



Planning Applications Committee Agenda

1.30 pm, Wednesday, 23 September 2026
Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the meeting of this Committee held on 28 August 2026
(Pages 5 - 8)
4. Introduction to Procedure by the Assistant Director, Law and Governance's
Representative (Pages 9 - 10)
5. Applications for Planning Permission and Other Consents under the Town and Country
Planning Act and Associated Legislation (Pages 11 - 12)
 - (a) Land At High Faverdale Farm, Burtree Cell CH, Faverdale Rotary Way Darlington (Pages
13 - 62)
6. 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
7. Questions

PART II

8. Notification of Decision on Appeals –

The Executive Director, Economy and Public Protection will report that, Inspectors, appointed by the Secretary of State for the Environment, have :-

- a) Dismissed the appeal by Mr Nathan Still of In Focus Network Ltd against this Authority's decision to refuse permission for Installation of 1 No. multi functioning hub incorporating 1.9 m internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside 5 Tubwell Row, Darlington, DL1 1NU (25/00450/FUL) (copy of Inspector's decision enclosed).
- (b) Dismissed the appeal by Mr Nathan Still of In Focus Network Ltd against this Authority's decision to refuse permission for Installation of 1 No. multi functioning hub incorporating integral advertisement display screen to one side and defibrillator to other side at Pavement Outside 38 Northgate, Darlington, DL1 1PP (25/00452/FUL) (copy of Inspector's decision enclosed).
- (c) Dismissed the appeal by Mr Nathan Still of In Focus Network Ltd against this Authority's decision to refuse permission for Installation of 1 No. multi functioning hub incorporating internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside 41 - 45 Northgate, Darlington (25/00653/FUL) (copy of Inspector's decision enclosed).
- (d) Dismissed the appeal by Mr Nathan Still of In Focus Network Ltd against this Authority's decision to refuse permission for Installation of 1 No. multi functioning hub incorporating internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside 4 Northgate, Darlington, DL1 1NR (25/00655/FUL) (copy of Inspector's decision enclosed).
- (e) Dismissed the appeal by Mr Nathan Still of In Focus Network Ltd against this Authority's decision to refuse permission for Installation of 1 No. multi functioning hub incorporating internally illuminated LCD advert screen to one side and defibrillator to other side at Pavement Outside Santander, Bondgate, Darlington, DL3 7J (25/00657/FUL) (copy of Inspector's decision enclosed).

RECOMMENDED – That the report be received. (Pages 63 - 84)

PART III

EXCLUSION OF THE PUBLIC AND PRESS

9. 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.

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 11 September 2026 (Exclusion Paragraph No. 7) –
Report of Executive Director, Economy and Public Protection.
(Pages 85 - 98)
11. 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
12. Questions



Amy Wennington
Assistant Director Law and Governance

Tuesday, 15 September 2026

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Durham, Haszeldine, Holroyd, Kane, Laing, Lawley, McCollom and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact James McAllister, Democratic Officer, Resources and Governance 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: james.mcallister@darlington.gov.uk or telephone 01325 403122

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 26 August 2026

PRESENT – Councillors Haszeldine (Chair), Allen, Anderson, Bartch, Beckett, Cossins, Durham, Holroyd, Lawley, McCollom and Tostevin.

APOLOGIES – Councillors Ali, Kane and Laing,

OFFICERS IN ATTENDANCE – Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Andrew Harker (Interim Planning Development Manager) and James McAllister (Democratic Officer).

PA23 DECLARATIONS OF INTEREST

Councillor Durham declared a non-pecuniary interest in relation to item 5(a) as Ward Councillor.

PA24 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 29 JULY 2026

RESOLVED – That the Minutes of this Committee held on 29 July 2026 be approved as a correct record.

PA25 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

PA26 4 GLANTON COURT, DARLINGTON, DL3 0NY

26/00320/FUL – Change of use of habitable room to aesthetics clinic (Use Class E).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, Environmental Health Officer, and Darlington Association on Disability; in addition to the Applicant and an Objector, whom the committee heard.)

The Committee entered into discussion, and a motion was moved to defer the item until further consultation had been undertaken with Darlington Association on Disability, which was seconded.

An amendment was moved to this motion to grant Planning Permission subject to the proposed conditions outlined in the report, which was seconded, and after a vote this was carried.

The amendment then became the substantive motion, which was carried.

RESOLVED: That planning permission be granted subject to the following conditions:

1. 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.

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

- Proposed Site Layout Plan to Rear Dwg. No. 25.109 04 Rev A
- Proposed Elevations Dwg. No. 25.109 05
- Proposed Block Plan Dwg. No. 25.109 06

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

3. This permission shall be solely operated for the benefit of the applicant, Mrs Ranjit Kaur and shall not run with the land and in the event of Mrs Ranjit Kaur vacating the premises the detached garden structure shall revert to a use ancillary to the main residential use of the application property.

REASON – In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent use in the event of Mrs Ranjit Kaur vacating the premises.

4. The Aesthetics Clinic hereby approved shall not be open for business outside the hours of 9am – 6pm Monday to Friday, 9am - 2pm on a Saturday, and there shall be no opening on Sunday or Bank/Public Holidays.

REASON – In the interest residential amenity.

5. The premises shall be used only as an Aesthetics Clinic and for no other purpose (including any other use in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order).

REASON – The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same class in the interests of amenity.

6. A minimum of one parking space shall be provided within the curtilage of the property and shall remain available for use by customers during the hours set out in condition 4 of this permission.

REASON – In the interest of highway safety.

7. Prior to the commencement of the use, the details of a path (dimensions, materials and design, route) across the front grassed area to enable wheelchair access shall be submitted to and agreed in writing by the Local Planning Authority. The path shall then be fully implemented and be available for use prior to the opening of the business and shall remain in place and free from obstruction for the lifetime of the

business use.

REASON – To accord with Policy IN2 of the Darlington Local Plan (2016-2036).

8. Access ramps shall be available for use prior to the commencement of the business use in accordance with the submitted document entitled “Statement for Change of Use Class E and Accessibility”. The ramps shall remain available for use for the lifetime of the business use.

REASON – To accord with Policy IN2 of the Darlington Local Plan (2016-2036).

PA27 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.

PA28 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 14 AUGUST 2026 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA22, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 14 August 2026.

RESOLVED - That the report be noted.

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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 – 23 September 2026

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
Land At High Faverdale Farm, Burtree Cell CH, Faverdale, Rotary Way, Darlington	25/00665/FUL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 September 2026

APPLICATION REF. NO:	25/00665/FUL
STATUTORY DECISION DATE:	30 September 2026
WARD/PARISH:	Brinkburn And Faverdale
LOCATION:	Land At High Faverdale Farm, Burtree Cell CH, Faverdale Rotary Way Darlington
DESCRIPTION:	Residential development consisting 230 No. dwellings, with associated infrastructure, SUDS basin, parking and landscaping (amended description)
APPLICANT:	Homes by Esh

RECOMMENDATION:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO:

- (1) THE DEVELOPER OF THE LAND CURRENTLY WITHIN THE OWNERSHIP OF DARLINGTON BOROUGH COUNCIL ENTERING 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 PLANNING CONDITIONS SET OUT IN THE REPORT**
-

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:
[25/00665/FUL | Residential development consisting 230 No. dwellings, with associated infrastructure, SUDS basin, parking and landscaping \(amended description\) | Land At High Faverdale Farm Burtree Cell CH, Faverdale Rotary Way Darlington](#)

APPLICATION AND SITE DESCRIPTION

1. The application site is an agricultural field (approx. 12.3 hectares) located on the northwestern edge of Darlington and forms part of the wider Burtree Garden Village allocation between Rotary Way and Burtree Lane. The site is bound to the east by the Argos Distribution depot and to the south by the High Grange residential estate and the Aldi Regional Distribution Centre.
2. The fields to the north and west of the application site form part of Phase 1 of the Burtree Garden Village (BGV) development approved under hybrid planning permission reference number 22/01342/FULE which included a link road to connect Rotary Way and Burtree Lane. The construction of this link road is currently underway. Reserved matter applications for residential development have been approved for some of the other development cells within Phase 1, including Cells L, M and O which was submitted by Homes by Esh and are located to the west of the application site.
3. The application site lies outside of, but adjacent to the Phase 1 of BGV and full planning permission is sought to redevelop the site for residential development consisting of 230 No. dwellings, with associated infrastructure, SUDS basins, parking and landscaping. Vehicular access would be via the link road referred to in paragraph 2 of this report. A separate planning application (ref no: 26/01137/NMA) to permit revisions to the Phase 1 of BGV permission in order to facilitate the formation of a vehicular access junction off the link road to the application site has been approved.
4. The application site is within the ownership of the Council. A report is to be taken to Cabinet in the near future recommending that the Council enters into a joint venture partnership with Homes by Esh to develop the land for residential purposes. The recommendation will include a proposal that the Council's Executive Director – Economy & Public Protection will be on the Board of the Joint Venture Company; therefore, to avoid any perception of conflict of interest in decision making, this planning application is being presented to Planning Applications Committee for determination.

Environmental Impact Assessment

5. A Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 was submitted in June 2025 (ref no: 25/00635/SCR). The proposed development falls within Category 10(b) of Schedule 2 of the Regulations 'Urban development projects' as the proposed development site area exceeds 5 hectares and the scheme exceeds 150 dwellings. Having considered the selection criteria set out in Schedule 3 of the Regulations, the Local Planning Authority advised the applicant that no significant environmental effects are likely that would warrant the submission of an Environmental Impact Assessment (EIA) in support of any planning application. Therefore, in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Planning Authority adopted a screening opinion to the effect that the development is not considered to be EIA development

Planning Obligations

6. Given the application site is owned by Darlington Borough Council the report being taken to Cabinet will include a resolution that the Council will not dispose of the application site without having first entered into an Agreement with the applicant pursuant to section 111 of the Local Government Act 1972. The s111 Agreement will bind both the Council, as landowner, and the applicant or the Joint Venture Company, as buyer of the land, to entering into the draft 106 Agreement attached thereto upon the completion of the sale. The draft 106 Agreement will be in the terms set out within this report as being required to make the development acceptable in planning terms.

MAIN PLANNING ISSUES

7. The main planning issues to be considered here are whether the proposal is acceptable in the following terms:
 - a) Planning Policy
 - b) Greater Faverdale Design Code and Burtree Garden Village Masterplan
 - c) Highway Safety and Access
 - d) Residential Amenity
 - e) Impact on the Character and Appearance of the Local Area
 - f) Climate Change Considerations
 - g) Biodiversity Net Gain and Ecology
 - h) Impact on Trees and Hedgerows
 - i) Land Contamination
 - j) Air Quality
 - k) Archaeology
 - l) Flood Risk and Drainage
 - m) Nutrient Neutrality
 - n) Public Rights of Way Network
 - o) Impact on Heritage Assets
 - p) Affordable Housing
 - q) School Place Provision
 - r) Planning Obligations and Developer Contributions

PLANNING POLICIES

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

Darlington Local Plan 2016 – 2036

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

DC5: Skills & Training

H1: Housing Requirement

H2: Housing Allocations

H3: Development Limits

H4: Housing Mix

H5: Affordable Housing

H11: Greater Faverdale Site Allocation
E2: Employment Allocations
ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV3: Local Landscape Character
ENV4: Green and Blue Infrastructure
ENV5: Green Infrastructure Standards
ENV6: Local Green Space
ENV7: Biodiversity and Geodiversity and Development
ENV8: Assessing a Development's Impact on Biodiversity
IN1: Delivering a Sustainable Transport Network
IN2: Improving Access and Accessibility
IN3: Transport Assessments and Travel Plans
IN4: Parking Provision including Electric Vehicle Charging
IN5: Airport Safety
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure

9. Other relevant documents are as follows:

National Planning Policy Framework 2026
Greater Faverdale Design Code SPD (2022)
Design of New Development SPD (2011)
Planning Obligations SPD (2013)
Burtree Garden Village Masterplan (v.P6 – April 2024)

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Highways Engineer, Environmental Health Officer, Ecology Officer, Climate Change Officer, Arboricultural Team Leader, Public Rights of Way Officer, Public Health Team, Education Team have raised no objections to the planning application subject to appropriate planning conditions and/or planning obligations
11. The Lead Local Planning Authority have raised no objections to the planning application.
12. National Highways have raised no objections to the planning application subject to appropriate planning conditions and planning obligations
13. Natural England has raised no objections to the planning application
14. Northumbrian Water have raised no objections
15. The Durham County Council Archaeology Team has raised no objections
16. The Air Traffic Engineering Manager from Teesside International Airport have no aerodrome safeguarding objections to the proposal
17. Northern Gas Network has raised no objections to the planning application.

RESULTS OF PUBLICITY AND NOTIFICATION

18. Following the Council's various publicity and notification exercises on the planning application, two comments were received relating to the location of a bus stop and pedestrian crossing on Rotary Way which form part of the offsite highway works for the Phase 1 BGV approval and that noise from the neighbouring commercial buildings must be fully considered as part of the planning application. The bus stop and pedestrian crossing are not associated with the redevelopment proposals for Cell CH and their potential impact falls outside the remit of considerations for this application.
19. Whessoe Parish Council have raised no objections to the principle of the proposed development
20. Homes England have submitted an objection to the planning application and the matters raised can be summarised as follows:
 - *Over dominance of frontage parking throughout the site.*
 - *Lack of smaller green verges, landscaping and street trees.*
 - *Impact of 4m high bund on amenities of the dwellings on the eastern boundary*
 - *Limited palette of materials*
 - *Footpath links are not well connected to roads and footpaths outside of the site and wayfinding through the site appears convoluted in comparison to masterplan vision.*
 - *The site was also identified as being potentially used for employment purposes. Has the departure to residential use been fully justified.*
 - *There is a lack of estate railings and hedging at key points and corners*
 - *Lack of chimneys in house type designs*
 - *Any crossing of the landscaping scheme which was approved as part of the Phase 1 hybrid planning permission needs to be regularised alongside any subsequent grant of planning permission.*
21. A letter of objection has been submitted by Savills on behalf of Hellens BGV Limited and Homes England. Whilst Hellens BGV Limited and Homes England do not raise objections to the principle of development and are supportive of this development coming forward in the correct manner they are concerned that the total number of dwellings allocated at Burtree Garden Village and the approach to addressing impacts on the A1(M), have not been set out understood for the future of the Burtree Garden Village allocation as a whole. The objection sets out that financial contributions must be equitable for each party seeking to deliver development in this location as per the Burtree Garden Village Masterplan.
22. A further letter of objection has been submitted by Savills on behalf of Hellens BGV Limited and Homes England, which in addition to the above comments, raises concerns about the potential impact of unknown financial contributions for strategic highways mitigation for the A1(M) would have on the viability of Phase 2 of the Burtree Garden Village allocation. The letter reiterates that they have no objection in principle to the development and are not seeking a recommendation of refusal, rather they are seeking a strategic approach to decision making whereby there is a pause in the process until all parties are aware of the future requirements beyond this planning application to off-set potential viability challenges in the future.

PLANNING ISSUES/ANALYSIS

a) Planning Policy

23. Planning Law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2026) supports the plan led system providing that planning decisions should be “genuinely plan led” (NPPF Section 1.2). The national decision-making policies within the Framework are also a material consideration in making decisions and should be read alongside the policies in the development plan. Development plan policies (or parts of those policies) which are materially inconsistent with the national decision-making policies in the NPPF should be given very limited weight. However, development plan policies considered consistent with the NPPF should not be given reduced weight simply because they were adopted prior to the publication of the NPPF 2026 (Annex A2).
24. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. The site, and wider area, is allocated in the Local Plan (Site Reference: 185) as a mixed-use urban extension and therefore the proposal would contribute towards the achievement of the Borough’s housing requirement.
25. Policy H3 of the Local Plan seeks to achieve the locational strategy for new development in the Borough by establishing development limits within which development will be acceptable, subject to compliance with other relevant national and local policies. The site is located within the development limits of the main urban area; and therefore, the proposal accords with Policy H3 of the Local Plan.
26. Policy H2, E2 and H11 of the Local Plan allocate the application site and the wider area (site reference 185 Greater Faverdale) for mixed use development which will contribute towards meeting the Boroughs quantitative and qualitative need for housing and employment over the plan period. The allocation is identified to support a development of approximately 2,000 homes and approximately 70 hectares gross (49 hectares net) of employment land for E(g), B2 and B8 use classes.

b) Greater Faverdale Design Code and Burtree Garden Village Masterplan

Greater Faverdale Design Code

27. Policy H11 of the Local Plan sets out that the Comprehensive Masterplan & Infrastructure Phasing Plan (the Masterplan) for Burtree Garden Village should have regard to the strategic design requirements established in the Design Code. The Masterplan was agreed with the Council in 2024 and was considered to have regard to the strategic design requirements. While Policy H11 of the Local Plan sets no requirement for planning applications to have regard the Design Code, it is a supplementary planning document (SPD) and remains a material planning consideration for any application within the Burtree Garden Village allocation boundary. It can form a reason for refusal, should a development not have sufficient regard to the Design Code.

28. The Design Code sets out that each phase of Burtree Garden Village should undertake a Building for a Healthy Life Assessment (which uses a RAG rating system) and must achieve a minimum of 9 Green Lights and no Red Lights across the twelve categories.
29. A developer's response to the twelve categories of Building for a Healthy Life forms part of an updated Design & Access Statement submitted in support of the planning application. Furthermore, a Building for a Healthy Life self-assessment has been conducted by Queensberry Design Ltd and submitted in support of the planning application. That assessment scores the scheme 10 Green, 2 Amber, and 0 Red, which exceeds the requirement set out by the Design Code.
30. The Council's Planning Policy Team has also reviewed the planning application against the Building for a Healthy Life categories and produced a Design Code Compliance Assessment document which has been uploaded to the planning application. The findings of this review are that the scheme achieves a score of 10 Greens, 2 Amber and 0 Red which means that the proposal has passed and exceeded the test set out in the Design Code. The 2 Amber scores relate to the following categories (with Planning Policy responses below):

Create places that are memorable.

The proposals are for 230 dwellings, two storeys in scale, of a typical residential design. There is therefore little to distinguish the development in terms of its form, though this is to be expected within a residential cell (it should though be noted that some house types have been specifically adapted for Cell CH). However, the applicant has developed a set of four material finishes. Two of the material finishes (1 & 2) use cast stone wall finishes. This is not always the most visually appealing material and implementation can vary. However, unlike at developments such as Elder Brook Park, this will be counterbalanced with the use of buff brick for Finish 3 and facing brick for Finish 4 and the use of render (e.g. Plot 140). This mix of materials is far more reminiscent of Darlington and its surrounding villages than the initially proposed all cast stone development. The use of cast stone will though create a material difference with Esh's other development at Burtree (Cells LMO) to the west which predominately use brick. This will provide an identity to the site and allow visitors moving through the Garden Village to locate themselves based on material changes. As a garden village, it is also important that the site has a 'leafy' character – it is therefore positive to see that boundary hedging is extensively proposed in the landscape strategy.

Streets are different to roads. Streets are places where the need to accommodate the movement of motor vehicles is balanced alongside the need for people to move along and cross streets with ease. Activity in the street is an essential part of a successful public realm.

The street network has been designed for 20mph speeds which should allow for reasonable use of the street - therefore this criterion has been recorded as Amber. Street trees (typically located in front gardens) and boundary hedges have been included, which should make the street a positive environment, and widths and corner radii meet requirements.

However, despite reference to the importance of places to sit, chat and play within the submitted Design & Access Statement, there is little evidence that these requirements have been included in the scheme, either within the street or within the provided open spaces. The Village Green will provide six benches, which will be secured by planning condition. However, there are no plans for benches to be located elsewhere in the scheme, as of time of writing. The applicant's Health Impact Assessment has noted that other schemes within the Masterplan address play equipment needs. While this statement is factually correct, it is highly regrettable that a scheme of 230 dwellings does not provide even a small measure of basic play equipment for use within the development area.

31. The outcome of the assessment by the Planning Policy Team is noted however as stated, the development has exceeded the test set out in the Design Code and the planning application should not be refused for the two matters that have been given an Amber score.
32. Although the Greater Faverdale Design Code SPD (the Design Code) contains both a Design Quality Coding Checklist and a Detailed Design Quality Coding Checklist, neither section sets out a structured suite of questions or criteria that can be assessed against. As part of the Design Code Compliance Assessment document an assessment table has been produced by the Planning Policy Team to provide a method to assess general compliance with the Design Code. It is based on the previous set of assessment criteria used by Designe (the authors of the Greater Faverdale Design Code) to assess how the now agreed Burtree Garden Village Masterplan and Phase 1 Application complied with the Design Code. As a result, some questions relevant to the Masterplan or the development of the wider Garden Village have been scoped out and are recorded as 'Not Applicable'. It is important to highlight that the Design Code SPD does not set out pass or failure criteria for this assessment stage. Scoring a 'Red' in this assessment does not mean an application should be automatically refused – only that the scheme performs poorly against that criterion.
33. The outcome of this assessment by the Planning Policy Team is that the proposed development scored 56 Reds, 13 Ambers and 0 Reds. The Amber scores can be summarised as follows:
 - a) The development has some success in legibility and using buildings for wayfinding purposes such as the use of "corner turner" buildings, buildings being positioned to act as visita stops and centrepiece frontages have been created. In other areas, house type arrangements are considered more random, but these occur on streets which do not provide key frontage or views
 - b) The scheme is considered a reasonable quality residential development rather than being truly exemplar
 - c) Cul-de-sacs terminating in private drives have been extensively used but onward connectivity for both pedestrians and cyclists has been included within cul-de-sacs giving good active travel links around the site
 - d) There is limited seating and there is no play area within this development. However, other play equipment schemes within the Masterplan will come forward and this development site provides good pedestrian and cycle path links to those proposed areas of the wider Garden Village
 - e) Private drives have been used as part of the design of the scheme but not to an extent that would overly frustrate pedestrian and cycle movement

- f) Despite limited seating areas, the development has a “village green” to help create a community spirit and good onward links to foster active travel to the wider site and proposed open spaces and community facilities
 - g) The overall design of the development is considered to be traditional and sympathetic to the surrounding area but not contemporary as favoured by the Design SPD
 - h) Whilst the form of the scheme is based on standard house types rather than local historical precedent, orientation is context driven with a strong perimeter block structure that responds to the topography and contours of the site and its various features. Properties are suitably orientated towards open spaces and key routes, and the rear of properties is not exposed to the public realm.
 - i) The materials presented as part of the application are relatively standard housebuilding materials. Whilst there is significant use of cast stone, which is not an ideal material in terms of character, but is more consistent and predictable than natural stone.
 - j) The Design Code notes the use of Modern Methods of Construction to aid in quality assurance and achieve consistent performance of the dwellings. It is assumed that the development will be a traditional build although compliance with Part L of the updated Building Regulations will likely involve the use of some elements of Modern Methods of Construction.
 - k) The scheme will not deliberately contribute to the wider provision of edible landscapes within the Garden Village. Again, appropriate onward links will enable access to allotments as they are brought forward in the later phases of the approved Garden Village development
 - l) Play, interpretation, and artworks are all being provided within the wider Garden Village rather than within the development itself
 - m) Cell CH does not include provision for health, but it is not a standalone development and is integrated into a wider masterplanned scheme that includes provision for health, wellbeing and exercise.
34. A Green score means that the proposal has performed well against the defined category and the proposed development has achieved a high percentage of Green scores. An Amber score reflects a varied performance, with parts of the development being strong in some places but weaker in others when assessed against a particular category. It is noted that the development has received no Red scores which is when a proposal performs poorly.
35. Whilst these Assessments of the development conclude that there would be room for improvement, as there is for any scheme, the overall conclusion is that the proposal has had due regard to the Greater Faverdale Design Code SPD in accordance with requirements set out in Policies DC1 and H11 of the Local Plan and can be supported.
- Burtree Garden Village Masterplan*
36. As required by Policy H11, a comprehensive masterplan for the Burtree Garden Village was agreed with the Council in April 2024. The masterplan was produced by Homes England and Hellens Group. However, it is not a Council document and does not form part of the local development plan.

37. The masterplan sets out that Cell CH was initially considered for employment use due to its proximity to Great Crested Newt ponds and the reduced impact this might have on the surrounding habitat. However, design feedback suggested that it may be desirable for the site to come forward as residential, given the prominent position, and aspirations in achieving high design quality, at the southern gateway to the Garden Village allocation. The Masterplan was therefore adjusted to accommodate either employment or residential uses on Cell CH. As a result, the principle of the proposed residential development on the application site is consistent with the masterplan.
38. The loss of Cell CH for employment use is reflected in the draft version of the Local Plan Review document 2025 – 2042. Revised Policy H11 states that the Burtree Garden Village site will provide approximately 13 ha (net) of employment land rather than 49 ha (net) as set out in the current Local Plan policy. As a note, the Local Plan Review states that it plans for up to 94 hectares (ha) of land allocations for employment land across the Borough in the period up to 2042. The current land available plus the allocations provides gross available employment land in the Borough of 245 ha. That translates to a net available plot portfolio of 168 ha developable for employment use for the Local Plan Period 2025-42. Whilst the Local Plan Review does not carry weight in the determination of this planning application, the above has been highlighted to show that the use of Cell CH for residential purposes would not adversely impact on projected land allocations for employment use within the Borough.
39. Regarding the objection letters that have been submitted by Savills on behalf of Hellens BGV Limited and Homes England, Policy H11 of the Local Plan sets a trigger point which states that any proposal, in advance of a plan review, which exceeds 750 dwellings or 24 hectares (net) of employment land would need to carry out a review of all associated infrastructure requirements. The Council has already granted outline permission for 750 dwellings as Phase 1 of BGV under planning application reference number 22/01342/FULE and this planning application, which is located within Phase 2 of the wider Burtree Village allocation, will take the combined number of dwellings on-site over the 750 dwelling trigger point.
40. The Local Plan considered viability and found the whole site was viable. This was based on 2,000 dwellings and approximately 200,000 square metres of employment space. The number of homes has now increased to 2,350 with the employment space reduced, so viability has increased as residential development is more viable than employment land. If viability has been confirmed through a Local Plan examination, then a site is assumed to be viable unless there are extraordinary abnormal costs that need to be considered.
41. Whilst a review of the Local Plan is currently underway, it has not yet reached the point of considering future infrastructure requirements for Burtree Garden Village. This application therefore needs to be accompanied by a proportionate infrastructure review paying particular attention to the local highway network, the requirements of which the trigger point is based on. There is no requirement within the plan for said review to comprise a single document, so long as all associated infrastructure requirements have been considered. The applicant has submitted an updated Transport Assessment that fully considers the impact of the proposed development on the local and strategic highway network.

42. The overall highway safety considerations and review of the Transport Assessment by DBC Highway and National Highways are set out in detail in Section c) of this report and are not repeated here to prevent repetition. However, no highway objections are raised.
43. The proposed development will deliver the necessary infrastructure as required by the Infrastructure Delivery Plan (IDP) as identified at the time that this planning application was submitted in accordance with point h) of Policy H11 of the Local Plan. The necessary infrastructure is set out in Section (O) of this report.
44. An additional contribution has been agreed between the applicant and National Highways, which is above the requirements of the IDP, towards a study on the longer term infrastructure requirements beyond the current 2036 modelled scenarios, as part of the ongoing Local Plan review process, to ensure that the remaining phases of the Garden Village allocation can be delivered without causing any severe delays or have a material impact on highway safety. This is likely to be in the form of a signalled controlled junction, and this financial contribution will contribute towards the commissioning of design and cost work.
45. It is anticipated that further contributions towards the mitigation works on the junction will also be sought from developments other than Burtree Garden Village being brought forward in the future. Other phases will be informed by this work which may lead to further viability assessments on individual applications.
46. The Infrastructure Phasing Plan (IPP), which forms part of the masterplan, reaffirms that any development beyond that permitted to 2036 would require a review of impact upon infrastructure, including highways infrastructure. This has been complied with by the submission of the updated Transport Assessment submitted in support of the planning application. The assessment concludes that some additional minor queuing/delay is shown at the A1/ A68 J58 Interchange both in 2031 & 2036 modelled scenarios. The developer has worked with DBC Highways and National Highways to assess the impact and to agree proportionate mitigation which is in accordance with the IPP and masterplan.
47. The IPP states that subject to modelling being concluded to better understand the impact on the A66 and J58 of the SRN, if necessary, a planning obligation could secure any necessary and proportionate financial contributions. In this instance, having considered the findings of the submitted Transport Assessment, DBC Highways and National Highways agree that the identified impact of the development can be mitigated by the interim signage scheme alongside the additional funding which has been secured to consider the longer-term impacts on the Junction 58 which would form part of the Local Plan review.
48. The IPP states that the methodology and scope of modelling for any other future development proposals beyond Phase 1, should be included in any cumulative developer contribution model agreed by DBC and National Highways. In accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, this requirement has been considered along with all other material planning considerations.

49. It is noted that whilst Policy 11 of the Local Plan states any application must adhere to a comprehensive masterplan, the masterplan which has been agreed with the Council is not part of local development plan. Both DBC Highways and National Highways have confirmed that they have no highway objections to the planning application following the securing of appropriate mitigation measures through a mix of planning conditions and financial contributions.
50. Furthermore, the application is located within development limits for the urban area, forms part of a wider site allocated for housing and would secure the delivery of 230 dwellings, including affordable dwellings, within the Borough, making a valuable contribution towards the housing delivery requirements for the Borough as set out under Policy H1 of the Local Plan. Section 6 of the National Planning Policy Framework (2026) looks to support the delivery of a substantial increase in the supply of homes by ensuring that a sufficient amount and variety of land can come forward where needed. This includes planning for an appropriate mix of accommodation for the local community and ensuring that land with permission is developed without unnecessary delay.
51. Whilst, the process that has been adopted to secure highway mitigation measures for this planning application may not be fully compliant with the more holistic approach for mitigating the future highway impacts of Phases 2 and 3 of the Garden Village involving other developers as set out in the IPP and masterplan, material planning considerations have been identified which officers consider carry significant weight in the decision making process and would allow the planning application to progress as submitted, without further delay in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004.

c) Highway Safety and Access

Access, offsite highways works and active travel routes

52. A single point of vehicular access to the development cell is provided in the form of a simple priority 'T' junction taken from the consented highway infrastructure secured by the extant hybrid planning for Phase 1 of BGV (22/01342/FULE). For reasons of expedient delivery, the required access stub is subject to a separate Non-Material Amendment (NMA) planning application (25/01137/NMA) to enable modification to the consented spine road.
53. Access to Cell CH is therefore dependent upon securing separate planning consent and delivery of both the access junction consented under the NMA application, and the highway infrastructure and primary access points consented under the 22/01342/FULE hybrid application. It is essential that the highway infrastructure consented under these two separate applications is completed and made available for use prior to the occupation of any dwelling within Cell CH. Suitable planning conditions (Nos 4, 5 and 6) are recommended to ensure the timely delivery of safe and suitable access for all modes of travel.

54. Cycleway connectivity is a key requirement under both Policy IN 2 of the Local Plan and the Burtree Design Code/masterplan. Pedestrian and cycleway connectivity is taken from the link road which was consented as part of the Phase 1 BGV approval. This provides comprehensive walking and cycling infrastructure across the development, where Cell CH will connect to a 3.0m shared use route on the eastern side of the link road, with additional walking and cycling links north of the main site access and an additional shared use link to the controlled crossing point, bus stop and cycleway infrastructure located one Rotary Way.
55. Additional footway links and pedestrian crossing points are needed on the spine road which provide a more direct path to northbound and southbound bus stops and enables a more direct route between residential development cell located east and west of the spine road. A suitable planning condition (No 4) has been recommended as a means of delivering infrastructure requirements which are outside of the redline boundary of this application and within private highway infrastructure not yet adopted by the Local Highway Authority. Once the link road and associated infrastructure which was approved under the Phase 1 BGV planning permission is adopted as public highway via a Section 38 agreement, the minor works required to improve pedestrian and sustainable transport connectivity can then be delivered as part of a Section 278 Agreement or other mechanism available to the Local Highway Authority under statutory powers. It is, however, critical that the required crossing provision and links to bus stops are provided as soon as practicable.
56. The access and active travel proposals meet the requirements of Policy H 11, Policy IN 1, and Policy IN 2 of the Darlington Local Plan 2016-2036.

Internal Layout

57. The submitted layout design considers both the requirements and objectives of the agreed Burtree Garden Village masterplan and design code and the highway design requirements of the Tees Valley Design Guide which ensure that the development will be safe, accessible and suitable for future adoption as public highway as part of a Section 38 agreement.
58. The internal site layout is largely based on the highway design criteria within the Tees Valley Design Guide and Specification document. The guide indicates the minimum standards the Local Highway Authority needs to ensure that new highways are adopted under Section 38 of the Highways Act 1980. However, these standards are not intended to prevent any requirement for a higher standard that may be deemed necessary by a Local Planning Authority, or other supplementary planning documents such as the agreed Design Code SPD. Adherence to the standards set out in the above documents will ensure that the Local Highway Authority is willing to adopt the new highways on completion.

59. The proposed layout demonstrates good walking and cycling permeability and offers direct links to existing highway infrastructure on Rotary way and the link road, supporting walking and cycling for local journeys. Additional footway provision has been made around the perimeter of the Village Green area, which provides improved pedestrian permeability, particularly for those with visual or mobility impairment who may not be able to use the more informal routes through the landscaping feature. The additional footways also ensure that the additional land required for visibility is secured within adopted highway.
60. The applicant is aware that there will be a need to submit Non-Material Amendment (NMA) applications for any footpath, cycle path and roads that cross the landscaping scheme approved under the Phase 1 BGV planning approval. These links will lead to parts of the wider Garden Village allocated for community uses, a school etc which are not currently subject of detailed applications. The applicant used this NMA process to regularise such crossing for their housing development proposals at Cells L, M and O which is adjacent to this site.
61. All internal road infrastructure accessed off the spine road will be subject to a 20mph speed limit. Good design principles ensure that this is self-enforcing, by using smaller junction radii and short lengths between junctions. Additional traffic calming features will be required on longer links, such as the access road directly off the BGV link road. The required spacings and standards are set out in the Tees Valley Design Guide and can be agreed upon as part of post planning Technical Approval (S38 Agreement). Whilst numerous block-paved features are located at junctions, these are visual features not raised tables, as raised traffic calming features flush with footways are not permitted at junctions as this creates a safety and maintenance liability from vehicles overrunning footways.
62. Swept path analysis drawings have been submitted in support of the planning application which demonstrate that the geometric design of roads and turning heads are able to safely accommodate the access and turning movements of an 11.2m long refuse vehicle within roads intended for highways adoption. Whilst Council refuse vehicles do not enter private streets or driveways, bin stores/collection points are provided at the end of each private shared driveway to ensure properties can be served by the Council's kerbside refuse and recycling services. Bin stores must not be located within visibility splays.
63. Cyclists are safely accommodated on carriageways within the residential estate roads, given the low number of vehicle movements and 20mph speed limit which is self-enforcing through carriageway geometry and vertical traffic calming measures. The low number of daily vehicle movements and internal road design which promotes low vehicle speeds being suitable of on carriageway cycling under LtN 1/20 Guidance for cycle infrastructure.
64. All internal highway infrastructure intended for adoption as public highway will be subject to post planning highway technical approval as part of an agreement under Section 38 of The Highways Act 1980. Obtaining a planning consent does not imply that a layout is suitable for adoption, and it is always recommended that the Highway Adoption Engineer is consulted about areas to be adopted at an early stage.

Parking Provision and Electric Vehicle Charging

65. Policy IN4 of the Local Plan sets out that new development will be required to provide safe and secure space for vehicle parking, cycle parking/storage, and servicing within the site, in line with the standards set out in the Tees Valley Highway Design Guide or any successor. The Policy also sets out guidance regarding electric vehicle charging, with all new dwellings with an in-curtilage parking space being required to include a suitable charging point. A plan showing the precise location of all EV charge points has been submitted in support of the planning application and a condition has been recommended to ensure that the points are in place prior to the first occupation of each dwelling.
66. Parking across the site generally in accordance with Tees Valley Design Guidance, which sets the required level of in-curtilage parking relative to dwelling size. Dwellings of up to three bedrooms require a minimum of 2 spaces per dwelling, whilst larger dwellings with four or more bedrooms require a minimum of three spaces. Parking is provided both via driveway provision and within a combination of integral and detached garages across the development. These standards are fully met except for three of the Daisy house type (Plots 68,168, and 198) which have a single parking space rather than the recommended two spaces. This is accepted however, given that the narrow frontage of this dwelling type does not enable an additional space to be added and concession has also been made to the Garden Village Design Code, which advises that continuous frontage parking should be avoided and broken up by landscaping. Furthermore, a lower rate of provision may be permitted for Registered Social Landlords (RSLs) where other sustainable transport requirements are suitably demonstrated, and overspill parking is not likely to cause a highway safety risk.
67. The single parking space provided for the six Aspen house types (affordable rented) is also therefore accepted.
68. Whilst Guidance does not define a specific level of visitor parking, a total of 17 visitor parking bays is provided across the site at strategic locations where demand is anticipated. This helps proactively manage overspill parking and provides safe alternatives which discourage pavement parking which is obstructive or causes parking on footways and cycleways.
69. The proposals meet the requirements of Policy IN4 of the Darlington Local Plan 2016-2036.

Traffic Generation, Impact and Local Plan Mitigation

70. The cumulative traffic impact of all allocations included within the Darlington Local Plan was considered in detail as part of the Local Plan examination stage, with Local Plan developments having been assessed with the Tees Valley Combined Authorities Strategic Transport (Voyager) Model. Growth across Darlington has been considered for 2020, 2025, 2030 and 2035. The detailed traffic modelling indicates that the development within the Local Plan does not have a severe impact on the local and strategic highway network subject to the schemes identified in the Infrastructure Delivery Plan being implemented.

71. Whilst the traffic impact associated with the 750 dwellings consented under Phase 1 of Burtree Garden Village allocation was considered as part of the above assessment process, Cell CH was not included within this assessment period or quantum. The wording of Policy H11 of the Local Plan anticipates that additional development phases may come forward early:

“As the development is expected to extend beyond the plan period, in line with national policy infrastructure requirements, the infrastructure phasing plan will be kept under review. Any proposal, in advance of a plan review, which exceeds 750 dwellings or 24 hectares (net) of employment land would need to carry out a review of all associated infrastructure requirements. If significant additional infrastructure is required, the council will seek to update the policy as part of a review of the plan.”

72. Appropriate and proportionate financial contributions will be sought from the developer to secure the timely delivery of the identified highway infrastructure requirements in the Darlington Local Plan Infrastructure Delivery Plan (IDP). Offsite highway infrastructure not secured through planning conditions or to be delivered by the developer, should be secured through a S106 Agreement with the level of development capped at trigger points to be agreed with the both the Council as Local Highway Authority and National Highways.
73. In accordance with the requirements of Policy H11 of the Local Plan, a review of offsite highway infrastructure requirements has been provided and reviewed within an updated Transport Assessment (TA), which fully assesses the traffic impact of an additional 230 dwellings on the local and strategic highway network. The presented trip rates are agreed by both DBC and National Highways, with an additional 128 two way vehicle trips Weekday AM Peak Hour, and 141 two-way trips in the Weekday PM Peak Hour.
74. The presented trip generation has been assigned to the network with appropriate distribution with detailed assessment undertaken of relevant junctions including A1/ A68 J58 Interchange, Rotary Way/ Grange Park/ BGVAR Roundabout, A68/ Rotary Way/ Edward Pease Way Roundabout, and Burtree Lane/ BGVAR Roundabout. Future year scenarios are modelled to 2036 (end of local plan period) and show that the local highway network is operating within capacity both with and without the Cell CH development, with minimal delay and queue lengths. However, some additional minor queuing/delay is shown at the A1/ A68 J58 Interchange (National Highways Strategic Road Network) both in 2031 & 2036 modelled scenarios.
75. National Highways has agreed an interim mitigation measure to address the additional impact upon Junction 58 of the A1M, where the applicant Cell will design, fund and deliver a signage scheme which mitigates the impact of the development at the interchange in the interim. This would be secured by a Grampian condition (No 3) which states that the agreed scheme must be implemented in full prior to the first occupation of the development.

76. Further longer-term infrastructure requirements beyond current assessment years will be identified as part of the ongoing local plan review to ensure that the remaining phases within the Burtree Garden Village allocation can be delivered without severe delay or a material impact on highway safety. The developer will therefore pay an additional financial contribution towards a study / delivery of a longer-term scheme for A1(M) Junction 58, as well as other financial contributions towards the local Plan Infrastructure Delivery Plan as set out in Section (O) of this report.

Highway Safety Review

77. The updated Transport Assessment submitted in support of the planning application considers personal injury collision data and concludes that the additional traffic associated with development should not have a detrimental impact on the collision rate of the highway network. The Local Highway Authority has undertaken an additional review of the most recently available 5-year period of recorded personal injury collisions (pics) and conclude that the road network surrounding Cell CH operates in a safe manner. There is no pattern of accident which indicates an inherent road safety concern or suggest that a road safety concern would arise from the level of traffic generated by the development.

Impact on Strategic Road Network

78. National Highways had submitted Holding Objections on the application which have now been removed, and they have no objection to the proposals subject to planning conditions and requested financial contributions being secured within a S106 agreement.
79. National Highways reviewed the updated Transport Assessment. As set out previously in this report, the Assessment revealed some additional minor queuing/delay at the A1/ A68 J58 Interchange both in 2031 & 2036 modelled scenarios. Following discussions with the developer, National Highways have accepted the following interim solution for a new signage and white lining scheme at Junction 58 which will be designed, funded and delivered by the developer:
- a) A1(M) North off slip - encouraging more drivers to use the off side lane when turning left towards Darlington
 - b) A1(M) South off slip – permitting drivers turning left to ward Bishop Auckland to use the off side lane.
80. Condition 3) would secure the implementation of this scheme prior to the first occupation of the development. Additionally, in order to enable National Highways to remove their holding Objection, the developer has agreed to make financial contribution towards a study / delivery of a longer-term scheme for A1(M) Junction 58, the delivery of which will be subject to modelling and design (as part of the ongoing Local Plan review). It is anticipated that further contributions will also be sought from other developments being brought forward in the future.

81. Policy TR6 of the National Planning Policy Framework (NPPF) stipulates development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion
82. Whilst the an additional of a further 230 dwellings within the Greater Faverdale allocation does generate additional traffic on the local and strategic highway network, both the Council as Local Highway Authority and National Highways are satisfied that the development does not present an unacceptable traffic or highway safety impact on the local highway network, and that the cumulative impact of allocations within the local plan period can be suitably mitigated subject to the timely delivery of the required highway infrastructure Identified the Darlington Local Plan Infrastructure Delivery Plan, and the agreed interim mitigation measures for Junction 58, secured on behalf of National Highways.

Sustainable Transport and Travel Planning

83. As part of the Phase 1 BGV planning permission, there are off site highway works required to provide bus stops on Rotary Way. These bus stops will be within 400 metres of the application site, and these stops will be served by the existing Service 19. As a result, no public transport contribution is required for a bus service extension and therefore the development proposal accords with Policy IN2 with relation to public transport.
84. A Framework Travel Plan has been submitted in support of the application which is deemed to be acceptable subject the Plan being added to the Modeshift Stars Community / Modeshift Stars Business/Residential site to achieve “Approved” accreditation status. This has been secured by Condition 13. The Travel Plan fees would be secure as part of the Section 106 Agreement in accordance with the Council’s Travel Plan Guidance.
85. Overall, the proposed development demonstrates safe vehicular, pedestrian and cycle access and provides appropriate cycle and vehicle parking with upgraded offsite walking and cycling infrastructure to support sustainable modes of travel. The application is in accordance with the highway requirements set out in Policy H11 IN1, IN2, IN3 and IN 4 of the Darlington Local Plan 2016-2036.

d) Residential Amenity

Noise

86. The application has been supported by an updated Noise Assessment considers the impact of noise on the proposed residential development. The development site is bound to the south by Rotary Way and the Aldi Distribution Centre beyond, to the east by the Argos/Sainsbury’s Distribution Centre and to the west and north by the wider Burtree Garden Village site. The site therefore has the potential to be impacted by road traffic noise from Rotary Way (including from HGVs accessing Faverdale Industrial Estate), as well as the Burtree Garden Village strategic access/link road, and commercial noise from the adjacent industrial uses.

87. Monitoring was carried out in June 2023 to obtain measurements of background noise levels, road traffic noise from Rotary Way and noise associated with Argos and Sainsbury's Distribution Centre.
88. In terms of road traffic noise, noise levels have been modelled to assess daytime and nighttime periods and include 2036 future year predicted traffic flows (for the wider Burtree Garden Village development (including the strategic access/link road) and other committed development). The modelling assumes a 4m high earth bund along the eastern boundary of the site which reduces to 3m high towards the southern end, as well as a 2m high acoustic barrier along the southern boundary of the site. It is concluded that based on the site layout which was used in the assessment with certain mitigation (enhanced glazing and acoustic ventilation specification requirements) suitable internal noise levels in accordance with relevant guidance (BS8233) will be achieved. In terms of external spaces, the lower desirable level of 50dB LAeq, 16hr (or less) will be achieved across the site, with the provision of an additional acoustic fence (either 2.2m or 2.8m high) for certain garden boundaries (6 no. plots).
89. The Assessment takes into account the acceptability of relying on openable windows for overheating (when sleeping) in accordance with Building Regulations Approved Document O and it is concluded that some facades will exceed AD-O criteria with openable windows, and an alternative ventilation strategy is proposed. It is detailed that an overheating assessment is also likely to be required to demonstrate compliance with Building Regulations.
90. In terms of commercial/industrial noise, the assessment includes modelling of noise from Argos/Sainsbury's Distribution Centre (to the east) with and without the earth bund in place. The external operational area of the Argos Distribution Centre has been represented in the model as a single area source due to specific noise source measurements, operational on-times and precise source locations not being able to be obtained. The noise consultant considers this a more conservative approach. The modelling indicates the bund is affording a reduction in noise of between 6-9dB. A BS4142 assessment for Argos is also included in the assessment. The assessment concludes noise from the Argos Distribution Centre may result in a minor impact but given the context is unlikely to be at a level to cause any change in behaviour or attitude and resides below the Lowest Observed Adverse Effect Level (LOAEL) in terms of the noise exposure hierarchy in the Planning Practice Guidance (PPG) on Noise.
91. Additional monitoring was also carried out in 2025 in two locations to specifically consider noise from an unknown source (potentially plant from Aldi Distribution Centre) which was observed during site visits in particular in the southeast of the development site during lulls in traffic noise. A BS4142 assessment for this noise source has been included. No acoustic feature penalties have been applied (based on objective assessment) but Environmental Health have expressed previously the noise may be perceived to be tonal. Arguments are also put forward in terms of the context about the lack of complaints from existing properties about this noise source, but there is a possibility it is influencing the development site differently to the existing properties. Despite this, there is no indication of this noise source causing a significant observed adverse effect (noise exposure hierarchy PPG Noise) above which is to be avoided. To help allay Environmental Health's concerns on this the Applicant intends to install specific extract fans for bedrooms on southern elevations of the plots on the southern edge of the site closest to Aldi. This is to provide an alternative option to

opening windows to deal with overheating particularly at night, for future residents of the properties.

92. Whilst it is acknowledged that the application site is in close proximity to existing commercial buildings and sites, Environmental Health does not consider that there are grounds to object to the development since no significant adverse noise impacts are predicted. Environmental Health has recommended planning conditions (Nos 31 to 36) to mitigate and reduce any adverse noise impacts to a minimum.

Construction Impacts

93. The planning application has been supported by a Construction Environmental Management Plan (CEMP). The Plan includes detail on how any impacts associated with the proposed construction works are to be mitigated. The measures to be implemented include, but are not limited to, keeping active haul roads damp, sheeting of vehicles, provision of wheel wash, as well as use of well-maintained equipment and carrying out site inspections to monitor noise and dust. Working hours are detailed in the Plan as 08:00 – 18:00 Monday to Friday and 08:00 – 14:00 Saturdays with no working on Sundays or Bank Holidays which is consistent with the standard recommended construction hours. The Plan is acceptable and planning conditions have been recommended to ensure that the development is carried out in accordance with the Plan and the working hours (Conditions 17 and 18).

Proximity Distances

94. The proximity distances that need to be met between dwellings (existing and proposed) is set out in the Council's Design SPD and the layout has been designed to ensure that the accords with the requirements.
95. High Grange residential estate is located to the south of the application site on the opposite side of Rotary Way. The application site is very well screened from the rear elevations and gardens of the dwellings within this estate by existing mature trees and hedges which run the full length of Rotary Way. The proposed development would not have an adverse impact on these dwellings in terms of privacy or outlook due to the presence of the existing vegetation and the separation distance between the developments.
96. The proximity distance between the application site and the proposed dwellings to be built to the west (Cells L, M and O) as part of Phase 1 of the Garden Village development would exceed the guidance set out in the Council's Design SPD.

Bunding and Acoustic fencing Impacts

97. Most of the dwellings on the eastern boundary of the site would face onto the proposed bunding which would run the length of this edge of the site. The planning application has been supported by sectional plans to show the proximity relationship of the bund with these dwellings at various points. Whilst the bund would be managed and maintained by a private management company, the purpose of the bund is to mitigate noise impacts from the Argos Distribution Centre rather than being part of the publicly accessible open space with the development. A 500mm high birdsmouth fence would be erected at the bottom of the bund where it meets the internal footpaths, road and shared drives within the site. The bund would have a steady incline before it peaks at its maximum height, and it would be landscaped with a mix of woodland planting, scrub planting and meadow mix. It is considered that the spatial relationship between the dwellings and the bund is acceptable and will not harm the amenities of the future occupants in terms of outlook or loss of privacy.
98. Likewise, the 2m high acoustic fence which runs along the southern boundary of the site will be well screened due to the presence of a retained hedgerow which would be located in front of the fence when viewed from these dwellings.

Other Considerations

99. A Health Impact Assessment has been submitted in support of the planning application. This Assessment shows that the development has been designed with health considerations in mind by the provisions of benches in the public open space areas within the development; formal and informal cycle and pedestrian links to the wider area, including to the proposed community uses, open spaces, health hubs, allotments etc that will be brought forward at the latter stages of the Phase 1 approval and appropriate cycle parking provision.
100. Overall, the proposed development is acceptable in amenity terms, subject to the imposition of appropriate planning conditions. The development would accord with policies DC3, DC4 and H11 of the Local Plan in this regard.

e) Impact on the Character and Appearance of the Local Area

101. The application site forms part of the Burtree Garden Village allocation and developing the site for residential purposes rather than employment purposes, which was an option, is more desirable due to the prominent position of the site at the southern entrance to the Garden Village allocation from Rotary Way. High Grange residential estate is located to the south and the adjacent Phase 1 BGV development cells to the west and on the opposite side of the Garden Village link road are to be brought forward for residential purposes. Therefore, the introduction of further housing on this application site would not harm the character of the area.
102. Members are advised that the layout, landscaping and house type designs have been subject to amendments since the application was originally submitted following detailed engagement with officers and the Council's design consultants, Designe, in order to raise the quality of the development to an acceptable level, having have regard to the Greater Faverdale Design Code SPD. The planning application has been assessed against the Design Code as set out in Section b) of this Report.

103. However, it is worth highlighting some of the amendments that have been made during the course of the planning application process in order to improve the quality of the proposal.
104. Hedging and iron railings have been included around front and side gardens of dwellings where appropriate.
105. Whilst the layout does include street frontage parking, landscape strips have been added where possible to screen areas of the development which involves street frontage parking. This form of landscaping should significantly reduce the visual impact of this form of parking arrangement upon the street scene, as well as having a helpful urban greening effect which will enhance the visual attractiveness of the streets.
106. The street frontage parking on the south side of the village green has been removed which has limited the isolated nature of the village green from the surrounding properties.
107. Enhanced house type designs have been introduced to address weaknesses highlighted by Designe and to add visual variety to the wider Burtree Garden Village development, to make it distinctive from the nearby West Park. The updated house types include the Lavender, Redwood, Hyacinth, Iris, and Palm house types. As an example, the Lavender house type is a significant improvement on the unit it has replaced and provides a much stronger corner turner property, which will enhance appearance of the street scene and provide good natural surveillance.
108. The material palette has been refined and reduced, and roof designs have been amended to give some visual variety to the skyline.
109. The development includes a good quantity of greenspace and a detailed landscaping scheme. These areas would be managed by a private management company in accordance with policy ENV5 of the Local Plan.
110. The 2m high acoustic fence on the south boundary of the fence would be sited on land between two existing hedgerows which would be retained, apart from a section to be removed to facilitate a footpath/cycleway onto Rotary Way. The fence is not of a significant height, and the hedging provides good screening of the fence when viewed from Rotary Way. The landscaped bund on the east boundary would reduce in height as it approaches the south east corner of the boundary and the proposed landscaping on the bund will help to minimise its visual impact.
111. The application has been supported by a Lighting Impact Assessment as well as illuminance contour drawings, which assess potential impacts of lighting associated with the development on both human receptors and the surrounding environment. Environmental Health usually do not consider lighting associated with the operational phase of a residential development in terms of amenity impacts, however, having considered the type of lighting being proposed on the properties, Environmental Health does not have any concerns over the impact of the proposed lighting.

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

f) Climate Change Considerations

113. All plots will have access to appropriate parking and an electric car charging point. All materials will be locally sourced where possible and air source heat pumps will be utilised to contribute towards the low environmental impact of the development. Further measures include the use of double glazing and increased insulation. The site layout includes woodland and habitat area which have environmental benefits.
114. The application has been supported by plans showing solar panels for every dwelling which is welcomed. However, an Informative has been added to ensure that the developer considers the use of antiglare panels and bird proofing mesh to prevent birds accessing the underside of roof mounted panels.
115. Notwithstanding the above, planning condition 12) has been recommended to secure the precise details of measures to reduce the need for energy consumption. The proposal would accord with Policy DC1 of the Local Plan.

g) Biodiversity Net Gain and Ecology

116. Most of the application site is comprised of modified grassland fields which are sheep grazed. Hawthorn hedgerows are present on site, some of which are gappy due to sheep grazing and some contain mature trees. A wet ditch within the site spills into a pond which is adjacent to the site boundary and an immature plantation woodland is present to the east of the site.
117. The statutory designated site Redcar Field SSSI lies 1.79km east of the site. Eight other designated sites (Local Nature Reserve and/or Local Wildlife Sites) lie within 2km of the development. No direct adverse impacts are anticipated to the designated sites; however increased recreational impacts would be expected to occur.
118. A pond adjacent to the western boundary of the site is known to support a medium population of breeding Great Crested Newts. Whilst there are no ponds within the site boundary, the grasslands are tussocky in places and may provide suitable terrestrial habitat for the species. The mature trees within hedgerows have potential for roosting bats, and the hedgerows provide viable foraging and commuting habitat for common pipistrelle. The tussocky grasslands and boundary hedgerows are suitable for a range of breeding birds, with previous surveys assessing the site boundary as of County level ecological importance to breeding birds. Species of note include little ringed plover, barn owl, and hobby. Of these, only barn owl has supporting breeding habitat on site.
119. The grassland is also of fairly limited viability for a limited range of wintering bird species (mainly gulls). The ditch adjacent, and partially within, the west of the site boundary is suitable for water vole although no signs of use were noted during the update walkover survey, and the ditch is known to regularly dry out during summer. No signs or evidence of badger activity was noted on site.

120. An updated Ecology Walkover Assessment is accepted as the most current document relating to general ecology onsite and the findings are that the application site is largely unchanged from previous visits and therefore composition of species is likely to be unaltered. A planning condition has been recommended to ensure that the development is carried out in accordance with the assessment.
121. A Biosecurity Protocol Technical Note (January 2024) has been submitted in support of the planning application. Biosecurity protocols are a set of precautions that aim to prevent the introduction and spread of harmful organisms, to include pests, pathogens and invasive species. Biosecurity measures are undertaken to minimise the risk of introducing and transmitting pests and diseases. This includes invasive species listed on Schedule 9 on the Wildlife and Countryside Act 1981 (as amended). The Council's Ecology Officer is satisfied with the information submitted, and a planning condition has been recommended to ensure that the development is carried out in accordance with the Note.
122. The Council's Ecology Officer is satisfied with the Construction Environmental Management Plan that has been submitted in support of the planning application from an ecology aspect due to it being supported by additional ecology documentation such as the Biosecurity Protocol, Lighting Impact Assessment and other supporting documents.
123. An updated Breeding Bird Survey (June 2025) has been submitted in support of the planning application which recorded 20 species at the application site, none of which are new to the site i.e. have not been recorded by the previous surveys. The site is considered to currently support a breeding bird assemblage of Local Level ecological value.
124. The proposed development will incorporate 29 swift boxes, 29 house martin boxes and 58 bat boxes which equates to 58% of the proposed dwellings containing a wildlife roosting/nesting feature, which exceeds the minimum requirement (25% of dwellings) that is requested by the Local Planning Authority and is welcomed by the Council's Ecology Officer.
125. The applicant has obtained a District Level License for Great Crested Newts for works on the site. Ecological features have been fully considered within the Lighting Impact Assessment submitted in support of the application and therefore the proposed external lighting would be no adverse impact on such features.
126. Regarding biodiversity net gain, the Biodiversity Net Gain Assessment submitted in support of the planning application notes that the development will involve the minor loss of boundary hedgerows, and complete loss of modified grassland on site. Retained hedgerows will be enhanced through 'gapping up', with new lengths of native and native species rich hedgerows as well as lengths of ornamental hedgerows around the residential development. Newly created neutral grassland with mixed scrub and native woodland planting is proposed around the perimeter of the site, with a combination of residential properties, vegetated gardens, modified grassland and introduced shrub. SuDs will be created using an appropriate wet grassland mix, with small parcels of reedbed in areas where the SuDS will be permanently wet. Native trees planted as 'heavy standards' will be located throughout the public open space, which will include 179 native trees.

127. The proposed habitat creation onsite results in a net gain of 6.51 Habitat Units (29.44%) and 6.44 Hedgerow Units (52.31%) and 0.0073 Watercourse Units (12.14%). The proposed Units meet the Trading Rules and is deemed to be satisfactory. The updated Biodiversity Net Gain Assessment and Habitat Management and Monitoring Plan (HMMP) have been reviewed, and the Council's Ecology Officer is satisfied that they accord with the management and monitoring requirements of the habitats being proposed. The Biodiversity Net Gain Monitoring Fee, to be paid prior to first occupation of the development would be secured as part of the Section 106 Agreement.
128. The proposed development would comply with policies ENV7, ENV8 and H11 of the Local Plan in this regard.

h) Impact on Trees and Hedgerows

129. The application site is bound to the north by hedging and trees; to the east by woodland planting; to the south by two hedgerows and to the west by hedging and trees. An arboricultural report (March 2026) has been submitted in support of the planning application.
130. An Oak tree close to the southeast corner of the application site is the only tree covered by a tree preservation order, which is dated 1992. The arboricultural report identifies this tree as a Category A tree, and it would remain unaffected by the development proposals.
131. Sections of hawthorn hedgerow would be removed to provide footpath links at the north, shared footpath and cycleway links at west; the vehicular access point onto the link road to the west; a footpath/cycleway onto Rotary Way to the south and for the location of a substation near the south boundary. A small number of low merit Goat Willow trees (Category C) would be removed to facilitate a footpath link to through the northern boundary of the site.
132. To attempt to reduce disturbance and impact on underlying tree roots, the eastern side of the bund (closest to trees) will be constructed using a base layer of Cellweb within tree RPAs. This should assist in minimising initial compaction issues and allow for a certain amount of increase in permeability closer to the tree stems when level battering occurs for the new mound. At greater depth of construction, it is likely that the efficacy of such a construction will reduce incrementally as permeability reduces within the deeper sections of the mound increases, however it is noted that this will be towards the very periphery of the subject trees' RPA's and that all other sections of root zone within other directions will remain unaltered.
133. All retained trees and hedges will be protected during the construction process in accordance with BS5837, by the installation of appropriate protective fencing and maintaining the agreed construction exclusion zones.
134. Landscaping works within the root protection areas will be kept to a minimum. Tractor mounted rotavation or other heavy mechanical cultivation must not be used within the root protection areas of retained trees. All cultivation within RPA's will be carefully undertaken by hand or pedestrian controlled light machinery to avoid root damage.

- 135. A planning condition (No 38) has been recommended to ensure that the development is carried out in accordance with the submitted arboricultural report.
- 136. A detailed landscaping scheme is proposed to augment the retained trees and hedging which will enhance the visual appearance of the site and wider area. The scheme involves the planting of new woodland planting, street trees, specimen trees, ornamental planting, hedgerows, scrub and meadow mix planting and amenity grass throughout the development, including the bund on the east boundary.
- 137. The proposed development would accord with policies DC1, H11, ENV3, ENV4, ENV5 and ENV6 of the Local Plan in this regard.

i) Land Contamination

- 138. The planning application has been supported by land contamination reports and gas risk assessments. The proposed development site has historically been undeveloped agricultural land. Intrusive investigation works carried out in September and October 2024 comprised 30 no. trial pits (TP101-TP130) and 5 no. windowless boreholes (WS101-WS105), as well as gas and groundwater monitoring. Chemical analysis of 15 no. samples of topsoil and natural subsoil found no elevated levels of contaminants based on a residential with home grown produce end-use. No made ground was encountered during the intrusive investigation work and no visual or olfactory contamination. Results of gas monitoring (6 no. visits over 3 months) identified no significant sources of ground gas, and the site has been classified as Characteristic Situation 1 where no gas protection measures are required.
- 139. Based on the results of the land contamination assessment work and the history of the site, the Council's Environmental Health Team agree with the conclusions that the site is low risk, and no further work/remediation is required. The development would accord with Policy DC1 of the Local Plan in this regard.

j) Air Quality

- 140. The application has been supported by an Air Quality Assessment (February 2026) by which considers impacts on local air quality associated with the construction and operational phase of the proposed development, considering both existing and proposed sensitive receptors. The Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction' (2024) has been used to assess the construction phase of the proposed development. The assessment concludes the potential impacts (dust soiling, human health impacts) fall within the low or medium risk category for earthworks, construction and trackout. A Construction Environmental Management Plan has been submitted in support of the planning application which includes measures to be implemented to reduce impacts/disturbance during the construction works.

141. In terms of the operational phase, the Assessment concludes that the impact associated with increased emissions associated with the development is predicted to be negligible for NO₂, PM₁₀ and PM_{2.5} at all sensitive receptors considered. The Assessment of the operational phase has included anticipated growth and allocated development (2036 Future Year With and Without Development scenarios). Environmental Health agree with the conclusions of the Assessment and have no further comments or concerns on air quality. The application would accord with Policy DC4 of the Local Plan in this regard.

k) Archaeology

142. The planning application has been supported by a Post Excavation Assessment (June 2025) which presents the results of an archaeological excavation at the site. Archaeological deposits comprising ditches, gullies, pits and postholes were identified across the site forming an extensive settlement. The absence of Roman pottery from the site suggests an Iron Age date for the settlement, though trade early in the Roman period is indicated by the recovery of a lava quern stone. The settlement was bounded on three sides by a large, roughly squared enclosure ditch. On the fourth side was a large prehistoric former wetland.
143. Inside the enclosure were 22 roundhouse structures, the majority of which had internal pits and postholes related to the occupation. A series of ditches and gullies were present centrally and to the west inside the enclosure, at the base of a gradual slope. These were drainage gullies probably separating small land parcels or animal pens within the enclosure. To the east of and external to the enclosure were a ditch and several gullies, forming a boundary and drainage features. Furrows, the remains of medieval or post-medieval ploughing, were recorded in area 1 aligned north/south. No further archaeological remains were found in areas 2 and 3 beyond the gully and pit found during the evaluation phase. A small assemblage of local traditional ware pot sherds and animal bone was recovered from the archaeological features, indicating that they probably dated from the later prehistoric period. Several sherds of medieval pot were identified from around and within the former wetland depression, and post-medieval artefacts were recovered from later farming practices on site. The palaeoenvironmental samples produced scatters of occupation waste indicative of Iron Age and Romano British activity, which is consistent with palaeoenvironmental evidence previously found at the site. In addition, the basal fills of the former wetland contained a range of aquatic plants and freshwater molluscs reflecting standing or slow-moving water. This feature probably began to infill in the Late glacial/early Holocene.
144. As a significant archaeological resource was uncovered by the excavation, full analysis of the data and its dissemination is recommended and the Assessment includes an Updated Project Design which lists the tasks to be undertaken to achieve this. The Durham County Council Archaeology Team have raised no objections to the application and recommended that a planning condition is imposed to ensure that the development is carried out in accordance with the Assessment to ensure that the works set out within the document are completed (Condition 37). The development would accord with Policy ENV1 of the Local Plan in this regard.

l) Flood Risk and Drainage

145. The planning application has been supported by a Flood Risk and Drainage Strategy (June 2025) along with detailed drainage plans. The Strategy confirms that the site is within Flood Zone 1, considered to have the lowest probability of flooding from rivers, sea and a flooding probability of 1 in 1000 in any one year. Flood risk from all sources is considered to be low. The proposed scheme contains areas of landscaping throughout the site, as well as SuDs basins which will tie into the Phase 1 network in accordance with the Flood Risk Assessment and Drainage Strategy which has been designed with adequate foul and surface water drainage capacity to accommodate Cell CH. The proposal seeks to provide a fully integrated blue-green design approach which includes both permanent water and swales. The drainage across the site has been carefully considered, with suitable SuDS ponds complimented by appropriate planting and landscaping. These multi-functional sustainable drainage solutions will be designed to incorporate play and recreational opportunities.
146. The Lead Local Planning Authority have raised no objections to the planning application. Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Northumbrian Water do not have any issues to raise regarding capacity to serve the new development, provided the application is approved and carried out within strict accordance with the submitted plans and Drainage Strategy (Condition 30).
147. The proposed development would comply with policy DC2 and H11 of the Local Plan in this regard.

m) Nutrient Neutrality

148. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest. The following information has been provided by the applicant and is considered sufficient to enable the Local Planning Authority, as the Competent Authority, to fully consider the impacts of the development proposal on Teesmouth and Cleveland Coast SPA/Ramsar:
- a) Nutrient Budget Calculator – 116 plots pre 2030 (Version 6 - June 2026)
 - b) Nutrient Budget Calculator – 114 plots post 2030 (Version 6 - June 2026)
 - c) Nutrient Neutrality Report to inform a Habitats Regulation Assessment (Version 5 - June 2026)
 - d) Report to Change Land Use to reduce Nutrient input to inform a HRA – Land at Sadberge (Version 9 - June 2026)
 - e) Nutrient Budget Calculator – Mitigation Land at Sadberge (Version 5 - June 2026)
 - f) Habitat Management and Monitoring Plan – NN – Land at Sadberge (Version 9 - June 2026) Cropping Records Mitigation Land (April 2026)
 - g) Unilateral Undertaking – Mitigation Land (April 2026)

149. The submitted nutrient budget calculators demonstrate that the proposal will increase the nitrogen arising from the development and consequently it cannot be ruled out at the Screening stage that this development will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.
150. The applicant has used Natural England's Nutrient Budget Calculator tool for the River Tees catchment to establish a nutrient budget for the proposal. Following updates to the assumptions and inputs used within the calculators, they are now considered satisfactory and are an accurate reflection of the site and its location. This proposal for 230 net additional dwellings would increase the total annual nitrogen load arising by 226.77kg per year. This is calculated on the basis that the development is to be brought forward in two phases, with phase 1 comprising 116 plots pre April 2030 and phase 2 comprising 114 plots post April 2030. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects.
151. The applicant proposes to mitigate this nitrogen surplus by purchasing 227.34 credits from a Nutrient Mitigation Land Scheme run by TCC Land which is slightly in excess the surplus nitrogen of 226.77kg that needs to be mitigated but remains at the original amount secured prior to amendments to the scheme. The applicant has provided a Unilateral Undertaking obtained from TCC Land confirming the reservation of the credits for the applicant. The Unilateral Undertaking also identifies the particular area of mitigation land within Sadberge to be used for this proposal which also legally secures the land use for mitigation purposes along with the Habitat Management and Monitoring Plan setting out how the land will be monitored and managed to ensure the land continues to mitigate the impact of the development proposal in perpetuity. It is considered sufficient evidence has been provided to confirm the mitigation proposed is robust and achievable and appropriately located within the Tees catchment. It is also considered to meet the basic tests of certainty, delivery, enforceability and security to ensure it is effective in perpetuity.
152. A planning condition has been recommended (No 25) to ensure that prior to the occupation of the proposed dwellings the applicant provides sufficient evidence to the Local Planning Authority, such as a credit certificate, to demonstrate that the credits have been purchased and the necessary mitigation is secured and in place.
153. As the calculations have been undertaken on the basis that only 116 plots will be occupied prior to April 2030, a further planning condition (No 26) has been recommended to ensure that no more than 116 dwellings are occupied prior to April 2030 or mitigation has been provided and secured for the remaining dwellings to the satisfaction of the Competent Authority (the Local Planning Authority).
154. As the mitigation amount calculated for the 116 dwellings on phase 1 is reliant on land use change taking place across the entire site, a planning condition (No 27) has been recommended to ensure that prior to the occupation of dwellings on the scheme, the applicant provides evidence to the Local Planning Authority that agricultural production on the entire site has ceased and a management plan has been provided setting out how the applicant will ensure it remains ceased until development commences. It also requires an annual report to be provided demonstrating continued adherence to this mitigation strategy.

155. The Local Planning Authority, as Competent Authority, is satisfied with this approach in these specific circumstances. There is sufficient certainty that the required mitigation can be secured by the necessary time. It will also still ensure that the necessary mitigation is in place when required and ensure the proposal will not have a likely significant effect on the Teesmouth and Cleveland Coast SPA/Ramsar.
156. As the nutrient impact of the proposal has been calculated taking account of the greenspace that will be provided within the site, a further planning condition (No 28) has been recommended to ensure that prior to the occupation of the first dwelling a management plan, including the long-term design objectives, management responsibilities and maintenance schedules for all areas of greenspace is submitted to and approved in writing by the Local Planning Authority. The condition will ensure that the management plan specifies appropriate measures in relation to the use of fertilisers and dealing with dog waste.
157. It can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to conditions as set out above.
158. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they raise no objections to the proposed mitigation measures.

n) Public Rights of Way Network

159. Footpath No. 5 in the Parish of Archdeacon Newton runs to the west of the application site. The Footpath is currently stopped up as part of an Order under Section 247 of the Town and Country Planning Act 1990, to be re-provided as part of the Phase 1 development proposals. A footway would join the new Footpath route which is welcomed as this would facilitate additional use of the public footpath. The proposed vehicular access onto the Garden Village spine road would intersect the Footpath and is covered by the Non Material Amendment application referred to in paragraph 3 of this report. The proposed development would accord with policies IN1, IN4 and H11 of the Local Plan in this regard.

o) Impact on Heritage Assets

160. High Faverdale Farm was located to the north west of the application site. As part of the Phase 1 BGV application, the farm buildings were identified as being non designated heritage assets which were potentially earmarked for demolition. The heritage related implications of their demolition were considered in detail as part of Phase 1 BGV planning permission. A planning condition was imposed to that approval to secure the submission of a Level 2 building recording prior to any demolition works. A planning application (ref no 25/00154/CON) to discharge the planning condition was submitted by Hellens Land Limited in February 2025 and the farm buildings have been demolished. There are no other heritage buildings in close proximity to the application site, and the development would accord with policy ENV1 of the Local Plan in this regard.

p) Affordable Housing

161. In accordance with policies H5 and H11 of the Local Plan, the proposed development includes 20% affordable housing. This equates to 46, two and three bedroomed dwellings, and they will be a mix of affordable rented properties and discounted market value properties. The properties are “pepper potted” throughout the development. The submission of precise details of the affordable housing scheme within the development would be secured via the Section 106 Agreement.

n) School Place Provision

162. Whilst there is provision within Phase 1 of the Burtree Garden Village for a school, this would not be brought forward until the latter stages of that development and the Council’s Education Team has advised that the proposal would generate the need for 37 additional primary school places. As a result, the applicant has agreed to pay a financial contribution towards the enhancement of primary school provision within the locality of the application site, in accordance with policy N10 of the Local Plan. There is sufficient secondary school provision in the Borough to accommodate projected secondary school places (22) generated by the development.

o) Planning Obligations and Developer Contributions

163. Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
164. It is noted that offsite Safe Route to School improvements on Elmtree Street and Whessoe Road junction have already been secured via the Phase 1 BGV planning permission reference number 22/01342/FULE. The NHS also requested a contribution towards improving existing healthcare facilities in the local area. Whilst policy DC3 of the Local Plan has supporting text relating to the Council working with Clinical Commissioning Groups to support the provision of additional health facilities in the locality of application sites, the policy itself does not continue to state that a developer will be expected to make a financial contribution, which means that the local planning authority are not able to secure this particular planning obligation, especially without robust evidence being presented to justify the request. Notwithstanding the policy position, healthcare facilities are proposed within the Neighbourhood centre (as required by Policy H11) which will be brought forward as part of the Phase 1 planning permission.

165. The following planning obligations can be secured and have been agreed with the applicant:
- a) £50,000 to be used by National Highways towards a traffic study and delivery of a longer term traffic movement improvement scheme at Junction 58 of the A1 (M)
 - b) £78,492.10 to be used by National Highways towards off site highway improvements at the A66 Little Burdon Roundabout
 - c) £344,710.20 to be used by the Council for off site highway improvements on the A68 corridor
 - d) £10,433.08 towards the Council's costs of monitoring compliance with the developer's obligations under the Habitat Management and Monitoring Plan
 - e) £688,533 to enhance primary school provision within the locality of the site
 - f) £69,000 as a Personalised Travel Advice Contribution to be used by the Council in accordance with Travel Plan Guidance
 - g) £46,000 as a Travel Plan Implementation Bond to be used as security for the implementation of a Travel Plan
 - h) £2,850 as a Travel Plan Monitoring fee to be used by the Council for monitoring the implementation of a Travel Plan
166. In terms of other obligations which do not require a financial payment, these would comprise
- a) The submission of an Open Space Management Scheme
 - b) The submission of an Affordable Housing Scheme

THE PUBLIC SECTOR EQUALITY DUTY

167. 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.
168. Policy H4 of the Local Plan requires proposals to provide 45% of all new dwellings to meet building regulations category M4(2) adaptable and accessible dwelling standards and 9% to meet M4 (3 a or b) wheelchair user dwellings standard. This will assist in meeting the housing needs of older people and those with disabilities in the local area. With 108 dwellings at M4(1) standard (47%), 102 dwellings at M4(2) standard (44%), and 20 dwellings at M4(3) standard (9%), the proposed scheme meets this policy requirement.
169. A planning condition (No 9) has been recommended to secure the submission of the locations of accessible pedestrians dropped crossings and tactile paving within the internal highway network in the interests of safety and accessibility for persons with visual impairments and mobility issues in accordance with Policy IN2 of the Local Plan.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

170. 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

171. The site is located within the development limits of the main urban area (Policy H3 of the Local Plan). Policy H2, E2 and H11 of the Local Plan allocate the application site and the wider area (site reference 185 Greater Faverdale) for mixed use development which will contribute towards meeting the Boroughs quantitative and qualitative need for housing and employment over the plan period. As required by Policy H11 a comprehensive, developer led masterplan and infrastructure phasing plan for Burtree Garden Village has been agreed with the local planning authority. This planning application which is the first application within Phase 2 of that wider allocation has been designed having full regard to the design principles, key characteristics and objectives of these agreed documents as well as all other local development plan policies and the National Planning Policy Framework 2026.
172. The planning application has been successfully assessed by the Local Planning Authority against the Greater Faverdale Design Code SPD and it is considered that the development has had regard to the Design SPD. The layout, landscaping and house type designs have been subject to amendments since the application was originally submitted following engagement with officers and the Council's design consultants, Designe, to raise the quality of the development, having have regard to the Greater Faverdale Design Code SPD.
173. Appropriate planning conditions have been recommended to ensure to safeguard the amenities of the local area and the future occupants of the development. The proposed residential development will not harm the character or general visual appearance of the surrounding area. There are no ecological objections to the proposed development and the mandatory net gain in biodiversity has been met on site and will be secured through planning conditions and legal agreements.
174. The proposed development is nutrient neutral with the developer purchasing nutrient credits from a Nutrient Mitigation Land scheme. The proposed development is acceptable in terms of other material planning considerations such as flood risk, land contamination and archaeology.

175. The proposed development demonstrates safe vehicular, pedestrian and cycle access, with upgraded offsite walking and cycling infrastructure to support sustainable modes of travel. The impact of the additional traffic generation has been successfully mitigated following discussions with DBC Highways and National Highways through agreeing financial contributions for offsite highway works on the A66 and A68 and through a new signage scheme on J58 on the A1(M) which is to be funded by the applicant. Additionally, the applicant has agreed to make a financial contribution towards a study into a longer term scheme for J58, the delivery of which is subject to further modelling and design. Whilst this approach to mitigating the traffic impacts of this planning application may not fully accord with the Burtree Garden Village Masterplan which states that such methodology and scope of modelling for any other future development proposals beyond Phase 1 be included in any cumulative developer contribution model agreed by DBC and National Highways, this report sets out that there are other material planning considerations which, in accordance with S.38(6) of the Planning and Compulsory Purchase Act 2004, enables the Local Planning Authority to support how highway safety mitigation has been successfully achieved following detailed discussions with DBC Highways and National Highways.
176. Appropriate planning conditions have been recommended, and they are listed below along with the agreed planning obligations.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO:

THE DEVELOPER OF THE LAND CURRENTLY WITHIN THE OWNERSHIP OF DARLINGTON BOROUGH COUNCIL ENTERING 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 TO SECURE THE FOLLOWING:

- a) £50,000 to be used by National Highways towards a traffic study and delivery of a longer term traffic movement improvement scheme at Junction 58 of the A1 (M)
- b) £78,492.10 to be used by National Highways towards off site highway improvements at the A66 Little Burdon Roundabout
- c) £344,710.20 to be used by the Council for offsite highway improvements on the A68 corridor
- d) £10,433.08 towards the Council's costs of monitoring compliance with the developer's obligations under the Habitat Management and Monitoring Plan
- e) £688,533 to enhance primary school provision within the locality of the site
- f) £69,000 as a Personalised Travel Advice Contribution to be used by the Council in accordance with Travel Plan Guidance
- g) £46,000 as a Travel Plan Implementation Bond to be used as security for the implementation of a Travel Plan
- h) £2,850 as a Travel Plan Monitoring fee to be used by the Council for monitoring the implementation of a Travel Plan
- i) The submission of an Open Space Management Scheme
- j) The submission of an Affordable Housing Scheme

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THE AGREEMENT, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS:

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

1. 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.

APPROVED PLANS

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:
 - Drawing Number QD2303-00-0226 - Section 278 - Site Access Junction General Arrangement
 - Drawing Number BCH-SLP-001 Rev D - Location Plan
 - Drawing Number BCH-SLP-001 Rev Z – Site Layout
 - Drawing Number XX XX GA 1000 Rev P09 – Site Plan
 - Drawing Number RED-PD-00 - The Redwood (M43)
 - Drawing Number XX XX EL 3000 Rev P10 – Street Scene Elevations
 - Drawing Number XX XX EL 3001 Rev P10 – Street Scene Elevations
 - Drawing Number D386.L.001 Rev L – Landscape Strategy
 - Drawing Number D386.P.002 Rev E Tree and Ornamental Hedges
 - Drawing Number D386.P.003 Rev E Tree and Ornamental Hedges
 - Drawing Number D386.P.004 Rev E Tree and Ornamental Hedges
 - Drawing Number D386.P.005 Rev D Native Woodland, Scrub, Hedges, Marginal and Bulb Planting
 - Drawing Number D386.P.006 Rev D Ornamental Shrub Planting
 - Drawing Number QD2303-03-01 Rev E Engineering Strategy
 - Drawing Number QD2303-03-02 Rev E Impermeable Areas
 - Drawing Number QD2303-03-03 Rev E Road Contours
 - Drawing Number QD2303-03-04 Rev E Permeable Paving
 - Drawing Number QD2303-03-05 Rev E Surface Water Management Plan
 - Drawing Number QD2303-03-07 Rev A Drainage Maintenance Plan
 - Drawing Number QD2303-04-01 Rev E External Works
 - Drawing Number QD2303-04-02 Rev E External Works
 - Drawing Number QD2303-04-03 Rev E External Works
 - Drawing Number QD2303-04-04 Rev E External Works

- Drawing Number QD2303-04-05 Rev E External Works
- Drawing Number QD2303-04-06 Rev E External Works
- Drawing Number QD2303-04-07 Rev E Basin 1 GA
- Drawing Number QD2303-04-08 Rev E Basin 2 GA
- Drawing Number QD2303-04-10 Rev A Acoustic Mound Long Section
- Drawing Number QD2303-04-11 Rev A Acoustic Mound Cross Section
- Drawing Number QD2303-04-12 Rev A Acoustic Mound Cross Section
- Drawing Number QD2303-04-13 Rev A Acoustic Mound Cross Section
- Drawing Number QD2303-05-05 Rev D Road Chainages
- Drawing Number QD2303-07-01 Rev E Surface Changes
- Drawing Number QD2303-07-02 Rev E Kerb Layout
- Drawing Number QD2303-07-03 Rev E Kerb Layout
- Drawing Number QD2303-07-04 Rev E Kerb Layout
- Drawing Number QD2303-07-05 Rev E Kerb Layout
- Drawing Number QD2303-07-06 Rev E Kerb Layout
- Drawing Number QD2303-07-07 Rev E Kerb Layout
- Drawing Number QD2303-16-01 Rev D Section 38
- Drawing Number QD2303-17-01 Rev D Section 104
- Drawing Number QD2303-17-02 Rev D SUDS Agreement
- Drawing Number BCH ED 001 Rev C Enclosure Details
- Drawing Number BGV S38 001 Rev D Section 38 Coloured Plan
- Drawing Number BCH SDP 001 Rev D Site Deliveries Plan
- Drawing Number BCH PV 001 Rev D PV Location Plan
- Drawing Number BCH BBL 001 Rev D Bat and Bird Box Layout
- Drawing Number BGV-HRP-001 Rev D Householder Refuse Collection Points
- Drawing Number BCH-SST-001 Rev D Safe Routes to School
- Drawing Number BCH-VIS-001 Rev E Visibility Splays
- Drawing Number BCH-POS-001 Rev E POS/MC Plan
- Drawing Number BCH-MVP-001 Rev E Movement Plan
- Drawing Number BGV-CMP-001 Rev F Construction Management Plan
- Drawing Number BCH-EVP-001 Rev F EV Charger Location Plan
- Drawing Number HBE2023-0002-MF Rev J Material Finishes Layout
- Drawing Number ASP-PD-10 The Aspen
- Drawing Number ASP-PD-00 The Aspen
- Drawing Number ASP-PD-05 The Aspen
- Drawing Number AZ-PD-00 The Azalea
- Drawing Number AZ-S-05 The Azalea
- Drawing Number BEE-PD-00 The Beech
- Drawing Number DA-PD-00 The Daisy
- Drawing Number DA-PD-05 The Daisy
- Drawing Number ELD-PD-00 The Elder
- Drawing Number ELD-PD-05 The Elder
- Drawing Number ELD-PD-10 The Elder
- Drawing Number FOX-PD-00 The Foxglove
- Drawing Number FOX-PD-05 The Foxglove
- Drawing Number PO-PD-00 The Hyacinth
- Drawing Number PO-PD-05 The Hyacinth
- Drawing Number IVY-PD-00 The Ivy

- Drawing Number IVY-S-05 The Ivy
- Drawing Number JUN-PD-00 The Juniper
- Drawing Number JUN-PD-05 The Juniper
- Drawing Number LAV-PD-00 The Lavender
- Drawing Number LAV-PD-05 The Lavender
- Drawing Number LAV-PD-10 The Lavender
- Drawing Number PAL-PD-10 Rev A The Palm Tax Door
- Drawing Number PAL-PD-05 Rev B The Palm Tax Door
- Drawing Number PAL-PD-00 The Palm Tax Door
- Drawing Number PO-PD-00 The Poppy
- Drawing Number PO-PD-05 The Poppy
- Drawing Number DRL-GD-002 Rev E Double Garage Design
- Drawing Number QD2303-05-01 Rev B Longsections
- Drawing Number QD2303-05-02 Longsections
- Drawing Number QD2303-05-03 Longsections
- Drawing Number QD2303-05-04 Longsections
- Drawing Number QD2303-05-06 Rev A Manhole Schedule
- Drawing Number QD2303-05-07 Rev A Longsections
- Drawing Number QD2303-06-01 Road Construction Details
- Drawing Number QD2303-08-01 Adoptable Manhole Details
- Drawing Number QD2303-08-02 Flow Control HB1
- Drawing Number QD2303-08-03 Flow Control HB2
- Drawing Number QD2303-08-04 Headwall Types
- Drawing Number QD2303-08-05 Source Control Details
- Drawing Number QD2303-70-01 Rev D Cut and Fill
- Drawing Number DRL-GD-001 Rev B Single Garage Design
- Drawing Number BCH-MO-001 Rev H Material Options
- Drawing Number 4072-DFL-ELG-XX-LD-EO-13001 Horizontal Illuminance
- Drawing Number BCH-SCL-001 Standard Compound Detail
- Drawing Number BCH-TR-001 Rev B Tree/Hedge Removal Plan

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

HIGHWAYS

3. Notwithstanding the information submitted with the planning application, no dwelling shall be constructed above damp proof course until precise details of a scheme for white lining and signage on the north and south facing slip roads for A1(M) Junction 58, including the submission of a Road Safety Audit, have been agreed in writing by the Local Planning Authority in consultation with National Highways. The development shall not be carried out otherwise than in complete accordance with the agreed details which shall be implemented in full prior to the first occupation of the development.

REASON - To ensure the safe and continued operation of the Strategic Road Network (SRN).

4. Subject to the highway infrastructure works consented under application 22/01342/FULE being complete to adoptable standards under S.38 of the Highways Act, the offsite highway works shown on Drawing Number QD2303-00-0226 (Section 278 - Site Access Junction General Arrangement) must be completed and available for use within a period not exceeding 1 year from the time of adoption under Section 38 of the Highways Act works by the Local Highway Authority.

REASON - To ensure the timely delivery of safe and appropriate access and egress to the development, in the interests of highway safety and the convenience of all prospective highway users pursuant to Policy IN 1 of the Darlington Local Plan 2016 – 2036.

5. No dwelling shall be occupied until the highway infrastructure, as consented under applications 22/01342/FULE & 25/01137/NMA, are completed and made available for use. This shall include ensuring that the carriageway and any cycleway 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.

REASON - To ensure the timely delivery of safe and appropriate access and egress to the development, in the interests of highway safety and the convenience of all prospective highway users pursuant to Policy IN 1 of the Darlington Local Plan 2016 – 2036.

6. No part of the development to which this permission relates 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 adopted 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 the timely delivery of safe and appropriate access and egress to the development, in the interests of highway safety and the convenience of all prospective highway users pursuant to Policy IN 1 of the Darlington Local Plan 2016 – 2036.

7. No dwelling shall be occupied until the related parking facilities have been constructed in complete accordance with the details shown on the approved plans. Once created these parking 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, pursuant to Policy IN 4 of the Darlington Local Plan 2016 – 2036.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), garage(s) shall not be converted into domestic accommodation without the approval of the Local Planning Authority to whom a planning application must be made.

REASON - To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development, in accordance with Policy IN4 of the Darlington Local Plan 2016 – 2036.

9. Prior to the commencement of the development, precise locations of accessible pedestrians dropped crossings and tactile paving shall be submitted to and approved in writing by the Local Planning Authority. No part of the development must be brought into use until the dropped crossings and tactile paving are constructed and made available to use 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 - In the interests of safety and accessibility including for persons with visual and/or mobility impairment, pursuant to Policy IN21 of the Darlington Local Plan 2016 – 2036.

10. There must be no access or egress by any vehicle between highway intended for adoption under Section 38 of the Highways Act 1980 and any dwelling within the application site, 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. 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 - To ensure safe and appropriate access and egress to all dwellings, in the interests of highway safety and the convenience of all prospective highway users pursuant to Policy IN 1 of the Darlington Local Plan 2016 – 2036.

11. The electric vehicle charging points shown on Drawing Number BCH EVP 001 Rev F shall be in place and available for use prior to the first occupation of each dwelling. Each charging point shall have a single phase 13 amp socket as a minimum and the charging point shall remain in situ thereafter.

REASON - To ensure electric vehicle charging points shall not cause hazard or obstruction when in use, and to accord with Policy IN4 of the Local Plan.

CLIMATE CHANGE

12. No building shall be constructed above damp proof course until precise details of measures to reduce the need for energy consumption and make the development energy efficient have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of achieving a development with suitable sustainable design principles which are resilient to climate change in accordance with Policy DC1 of the Local Plan 2016 – 2036.

TRAVEL PLAN

13. An Area Travel Plan Coordinator (TPC) will be appointed three months prior to occupation of dwellings in accordance with the submitted document entitled “Framework Travel Plan – Rev 5” dated June 2026 produced by Tetra Tech, of which confirmation will be provided to the Local Authority. The Travel Plan shall be added to the Modeshift Stars Community / Modeshift Stars Business/Residential site to achieve “Approved” accreditation status. The 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.

HOUSING MIX

14. The development 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.

REASON - To ensure the development complies with Policy H 4 of the Darlington Local Plan 2016 - 2036.

LANDSCAPING

15. The landscaping details hereby approved shall be fully implemented concurrently with the carrying out of the development, and no later than the planting season after first occupation of each phase. 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 development.

16. Prior to the occupation of the first dwelling, precise details of public seating areas shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include the location, design and number of seating areas and the development shall not be completed otherwise than in accordance with the approved details. The seating areas shall be in place and available for use prior to the completion of the landscaping scheme.

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

CONSTRUCTION IMPACTS

17. The development shall be carried out in complete accordance with the submitted document entitled "Construction Environmental Management Plan" produced by Homes by Esh and 'Construction Management Plan Drawing Number BGV-CMP-001 Revision F dated 29.05.26' unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of highway safety and residential amenity.

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

REASON - In the interests of residential amenity.

19. Prior to the commencement of any vibro ground improvement works, a plan of the plots/parts of the development site requiring this, and a scheme for monitoring and mitigation of noise and vibration arising from vibro ground improvement works, including trigger levels, monitoring locations and corrective actions, 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 - To protect the amenity of the local area.

ECOLOGY

20. The development shall be carried out in complete accordance with the recommendations set out in the submitted document entitled "Technical Note – Ecology Walkover and Update Assessment – Rev B" dated 16th June 2025 and produced by Wardell Armstrong LLP.

REASON - In the interest of safeguarding the biodiversity of the application site.

21. A Great Crested Newt District License from Natural England shall be in place prior to any works being carried out on site which may potentially affect Great Crested Newts.

REASON - In the interests of preserving protected species and their habitats.

22. The development shall be carried out in complete accordance with the submitted document entitled “Technical Note – Biosecurity Protocol 002” dated 16 January 2024 produced by Wardell Armstrong LLP.

REASON - In the interest of safeguarding the biodiversity of the application site.

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

- a) Description and evaluation of the features to be managed;
- b) Detailed landscaping plans
- c) Ecological trends and constraints on site that may influence management;
- d) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- e) Description of the management operations necessary to achieving aims and objectives;
- f) Prescriptions for management actions;
- g) Preparation of a works schedule, including annual works schedule;
- h) Details of the monitoring needed to measure the effectiveness of management;
- i) Details of the timetable for each element of the monitoring programme;
- j) Details of the persons responsible for the implementation and monitoring;
- k) Mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- l) Reporting on year 1, 2, 5, 10, 15, 20, 25 and 30, with biodiversity reconciliation calculations at each stage.

REASON - To enhance biodiversity in accordance with the Policy ENV8 of the Darlington Local Plan 2016 20236 and the National Planning Policy Framework.

LIGHTING ASSESSMENT

24. The development shall be carried out in accordance with the document entitled “Lighting Impact Assessment Rev P03” dated June 2026 and produced by Design for Lighting (DFL) unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of the visual amenity of the local area and in the interest of safeguarding the biodiversity of the application site.

NUTRIENT NEUTRALITY

25. Prior to the first occupation of the dwelling hereby approved, a countersigned Credit Certificate/Final Allocation Agreement to confirm that a minimum of 226.77 credits have been purchased 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 (as updated, amended and superseded).

26. No more than 116 dwellings shall be occupied before 1 April 2030. Precise details of the additional mitigation to facilitate the occupation of additional dwellings prior to the 1 April 2030 shall 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).

27. Prior to the occupation of the first dwelling, evidence shall be submitted to, and approved in writing by the Local Planning Authority, that agricultural production within the red line boundary has ceased along with an appropriate management and monitoring plan specifying the management and monitoring procedures that will be implemented to ensure agricultural production remains ceased. The fallowed agricultural land within the red line boundary shall thereafter be managed and monitored in accordance with the agreed management and monitoring plan.

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

28. Prior to the commencement of the development, a landscape management plan, including the long term design objectives, management responsibilities, and maintenance schedules for such greenspace and/or landscaped areas (except privately owned domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent amendments shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements:

- a) The detail, extent and type of new planting.
- b) Details of management regimes including confirmation that the green spaces and/or landscaped areas will be managed with no or low fertiliser input
- c) Details of any new habitat created on site including new drainage basins, habitat piles and great crested newt hibernacula.
- d) Details of treatments of site boundaries and/or buffers around water bodies.
- e) Details of dog waste bins [and signs to encourage their use]
- f) Details of management responsibilities
- g) Details of timetables for provision, management and maintenance of each element

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

BROADBAND CONNECTIVITY

29. Prior to the commencement of development, a scheme detailing the precise means of broadband connection to that phase shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and be 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.

FLOOD RISK AND DRAINAGE

30. The development shall be carried out in accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Addendum and Drainage Strategy Rev A" dated June 2025 and produced by Queensbury Design Limited. The drainage scheme shall ensure that foul flows shall discharge to the public foul sewer at manhole 9202 and ensure that surface water discharges to the existing watercourse.

REASON - To prevent the increased risk of flooding from any sources in accordance with policy DC2 of the Darlington Local Plan 2016 – 20236 and the NPPF.

NOISE

31. Prior to installation, precise details of the window glazing and acoustic ventilation to be installed (including their acoustic performance) as part of the development, as well as a plan of the properties and facades requiring this, (in accordance with the submitted "Noise Assessment" by NJD Environmental Associates dated June 2026 (Report Reference: NJD23-0116-001R Report Version Final V8)) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed details and shall be retained and maintained for the life of the development.

REASON - To safeguard the amenity of the future occupants of the development.

32. Prior to installation of the additional boundary treatment mitigation required for certain plots identified in the submitted "Noise Assessment" by NJD Environmental Associates dated June 2026 (Report Reference: NJD23-0116-001R Report Version Final V8), precise details (type, height, locations) of the boundary treatment to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed details, and the boundary treatment shall be installed prior to the first occupation of that particular residential dwelling and shall be retained and maintained for the life of the development.

REASON - To safeguard the amenity of the future occupants of the development.

33. Prior to the commencement of the development, a Phased Earth Bund Construction Scheme relating to the earth bund on the eastern site boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the timing and extent of the earth bund construction necessary to ensure that appropriate noise mitigation is provided for relevant parts of the development prior to occupation and shall be based on noise modelling/assessment. The development shall thereafter be completed in accordance with the approved scheme, and the bund shall be retained and maintained for the life of the development.

REASON - To safeguard the amenity of the future occupants of the development.

34. Prior to the first occupation of residential dwellings on the southern edge of the development site (Plots 55, 57, 58 and 71-78 as shown on 'Proposed Site Plan' Rev P09 dated 18/06/2026) the additional extract fans as detailed in the submitted document entitled "Noise Assessment" by NJD Environmental Associates dated June 2026 (Report Reference: NJD23 0116-001R Report Version Final V8) shall be installed in all bedrooms on southern facades be retained and maintained for the life of the development. No changes to the extract fans shall be made without the prior written agreement of the Local Planning Authority.

REASON - To safeguard the amenity of the future occupants of the development.

35. Prior to the first occupation of any residential dwelling associated with the development, a 2 metre high acoustic barrier shall be installed along the entire southern site boundary in accordance with the details within the submitted document entitled "Noise Assessment" by NJD Environmental Associates dated June 2026 (Report Reference: NJD23-0116 001R Report Version Final V8). The barrier shall have a minimum surface density of 10 kg/m² with no gaps in the structure and with the ground. Thereafter the barrier shall be retained and maintained for the life of the development. No changes to the acoustic barrier shall be made without the prior written agreement of the Local Planning Authority.

REASON - To safeguard the amenity of the future occupants of the development.

36. The air source heat pumps to be installed as part of the development hereby approved, shall comply with the requirements of Class G of Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), including any requirements relating to siting and noise (Microgeneration Scheme (MCS) Planning Standards).

REASON - To safeguard the amenity of the future occupants of the development.

ARCHAEOLOGY

37. The development shall be carried out in accordance with the submitted document entitled "Post Excavation Assessment - Report 6210" dated June 2025 and produced by Durham University unless otherwise agreed in writing by the Local Planning Authority.

REASON - To ensure that the proposed development accords with Policy ENV1 of the Darlington Local Plan 2016 -2036 and the NPPF.

TREES

38. The development shall be carried out in complete accordance with the submitted document entitled “Arboricultural Survey Arboricultural Impact Assessment Arboricultural Method Statement – Ref: ARB/AE/3896” dated March 2026 and produced by Elliott Consultancy Ltd unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of the visual appearance of the site and local area.

INFORMATIVES

Biodiversity Gain Plan

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Darlington Borough Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply.

Solar Panel Installations

Consideration should be given to installing anti-glare solar panels to reduce potential disturbance associated with the solar panels. Environmental Health are aware of numerous reports of pigeons nesting underneath roof mounted solar panels and becoming a nuisance to the occupiers of the building because of this. This issue has become a recognised problem in other locations around the world as the space between the panels and the roof seems to be a very appealing roosting and nesting site for urban pigeon populations. Having pigeons roost in these locations effects the functionality of the panels because of the build-up of pigeon excrement and nesting material. It is strongly recommended that as part of the installation bird proofing mesh is fitted around any roof mounted panels to prevent access for roosting birds.

Use of Excavated Materials on Site

The developer is advised that any reuse of excavated materials on-site, including the construction of bunds or other earthworks, should be undertaken in accordance with the CL:AIRE Definition of Waste: Development Industry Code of Practice (DoWCoP). The developer is encouraged to prepare and implement a Materials Management Plan (MMP), verified by a Qualified Person, and to maintain appropriate records to demonstrate compliance with the DoWCoP.

Street Naming and Numbering

Prior to the commencement of the development the developer is advised that contact be made with the Assistant Director: Highways, Design and Projects contact Mrs Pam McGuckin (pam.mcguckin@darlington.gov.uk) to discuss naming and numbering of the development.

Other Permissions required from the Local Highway Authority

The developers are reminded that in addition to securing planning permission, other permissions may be required from Darlington Borough Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Delivery of off-site highway works (Agreements under Section 278 of The Highways Act 1980)

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer Darlington Borough Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence under the Highways Act.

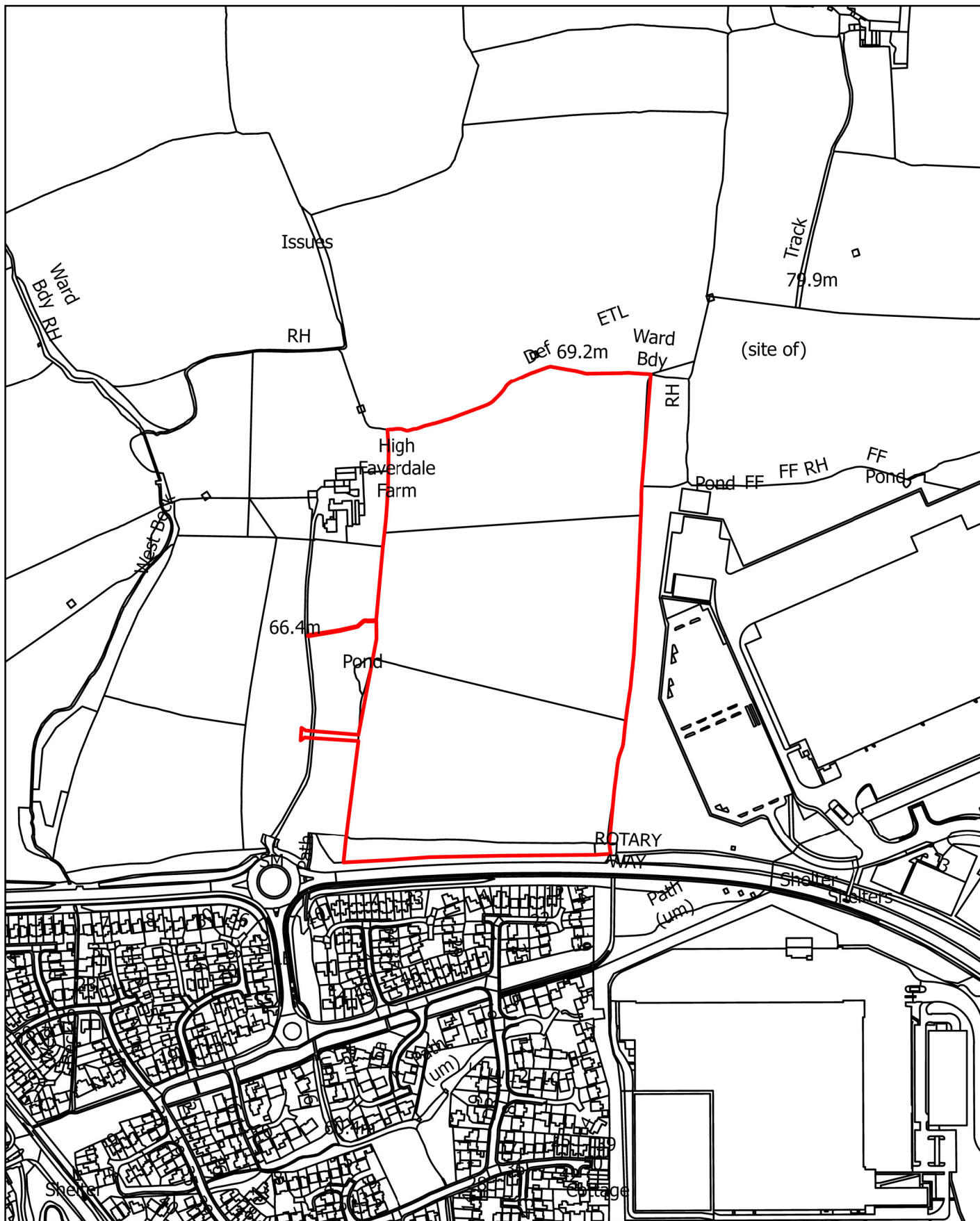
Projections over Footways

The developer is advised to ensure that any projection overhanging the footway is securely fixed and no part is less than 2.4 metres above the footway level and no closer than 0.5 metres to the edge of the carriageway.

Doors and Windows Opening over the Highway

The developer is advised to ensure that any doors and windows on elevations of the building(s) adjacent to the existing and or proposed highway are constructed and installed such that they do not open over the public highway for a height of 2.4 metres from the level of the adjacent highway. Above 2.4 metres no part of an open door or window must come within 0.5 metres of the carriageway. Any future replacement doors and windows should also comply with these dimensions.

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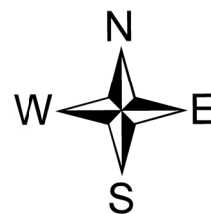


Planning Ref: 25/00665/FUL

Address
Land At High Faverdale Farm
Burtree Cell CH,
Faverdale
Rotary Way
Darlington



DARLINGTON
Borough Council
Page 61



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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NOS: 25/00450/FUL
25/00452/FUL
25/00653/FUL
25/00655/FUL
25/00657/FUL

APPEAL REF. NOS 6004833
6004835
6004837
6004840
6004841

LOCATION: Pavement outside 5 Tubwell Row, Darlington
Pavement outside 38 Northgate, Darlington
Pavement outside 41-45 Northgate, Darlington
Pavement outside 4 Northgate, Darlington
Pavement outside Santander, Bondgate,
Darlington

DESCRIPTION: Installation of a modern, multifunction hub unit
featuring an integral advertisement display and
defibrillator

APPLICANT: Focus Network Limited

PLANNING OFFICER: ANDREW HARKER

BRIEF SUMMARY:

1. The above planning applications for the installation of a modern, multifunction hub units featuring an integral advertisement display and defibrillator at various locations around the town centre, were all refused due to their impact on the character and appearance of the local area, including the Darlington Town Centre Conservation Area.
2. Planning application 25/00655/FUL (Pavement Outside No 4 Northgate) was also refused on the ground that the hub unit have an adverse impact on the setting of nearby listed buildings.
3. Planning application 25/00452/FUL (Pavement outside 38 Northgate) was also refused on the ground that the hub unit would have an adverse impact on pedestrian safety and movement.

KEY POINTS TO NOTE:

4. The application sites are all located within the town centre and the Town Centre Conservation Area

REASON(S) FOR REFUSAL:

5. As set out above, the planning applications were refused on the grounds that the hub units would harm the character and appearance of their individual surroundings and the wider Town Centre Conservation Area.
6. Additional refusal reasons relating to pedestrian safety and impact on the setting of listed buildings were attached to the planning decisions at No 4 Northgate and No 38 Northgate.

APPEAL DISMISSED:

7. Having considered all material planning considerations and the public benefits that would be derived from each hub unit, the Planning Inspector considered that each proposal would materially harm the character and appearance of the local area, and they would not preserve or enhance the character or appearance of the Town Centre Conservation Area. Every appeal was dismissed for these reasons.
8. Regarding planning application 25/00655/FUL, the Planning Inspector considered that the hub unit would preserve, not harm, the setting of the nearby listed buildings. However, the appeal was still dismissed for the reasons set out in paragraph 7 of this report.
9. Regarding planning application 25/00452/FUL, the Planning Inspector concluded that the proposal would not have a harmful effect on pedestrian safety. However, the appeal was still dismissed for the reasons set out in paragraph 7 of this report.

Appeal Decision

Site visit made on 21 July 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004833

Pavement outside 5 Tubwell Row, Darlington DL1 1NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00450/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA).

¹ Appeal refs: 6004835 - Pavement outside 38 Northgate, 6004837 – Pavement outside 41-45 Northgate, 6004840 – Pavement outside 4 Northgate and 6004841 – Pavement outside Santander, Bondgate

Reasons

6. The appeal site comprises a section of pavement within the CA, in a prominent position close to the junction of Tubwell Row, Prebend Row and West Row. The surrounding area is predominantly characterised by commercial uses, and the site is situated to the front of ground floor commercial frontages. Tubwell Row is a busy street with pedestrian and vehicular activity given the commercial uses close to the site and in the wider area. It also forms a main route for buses in the town centre following pedestrianisation in other areas nearby. Street furniture in the immediate vicinity of the appeal site includes tall street lighting columns either side of two predominantly glazed bus shelters. Unlike those closest to the appeal site, other bus shelters that incorporate advertisement displays to their side elevations are located within wider sections of pavement further downhill from the appeal site.
7. The CA comprises a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. There are Grade II listed buildings nearby at The Queen's Head Hotel, 5 and 6 Tubwell Row (now The Quays public house), and The Clock Tower and The Market Building on West Row. The appeal site forms part of an area that positively contributes to the significance of the CA as a whole, comprising a prominent position within this busy street featuring historic characteristics.
8. The proposal would result in a large and bulky structure sited between one of the bus shelters and a street lighting column. Whilst the proposal would have a smaller footprint than the bus shelters, these appear as relatively lightweight structures due to their slim frames and glazing. Notwithstanding this, the proposal would reduce the space between the existing street furniture and add to a concentration of visual clutter in the street scene. Due to its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and incongruous structure in this location. Whilst my assessment is limited to the refusal of an application for planning permission and not advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
9. Notwithstanding this, although it would be sited to the front of a more modern building in comparison to adjacent traditional development, due to its scale and appearance, the proposal would do little to positively respond to its local context or be sympathetic to local character in this area. It would not be a sensitive form of new street furniture in this location, and the proposal would introduce a discordant form of development in this part of the street scene in addition to the existing structures. It would have a detrimental impact on the character and appearance of the area, and the contribution it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
10. As the proposed change would be localised in terms of the CA as a whole, the harm to the significance of the CA would be less than substantial, and the harm would be at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. Furthermore, paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

11. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. I also note the aims to promote inclusivity and connect communities, for community messaging, to enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could also provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. However, these public benefits are given moderate weight, which would not be sufficient to outweigh the identified harm and the great weight that I must give to the conservation of the designated heritage asset.
12. For the reasons set out, I conclude that the proposal would be materially harmful to the character and appearance of the area, and it would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Other Matters

13. As established above, there are Grade II listed buildings within the area surrounding the appeal site. The public house at The Queen's Head Hotel, 5 and 6 Tubwell Row adjoins the more modern building closest to the appeal site and adjacent to the nearby bus shelters. This three-storey building, constructed with brick, slate and with timber sash windows, dates from the 18th century. Its significance as a heritage asset, insofar as is relevant to the appeal, is derived from its architectural and historic interest.
14. The setting of the listed building at 5 and 6 Tubwell Row includes the pavement at the appeal site, and it is primarily experienced from the area to its frontage and opposite on Tubwell Row. Due to the location of the proposal in relation to the existing bus shelters, the intervisibility between the appeal site and the listed building is more limited in comparison to other more open views in the street scene. This reduces the contribution the appeal site makes to the setting and significance of this listed building, and the proposal would preserve its setting.
15. The Clock Tower is a tall, substantial building situated to the opposite side of Tubwell Row from the appeal site and to its corner with West Row. Its significance, insofar as is relevant to the appeal, derives from its considerable height and Italian Gothic design, contributing to its architectural and historic interest as a landmark building. This adjoins the lower height Market Building, which has a substantial footprint and is also directly opposite the appeal site. The horizontal scale and overall design of the Market Building contribute to its architectural and historic

interest, from which its significance as a heritage asset is derived, as relevant to this appeal.

16. Given its location opposite these listed buildings, the appeal site is within their wider setting. However, due to the intervening highway and separation, the appeal site makes a limited contribution to their overall setting. Whilst there is some intervisibility, given the scale of the proposal in relation to these buildings, their setting would be preserved, and their significance would not be harmed.
17. I note the Council also had no concerns regarding any harm in respect of the effect of the proposal on the setting of these listed buildings, and I see no reason to reach a different view. However, this does not alter my conclusion on the harm to the CA.
18. Although similar structures have been installed in locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effects of the proposal in this location.

Conclusion

19. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

Appeal Decision

Site visit made on 21 July 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004835

Pavement outside 38 Northgate, Darlington DL1 1PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00452/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issues

5. The main issues are the effect of the proposal on:

¹ Appeal refs: 6004833 – Pavement outside 5 Tubwell Row, 6004837 - Pavement outside 41-45 Northgate, 6004840 – Pavement outside 4 Northgate and 6004841 – Pavement outside Santander, Bondgate

- the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA); and
- pedestrian safety.

Reasons

Character and appearance

6. The appeal site comprises part of the pavement within a larger pedestrianised area that extends throughout the town centre and CA. It lies in an area featuring predominantly commercial uses, with variations in the age and appearance of buildings. The site is located to the front of a group of more traditional buildings in comparison to some others in the street and wider area, although they feature modern shop fronts. The street furniture to the same side of the street as the appeal site in the immediate vicinity is relatively limited, with a group of low-level cycle stands nearby and a modest freestanding advertisement. Other features comprise seating, a refuse bin, cabinet, street lighting and a street tree planter opposite the site, and traffic signage with bollards separating the pedestrianised area on Northgate, adjacent to Crown Street, from the highway beyond.
7. The CA comprises a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. The Grade II listed Head Post Office and Sorting Office, 28-32 Northgate is situated further south on Northgate to the same side of the street as the appeal site. Due to its position forming a relatively open part of the public realm and in an area featuring historic characteristics, the appeal site forms part of an area that positively contributes to the significance of the CA.
8. The proposal would introduce a large and bulky structure in relation to the existing low-level cycle stands and within a prominent position in this area of public realm. Whilst it would be seen in some views towards the buildings and busy highway further north on Northgate beyond the pedestrianised area, given its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and discordant structure in this location. The visual impact would be notable given the more open character of this section of pavement, and in the views passing through the area towards the more central part of the CA and town centre. Although my assessment is limited to the refusal of an application for planning permission and not advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
9. In any event, and despite the proximity to the nearby modern shopfronts, due to its scale and appearance, the proposal would not respond positively to its local context or be sympathetic to the local character of the area. It would not be a sensitive form of new street furniture in this location, and it would detract from the quality and openness of the public realm in the immediate and surrounding area of the appeal site. The proposal would therefore introduce an incongruous form of development into this part of Northgate. Consequently, it would have a detrimental impact on the character and appearance of the area, and the contribution it makes to the significance of the CA would be eroded. The development would therefore

fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.

10. The appeal site is opposite and close to the location for a similar proposal referenced above to the pavement outside Nos 41-45 Northgate. Should both appeals be allowed, there would be a cumulative increase in the visual impact of such street furniture in close proximity in this area. This would increase the adverse visual effect from the proposal given that users of the public realm would see both developments as they pass through the area. In any event, for the above reasons, the proposal on its own would be a visually intrusive addition that would harm the character and appearance of the area.
11. Given its scale, the effect of the proposal would be localised in terms of the CA as a whole, therefore the harm to the significance of the CA would be less than substantial, and at the lower end of the scale in that respect. Irrespective of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
12. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. It aims to promote inclusivity and connect communities, provide community messaging, enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. However, these benefits are given moderate weight and would not be sufficient to outweigh the harm and the great weight that I must give to the conservation of the designated heritage asset.
13. For the reasons set out, I conclude that the proposal would be materially harmful to the character and appearance of the area, and it would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022) (the DLP). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Pedestrian safety

14. The predominantly commercial character of the area around the appeal site and the function of Northgate as a pedestrianised route contribute to a busy environment. I observed reasonably high levels of pedestrian movements along this part of Northgate during my site visit, which will likely fluctuate at different times of the day. Due to the designated pedestrian zone, vehicle usage of this part of Northgate is limited to loading and taxis at specific times of the day.
15. Whilst the pavement close to the appeal site is not as wide in comparison to the width of the pavement on the opposite side of the street, the proposal would be

sited to its outer part, close to the change in surface material that delineates the area for vehicles. I am mindful of the Council's Highway Development Control comments and note the annotation on the submitted plan. I also note the busy pedestrian environment, and I have had regard to the periods when vehicles would be able to use this street. However, from the information before me and my observations on site, given the width of the pavement in this area, I am not satisfied that the siting and scale of the proposal would reduce its effective width to a harmful extent or unduly impede pedestrian flows.

16. For these reasons, I conclude that the proposal would not have a harmful effect on pedestrian safety. It would therefore accord with Policy IN1 of the DLP, which amongst other things aims for developments to protect existing footpaths and achieve permeability and connectivity for pedestrians.

Other Matters

17. The significance of the Grade II listed Head Post Office and Sorting Office as a heritage asset, insofar as is relevant to the appeal, is derived in part from its architectural and historic interest, given its age, design and architectural detailing. Its setting includes the appeal site, and the listed building is primarily appreciated from the area to its frontage and close views along Northgate. Due to the location of the proposal to the same side of the street and the intervisibility between the site and the listed building, the contribution the appeal site makes to the setting and significance of the listed building is limited. Based on the location and scale of the proposal, the setting of the listed building would be preserved.
18. The Council had no concerns regarding any harm from the proposal on the setting of the listed building, and I have no reason to reach a different view. However, this does not alter my conclusion on the effect of the proposal and the harm to the CA.
19. I observed a hub structure of a different design to the scheme before me installed by another operator to the front of a modern building further north on Northgate. There are no details before me of the planning circumstances relating to the installation of that hub and so I cannot determine if those are directly comparable to the appeal scheme to weigh in its favour. However, this appears to be outside of the CA and well beyond the pedestrianised public realm setting of the appeal scheme, and therefore in a materially different site context. The presence of this development does not alter my conclusion. Although similar structures have also been installed in other locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effect of the proposal in this location.

Conclusion

20. Notwithstanding my finding on pedestrian safety, there would be harm to the character and appearance of the area, including the CA. The proposal therefore conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR



Appeal Decision

Site visit made on 21 July 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004837

Pavement outside 41-45 Northgate, Darlington DL1 1TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00653/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA).

¹ Appeal refs: 6004833 – Pavement outside 5 Tubwell Row, 6004835 - Pavement outside 38 Northgate, 6004840 – Pavement outside 4 Northgate and 6004841 – Pavement outside Santander, Bondgate

Reasons

6. The appeal site forms part of the pavement within a larger pedestrianised area that extends through the town centre and the CA. It is situated within a street and area characterised by predominantly commercial uses, with variations in the age and appearance of buildings. The site lies to the front of an attractive Art Deco former cinema building that has been altered with modern shop fronts. The street furniture in the immediate vicinity to the same side of the street as the appeal site includes low-level seating, a refuse bin, equipment cabinet and street lighting columns. Other features include low-level cycle stands opposite, a street tree planter and traffic signage with bollards demarcating the edge of the pedestrianised area on Northgate adjacent to Crown Street.
7. The CA comprises a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. The Grade II listed Head Post Office and Sorting Office, 28-32 Northgate is situated further south and to the opposite side of the street from the appeal site. The appeal site forms part of an area that positively contributes to the significance of the CA due to its position on a busy shopping street and pedestrianised route, and in an area featuring historic characteristics.
8. The proposal would comprise a large and bulky structure in relation to the existing lower-level street furniture, within a prominent position in the public realm to this area. There would be some views of the proposal towards the buildings and busy highway further north on Northgate beyond the pedestrianised area around the appeal site and outside of the CA. However, given its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and discordant structure in this location, particularly in views passing through the area towards the more central part of the CA and town centre. Although my assessment is limited to the refusal of an application for planning permission rather than advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
9. Notwithstanding that, and although it would be sited to the front of modern shop fronts, given its scale and appearance, the proposal would not positively respond to its overall local context or be sympathetic to the local character in this area. It would not comprise sensitive new street furniture in this location, and it would erode the quality of the public realm in the immediate and surrounding area of the site. The proposal would therefore introduce an incongruous form of development into this part of Northgate. It would have a detrimental impact on the character and appearance of the area, and the contribution it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
10. The appeal site is opposite and close to the site for a similar proposal and appeal referenced above to the pavement outside 38 Northgate. If the appeal scheme before me and the appeal scheme at 38 Northgate were both to be allowed, there would be a cumulative increase in the visual impact of such street furniture in close proximity in this area. This would exacerbate the adverse visual effect that I have found from the proposal given that users of the public realm would see both

developments as they pass through this part of the CA. Notwithstanding the above, for the reasons set out, the proposal on its own would be a visually intrusive addition that would harm the character and appearance of the area.

11. Due to its scale, the effect of the proposal would be localised in terms of the CA as a whole, therefore the harm to the significance of the CA would be less than substantial, and at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. Furthermore, paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
12. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. I also note the aims to promote inclusivity and connect communities, for community messaging, to enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could also provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. However, these public benefits are given moderate weight and would not be sufficient to outweigh the harm and the great weight that I must give to the conservation of the designated heritage asset.
13. I conclude that the proposal would be materially harmful to the character and appearance of the area, and it would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Other Matters

14. The significance of the Grade II listed Head Post Office and Sorting Office as a heritage asset, insofar as is relevant to the appeal, derives from its architectural and historic interest, given its age, design and architectural detailing. Its setting includes the appeal site, and the listed building is primarily appreciated from the area to its frontage and close views along Northgate. Due to the location of the proposal to the opposite side of the street and the intervisibility between the site and the listed building, the contribution the appeal site makes to the setting and significance of the listed building is limited. Based on the location and scale of the proposal, the setting of the listed building would be preserved.
15. The Council raised no concerns regarding any harm in respect of the effect of the proposal on the setting of the listed building, and I have no reason to reach a different view. However, this does not alter my conclusion on the effect of the proposal and the harm to the CA.

16. I observed a hub structure of a different design to that in the scheme before me installed by another operator to the front of a modern building further north on Northgate. There are no details before me of the planning circumstances relating to the installation of that hub and so I am not able to determine if those are directly comparable to the scheme before me to weigh in favour of the appeal. However, this appears to be outside of the CA, and it is also outside of the same pedestrianised public realm setting as the appeal scheme, and therefore in a materially different site context. The presence of this development does not alter my conclusion. Although similar structures have also been installed in other locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effect of the proposal in this location.

Conclusion

17. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

Appeal Decision

Site visit made on 21 July 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004840

Pavement outside 4 Northgate, Darlington DL1 1NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00655/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA) and the setting of nearby listed buildings.

¹ Appeal refs: 6004833 – Pavement outside 5 Tubwell Row, 6004835 - Pavement outside 38 Northgate, 6004837 – Pavement outside 41-45 Northgate and 6004841 – Pavement outside Santander, Bondgate

Reasons

6. The appeal site comprises a section of pavement adjacent to a pedestrianised area and public open space at Prospect Place, in a highly prominent part of the public realm within the town centre and the CA. The open space features steps, seating and planters, creating a pleasant environment for users in this part of the CA. Northgate, Bondgate, Prebend Row, Priestgate and High Row also converge around this area, accentuating the prominence of the space and the area around the appeal site. The predominantly commercial uses in the immediate area and pedestrian activity contribute to a vibrant character. Street furniture in the immediate vicinity of the appeal site includes low-level bollards, cycle stands and a refuse bin, with some taller directional signage and street lighting columns.
7. The CA has a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. There are Grade II listed buildings nearby, including the Statue of Joseph Pease, Nos 4 to 16 (even) and the King's Head Hotel above shops on Northgate, The Midland Bank (now HSBC), and 7 and 8 Prebend Row. Due to its prominent position close to the attractive and distinctive public realm setting featuring historic characteristics, the appeal site forms part of an area that positively contributes to the significance of the CA.
8. The Statue of Joseph Pease occupies a highly prominent position within the pedestrianised area, forming a focal point in the public realm and the CA close to the appeal site. Its significance, insofar as is relevant to the appeal, derives from its historical interest, having been erected to commemorate a figure of national significance with historic association to the town. The setting of the statue is primarily experienced from the streets and pedestrianised areas surrounding it, including the pavement of the appeal site nearby. Given this proximity, the appeal site is within and positively contributes to the setting of the listed building. Although not as tall as the statue, the proposal would be a notable modern addition in the area and it would be seen in views close to the statue, particularly when approaching the appeal site from Northgate and Prebend Row.
9. Nos 4 to 16 and the King's Head Hotel is a substantial, four-storey building with a late Victorian facade. Its significance, insofar as it relates to this appeal, derives from its architectural and historic interest given the scale and design of the building within a prominent position in the town centre. Due to its location and scale, the setting of this building is experienced from the public realm in a wide area, and due to its close proximity, the appeal site is within this immediate setting.
10. The former Midland Bank also occupies a highly prominent position at the corner of Bondgate and Northgate, to the northern side of the pedestrianised area and open space. Due to the imposing scale and modified baroque style of the building within this location, its significance, insofar as it relates to the appeal, derives from its architectural and historic interest. The setting of the building is also experienced from the public realm in views around this part of the CA, and the appeal site forms part of this setting, albeit its contribution is limited given its position in relation to the scale of that building.

11. Nos 7 and 8 Prebend Row is a late 17th or early 18th century three-storey building located to the corner of Prebend Row and Priestgate. It features some modern alterations, although its significance, insofar as is relevant to this appeal, derives from its architectural and historic interest. The setting of this building is primarily experienced from the surrounding streets and public realm, and due to the location of the appeal site on the same side of the street, it would be within its setting.
12. The proposal would introduce a notably large and bulky structure into a highly prominent position and in relation to the more open public realm setting, which currently features a relatively limited amount and scale of existing street furniture. As a result of its free-standing design, siting, scale and modern appearance, the proposal would therefore appear as a visually intrusive and incongruous structure in this location, and within the setting of the listed statue. Whilst my assessment is limited to the refusal of an application for planning permission rather than advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
13. In any event, and despite its position close to a more modern building and shop fronts in comparison to other traditional forms of development in the area, due to its scale and appearance, the proposal would not respond positively to its local context, including the attractive and open public realm setting, or be sympathetic to local character in this area. It would not be a sensitive form of new street furniture in this location, and it would erode the quality and appearance of the surrounding public realm. The proposal would therefore introduce a discordant form of development immediately adjacent to the pedestrianised area and open space, as well as within the setting of the listed statue.
14. The proposal would have a detrimental impact on the character and appearance of the area, and the contribution this part of the public realm makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance. Due to the site's proximity and the intervisibility in this open setting, for the same reasons, the proposal would be a visually harmful addition that would fail to preserve the setting of the Grade II listed statue.
15. Having regard to the location of the appeal site and the nature of the proposal, there is intervisibility with the other listed buildings referenced above. However, given the siting and scale of the proposal in relation to these larger buildings, and as it would be seen alongside some modern ground floor shop fronts, there would not be harm to these buildings, and their settings would be preserved. The Council did not raise concerns regarding harm from the proposal on the setting of these listed buildings, and I see no reason to reach a different view.
16. Having regard to the scale of the proposal, and as the proposed change is localised in terms of the CA as a whole, the harm to the significance of the CA and the listed statue would be less than substantial, and the harm would be at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 also requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. In

addition, paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

17. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. I also note the aims to promote inclusivity and connect communities, provide community messaging, to enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could also provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. Even so, these public benefits are given moderate weight, which would not be sufficient to outweigh the identified harm and the great weight that I must give to the conservation of the designated heritage assets.
18. I conclude that the proposal would be materially harmful to the character and appearance of the area, it would not preserve or enhance the character or appearance of the CA, nor preserve the setting of the Grade II listed Statue of Joseph Pease. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Other Matters

19. I observed a hub structure of a different design to the scheme before me installed by another operator to the front of a modern building on High Row in the wider area of the appeal site. There are no details before me of the planning circumstances relating to the installation of that hub and so I am unable to determine if those are directly comparable to the scheme before me to weigh in favour of the appeal. However, there are also material differences in terms of the location of that hub in relation to the listed statue, which is not seen in the same context as the appeal proposal given the distance from the statue, intervening features and landscaping. The presence of this does not alter my conclusion.
20. Whilst similar proposals have also been installed in other locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effects of the proposal in this location.

Conclusion

21. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR



Appeal Decision

Site visit made on 21 July 2026

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004841

Pavement outside Santander, Bondgate, Darlington DL3 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00657/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA).

¹ Appeal refs: 6004833 – Pavement outside 5 Tubwell Row, 6004835 - Pavement outside 38 Northgate, 6004837 – Pavement outside 41-45 Northgate and 6004840 – Pavement outside 4 Northgate

Reasons

6. The appeal site comprises a section of pavement within a larger pedestrianised area that extends through the town centre and CA, close to the junction of Bondgate and High Row. The wider area is characterised by predominantly commercial uses with buildings of mixed age and design. The site is close to a more modern building and commercial ground floor shop front that extends around the corner from its frontage on High Row. There is limited street furniture on the southern side of Bondgate in the immediate vicinity of the site, with a low-level equipment cabinet sited close to the Santander building and a modest size street tree planter. This generally open and uncluttered visual character contrasts with the presence of other cabinets, seating, refuse bins and street lighting columns that are prevalent features to the opposite side of the street.
7. The CA comprises a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. There are Grade II listed buildings nearby, including The George Public House (now operating as Rosie's Tavern), the Statue of Joseph Pease, Nos 4 to 16 (even) and the King's Head Hotel above shops on Northgate and The Midland Bank (now HSBC). Despite being adjacent to a modern building, the appeal site forms part of an area that positively contributes to the significance of the CA, comprising a prominent position on a main pedestrianised route to and from the town centre, and in an area featuring historic characteristics.
8. The proposal would appear as a large and bulky structure in a prominent position that is largely free from existing street furniture and visual clutter. Due to its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and incongruous structure in this more open part of the pedestrianised public realm. Although my assessment is limited to the refusal of an application for planning permission rather than advertisement consent, the design of the structure and its integrated display would be prominent and draw attention.
9. Notwithstanding this, although it would be sited to the front of and opposite more modern buildings in comparison to other traditional development along Bondgate, due to its scale and appearance, the proposal would not respond positively to its local context or be sympathetic to local character in this area. It would not be a sensitive form of new street furniture in this location, and it would erode the quality and appearance of the public realm, particularly on the relatively wide and open approach towards the central part of the town centre. The proposal would therefore introduce a discordant form of development into this part of the street scene. It would have a detrimental impact on the character and appearance of the area, and the contribution it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
10. As the proposed change would be localised in terms of the CA as a whole, the harm to the significance of the CA would be less than substantial, and at the lower end of the scale in that respect. Irrespective of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a

designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 also requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. Furthermore, paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

11. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. I also note the proposal's aims to promote inclusivity and connect communities, provide community messaging, to enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could also provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. Even so, these public benefits are given moderate weight, which would not be sufficient to outweigh the identified harm and the great weight that I must give to the conservation of the designated heritage asset.
12. For the reasons set out, I conclude that the proposal would be materially harmful to the character and appearance of the area, and it would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Other Matters

13. As established above, there are Grade II listed buildings within the area near to the appeal site. The George Public House is a three-storey building located further along and to the opposite side of Bondgate to the site. The significance of this as a heritage asset, insofar as is relevant to the appeal, is derived in part from its architectural and historic interest, comprising an early 19th century building within the street scene. Its setting includes the appeal site, and the building is primarily appreciated from the area to its frontage and close views along Bondgate. Due to the location of the proposal and the intervisibility between the appeal site and the listed building, the contribution the site makes to the setting and significance of the building is limited. Based on the location and scale of the proposal, the setting of the listed building would be preserved.
14. The Statue of Joseph Pease occupies a highly prominent position within a pedestrianised area, forming a focal point in that part of the public realm. Its significance, insofar as is relevant to the appeal, derives from its historical interest, having been erected to commemorate a figure of national significance with historic association to the town. The setting of the statue is primarily experienced from the streets and pedestrianised areas surrounding it, which includes the pavement of the appeal site in views along Bondgate. Given the distance of the appeal site from the statue, the intervisibility with the appeal site is more limited than those views immediately surrounding the space in which the statue is located. This reduces the contribution the appeal site makes to its setting and significance, and due to the scale of the proposal, its setting would be preserved.

15. Nos 4 to 16 and the King's Head Hotel is a substantial, four-storey building with a late Victorian facade. Its significance, insofar as it relates to the appeal, derives from its architectural and historic interest given the scale and design of the building within a prominent position in the town centre. Due to its location and scale, the setting of this building is experienced from the public realm in a wide area, and with views of the listed building along Bondgate, the appeal site is within this setting. However, due to the separation and the scale of the proposal in relation to the size of the listed building, this reduces the contribution the appeal site makes to its setting, and the setting would be preserved.
16. The former Midland Bank occupies a highly prominent position at the corner of Bondgate and Northgate. Its significance, insofar as is relevant to the appeal, derives from its architectural and historic interest due to the imposing scale and modified baroque style of the building within its location. The setting of this building is largely experienced from the public realm in views around this part of the CA, particularly from its southern side. Given the proximity, the appeal site is within this setting. However, due to the siting and scale of the proposal in relation to this listed building, this reduces the contribution the appeal site makes to its setting, therefore the setting would be preserved.
17. The Council raised no concerns regarding the effect of the proposal on the setting of these listed buildings, and I see no reason to reach a different view. However, this does not alter my conclusion above on the harm to the CA.
18. The Council refers to a separate planning application² for a street hub submitted by another operator for a site close to Royal Oak Yard near to the appeal site. I have no further detail of this application nor any subsequent decision. In any event, for the reasons set out, I have found harm from the proposal in this location.
19. I observed a hub structure installed by another operator of a different design to the scheme before me to the front of the same Santander premises on High Row. There are no details before me of the planning circumstances relating to the installation of that hub within the CA, therefore I am unable to determine if those are directly comparable to the scheme before me to weigh in favour of the appeal. The presence of this does not alter my conclusion. Although similar structures have also been installed in other locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effect of the proposal in this location.

Conclusion

20. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

² Planning application ref: 25/01099/FUL

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of the Local Government Act 1972.

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