawing Number 002 12 Rev B Longitudinal Sections Sheet 12 of 12
- Drawing Number 004 01 Rev B Section 38 Road Construction Details Sheet 1 of 4
- Drawing Number 004 02 Rev B Section 38 Road Construction Details Sheet 2 of 4
- Drawing Number 004 03 Rev B Section 38 Road Construction Details Sheet 3 of 4
- Drawing Number 004 04 Rev B Section 38 Road Construction Details Sheet 4 of 4
- Drawing Number 006 01 Rev C Kerb and Surface Finishes Layout Sheet 1 of 11
- Drawing Number 006 02 Rev C Kerb and Surface Finishes Layout Sheet 2 of 11
- Drawing Number 006 03 Rev C Kerb and Surface Finishes Layout Sheet 3 of 11
- Drawing Number 006 04 Rev E Kerb and Surface Finishes Layout Sheet 4 of 11
- Drawing Number 006 05 Rev D Kerb and Surface Finishes Layout Sheet 5 of 11
- Drawing Number 006 06 Rev D Kerb and Surface Finishes Layout Sheet 6 of 11
- Drawing Number 006 07 Rev B Kerb and Surface Finishes Layout Sheet 7 of 11
- Drawing Number 006 08 Rev B Kerb and Surface Finishes Layout Sheet 8 of 11
- Drawing Number 006-09 B Proposed Roundabout Burtree Lane Kerb and Surface Finishes Road Construction Details
- Drawing Number 006 11 Rev O Kerb and Surface Finishes Layout Sheet 11 of 11

- Drawing Number 006 10 Rev A Existing Roundabout Rotary Way
- Drawing Number 007 02 Rev C Section 38 Layout
- Drawing Number 007 03 Rev A Contour Plan
- Drawing Number 014 01 Rev C White Lining Layout Sheet 1 of 8
- Drawing Number 014 02 Rev C White Lining Layout Sheet 2 of 8
- Drawing Number 014 03 Rev C White Lining Layout Sheet 3 of 8
- Drawing Number 014 04 Rev C White Lining Layout Sheet 4 of 8
- Drawing Number 014 05 Rev B White Lining Layout Sheet 5 of 8
- Drawing Number 014 06 Rev B White Lining Layout Sheet 6 of 8
- Drawing Number 014 07 Rev B White Lining Layout Sheet 7 of 8
- Drawing Number 014 08 Rev A White Lining Layout Sheet 8 of 8
- Drawing Number 014 09 Rev A Existing Roundabout Rotary Way White Lining
- Drawing Number 014 10 Proposed Roundabout Rotary Way White Lining
- Drawing Number 015-01 Visibility Splay Layout Phase 1 Infrastructure Sheet 1 of 5
- Drawing Number 015-02 Visibility Splay Layout Phase 1 Infrastructure Sheet 2 of 5
- Drawing Number 015-03 Visibility Splay Layout Phase 1 Infrastructure Sheet 3 of 5
- Drawing Number 015-04 Visibility Splay Layout Phase 1 Infrastructure Sheet 4 of 5
- Drawing Number 015-05 Visibility Splay Layout Phase 1 Infrastructure Sheet 5 of 5
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 1 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 2 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 3 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 4 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 5 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 6 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 7 of 8
- Drawing Number NT15003-124 D Detailed Planting Plan Sheet 8 of 8
- Drawing Number NT15003-128 B Detail Landscape PROW Plan
- Drawing Number NT15003-006 I Phase 1 Landscape Strategy
- Drawing Number NT15003-008A SUDS Basin 1 Planting
- Drawing Number NT15003-008A SUDS Basin 2 Planting
- Drawing Number NT15003-008A SUDS Basin 3 Planting
- Drawing Number NT15003-008A SUDS Basin 4 Planting
- Drawing Number NT15003-008A SUDS Basin 5 Planting
- Drawing Number NT15003-008A SUDS Basin 6 Planting
- Drawing Number NT15003-008A SUDS Basin 8 Planting
- Drawing Number NT15003-008A SUDS Basin 9 Planting
- Drawing Number NT15003-008A SUDS Basin 10 Planting
- Drawing Number NT15003-008A SUDS Basin 12A Planting
- Drawing Number NT15003-008 A SuDS Basin Detailed Planting Plan Basin 13
- Drawing Number NT15003-008 A SuDS Basin Detailed Planting Plan Basin 14
- NT15003-008A SUDS Basin 15 Planting
- Drawing Number TS/DBC/2023028/CA/2 ELV Toucan Civils Element

- Drawing Number TS/DBC/2023028/CA/3 ELV Toucan Loops Element
- Drawing Number TS/DBC/2023028/CA/1 ELV Toucans Signals Element
- Drawing Number 005-34 Pumping Station Compound and Access Layout and Levels
- Drawing Number 015-06 Proposed Roundabout Burtree Lane Proposed Forward Visibility on Approach (SSD)
- Drawing Number 015-07 Proposed Roundabout Burtree Lane Proposed Forward Visibility Measured at Entry
- Drawing Number 015-08 Proposed Roundabout Burtree Lane Visibility to Right Along Circulatory Carriageway Measured at Give Way Line
- Drawing Number 015-09 Proposed Roundabout Burtree Lane Visibility to Right Along Circulatory Carriageway Measured 15m Give Way Line
- Drawing Number 015-10 - Proposed Roundabout Burtree Lane Proposed Circulatory Visibility
- Drawing Number 015-11 Proposed Roundabout Burtree Lane Proposed Geometric Design
- Drawing Number 015-12 Existing Roundabout Rotary Way Proposed Visibility
- Drawing Number 015-13 Existing Roundabout Rotary Way Proposed Geometric Design
- Drawing Number 015-14 Proposed Roundabout Burtree Lane Proposed Forward Visibility on Approach (SSD)
- Drawing Number 017-01 16.5m HGV Tacking Phase 1 Infrastructure
- Drawing Number 017-02 Bus Stop Tracking Phase 1 Infrastructure
- Drawing Number 017-03 Refuse Tracking Phase 1 Infrastructure Sheet 1
- Drawing Number 017-04 Refuse Tracking Phase 1 Infrastructure Sheet 2
- Drawing Number 017-05 Refuse Tracking Phase 1 Infrastructure Sheet 3
- Drawing Number 017-06 Refuse Tracking Phase 1 Infrastructure Sheet 4
- Drawing Number 017-07 Refuse Tracking Phase 1 Infrastructure Sheet 5
- Drawing Number 017-08 Refuse Tracking Phase 1 Infrastructure Sheet 6
- Drawing Number 017-09 Refuse and Bus Tracking Phase 1 Infrastructure
- Drawing Number 017-10 HGV Tracking Burtree Lane Sheet 1
- Drawing Number 017-11 HGV Tracking Burtree Lane Sheet 2
- Drawing Number 017-12 HGV Tracking Burtree Lane Sheet 3
- Drawing Number 017-13 Refuse Tracking Burtree Lane Sheet 1
- Drawing Number 017-14 Refuse Tracking Burtree Lane Sheet 2
- Drawing Number 017-15 Refuse Tracking Burtree Lane Sheet 3
- Drawing Number 017-16 10m Rigid Tracking Burtree Lane Sheet 1
- Drawing Number 017-17 10m Rigid Tracking Burtree Lane Sheet 2
- Drawing Number 017-18 10m Rigid Tracking Burtree Lane Sheet 3
- Drawing Number 017-19 Large Car Tracking Burtree Lane Sheet 1
- Drawing Number 017-20 Large Car Tracking Burtree Lane Sheet 2
- Drawing Number 017-21 Large Car Tracking Burtree Lane Sheet 3
- Drawing Number 017-22 HGV Tracking Rotary Way Sheet 1
- Drawing Number 017-23 HGV Tracking Rotary Way Sheet 2
- Drawing Number 017-24 HGV Tracking Rotary Way Sheet 3
- Drawing Number 017-25 Refuse Tracking Rotary Way Sheet 1
- Drawing Number 017-26 Refuse Tracking Rotary Way Sheet 2
- Drawing Number 017-27 Refuse Tracking Rotary Way Sheet 3

- Drawing Number 017-28 10m Rigid Tracking Rotary Way Sheet 1
- Drawing Number 017-29 10m Rigid Tracking Rotary Way Sheet 2
- Drawing Number 017-30 10m Rigid Tracking Rotary Way Sheet 3
- Drawing Number 017-31 Large Car Tracking Rotary Way Sheet 1
- Drawing Number 017-32 Large Car Tracking Rotary Way Sheet 2
- Drawing Number 017-33 Large Car Tracking Rotary Way Sheet 3
- Drawing Number NT15003-129 Temporary Landscape Street Barriers
- Drawing Number 005-01 Drainage Construction Details
- Drawing Number 006 10 Rev A Existing Roundabout Rotary Way
- Drawing Number 014 09 Rev A Existing Roundabout Rotary Way White Lining
- Drawing Number 014 10 Rev O Proposed Roundabout Rotary Way White Lining
- Drawing Number 1027 P2 Revised PROW Plan
- Drawing Number 1018 P2 Illustrative Masterplan Parameter Plan
- Drawing Number 1024 P1 Illustrative Masterplan Parameter Plan Phase 1
- Drawing Number 1008 P2 Indicative Phasing Plan
- Drawing Number 1003 P4 Land Use Plan (Context Masterplan Parameters)
- Drawing Number 1016 P2 Site Location Plan
- Drawing Number 1001 P1 Topographical Survey Plan
- Drawing Number 1002 P1 Aerial Plan
- Drawing Number 010 P2 Ownership Plan
- Drawing Number 1005 P3 Building Storey Heights Plan
- Drawing Number 1006 P3 Density Parameter Plan
- Drawing Number 007 P5 Indicative Areas Plan (Context Masterplan Parameters)
- Drawing Number 1015 P5 Early Delivery and Infrastructure Plan (Phase 1)
- Drawing Number 1027-P2 Proposed PROW Plan

REASON: To ensure that the development is carried out in accordance with the detailed planning permission

HIGHWAYS

29. The completion of all highway works submitted in detail (access road and associated access points) , including any phasing, must be carried out in complete accordance with the Infrastructure South and North Schedules/Programmes contained within Appendix 10 and 11 of the submitted Construction Management Plan for Burtree Garden Village Version 2.0 dated February 2024 and produced by Environmental Monitoring Solutions Limited unless otherwise agreed in writing by the Local Planning Authority

REASON - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

30. The following schemes of off-site highway mitigation measures must be completed in accordance with the approved plans and prior to the first occupation of any dwelling or other building:
- a) Delivery of a safe means of vehicular, pedestrian and cycle access via the construction of a 4th arm on the existing roundabout:
 - b) Delivery of additional offsite footway and cycling crossing facilities and associated

carriageway works on Rotary Way which connect to existing pedestrian and cycleway infrastructure:

- c) Completion of a signalised pedestrian/cycle crossing on Rotary way:
- d) Completion of required carriageway resurfacing, signing, lining, lighting, and drainage works associated with the above mitigation works.
- e) Completion of access to pumping station and associated works off Rotary Way including earthworks, fencing and gates (gates must not open outward over the adopted highway).

An independent Stage 2 Road Safety Audit for the offsite highway works, carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be submitted to and approved in writing by the Local Planning Authority and any design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme

REASON - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

31. The following schemes of off-site highway mitigation measures must be completed in complete accordance with the approved plans and prior to the first occupation of any dwelling and any other building:

- a) Construction of a new roundabout access at Burtree Lane with associated works,
- b) Construction of improved crossing facilities at the Whessoe Road/Elmtree Street junction
- c) Construction of offsite pedestrian links to nearby infrastructure
- d) Completion of required carriageway resurfacing, signing, lining, lighting, and drainage works associated with the above mitigation works.

An independent Stage 2 Road Safety Audit for the offsite highway works, carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be submitted to and approved in writing by the Local Planning Authority and any design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

REASON - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

32. The point closure details shown on Drawing Number NT15003 – 129 shall be installed

prior to the first use of the infrastructure and must remain in place to prevent through traffic until such a time as required offsite highway mitigation works are completed as identified in the Darlington Local Plan to the satisfaction of the Local Highway Authority.

REASON: In the interests of highway safety and to ensure the expeditious movement of traffic on the local highway network.

33. Notwithstanding the requirements for a Stage1/2 RSA at submission of detailed design. Prior to the use of infrastructure further independent Stage 3 & 4 Road Safety Audits must be carried out in accordance with GG119 - Road Safety Audits or any superseding regulations. Audits Shall Cover all off-site highway works on Rotary Way and Burtree Lane as well as the internal highway infrastructure submitted in detail (spine road) as part of this application (22/01342/FULE). The design proposals must be amended in accordance with the recommendations of the submitted Safety Audit within a timescale to be agreed in writing with the Local Planning Authority.

REASON: to ensure that the design is appropriate in the interests of the access, safety, and convenience of highway users.

BUS SERVICE INFRASTRUCTURE

34. Prior to the first use of the infrastructure hereby approved, a public transport route within the development shall be submitted to and approved by the Local Planning Authority, in order to facilitate future provision of a safe and appropriate bus service.

REASON: A bus service route is required to ensure that 80% of the site is served by a regular (half hourly) bus service, for access to key services, such as employment, health services, education, leisure and main shopping areas, in accordance with Local Plan, Policy IN 2

LAND CONTAMINATION

35. Any contamination not considered in any previous site investigation for the infrastructure phase 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

36. Any other Remediation and Verification works for the infrastructure works resulting from condition 35 shall be conducted, supervised and documented by a "suitably

competent person(s)" and in accordance with an agreed Phase 3 Remediation and Verification Strategy or other 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. Where necessary for the infrastructure phase (unexpected contamination) a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. Where applicable, the development shall not be brought into use 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 and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

LANDSCAPING SCHEME

37. Any trees or shrubs within the approved landscaping scheme that are 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 and in the interests of the visual amenities of the area.

BIRD HAZARD MANAGEMENT PLAN

38. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted Bird Hazard Management Plan for Burtree Garden Village Version 2 produced by Wardell Armstrong dated September 2023 unless otherwise agreed in writing by the Local Planning Authority

REASON: It is necessary to manage the flat roofs to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Teesside Airport.

GENERAL AMENITY

39. The infrastructure phase of the development hereby approved in detail shall not be carried out other than in complete accordance with the submitted Construction Environmental Management Plan by Environmental Monitoring Solutions dated

February 2024 Version 2 and Appendices, and Construction Management Plan by Environmental Monitoring Solutions dated February 2024 Version 2.0 and Appendices, unless otherwise agreed in advance and in writing with the Local Planning Authority.

REASON – In the interest of residential amenity and highway safety

40. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interests of the amenity of the area

ARCHAEOLOGY CONDITIONS

41. Development of the infrastructure phase as defined in the full planning consent shall take place in accordance with the targeted Strip Map and Record Written Scheme of Investigation 23334 submitted in December 2023. For the avoidance of doubt the programme of archaeological work is only necessary in the areas identified on Figure 2 of Strip Map and Record Written Scheme of Investigation 23334

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework

42. The infrastructure phase subject to full planning consent shall not be brought into use until any necessary post investigation assessment has been completed in accordance with the approved Strip Map and Record Written Scheme of Investigation 23334 for the infrastructure phase. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework

OUTLINE PLANNING PERMISSION CONDITIONS

43. The submission of reserved matters pursuant to this outline permission shall demonstrate general accordance with the following plans, parameter plans and documents:

- Drawing Number 1019 P3 Land Use Parameter Plan Phase 1
- Drawing Number 1020 P3 Movement and Access Plan Phase 1
- Drawing Number 1021 P3 Density Parameter Plan Phase 1
- Drawing Number 1022 P3 Building Storey Heights Plan Phase 1
- Drawing Number 1018 P2 Illustrative Masterplan Parameter Plan
- Drawing Number 1024 P1 Illustrative Masterplan Parameter Plan Phase 1
- Drawing Number 1006 P3 Density Parameter Plan

- Drawing Number 1017 P4 Hybrid Planning Applications Plan
- Drawing Number 1023 P4 Indicative Areas Plan (Phase 1)

REASON: For the avoidance of doubt.

44. Details of the appearance, landscaping, layout, any secondary means of access where applicable and scale for each outline development cell hereby permitted (hereinafter called “the reserved matters”) 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.

45. Applications for approval of the reserved matters shall be made to the local planning authority not later than fifteen 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.

46. The development hereby permitted in outline shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later

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

47. The application(s) made pursuant to condition 45 shall not propose more than up to 750 dwellings Use Class C3 (inclusive of up to 75 retirement/extra care dwellings C2 and/or C3) and community facilities comprising a school (Class F1.a) and sports pitch provision (Class F2), Nursery (Class E) , public house (sui generis), retail/health care/office spaces (Class E), Community Hall (Class E and/or Class F2), local convenience retail/temporary sales office (Class E and/or F2), Business Incubator Units (Class E), community spaces within development cells and any associated parking, drainage, SUDs, hard and soft landscaping, open spaces, additional private drive access and other associated infrastructure for outline cells unless otherwise agreed in writing by the Local Planning Authority

REASON: For the avoidance of doubt.

NUTRIENT NEUTRALITY

48. No more than 479 of the dwellings hereby permitted shall be occupied prior to the 1st April 2030, the statutory deadline requiring Stressholme Wastewater Treatment Works to operate at the technically achievable limit of 10mg/litre for nitrates¹. Should the technically achievable limit of 10mg/litre for nitrates be operationally achieved before this statutory deadline, details to confirm this shall be submitted to, and approved in writing, by the Local Planning Authority in consultation with

Northumbrian Water and Natural England. Thereafter the remaining dwellings can be occupied. For the avoidance of doubt, should 479 dwellings be delivered in advance of the upgrade to Stressholme Wastewater Treatment Works to operate at the technically achievable limit of 10mg/litre, details of the additional mitigation to facilitate the occupation of additional dwellings would be required to be submitted to and agreed in writing, by the Local Planning Authority in consultation with Natural England

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017 (as updated, amended and superseded).

49. Prior to the occupation of the first dwelling or building within the outline development cells, precise details of the type and location of dog waste bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be installed prior to the first occupation of each development cell.

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

HIGHWAYS

50. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any of the road construction works within the outline development cells, until full detailed engineering drawings of all aspects of roads and sewers for that development cell, including any structures which affect or form part of the highway network, swept path analysis and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

REASON: - To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

51. No development within the outline development cells must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

REASON - To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

52. In relation to each non residential cell identified on the Land Use Parameter Plan P4, there must be no excavation or other groundworks, except for investigative works, or

the depositing of material on the site in connection with the construction of the access road or building(s) at Burtree Garden Village until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) vehicular, cycle, and pedestrian accesses.
- b) vehicular and cycle parking.
- c) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and where appropriate.
- d) loading and unloading arrangements.

No part of the development cell must be brought into use until the vehicle access, parking, manoeuvring, and turning areas for all Non-Residential development 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 at all times.

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

53. Prior to the commencement of development of each outline development cell, precise details of vehicular parking for that cell shall be submitted to and approved in writing by the Local Planning Authority. The design and level of provision shall accord with the Tees Valley Design Guide & Specification for Residential Development or any successor.

REASON: To ensure adequate and satisfactory provision of off-street parking accommodation for vehicles, in the interest of highway safety and the general amenity of the development.

54. No dwelling within the outline development cells must be occupied until the related parking facilities associated with that dwelling 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 at all times.

REASON: To ensure adequate and satisfactory provision of off-street parking accommodation for vehicles, in the interest of highway safety and the general amenity of the development.

55. Prior to the first occupation of development within each outline development cell, precise details of cycle parking and storage provision for each dwelling within that cell shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking details shall include the number, location and design of the cycle stands in accordance with the guidance contained within Cycle Infrastructure Design - Local Transport Note 1/20 July 2020 and shall be in place prior to the occupation of each dwelling.

REASON: In order to promote sustainable modes of transport

56. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on in any outline development cell, until full detailed phasing plans of the internal highway which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority for the relevant development cell. Details shall include roads, turning and access provision (noting principal vehicular access is approved in full for each cell), footway and cycleway links between cells and to bus stops, Safer Routes to Schools and surrounding highway infrastructure highway. The routes shall be high quality, safe (including lighting, to national standards) and easily accessible to local amenities in accordance with guidance contained within the Cycle Infrastructure Design – Local Transport Note 1/20 July 2020. Any new and improved/modified walking and cycling infrastructure must be delivered in a comprehensive and timely manner to ensure the continuity of routes is maintained throughout the construction phase. The development must only be carried out in compliance with the approved engineering drawings and phasing plan.

REASON: To ensure safe and appropriate access and egress and turning facilities to all premises, in the interests of highway safety and the convenience of all prospective highway users.

57. Any garaging (integral or otherwise) within the outline development cells shall be retained permanently and made available for parking purposes associated with the dwelling hereby approved only and shall not be used for any other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure that the development retains appropriate parking provision on the interests of highway safety

58. There must be no access or egress by any vehicles between the highway and in curtilage driveway until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided for the relevant development cell. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON: In the interests of highway safety.

TRAVEL PLANS

59. Further to the approved Area Travel Plan, all individual occupier Travel Plans (TP) for the relevant cells shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority, prior to the first occupation of each outline development cell hereby approved. The individual occupier Travel Plan shall be added to the Modeshift Stars Community / Modeshift Stars Business/Residential site, and the Travel Plan shall be continued in accordance with the details contained therein, including attaining Good standard within 12

months of the occupation of the phase of development and the submission and approval of annual reviews until five years post completion of the cell, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling and comply with policy IN3 of the adopted Darlington Local Plan.

ROAD BRIDGE

60. Notwithstanding the details of the Phase 1 road bridge shown on drawing titled "Section Through and Plan onto Proposed Phase 1 Road Bridge" within Appendix O of the Flood Risk and Drainage Strategy Report (Parts 1 to 4 Burtree Garden Village Revision G prepared by Portland Consulting Engineers), precise details of the Phase 1 Road bridge shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency prior to or as part of any development commencing within Cell N. The bridge design must consider matters including, but not limited to:

- a) accord with DMRB CD 350 'The design of highway structures' or any successor.
- b) accommodate footway and cycle provision in accordance with LTN 1/20
- c) accommodate sufficient carriageway width and design rating to accommodate the requirements of a bus route.
- d) The modelled flood levels provided by the Environment Agency when designing the finished road level and underside of the bridge deck.
- e) The nature of the bridge supports.

REASON: to ensure that the design is appropriate in the interests of the access, safety, and convenience of highway users and flood risk

LAYOUT

61. No building or structure of the development hereby permitted shall exceed 149m Above Mean Sea Level (AMSL).

REASON: Development exceeding this height would penetrate the Instrument Flight Procedures (IFP's) surrounding Teesside Airport and endanger aircraft movements and the safe operation of the aerodrome.

62. Prior to the commencement of development on an individual outline development cell, details of finished floor levels for development within that cell should be submitted to and agreed in writing with the Local Planning Authority. The development will be developed in accordance with these approved details.

REASON: In the interests of the visual appearance of the development and the amenities of the future occupants of the development

63. Prior to or at the same time as a Reserved Matters application relating to layout for

any individual outline development cell, precise details of the housing mix, types, sizes and tenures shall be submitted to and approved in writing by the Local Planning Authority for each development cell having regard to the most up to date Strategic Housing Market Assessment or other relevant evidence. The outline development cells shall not be carried out otherwise than in accordance with the agreed details.

REASON: To ensure that the development has regard to local needs as set out in Policy H4 of the Darlington Local Plan

CLIMATE CHANGE/SUSTAINABILITY

64. Prior to the commencement of development within each outline development cells, precise details of energy efficiency measures and low carbon technologies for the relevant development cell shall be submitted to and approved in writing by the Local Planning Authority. The details should have regard to the submitted Energy Strategy November 2022 produced by Wardell Armstrong and include but not be limited to the consideration of the use of local and sustainable materials, permeable surfacing materials, the planting of native species within landscaping schemes, solar panels. The development of the relevant development cell shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to comply with Policy DC1 of the Darlington Local Plan

65. Prior to the first occupation of each outline development cell, details of the type and location of an electrical socket suitable for charging electric vehicles for each dwelling with a dedicated garage or parking space for the relevant cell, shall be submitted to and approved by the Local Planning Authority for the relevant cell. Thereafter the development of the relevant development cell shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

ECOLOGY

66. Prior to the commencement of development within the outline cells, precise details of the locations of bird boxes and bat boxes/tiles/features within the buildings for the relevant cell shall be submitted to and approved in writing by the Local Planning Authority. A total of 25% of buildings suitable for artificial nesting provision within the development hereby approved as a whole shall include such ecology features. Each cell shall not be carried out otherwise than in complete accordance with the approved details which shall remain on situ for the lifetime of the development. Where buildings or cells are not suitable for provision this will be agreed with the local planning authority , otherwise it is expected that each cell will contribute toward the 25% target.

REASON: In the interests of ecological enhancements for the development

EXTERNAL MATERIALS

67. No buildings within the outline development cells shall be erected above damp proof course level until samples and details of the external materials to be used in the construction of those buildings in that cell have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the visual amenity.

HOUSING MIX

68. The proposals within the outline development cells hereby approved shall comprise 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and 9% meeting M4 (3 a or b) wheelchair user dwellings standard. Precise details of how this will be achieved for a relevant cell shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the each of the development cells and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – To ensure the development complies with policy H4 of the Darlington Local Plan 2016 – 2036.

PLAY AREAS

69. Prior to the occupation of the dwellings in each development cell, details shall be provided on the precise number, design and location of children's play areas within the development and details of the play equipment that would be provided. A programme for delivery associated with development cells shall also be provided to match the phasing of the development and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interests of the character and appearance of the proposed development.

BROADBAND CONNECTIVITY

70. Prior to the any commencement of development within the outline development cells, above damp proof course level, a statement shall be submitted to and approved in writing by the Local Planning Authority detailing the measures necessary for providing broadband connectivity, including ducts, to each premises within the development cell hereby approved. The approved infrastructure shall be laid out in accordance with the details as approved at the same time as other services during the construction process and be available for use on the first occupation of each building and thereafter be so maintained for the lifetime of the development.

REASON - To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

BUS SERVICE INFRASTRUCTURE

71. Prior to the construction of each outline development cell, precise details of the location and infrastructure design of bus stops serving that cell shall be submitted to

and approved in writing by the Local Planning Authority. The details shall also include off-site bus stop provision on Rotary Way and the agreed scheme shall be fully implemented to an adoptable standard and available for use within a timeframe to be agreed by the Local Planning Authority.

REASON: To ensure that sustainable travel options are available to future occupiers and a bus service can be operational within the development

EDUCATION LAND

72. The land allocated for education purposes (approx. 1.2ha) and the associated playing fields as shown on the approved plans (Cell SC1) shall be retained for such purposes for a time period of fifteen years from the commencement of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that land is allocated for such purposes in the event of a school with associated playing fields being required.

ROAD TRAFFIC NOISE CONDITIONS

73. For each outline residential development cell within the development hereby approved, prior to or at the same time as a reserved matters application a detailed noise impact assessment and scheme of noise mitigation for the protection of proposed residential properties from road traffic noise from the A1(M), A68, Rotary Way, Burtree Lane and the new strategic access road, compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, for approval in writing by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the dwellings based on good acoustic design* and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment.

- a) The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:

- a) Internal noise levels for bedrooms shall not exceed 30dB LAeq(8 hour)** and 45dB LAFmax***
- b) Internal noise levels for living rooms shall not exceed 35dB LAeq(16 hour)**
- c) External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)** unless otherwise agreed in writing with the Local Planning Authority

*A good acoustic design process should be followed in accordance with Professional Practice Guidance on Planning & Noise New Residential Development, May 2017.

** LAeq(8 hour) nighttime 8 hours between 23:00 and 07:00 and LAeq(16 hour) daytime 16 hours between 07:00 and 23:00. In relation to garden areas, where possible the desirable level of 50dB LAeq(16 hour) shall not be exceeded.

*** Justification shall be included in the noise impact assessment on the external LAFmax used to calculate the façade mitigation required and internal noise levels.

- b) The detailed scheme of noise mitigation shall include the following:

- d) Details of the sound insulation, alternative forms of ventilation and any other

works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.

- e) The details (height, density), design and location of any acoustic barrier(s)/bund(s) to be installed to achieve the internal and external noise levels at the proposed residential properties as specified above.
 - f) A plan identifying the proposed residential properties which require noise mitigation, and the noise mitigation measures to be installed.
- c) The requirements of this condition shall be approved prior to commencement of the development of the associated outline residential cell or parts of the condition can be dispensed with if it is demonstrated and agreed in writing with the Local Planning Authority that no adverse noise impacts from a particular source(s) will arise for the particular cell(s) of the development.

The development of the residential cell(s) to which the noise impact assessment and scheme of noise mitigation relates shall not be carried out otherwise than in complete accordance with the details so approved and thereafter shall be retained and maintained for the duration of the development. All works required by the scheme to achieve the internal and external noise levels at a residential property shall be completed prior to the occupation of that particular property.

REASON – To safeguard the amenities of the proposed development.

SCHOOL DEVELOPMENT CONDITION

74. Prior to or at the same time as a reserved matters application for the school/nursery development, a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, for approval in writing by, the Local Planning Authority. The noise impact assessment shall consider the layout, orientation and design of the school/nursery development and the scope of the assessment shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed sound insulation and mitigation in respect of:
- a) Protecting external areas of the school from excessive road traffic noise (having regard to Building Bulletin 93 (2015))
 - b) The impact of noise on the proposed residential development(s)/retirement village from external plant, machinery and equipment associated with the school development. The rating level of noise emitted from external plant, machinery or equipment whether operating individually or when all plant is operating simultaneously, shall not exceed the daytime and night-time background sound level at any residential property when measured and assessed in accordance with BS4142 'Method for rating and assessing industrial and commercial sound' unless otherwise agreed in writing by the Local Planning Authority. The background sound level to be used in the BS4142 Assessment and noise sensitive receptors shall be agreed in writing with the Local Planning

Authority.

- c) Minimising the impact of noise on the proposed residential development(s)/retirement village from the use of music rooms, halls or equivalent noise generating facilities associated with the school development.
- d) Minimising the impact of noise from playgrounds, playing fields and/or sports pitches (having regard to intended frequency and pattern of usage).

The approved details, findings and noise mitigation measures shall be implemented prior to the occupation of the school development/prior to the plant, machinery or equipment first becoming operational and thereafter shall be retained and maintained for the duration of the development.

REASON – To safeguard the amenities of the proposed development.

PUBLIC HOUSE CONDITION

75. Prior to or at the same time as a reserved matters application for the public house development, a scheme of noise mitigation measures, shall be submitted to, for approval in writing by, the Local Planning Authority. The scheme shall demonstrate how layout, orientation and design of the public house has been carefully considered in relation to protecting the proposed residential development from noise, taking into account the following:

- a) The location of any external drinking areas/beer gardens/smoking areas/play areas, using the building itself to act as a screen between these and the nearest residential areas.
- b) The location of entrance doors, and consideration of double doorway systems with an intervening lobby.

REASON – To safeguard the amenities of the proposed development.

SPORT PITCHES CONDITION

76. Prior to the commencement of the development of any sports pitch(es), a detailed noise impact assessment and scheme of noise mitigation measures compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, for approval in writing by, the Local Planning Authority. The noise impact assessment shall consider the proposed layout, orientation and design of the pitch(es) and the scope of the assessment and criteria/noise levels to be met shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. The noise impact assessment and scheme of noise mitigation measures shall include details of noise levels, calculations and proposed mitigation in respect of:

- a) Minimising the impact of noise on the proposed residential development(s) and shall include intended hours of use (to be agreed) and details (height, density), design and location of any acoustic barrier(s) to be installed, as well as details of any other mitigation.

The approved details, findings and noise mitigation measures shall be implemented

prior to first use of any sports pitch(es) and thereafter shall be retained and maintained for the duration of the development.

REASON – To safeguard the amenities of the proposed development.

77. Prior to the first use of any sports pitch(es) to be available for Community use, a Community Use Agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The Agreement shall apply to the sports pitch(es) and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England consider necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved Agreement.

REASON – To ensure that the sports pitches are available for the use of the community in accordance with Policy IN10 of the Local Plan

78. No means of amplification of sound shall be permitted relating to the sports pitch(es) including the use of loud speakers and public announcement systems without the prior written approval of the Local Planning Authority.

REASON - To safeguard the amenities of the proposed development.

EXTERNAL LIGHTING CONDITION

- ~~79.~~ Prior to occupation/use of each outline cell associated of the development hereby approved, a scheme and assessment relating to any proposed external lighting* associated with that outline cell of the development undertaken by an independent qualified assessor, shall be submitted to the Local Planning Authority prior to installation unless the Local Planning Authority dispenses with the requirement specifically and in writing. This should include:

- a) Times of operation of the proposed lighting units.
- b) A description of the proposed lighting units including height, type, angling and power output for all lighting.
- c) Drawing(s)/contour plans showing the luminance levels (both horizontal and vertical) of the lighting scheme to demonstrate that no excess light falls into the curtilage of sensitive neighbouring properties.
- d) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.
- e) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of

relevant properties) and Luminaire Intensity.

f) The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

*excludes any external lighting associated with residential properties

REASON - To safeguard the amenities of the proposed development.

FLOOD RISK AND DRAINAGE

80. The development shall not be carried out otherwise than in complete accordance with the submitted Flood Risk and Drainage Strategy Report (Parts 1 to 4 Burtree Garden Village Revision G prepared by Portland Consulting Engineers). These mitigation measures shall be fully implemented prior to occupation for the relevant development cells and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASONS - To reduce the risk of off-site flood risk and flooding elsewhere and to reduce the risk of flooding to the proposed development and future occupants.

81. A Water framework Directive (WFD) assessment should be submitted to, and approved in writing by, the local planning authority prior to the occupation of dwellings or other non-residential buildings. The assessment shall include the following elements:

- a) An assessment of the impact on the Water Framework Directive (WFD) from the increase of foul drainage.
- b) An assessment of the total volume of foul drainage that will be generated by the development.

REASON: The Water Environment (Water Framework Directive) Regulations 2017 and the Northumbria River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote the recovery of water bodies. It specifically states that no waterbody should deteriorate in status and should aim to achieve Good Status or Good Ecological Potential as soon as is reasonably practical. Any proposed plan or development should not contradict the Northumbria River Basin Management Plan 2015. Without this condition, the impact could cause deterioration of the WFD status.

82. The development hereby approved shall not be commenced on each outline development cell site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority for the relevant development cell. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details for that cell, the scheme shall

include but not be restricted to providing the following details.

- a) A build program and timetable for the provision of the critical surface water drainage infrastructure.
- b) A management plan detailing how surface water runoff from the site will be managed during the construction phase.

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with Policy DC2 of the Darlington Borough Local Plan 2016-2036 and the National Planning Policy Framework 2023.

83. The development of the outline development cells hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority for the relevant development cell. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details for that cell, the scheme shall include but not be restricted to providing the following details.

- a) Detailed design of the surface water management system.
- b) Details of adoption responsibilities

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with Policy DC2 of the Darlington Borough Local Plan 2016-2036 and the National Planning Policy Framework 2023.

84. The building hereby approved shall not be brought into use within a relevant development cell until:-

- a) Requisite elements of the approved surface water management scheme for the development cell are in place and fully operational to serve said building.
- b) A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority for the relevant cell, this should include the funding arrangements and cover the lifetime of the development.

REASON: To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

85. The development shall not be carried out otherwise than in complete accordance with the submitted Flood Risk and Drainage Strategy Report (Parts 1 to 4 Burtree Garden Village Revision G prepared by Portland Consulting Engineers). The drainage scheme shall ensure that foul flows from phase 1 discharge to the public foul sewer at manhole 9202.

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

LANDSCAPING

86. Any trees or shrubs which form part of a landscaping scheme to be submitted as part of a future Reserved Matters submission and which are 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 and in the interests of the visual amenities of the area.

LAND CONTAMINATION

87. Prior to the commencement of each outline development cell of the development and any site investigation works for that cell or at a time agreed in writing by the Local Planning Authority a cell specific 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.

88. Prior to the commencement of each outline development cell 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) for the relevant cell. 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 for the relevant cell 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

89. Prior to the commencement of each outline development cell 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 for the relevant cell. 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 for the relevant cell 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.

90. Any contamination not considered in the Phase 3 Remediation and Verification Strategy for the outline development cells but identified during subsequent construction/remediation works of any phase or individual development cells 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 that that phase or cell 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.

91. Where necessary (unexpected contamination) for an individual outline development cell, 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 for the relevant cell. The Phase 4 Verification and Completion Report 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. Where applicable, the development site or agreed phase or individual cell of development site, shall not be occupied or

brought into use 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.

GENERAL AMENITY

92. Prior to the commencement of each outline development cell a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority for the relevant cell. The plan 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 construction phase 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 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" 2009.
- c) details of any temporary construction access to the site including measures for removal following completion of construction works.
- d) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- e) the parking of contractors' site operatives and visitor's vehicles
- f) areas for storage of plant and materials used in constructing the development clear of the highway.
- g) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- h) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- i) protection of carriageway and footway users at all times during demolition and construction
- j) protection of contractors working adjacent to the highway
- k) details of site working hours.
- l) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
- m) an undertaking that there must be no burning of materials on site at any time during construction.
- n) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.

- o) details of the measures to be taken for the protection of trees. 16. details of external lighting equipment
- p) details of any ditches to be piped during the construction phases.
- q) a detailed method statement and programme for the building works; and
- r) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

The development shall not be carried out otherwise than in complete accordance with the approved Plan.

REASON – In the interests of amenity and highway safety

93. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written permission from the Local Planning Authority.

REASON – In the interests of amenity

94. If piled foundations are proposed, prior to commencement of that building or structure, details of the piling method including justification for its choice, means of monitoring vibration and 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 amenity

ARCHAEOLOGY CONDITIONS

95. Prior to the commencement of development associated with outline cells Archaeological Investigations in the form of evaluation trenching should take place for the relevant cell in accordance with the Written Scheme of Investigation 22390 received in October 2023. For the avoidance of doubt, the Written Scheme of Investigation identifies separate evaluation projects for the infrastructure phase and outline development cells as identified in this planning consent. Evaluation trenching for the infrastructure phase is complete.

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework

96. No development shall commence on any outline development cell of the development until a subsequent and cell specific written scheme of investigation is submitted to and approved in writing by the Local Planning Authority. Each development cell specific written scheme of investigation should be prepared in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' and should identify a programme of any further archaeological mitigation (including recording or watching briefs) deemed necessary for that phase of

development as a result of the evaluation trenching undertaken under WSI 22390 (October 2023). The programme of archaeological work will then be carried out in accordance with the approved scheme of works. For cells or works where a programme of archaeological mitigation is not necessary this will be agreed in writing with the Local Planning Authority

REASON - To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework

- 97.** No part of an outline cell of the development subject to further archaeological mitigation (as identified in a phase/cell specific written scheme of investigation) shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation for that cell of the development. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority

REASON – To safeguard any Archaeological Interest in the site, and to comply with the National Planning Policy Framework

PUMPING STATION CONDITIONS

- 98.** Prior to or at the same time as a reserved matters application, details of any foul pumping station/waste water treatment works within any outline development cell shall be submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of the visual appearance of the development

- 99.** Prior to or at the same time as a reserved matters application a detailed noise impact assessment and scheme of noise mitigation for the protection of residential properties from noise associated with any foul pumping station and/or mitigation strategy proposed in relation to nutrient neutrality compiled by a suitably qualified and experienced acoustic consultant, shall be submitted to, for approval in writing by, the Local Planning Authority. The scope and methodology used in the assessment including source noise levels, noise sensitive receptors, background sound levels shall be agreed in writing with the Local Planning Authority prior to the submission of the assessment. Any mitigation measures shall be implemented prior to occupation of any residential properties and thereafter shall be retained and maintained for the duration of the development.

N.B There may be an option to dispense with satisfying the requirements of the condition if no noise impacts will arise from the mitigation strategy proposed in relation to nutrient neutrality or if there are no likely impacts to be reported in relation to development cells and agreed in writing by the Local Planning Authority

REASON – In the interests of the amenity of the development

- 100.** Prior to or at the same time as a reserved matters application an odour impact assessment and scheme of works for the protection of residential properties from

odour associated with any foul pumping station/wastewater treatment works and/or mitigation strategy proposed in relation to nutrient neutrality, compiled by a suitably qualified and experienced consultant, shall be submitted to, for approval in writing by, the Local Planning Authority. The scope and methodology used in the assessment shall be agreed in writing with the Local Planning Authority prior to submission of the assessment. The assessment shall follow the Institute of Air Quality Management Guidance on the assessment of odour for planning. Any scheme of works shall be implemented prior to occupation of any residential properties and thereafter shall be retained and maintained for the duration of the development.

N.B There may be an option to dispense with satisfying the requirements of the condition if no odour impacts will arise from the mitigation strategy proposed in relation to nutrient neutrality. or if there are no likely impacts to be reported in relation to development cells and agreed in writing by the Local Planning Authority

REASON - In the interests of the amenity of the development

(2) REAR OF 39 ELTON PARADE (1 COACH HOUSE LANE)

23/00957/FUL - Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2(materials) and 3(approved plans) attached to planning permission 19/01182/FUL dated 05 March 2020 to permit render to elevations in place of timber cladding, opaque glazed balustrade to Juliet balcony and window alterations including addition of opaque glazing to window on north elevation (as amended by plans received 19/12/2023 and details for highway works including creation of footpath using bitmac and street lighting as amended by plan received 24/01/2024 and 24/04/2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Northumbrian Water, Northern Powergrid, Northern Gas Networks and Darlington Association on Disability, one letter of objection in relation to the original proposal, eleven letters of objection in relation to the amended proposal, the objections of the Ward Councillor on behalf of residents, and the views of the Applicant, whom the Committee heard. Members gave consideration to equality issues and considered how the development would impact upon those with mobility issues, as set out in the Officer's report).

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

1. The development hereby permitted shall be commenced no later than 19 April 2025

REASON – Due to the planning application being submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy DC1 of the Darlington Borough Local Plan

2016-2036.

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

Planning Amendments (Elevations) Drawing No. 4521-01 Rev D dated Apr 24

Planning Amendments (Floor Plans) Drawing No. 4521-02 dated Oct 23

Block Plans Drawing No. 4521-03 Rev A dated Oct 23

Proposed Footway Drawing No. 4521 04 (A)

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

4. The obscure glazed windows formed in the north and south elevations of the property, as shown on drawing number 4521-01 Rev D dated Apr 24 shall not be repaired or replaced other than with obscure glazing.

REASON – In the interest of residential amenity.

5. The opaque glass balcony balustrade formed in the west elevation of the property, as shown on drawing number 4521-01 Rev D dated Apr 24 shall not be repaired or replaced other than with the glass which has the same level of agreed glass transparency (Level 5).

REASON – In the interest of residential amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

(3) LAND AT 1 BRIAR CLOSE

22/00118/FUL - Erection of 1 no. two bed residential dwelling incorporating attached double garage, hard standing, temporary siting of 1 no. static caravan, new pedestrian and vehicular access, means of enclosure and associated works (Revised Scheme) (Amended plans received 1 March 2022; amended plans, nutrient calculator and Provisional Nutrient Certificate received 22 November 2023; amended plans received 18 March 2024 and 9 April 2024).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highways Engineer, Environmental Health

Officer and Ecology Consultant, the views of Natural England and Northern Gas Networks, twenty-seven letters of objection received, and the views of the Applicant's Agent and one Objector, whom the Committee heard).

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

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - a) Drawing Number 21070 02C – Proposed Elevations
 - b) Drawing Number 21070 03E – Site Plans
 - c) Drawing Number 21070 01C – Proposed Plans
 - d) Drawing Number 21070 04C – Block Plan
 - e) Drawing Number 21070 08D – Landscaping Plan
 - f) Drawing Number 21070 07B – Proposed Site Sections
 - g) Drawing Number 21070 09 – Proposed House Sections

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

3. Prior to the first occupation of the static caravan of the dwelling hereby approved whichever is sooner, 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. The static caravan shall be removed from the site prior to the first occupation of the proposed dwelling hereby approved.

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

5. Prior to any demolition works and 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

- 6. Notwithstanding any description of the external materials in the submitted application, and prior to the dwelling being built above damp proof course, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved, in writing, by the Local Planning Authority. The details shall include but not be limited to brickwork, roof tiles, windows, doors 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.

- 7. Prior to the dwelling hereby approved being constructed above damp proof course precise details of the means of enclosure on either side of the vehicular access shall be submitted to and approved in writing by the Local Planning. The details shall include but not be limited to the design, height and materials for the enclosure. If the details include gates, precise details of the gates must also be provided, and the gates must not open outwards over the public highway. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and in the interests of public and pedestrian safety

- 8. The dwelling hereby approved shall not be constructed above damp proof course level until precise details of a scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include bird nesting features, and the details shall include, but not be limited to, plans to show the location of the integrated features. The development shall not be carried out otherwise than in complete accordance with the approved details which shall be retained in situ for the lifetime of the development.

REASON: To ensure the development complies with policies ENV7 and ENV8 of the Darlington Local Plan 2016 – 2036

9. The ground floor dining room and first floor bedroom windows formed in the west elevation of the dwelling hereby approved shall be obscure glazed as shown on Drawing Number 21070 02C and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby properties.

10. Further to Condition 9, all first floor windows in the eastern elevation of the dwelling hereby approved shall be obscure glazed and bottom hinged, and shall not be repaired or replaced other than with obscure glazing or bottom hinged windows.

REASON - To prevent overlooking of the nearby properties.

11. No additional flank windows or other glazed openings shall be formed in the south facing wall/elevation of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

12. The existing double gates erected on the north boundary of the application site shall be removed within one month of the completion of the dwelling hereby approved.

REASON: To ensure that the development is carried out in complete accordance with the approved plans

13. The boundary fencing shown on the approved plans shall be erected on all boundaries prior to the first occupation of the dwelling hereby approved and shall not be repaired or replaced other than in accordance with the approved plans.

REASON: In the interests of residential amenity

14. The bin stores shown on the approved plans shall be in place and available for use prior to the first occupation of the dwelling hereby approved. The bin store shall be retained in situ for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

REASON - In the interest the general amenity of the development and local area

15. The electric vehicle charging point shown on the approved plans shall be a single phase 13-amp socket (minimum requirement) and shall be in place and available for use prior to the first occupation of the dwelling hereby approved. The electric vehicle charging point shall be retained in situ for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

REASON: In order to ensure the development complies with Policy IN4 of the Darlington Local Plan 2016 – 2036.

16. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority 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 five years to the satisfaction of the Local Planning Authority.

REASON - In the interests of the visual amenities of the area.

(4) 69 WELBECK AVENUE

24/00219/FUL - Erection of part single storey, part two storey rear extension incorporating alterations to the existing ground floor side extension including new pitched roof, together with the formation of 2 no. car parking spaces within front boundary (re-submission).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Officer, and four objections received).

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

1. A3 Implementation Limit (3 years)
2. The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy DC1 of the Darlington Borough Local Plan 2016-2036.

3. Prior to occupation of the extension, a lawful means of vehicle access should be provided in the form of a dropped pavement crossing, to be constructed as part of a Section 184 Agreement issued by the Highways Authority.

REASON - In the interests of highway safety.

4. No part of the proposed extension shall be occupied until the related parking facilities 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 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.

5. In order to ensure that no loose material is pulled onto the highway the first 1m of the drive within the property is constructed in a sealed material (i.e. not loose gravel)

REASON - In the interests of highway safety.

6. No additional flank windows or other glazed openings shall be formed in the eastern walls of the extension hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

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

- Drg. No. 23.124- 01 – Existing Ground Floor Plan
- Drg. No. 23.124- 02 – Existing First Floor Plan
- Drg. No. 23.124- 03 – Existing Gable Elevation
- Drg. No. 23.124- 04 – Existing Front and Rear Elevation
- Drg. No. 23.124- 05 – Proposed Ground Floor Plan
- Drg. No. 23.124- 06 – Proposed First Floor Plan
- Drg. No. 23.124- 07 – Proposed Front Elevation
- Drg. No. 23.124- 08 – Proposed Rear Elevation
- Drg. No. 23.124- 09 – Proposed side and Boundary Return Elevation
- Drg. No. 23.124- 10 – Proposed Block Plan

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

PA85 NOTIFICATION OF DECISION ON APPEALS

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had dismissed the appeal by Mr Benjamin Porte of Clear Channel UK against this authority's decision to refuse permission for the display of 1 no. internally illuminated LED digital advertising display including the removal of 2 No. advertising displays at BP Service Station, High Northgate, Darlington DL1 1UQ (23/01024/ADV).

RESOLVED – That the report be received

PA86 NOTIFICATION OF APPEALS

The Chief Executive reported that:

- (a) Mr Ryan Beaumont had appealed against this Authority's decision to refuse permission for the erection of a single storey rear extension, dormer window to rear elevation, cycle storage area and erection of boundary wall 2372mm in height with external doors into back lane (part retrospective) description amended by plans and updated planning statement received 08/02/2024) (as amended by plans received 26/01/2024 and 02/02/2024) at 93 Pensbury Street, Darlington, DL1 5LJ (23/00100/FUL).
- (b) Hazelfield Lodge Ltd had appealed against this Authority's decision to refuse permission for Change of use of agricultural land for tourist accommodation including

the siting of 3 No. holiday lodges and 3 No. hot tub enclosures with car parking, associated landscaping and gravel pathways including the creation of secondary access. Conversion of store room to form kitchen/office and garage together with landscaping and associated works (Retrospective Application) (amended plans/information received 5th October 2023) at Land to rear of Hazelfield Cottage, Elstob Lane, Great Stainton, TS21 1HP (23/00588/FUL).

RESOLVED – That the report be received.

PA87 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA88 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 1ST MAY 2024 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA81/April/2024, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 1st May 2024.

RESOLVED - That the report be noted.

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

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

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

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 10 July 2024

SCHEDULE OF APPLICATIONS FOR CONSIDERATION

Background Papers used in compiling this Schedule:-

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

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

Address/Site Location	Reference Number
New Blackwell Lawn Tennis Club	23/00863/FUL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10TH July 2024

APPLICATION REF. NO:	23/00863/FUL
STATUTORY DECISION DATE:	21 st November 2023 (Extension of Time until 10 July 2024)
WARD/PARISH:	Park West / Darlington Urban Area
LOCATION:	New Blackwell Lawn Tennis Club, Carmel Grove, Darlington
DESCRIPTION:	Installation of new LED lighting units to the existing lighting columns together with the installation of 3 no. additional 6m high lighting columns with LED units to illuminate court 5 (positioned between court 5 and 6) (Lighting Information Received 29.04.2024)
APPLICANT:	Mr Michael Callender

RECOMMENDATION: GRANT 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/>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to New Blackwell Lawn Tennis Club located off Carmel Grove within Darlington. Access into the site is from the West and the application site is situated within a residential estate. As such, residential plots are adjacent the application site boundaries to the East, North and West; beyond the access road to the South of the site are further residential properties. Furthermore, beyond the Northern boundary is the West End Conservation Area.
2. Planning permission is sought for the installation of new LED lighting units to the existing columns as well as the installation of three additional lighting columns.
3. The existing columns would be replaced with a new headframe which would consist of the new lighting units. The height of such columns is not increasing, but it would allow the headframe to be angled facing down as opposed to its more upright positioning. The existing light columns are not being repositioned and it is only the lighting headframe that is to be replaced.

4. The three new lighting units would be located between courts 5 and 6, in order to illuminate court 5. They would be of a similar style as the above replacements and would therefore measure approximately 6m in height.

SITE HISTORY

5. The most relevant past planning applications are referenced here and summarised as follows. The original application for the creation of the tennis courts and floodlights was granted in 1989 under reference 8/89/678/DM. The floodlights as part of the approved scheme were to illuminate courts 1, 2 and 3 and the operation of these floodlights was limited via a condition, to between 9am-10pm between May and September and outside of this period the hours of illumination would be between 9am-9pm.
6. In 2002 (ref; 02/00931/FUL), permission was granted for the erection of floodlighting at court 4. A condition was attached to ensure these hereby approved lights were not illuminated after 9:30pm daily.
7. In 2010 (ref; 10/00013/FUL), a variation application to alter the hours of use of the floodlighting was granted. It amended the condition from the original application (ref; 8/89/678/DM) to allow the floodlights for courts 1, 2 and 3 to used between 9am-9:30pm daily.

MAIN PLANNING ISSUES

8. The main planning issues are whether the proposed works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Amenity
 - (c) Highway Safety
 - (d) Residual Matters

PLANNING POLICIES

9. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
 - Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials and colouring (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (*Policy DC4*).
 - Will be suitably located and acceptable in terms of noise, disturbance and artificial lighting (*Policy DC4*).
 - Protects the significance of heritage assets (*Policy ENV1*).
 - Considers the impact of a proposed development on the significance of a designated heritage asset. Great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (*Policy ENV1*).

RESULTS OF TECHNICAL CONSULTATION

10. No objections have been raised by the Council's Highway Officer.
11. The following comments were received by the Street Lighting team:
The scheme appears to have been designed to provide sufficient illumination to the courts whilst minimising spill light outside of the target area. Due to the type of lanterns selected, combined with a 6m mounting height there should be no impact on the surrounding highways lighting schemes.
12. Although the lanterns are designed to minimise spill light to the rear of the fittings, No 9 Carmel Grove may experience relatively high levels of illumination on the side of the property adjacent to the courts. Some consideration may want to be given to the use of additional rear light shields in this location. As there is no lighting design provided for the existing equipment, it is not possible to compare this with the proposed scheme, hence, impossible to confirm if there will be more or less obtrusive light on the surrounding properties.
13. Environmental Health as part of their original comments, noted that further information regarding the lighting impact needed to be provided before comments could be provided on this scheme. This was provided in April (2024) which was reviewed by Environmental Health and comments provided, but having reviewed the latest neighbouring concerns, these comments were amended to amend the wording of the condition. These comments are as follows:
14. The application relates to replacing the lighting units on the existing columns which serve Courts 1 – 4, as well as the addition of three new lighting columns with associated lighting units to illuminate an additional Court (Court 5). Court 6 is to remain as it is.
15. The proposed new lighting units are Thorn Areaflood Pro 2 LED floodlights. The new lighting columns are to be 6m high (the same as the existing columns).
16. Information has been provided on the impact of the proposed changes on nearest sensitive receptors taking into account the Institution of Lighting Professionals Guidance Note 1 for the reduction of obtrusive light 2021 and considers the location of the tennis club to fall into Environmental Zone E2 Rural.
17. The information submitted by Thorn includes an assessment looking at various parameters including illuminance in the vertical plane, light spill and maximum luminous intensity. It is highlighted that in some areas additional louvres will likely be required to minimise any impact.
18. The site was visited by Officers in November 2023 to assess the current lighting set up and discuss the new proposals. Following this and based on the information provided Officers are of the opinion that the new lighting proposals will result in an improvement in the situation in particular with regard to glare/trespass given the new lighting units are to be positioned horizontally or at a very low tilt angle, as opposed to the current lights which are angled more upwards shining onto the facades of some of the surrounding receptors. As long as the additional louvre attachments are incorporated to ensure any impact is limited, I would have no objections to the application being approved.

19. The following condition should be attached to any planning permission granted:
"Prior to the installation of the new floodlights, details of the additional attachments/louvres required, shall be submitted to, for approval in writing by, the Local Planning Authority, based on the submitted Replacement Floodlighting/Lighting Impact document. The details shall identify the specific lighting units which require additional attachments/louvres, the details of the louvres themselves, and exactly where the louvres are required to be fitted on the units (i.e., back, sides). The attachments/louvres shall be fitted prior to the first operation of the lights and be in complete accordance with the details so approved, and thereafter shall be retained and maintained for the duration of the development."
20. The condition relating to the hours of use of the floodlighting (permission 10/00013/FUL) still applies (only permitted between 09:00 – 21:30).

RESULTS OF PUBLICITY AND NOTIFICATION

21. **One general representation** comment and **three objection comments** have been received by the following properties with the main concerns bullet pointed below.
- Mr Jeff Surma, 66 Ravensdale Road
 - Mr Andrew O'Brien, 9 Carmel Grove
 - Alasdair MacConachie, Sir E D Walker Trust, Conniscliffe Road
 - David Brydon, 54 Ravensdale Road
- Time limit on using floodlights should be applied, one comment suggests lighting should be switched off by 8:30pm.
 - New lights should meet professional guidelines regarding light spill and intensity.
 - Insufficient information to determine light spill and glare.
 - Impacts on privacy
 - Noise and disturbance impacts
 - Concerns with traffic movement
 - Light Pollution Impact
 - Impacts upon View
22. Further comments were submitted when the additional lighting information was provided and any new concerns to the above, are summarised as follows:
- The submitted information does not quantify the lighting forecasts and software models should be quoted.
 - A restriction should be applied to ensure court 6 is never illuminated.
 - Inaccuracies within the Thorn lighting report
23. Full comments can be viewed online at: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZXX5AFPLU400>

PLANNING ISSUES/ANALYSIS

(a) Character

24. The proposed new lighting columns and replacement lighting units are considered acceptable to the character of the application. The new lighting units are considered to be of a suitable scale and the new lighting columns would be of a similar height as the existing. From within the wider area, the columns are considered to be read in association with the Tennis Club. Therefore, the proposal is not considered to adversely impact upon the character of the area, or the nearby adjacent conservation area.

(b) Amenity

25. The main concerns highlighted within objector comments relate to impacts upon light. Comments have been received stating that insufficient information has been provided. This was acknowledged by Environmental Health in the initial stages of this application and so further lighting information has been provided to assess this impact.
26. A comment was made stating that the new information is insufficient to determine lighting forecasts and that the software models should be provided. However, Environmental Health have reviewed this information along with the neighbouring comment and have concluded that the submitted information is sufficient and overall, the development would be acceptable with regards to light pollution.
27. With regards to the comment about the report inaccuracies, this has also been reviewed and not found to be an error within the report itself. The photos relate to what is described within the report and it should be noted that the Local Planning Authority have been out on site and are aware of the character and positioning of nearby residential properties.
28. The submitted information regarding the lighting impacts have been assessed by Environmental Health, and overall, subject to a condition regarding louvres to assist with shielding light, no objections have been received.
29. The submitted information looks at various parameters, such as illumination, light spill and maximum luminous intensity and a site visit was also conducted by Environmental Health in November 2023. This allowed the officer to assess the on-site situation during the darker months and to discuss the new proposals. Based on this site visit and the lighting information, they are of the opinion that the new lighting will result in an improvement to the current situation, with regard to glare and light spill. The lighting units are also to be positioned horizontally at 'a very low tilt angle', than what is currently present and this should also assist in improving this situation on site. However, they determined that a condition would need to be attached to ensure the additional louvre attachments are appropriate. Subject to this condition being complied with, it is not considered that the development would significantly worsen the existing light pollution on site as to adversely impact upon residential amenity.
30. Whilst there are concerns that the lighting impact would be worse than the existing and that the installation of the new columns would worsen the light pollution, based on the information provided and comments from Environmental Health, it is not considered there would be an adverse impact as to warrant a reason for refusal to the scheme.
31. In addition to the condition to request louvres which is considered to further shield any light spill, a condition will be attached to ensure the new lighting columns are switched off by 9:30pm. This would be in line with previous permissions on this site and is therefore considered reasonable.
32. Within the neighbouring comments, it is inferred that the tennis club operate outside of their defined hours of operation. However, as part of the original permission (Ref; 8/89/678/DM) the operation times of the clubhouse are between 8am-11pm. Therefore, any activities during this time are permitted, but should any activity occur outside these hours, then the Local Planning Authority should be notified and this can be monitored and controlled accordingly.

33. Concerns have been raised regarding impacts from noise and disturbance as well as an impact upon privacy. It is not considered that the replacement lighting units would worsen such impacts because the tennis club activities already occur. While there is a concern that the new lighting columns would allow more activity on court 5, it is considered that this activity would not be significantly worse than the activity from the existing courts. It is considered that the use of court 5 into the darker months would create noise and activity that is similar to the existing on-site activities. As such, it is not considered that the proposed works would create a significant impact in this regard and no objections have been raised from Environmental Health regarding noise impacts.
34. With regards to the impacts upon privacy, the new lighting columns by their very nature are not considered to create an impact. While this may allow users to use the court into the evening, it is considered that the existing boundary treatments would be sufficient to not adversely impact upon nearby privacy levels.

(c) Highway Safety

35. A comment has been made in regard to impacts upon local traffic. The reason for this concern is that allowing court 5 to be illuminated would allow more people to use this court during the darker months than at present. However, no highway safety objections have been raised to the proposed development and so the scheme is not considered to create an adverse impact upon highway safety for this area.

(d) Residual Matters

36. A comment was made about LED lighting not having planning permission, but High Intensity Discharge lighting did have planning permission. Without further information, no planning enforcement action can be taken to any works carried out over four years ago.
37. A comment was made to request that a condition is attached to ensure court 6 is never illuminated. It is considered unreasonable to do this as such works would require permission and such impacts can be assessed at that time. Illumination of court 6 is not being considered as part of this application and it is considered unreasonable to condition future works that do not form part of this proposal.
38. In relation to those concerns about the impacts upon views from properties, this is not a material planning consideration and has not therefore been considered as part of the determination of the application.

THE PUBLIC SECTOR EQUALITY DUTY

39. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

40. 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

41. It is recommended that the application be Approved with Conditions for the reasons specified Above.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Time Limit
The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990 (as amended).

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

Plan Reference Number	Date
Location Plan	25 August 2023
NB/1	26 September 2023
NB/4 AND N/B5	26 September 2023

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

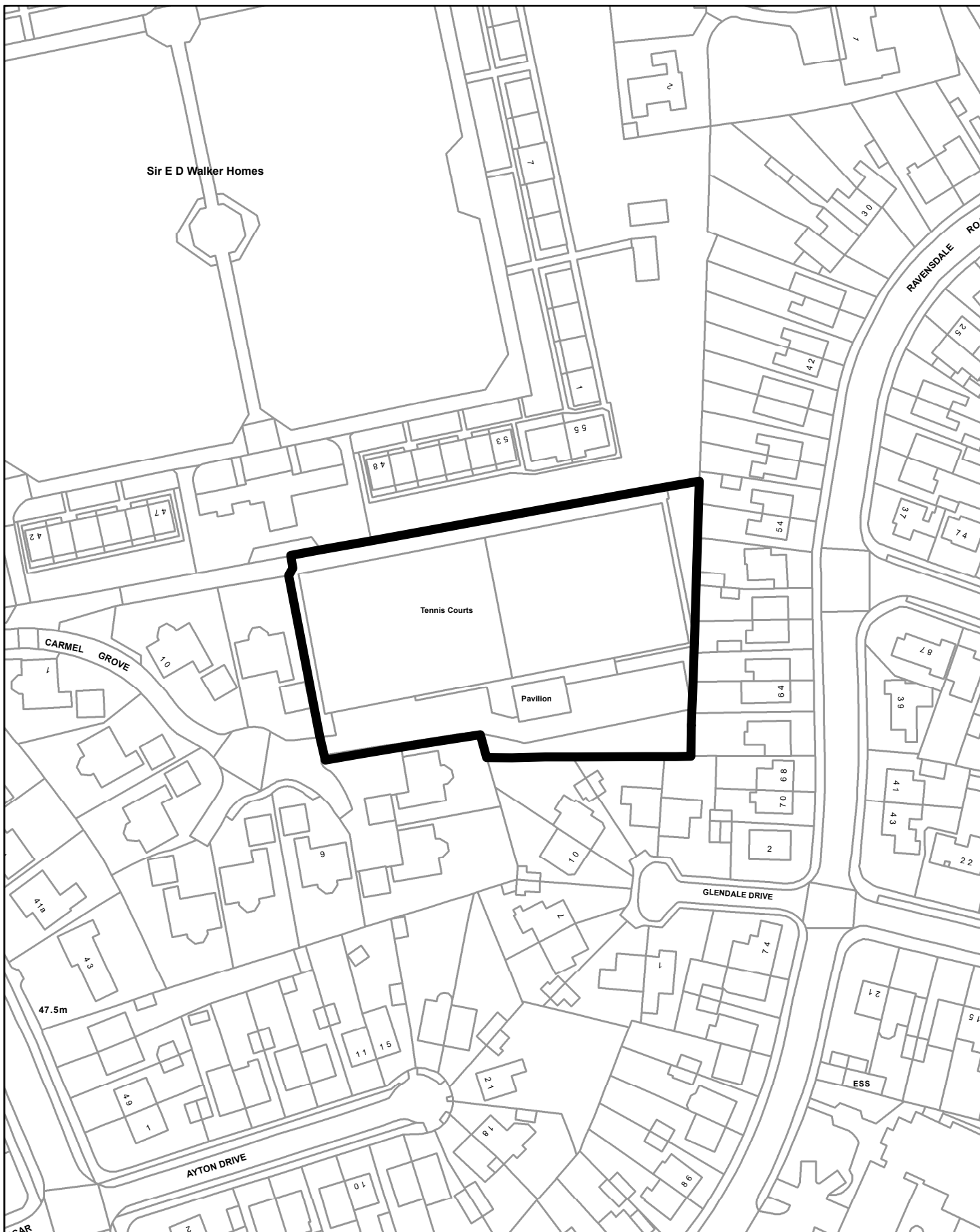
3. Attachments/ Louvres
Prior to the installation of the new floodlights, details of the additional attachments/louvres required, shall be submitted to, for approval in writing by, the Local Planning Authority, based on the submitted Replacement Floodlighting/Lighting Impact document. The details shall identify the specific lighting units which require additional attachments/louvres, the details of the louvres themselves, and exactly where the louvres are required to be fitted on the units (i.e., back, sides). The attachments/louvres shall be fitted prior to the first operation of the lights and be in complete accordance with the details so approved, and thereafter shall be retained and maintained for the duration of the development.

Reason: In the interests of controlling any light spill to protect the amenity of the occupiers of the neighbouring properties.

4. Hours of Use

The hereby approved new light columns situated between courts 5 and 6, shall not be illuminated outside the hours of 09:00 – 21:30 on any day.

Reason: To be consistent with other permissions for floodlighting on this site, in the interests of safeguarding residential amenity.

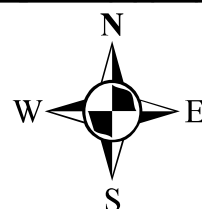


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Planning Ref No: 23/00863/FUL

DARLINGTON BOROUGH COUNCIL

Page 59



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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	23/00823/FUL
APPEAL REF. NO:	Appeal Ref: APP/N1350/D/243336540
LOCATION:	32 Clowbeck Court Darlington DL3 0BB
DESCRIPTION:	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 (approved plans) and removal of condition 3 (garage/car parking) attached to planning permission 21/01226/FUL dated 12 December 2021 (Erection of a two storey side extension to provide a garage/dining room with bedroom above) to permit the conversion of garage into habitable space, the replacement of the garage door with a window, and the provision of 1 no. additional car parking space to the front (amended description)
APPLICANT:	Mr Kieran Meredith

ASSISTANT PLANNING OFFICER: ANN McRAE

BRIEF SUMMARY:

1. This application has been submitted under Section 73 of the Act 1990 to seek to remove condition 3 from planning permission 21/01226/FUL to allow the conversion of the previously approved garage into habitable space and the provision of 1 No. additional car parking space to the front. Further alterations to the approved plans are also sought in the form of internal ground floor alterations to create a kitchen and family room, rather than a kitchen, dining room and garage, and external alterations to remove the garage door and to insert a window to serve the family room behind. Accordingly, the application also sought to amend condition 4 of the 2021 permission to permit changes to the approved plans.

KEY POINTS TO NOTE:

2. Appeal site is part of a residential estate comprising houses of various sizes and configurations. The majority of houses have a garage and driveway or in curtilage parking areas, and even smaller houses on compact plots have off street parking. The result is an estate of pleasant appearance where circulation roads with footways either side give a generous and spacious feel, but also one where few frontages are devoted entirely to parking.

REASON(S) FOR REFUSAL:

3. The proposed removal of condition 3 of planning permission 21/01226/FUL to allow the retention of the previously approved garage as a habitable room and the variation of condition 4 of that permission to permit the provision of a sub-standard additional parking space would result in a shortfall in parking provision at the property, with resultant impacts on pedestrian and highway safety contrary to Local Plan Policies DC1 (Sustainable Design Principles and Climate Change) and IN4 (Parking Provision including Electric Vehicle Charging) of the Darlington Local Plan (2016 – 2036) which require that new development, including change of use, provides safe and secure space for vehicle parking and servicing.

APPEAL DISMISSED:

4. The removal of condition 3 and varying condition 4 would harm the character and appearance, and the highway and parking conditions, of the area, contrary to the development plan considered as a whole, as supported by Council guidance.



Appeal Decision

Site visit made on 15 March 2024

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/N1350/D/24/3336540

32 Clowbeck Court, Darlington DL3 0BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kieran Meredith against the decision of Darlington Borough Council.
- The application Ref 23/00823/FUL, dated 16 August 2023, was refused by notice dated 19 October 2023.
- The application sought planning permission for the erection of a two storey side extension to provide a garage/dining room with bedroom above (as amended by plans received 25.11.21 and 10.12.21) without complying with conditions attached to planning permission Ref 21/01226/FUL, dated 21 December 2021.
- The conditions in dispute are Nos 3 and 4 which state that:
 - 3. The garage or car-parking accommodation, shown on drawing no. 678-2 Rev A, shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the local planning authority.*
 - 4. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:*
 - Drg No 678-1 – Existing Ground Floor Plan
 - Drg No 678-2 Rev A – Proposed Ground Floor Plan
 - Drg No 678-3 Rev A – Existing and Proposed First Floor Plan
 - Drg No 678-4 Rev B – Existing and Proposed elevations
 - Drg No 678-5 – Existing and Proposed Roof Plans
 - Drg No 678-6 Rev A – Proposed Section
 - Drg No 678-7 Rev A – Existing and Proposed Site Plans
- The reasons given for the conditions are:
 - 3. 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.*
 - 4. To ensure the development is carried out in accordance with the planning permission.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant is seeking to convert the garage into a habitable space, replace the garage door with a window, and provide an additional car parking space to the front of the house. In order to do so, the application sought to carry out development without complying with condition 3 of the original planning

permission. The appellant submitted a set of drawings with their application that illustrated those internal and external alterations. The Council determined that application on the basis that it also sought to vary the approved plans condition¹. It is clear from the appellant's submissions that this was their intention. Given the particular circumstances of the case I have determined the appeal on the same basis, as reflected in the heading above.

Main Issue

3. The main issue raised by this appeal is the effect that removing condition 3 and varying condition 4 would have on the character and appearance of the area, and highway and parking conditions of the area.

Reasons

4. Clowbeck Court is part of a residential estate comprising houses of various sizes and configurations. From my observations, the majority of houses have a garage and driveway or in curtilage parking areas, and even smaller houses on compact plots have off street parking. The result is an estate of pleasant appearance where circulation roads with footways either side give a generous and spacious feel, but also one where few frontages devoted entirely to parking.
5. The original planning permission permitted an extension to No 32 on an area which was previously a driveway where vehicles could be parked. Condition 3 required that the proposed integral garage which would occupy part of the ground floor remained available for parking purposes. The Council had compromised at that time by accepting two parking spaces, one of which was the garage, rather than the three recommended in their standards for the house of the extended size, as well as a garage size dictated by the available plot width.
6. With the increase in bedrooms came the potential increase in the numbers of cars used by occupiers and at the same time the space available on the driveway for parking was considerably reduced. A house with the number of bedrooms No 32 has now could readily accommodate a household with access to two or more cars.
7. The appellant has indicated a notional 2.4m by 5m second parking space on the front garden. This would not be capable of independent use, but neither would a car parked in the garage if a vehicle were to be parked on the drive. However, this space would be so close to the front door of No 32 and the boundaries of the garden as to be of limited practicality. It would also result in the effective removal of the front garden area apart from some very small wedges of planting.
8. Despite uncertainty as to whether such a constrained and inconvenient space would be used in practice, if it were, with the existing drive in use as well, this would fill the small area to the front of the house with parked cars. This would result in a cramped appearance in a prominent location within the estate, to the detriment of the more spacious character and appearance which predominates, and this would not display the qualities of good design. Indeed,

¹ This is noted as condition 2 on the Council's decision notice, however this is evidently an error as this sets out that it is the approved plan condition and I note that the correct condition number was identified the Council's Delegated Report.

this is illustrated by the appellant's photographs of a small car parked in that location.

9. The reduction of off-street parking would be likely to lead to cars being parked on the street. Given the low vehicle speeds likely in this residential area, avoiding parked cars close to the junction is unlikely to lead to highway safety issues. It would nevertheless incrementally add to on street parking which can erode the character and appearance of the area and, if done insensitively partly on the footway which may be likely give the adjacent junction, would limit accessibility for footway users. It would also incrementally contribute to a congestion of parked cars with consequent effects on movement. The overall result would be detrimental to the character and appearance of the area and an undesirable effect on how and where cars are parked on the estate.
10. The appellant points out that the garage as approved is smaller than the Council's minimum garage size set out in their Design Guide². I give very little weight to the suggestion that the current garage should not be considered as an existing parking space due to its compact dimensions, particularly as its size was clearly a compromise by the Council to enable the extension to be built. It may well be constrained in terms of parking some cars within it, albeit it has not been convincingly demonstrated that it would be incapable of use for parking a car. In any event, even if it were found to be too constrained by some users it would still be capable of accommodating other forms of private transport such as motorcycles, bicycles, mobility vehicles and similar, that might reasonably be in use by a household occupying a four bedroom house.
11. Darlington Local Plan, 2022 (DLP) Policy IN 4 requires that regard be had to the Design Guide. Having done so, the development would not accord with DLP Policy IN 4's parking requirements. It would consequently not accord with DLP Policy DC 1 which requires parking arrangements in accordance with Policy IN 4, and also as the proposed alternative parking arrangements would not result in good design.

Conclusion

12. For the above reasons removing condition 3 and varying condition 4 would harm the character and appearance, and the highway and parking conditions, of the area, contrary to the development plan considered as a whole, as supported by Council guidance. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

² [Tees Valley] Design Guide & Specification - Residential and Industrial Estates Development.

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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NO:	23/00100/FUL
APPEAL REF. NO:	Appeal Ref: APP/N1350/W/24/3341570
LOCATION:	93 Pensbury Street DARLINGTON DL1 5LJ
DESCRIPTION:	Erection of a single storey rear extension, dormer window to rear elevation, cycle storage area and erection of boundary wall 2372mm in height with external doors into back lane (part retrospective) description amended by plans and updated planning statement received 08/02/2024) (as amended by plans received 26/01/2024 and 02/02/2024)
APPLICANT:	Ryan Beaumont, Beaumont and Partner Ltd

ASSISTANT PLANNING OFFICER: PATRICIA BASTON

BRIEF SUMMARY:

1. The main issues are the effect of the proposal on the character and appearance of the host property and the surrounding area, including whether it would preserve the setting of the nearby Grade II* building Bank Top Railway Station.

KEY POINTS TO NOTE:

2. Appeal site is a terraced property, with a rear yard accessed from a back lane. To the rear of the back lane is Bank Top Station which is Grade II* listed and nearby properties including Hogan's Public House, 97 Pensbury Street, 137-139 Victoria Road, 1 Waverley Terrace and 1-4 Park Lane are to be either to be demolished or have been demolished as part of the station re-development.

REASON(S) FOR REFUSAL:

3. In the opinion of the Local Planning Authority, the rear dormer extension by virtue of its scale, form and massing would result in an incongruous and overbearing form of development and together with the scale and design of the rear extension and resultant changes to the boundary wall, results in a development which is at odds with the character, design and external appearance of both the application property and that of the street scene and the surrounding area. As such the proposal would be contrary to Policy DC1 of the Darlington Local Plan 2016 2036.

APPEAL DISMISSED:

4. The proposed rear dormer would stand out as a substantial and obtrusive unsympathetic addition which would dominate the rear roof plane and would appear as an incongruous and overbearing development on a relatively modest terraced property.
5. The proposed extension would be tall and imposing and would be located hard up to the boundary with Blue Rose Lane and would stand out as an obvious and obtrusive feature with its prominent wide fascia board.
6. Overall, the proposal would cause harm to the character and appearance of the host property and the surrounding area and would unacceptably undermine the distinctive historic character of the townscape and street scene in Blue Rose Lane and would fail to preserve the setting of the nearby listed building (Bank Top Station).



Appeal Decision

Site visit made on 9 May 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/N1350/W/24/3341570

93 Pensbury Street, Darlington, DL1 5LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ryan Beaumont, Beaumont and Partner Ltd, against the decision of Darlington Borough Council.
 - The application Ref 23/00100/FUL, dated 26 January 2023, was refused by notice dated 21 February 2024.
 - The development proposed is a rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was originally sought for a replacement single storey rear extension to facilitate the property becoming a six bedroom House in Multiple Occupation (HMO). The plans were revised during the Council's consideration of the application to reflect the extension as built, and to include a rear dormer extension which had also been constructed. However, it is evident from the photographs submitted by the appellant to support the appeal, and from my own observations on site, that the development that has been carried out in relation to the dormer is not the same as that which was applied for.
3. The dormer shown on submitted drawings¹ is set down from the ridge of the roof to generally align with the bottom of the chimney stacks. However, it has been constructed to a greater height such that it sits on, or close to, the ridge of the roof. There is no explanation from the appellant or the Council on this matter. Whilst I appreciate that the application was submitted to regularise the existing situation such that the development can be made lawful, in the absence of any justification, and given the importance of these details, I confirm that I have considered the development as shown on the plans rather than what has actually been built. I am also conscious that the rear boundary wall and gate that form part of the scheme have not yet been constructed. As such, I will refer to the scheme overall as a proposal.
4. Whilst not part of the reason for refusal, the appeal property is immediately adjacent to the Grade II* listed building Bank Top Railway Station. The impact on the setting of that heritage asset is considered in the officer's report. In the interests of fairness the appellant has been given the opportunity to comment

¹ Drawing numbers PL115 Revision F and PL200 Revision A

on this matter as part of the appeal. This background has led to my identification of the main issue below.

5. Since the proposal relates to the setting of a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area, including whether it would preserve the setting of the nearby Grade II* listed building Bank Top Railway Station (Main Building) (Ref: 1310079).

Reasons

The setting of the listed building

7. The appeal property is a two storey mid terrace dwelling fronting Pensbury Street. Blue Rose Lane is a brick set alleyway running to the rear of the terrace and separates it from the railway station building to the east.
8. The station dates to 1887 and is constructed in red brick with stone dressings. It has a tall slender clock tower with four stages and wide arched openings to either side in two flanking bay sections which makes up the entrance portico. It is a grand and imposing building with some Italianate detailing. Its decorative design and impressive scale is seen in contrast to the surrounding tight knit modest terraced houses and narrow streets. It is a distinctive and dominating feature of the town sitting in an elevated and commanding position at the top of Victoria Road.
9. In so far as relating to this appeal, the significance of the station is derived from its fine architectural design and form, its historic interest as an important long standing purpose built station, along with its role and status in the town and relationship with the rest of the urban area and traditional townscape.
10. The wider setting of the station has changed over time and continues to do so as a result of the approved station re-development and associated programme of highway and public realm improvements. Nevertheless, its immediate setting around its main entrance is made up of the traditional terraces and backstreets and for the most part remains. Blue Rose Lane retains its traditional historic appearance typical of the terraced townscape. Notably it maintains its well enclosed walled rear yards, as well as its locally distinctive blue grey brick construction, both of which contribute to its historic character and understated traditional charm. This is so despite the variety of rear extensions and boundary treatments there, the condition of the buildings and hardstanding, and the storage of bins.
11. The setting of the listed building, and the contribution it makes to the significance of that asset, in so far as relating to this appeal, is derived mainly from the rich historic character of the townscape and its traditional buildings as well as their relationship to each other including the longstanding back alleyways and enclosed rear yards. These collectively provide evidence of the role and status of Darlington and its historic development and contribute positively to the understanding and the special interest and significance of the station along with the ability to appreciate it.

12. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. The appeal property backs on to Blue Rose Lane and has a close and direct visual relationship with the station's long flank elevation as well as being near to its distinctive entrance feature and tower. Despite the built up nature of the area there is some inter-visibility to varying extents between the appeal property and the station. Additionally, some contextual views of the station include the rear of the appeal property where it sits at the western edge of the brick set alleyway.
13. As such, the appeal building has a close and direct visual relationship with the station and therefore contributes to the setting of that listed building. I have had special regard to this matter in considering the appeal.

The effect of the proposal

14. The rear dormer would be some 4 metres wide with a rearward projection of around 3.8 metres and height of 2.3 metres with a flat roof. It would incorporate timber cladding coloured to match the roof tiles and white windows and would be set down from the ridge of the roof. The appellant advises that it would be built to high standards and insulated.
15. Nevertheless, the dormer would be large and would cover much of the rear roof plane. The appellant indicates that it would be set back from the building's eaves by around 0.14 metres (as stated in the Design and Access Statement) or 0.16 m (as stated in the appellant's appeal submissions). The Council does not dispute these matters. However, the set back would not be great. It is not evident on the submitted drawings showing the rear elevation, where no part of the roof or tiles are shown to remain visible between the bottom edge of the front face of the dormer and the outermost edge of the eaves (as would normally be expected in order to achieve a set back).
16. Taking these factors into account, I find that the dormer would be an unduly large and bulky addition that would extend across almost the full width of the roof and close up to the eaves. As such it would dominate the appeal property's rear roof plane and appear as an incongruous and overbearing form of development on the relatively modest terraced host property.
17. Whilst being mindful that I am considering the proposed scheme and not what has been built, I saw at my site visit that from street level the dormer is without any discernible gap or visual separation from the bottom edge of the roof. Since this element of the dormer appears to accord with the details on the drawings, this adds to my concerns that the proposed dormer would have an unsatisfactory visual impact.
18. Paragraph 124 of the Framework advises that planning policies should support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene and is well designed (amongst other things).
19. In terms of the street scene, whilst the proposed dormer would not be visible in Pensbury Street, it would be clearly seen in Blue Rose Lane. Although there is a limited number of other dormers there, they are not a prevalent feature particularly at the southern end of Blue Rose Lane in the vicinity of the appeal

- property. As such, even given its timber clad design, I find that the proposed dormer would stand out as a substantial and obtrusive unsympathetic addition to the relatively uninterrupted and clear rear roof scape of the terrace. Accordingly it would detract from the street scene in Blue Rose Lane.
20. The rear extension would be around 7.6 metres deep and 2.5 metres wide with a shallow mono-pitched roof. It would be built right up to the property's rear boundary to form part of the boundary treatment there, fronting Blue Rose Lane with a rendered gable end rising to a height of some 2.8 metres. A new brick wall around 2.3 metres in height would be provided alongside the extension and would include double timber doors.
21. These elements of the proposal would use materials to assimilate with the existing property and would not affect its front or principal elevation or be seen in Pensbury Street. They would remain within the existing boundary of the appeal property which would not be extended eastwards, and the wall would replace a previous boundary wall of the same height.
22. There is a variety of rear extensions in Blue Rose Lane including both two storey and single storey additions (some with mono-pitched roofs) and different types of boundary treatments which vary in height, condition, age and materials. That said, the majority of the rear boundaries are demarked by rear walls and gates, with most of the extensions sitting behind these and being contained within the delineated historic rear yards. There is some uniformity to this piecemeal variety of brick rear walls which, along with the remaining historic brick sets there, contribute to the pleasant traditional character of Blue Rose Lane.
23. In contrast, the proposed extension would be tall and imposing and its considerable rendered gable end and prominent wide fascia board would be located hard up to the boundary and at the back edge of Blue Rose Lane. It would protrude above the generally established wall height there and be seen as a tall and solid structure located right on the edge of the yard. Whilst the proposed adjacent brick wall and doors would generally reflect the previous wall and accord with those nearby, it would make up only part of the boundary resulting in a somewhat disjointed appearance.
24. This being so, I find that the traditional containment and walled nature of the rear yard would be eroded and the proposal would result in a discordant and jarring boundary treatment that would appear at odds with the other properties nearby and along the row. Thus the proposal would stand out in the street scene of Blue Rose Lane as an obvious and obtrusive feature.
25. Bringing matters together, I find that overall, for the reasons given, the proposal as a whole would be at odds with the character and appearance of the host property and the surrounding area. That there are no objections from third parties does not alter my conclusion. Although I appreciate that it is not part of the Council's reason for refusal on the decision notice, with my statutory duty in mind, I have considered whether the proposal would preserve the setting of the nearby listed railway station.
26. Whilst I accept that the appeal property is to some extent screened from view by surrounding development when looking at the station from Victoria Road, there is nevertheless visibility between the rear of the appeal property and the station as described above, and it forms part of the heritage asset's setting.

The Council also refers to the opening up of the area as part of the station re-development when the appeal property will become more prominent. Whilst I have seen no further details relating to this, I understand that a nearby building in Victoria Road is to be demolished. Although not a determinative factor, I am mindful that this would further increase the visibility of the proposal.

27. In causing harm to the character and appearance of the host property and the surrounding area, and unacceptably undermining the distinctive historic character of the townscape and street scene in Blue Rose Lane, the proposal would detract from the appreciation of the adjacent important historic structure. Thus it would diminish the contribution of the setting of the station to its significance. For these reasons, I find that the proposal would fail to preserve the setting of the nearby listed building.

The heritage balance

28. I therefore conclude on the main issue that the proposal would harm the character and appearance of the host property and the surrounding area and would fail to preserve the setting of the nearby listed building. I give this harm considerable importance and weight in the balance of this appeal.
29. The Framework advises at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I am aware that the Council does not consider the scheme would have a significant harmful effect on the listed building. Even so, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
30. Paragraph 208 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
31. The appellant considers that the scheme provides increased and improved living space which enhances the property and makes it more liveable and sustainable. The rear extension increases the size of the kitchen whilst retaining an area of outdoor space. The dormer provides increased headroom to make the attic space usable as a bedroom with adequate light. The new rear boundary wall would provide security and privacy. Overall it is argued that the scheme protects the living conditions of nearby occupiers, provides better living standards for occupiers, raises property values, and ensures the longevity of the property as an HMO.
32. That said, the appeal property has an established residential use and I have seen nothing to demonstrate that this would cease in the absence of the appeal scheme. I am also mindful that the improvements to the property as stated are in some cases private rather than public benefits, and that they could in any event be realised via less substantial and therefore less harmful extensions to the property. This tempers the weight to be afforded to any public benefits arising in these regards.

33. Bringing matters together, I find that overall, the public benefits of the proposal do not outweigh the harm to the significance of the designated heritage asset I have identified. Thus, the proposal is contrary to Policy DC2 of the Darlington Local Plan which requires good design to create attractive and desirable places where people want to live, work and invest. Proposals should reflect the local environment and create an individual sense of place with distinctive character and respond positively to the local context. For these reasons the scheme fails to satisfy the requirements of the Act and paragraph 203 of the Framework and would be in conflict with the development plan.

Other matters

34. The appellant refers to a fallback position whereby a rear dormer could be constructed without the need for planning permission under permitted development rights. Class B of Schedule B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) relates to the enlargement of a house consisting of an addition or alteration to its roof. A number of limits and conditions apply including B.2 (b) (i) (bb) which requires the enlargement shall be constructed so that the edge of the enlargement closest to the eaves of the original roof shall, so far as it is practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves.
35. As set out above, the proposed dormer would be set back around 0.14 or 0.16 metres from the eaves. I appreciate that this would not fall too far short of the 0.2 metres required by the GDPO. The Council does not dispute this matter. Nevertheless, it remains that a greater set back would be required under permitted development rights. Whilst the distance would not be large, this increased set back would mean that the resultant dormer that could be built without the need for planning permission, would be better separated from the eaves and appear less dominant than the appeal scheme.
36. As such, I am not persuaded that a dormer constructed under permitted development rights would have worse effects than the appeal proposal. I am also mindful that the scheme overall includes other elements including the rear extension which I have found to be harmful. As such, this fallback position does not justify the appeal scheme overall. Whilst I appreciate that to alter the already constructed dormer would be costly, that is not a reason to allow development that I have found to be harmful based on its planning merits.
37. I have also had regard to the appellant's argument that the government's proposed changes to permitted development rights would remove the requirement for a set back completely, such that the proposed dormer would be permitted development. However, any such potential changes to the GDPO are not yet in force, and it remains that as things stand, the dormer before me requires planning permission and falls to be considered on its planning merits.

Conclusion

38. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR

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

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