

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15 May 2024

APPLICATION REF. NO:	22/01342/FULE
STATUTORY DECISION DATE:	17 May 2024
WARD/PARISH:	Harrowgate Hill/ Whessoe Parish Council
LOCATION:	Burtree Garden Village Phase 1 Burtree Lane
DESCRIPTION:	Hybrid planning application for full planning permission for Demolition of the existing non designated agricultural buildings/structures; Burtree Garden Village Strategic Access Road from Rotary Way to Burtree Lane internal links to future development and development cell access arrangements, parking, associated hard and soft landscaping, public open spaces, SUDS, drainage infrastructure (inclusive of pumping station) and Burtree Village Park (excluding school playing field), temporary construction and/or maintenance access and any other associated infrastructure and outline planning permission (with all matters reserved, excluding principal access for development cells) for, development of up to 750 dwellings Use Class C3 (inclusive of up to 75 retirement/extra care dwellings C2 and/or C3) and community facilities comprising a school (Class F1.a) and sports pitch provision (Class F2), Nursery (Class E) , public house (sui generis), retail/health care/office spaces (Class E), Community Hall (Class E and/or Class F2), local convenience retail/temporary sales office (Class E and/or F2), Business Incubator Units (Class E), community spaces within development cells and any associated parking, drainage, SUDs, hard and soft landscaping, open spaces, additional private drive access and other associated infrastructure for outline cells. For the avoidance of doubt planning permission is hereby granted separately and

severably for site infrastructure landscaping and development cells identified on plan references Early Delivery and Infrastructure Phase Plan 1015-P5 & Land Use Parameters Plan Phase 1 1019-P4 (Additional Otter & Water Vole Survey 06.03.23, Wintering Bird Survey 24.05.23, SUDS basin plans 24.08.23, Bird Hazard Management Plan 29.09.23, additional and amended reports and plans 17.11.23, amended FRA and plans 19.12.23, WSI and amended plans 20.12.23, amended plan 29.01.24, amended plans 09.02.24, CMP and CEMP 15 February 24, amended reports 7 & 12.03.24, Nutrient Neutrality information received 18 March 2024)

APPLICANT:

Hellens Land Limited and Homes England

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 APPLICANT/OWNER FOR THE REMAINDER OF THE APPLICATION SITE ENTERING INTO A SECTION 106 AGREEMENT.**
 - (3) THE PLANNING CONDITIONS SET OUT IN THE REPORT**
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Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RN8Z5PFPMP200>

APPLICATION AND SITE DESCRIPTION

1. The Burtree Garden Village site is located on the north western edge of Darlington, south of Burtree Lane and to the north of Rotary Way and High Grange housing estate. The Tees Valley (Bishop Auckland) Railway Line lies to the east and the A68 and part of the A1(M) on the western boundary.
2. Burtree Garden Village was awarded Garden Communities status by the Ministry of Housing, Communities and Local Government in 2019 because the vision for design

quality and placemaking was assessed as being strongly aligned with Garden Community Principles and offered an opportunity for accelerated delivery.

3. The wider Burtree Garden Village site (approx. 178 hectares) is currently in agriculture use, mainly for grazing and arable crops. The planning application site (approx. 50.59ha) which forms Phase 1 of the Garden Village project is irregular in shape and sits within the centre of the Garden Village site. The application site is characterised by agricultural fields, hedgerows and two farmsteads with an access from Rotary Way to the south. The farmsteads are High Faverdale Farm and Whessoe Grange Farm which includes a Grade II Listed Manor House wall. A further property, Quess How, is located within the Garden Village boundary but excluded from the planning application.
4. A watercourse passes through the western half of the wider allocation area from north to south intersecting the application site at its western extent. An existing Right of Way passes through the south of the site from Rotary Way heading through the wider allocation and towards Burtree Lane in the north.
5. The planning application is a hybrid planning application which can be split as follows:
 - Full planning permission for the demolition of the existing non designated agricultural buildings/structures; the creation of the Burtree Garden Village Strategic Access Road from Rotary Way to Burtree Lane with internal links to future development and development cell access arrangements, parking, associated hard and soft landscaping, public open spaces, SUDS, drainage infrastructure (inclusive of pumping station) and Burtree Village Park (excluding school playing field), temporary construction and/or maintenance access and any other associated infrastructure
 - Outline planning permission (with all matters reserved, excluding principal access for development cells) for, development of up to 750 dwellings Use Class C3 (inclusive of up to 75 retirement/extra care dwellings C2 and/or C3) and community facilities comprising a school (Class F1.a) and sports pitch provision (Class F2), Nursery (Class E), public house (sui generis), retail/health care/office spaces (Class E), Community Hall (Class E and/or Class F2), local convenience retail/temporary sales office (Class E and/or F2), Business Incubator Units (Class E), community spaces within development cells and any associated parking, drainage, SUDs, hard and soft landscaping, open spaces, additional private drive access and other associated infrastructure for outline cells.
6. The application has been submitted as a hybrid planning application to facilitate the delivery of parts of the proposed development early by the applicant, whilst others would be delivered by third party developers in due course. In short, the delivery strategy is to deliver strategic infrastructure up front and provide a development ready and serviced site ready for multiple housebuilders to submit details for their individual development cells and deliver homes from the north (on land owned by the applicant) and south (on land owned by Darlington Borough Council).

7. It is this strategy for the up-front delivery of a substantial strategic access road and associated pedestrian and cycle links and green spaces which will enable the accelerated delivery of new housing establishing the critical mass required to deliver community facilities and establishing a sense of place within the new community at the earliest possible opportunity. Subsequent phases of the Burtree Garden Village allocation (the remaining 1,250 dwellings and 200,000 sqm of employment likely delivered in phases 2 and 3 and via separate planning applications) also relies on the delivery of the strategic infrastructure which will provide access from the centre of the site to the east and west.

Statement of Community Involvement

8. A Statement of Community Involvement document has been submitted in support of the planning application which states that two rounds of community consultation were held, one in 2017 and the other in 2020. In 2020, approximately 1,200 households were invited to provide feedback on the proposed development. Of those contacted, 19 completed response forms were received, providing a range of comments and suggestions relating to the scheme. The key concerns were focused on the development of greenfield land, concerns over the lack of services as well as concerns over traffic and road infrastructure.

Environmental Impact Assessment

9. The development has been assessed in the context of Part 10b of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 ("the EIA Regulations"). As the proposed development falls above the screening thresholds of more than 1 hectare in size and given the scale of the wider strategic site, an Environmental Statement (ES) has been prepared in order to assess any likely significant effects from the development on the environment by virtue of its nature, size and location. The Environmental Statement has been submitted in support of the planning application and provides factual conclusions on likely environmental effects of the proposed development including consideration of the cumulative impact of the delivery of the wider allocation, requisite mitigation and whether residual effects post mitigation are considered significant. The application was advertised and consulted upon in accordance with the Regulations 2017. The topics that the Assessment considered were:

- a) Population and Economics
- b) Built Heritage
- c) Archaeology
- d) Landscape and Visual Impact
- e) Flood Risk and Drainage
- f) Water Quality and Nutrients
- g) Transport and Access
- h) Air Quality
- i) Biodiversity
- j) Noise

- k) Agricultural Land
- l) Climate Change and Greenhouse Gas Emissions

Planning Obligations

10. Given the application site is part owned by Darlington Borough Council there is a need for the Council to make a cabinet resolution whereby it resolves to comply with the planning obligations relating to the development of the site pursuant to the Planning Permission and referred to in paragraph 175 of this report. The cabinet resolution will mirror the wording of a Section 106 Agreement and the Council will resolve to make the payments and comply with the on-site deliverables required in relation to the site. The cabinet resolution will also include a resolution by the Council that it will not dispose of any part of the site without requiring the person to whom the disposal is made to enter into a Section 106 Agreement in the same terms as the cabinet resolution (adjusted in the event that the disposal relates to part only of the site). The applicant/developer who owns the remainder of the application site will enter into a Section 106 Agreement in the usual manner.

MAIN PLANNING ISSUES

11. The main issues to be considered here are whether or not the development is acceptable in the following terms:

- a) Planning Policy
- b) Impact on non-designated Heritage Assets (Archaeology)
- c) Loss of Agricultural Land
- d) Nutrient Neutrality
- e) Impact on the Character and Appearance of the Area
- f) Design and Layout
- g) Highway Safety
- h) Residential Amenity
- i) Flood Risk and Drainage
- j) Climate Change
- k) Air Quality
- l) Noise
- m) Land Contamination
- n) Impact on the Setting of Heritage Assets
- o) Impact on Existing Trees and Landscaping
- p) Impact on Footpaths and Public Rights of Way
- q) Ecology
- r) Affordable Housing
- s) Sport Provision
- t) School Places
- u) Developer Contributions/Viability Assessment

PLANNING POLICIES

12. The relevant national and local development plan policies are as follows:

Darlington Local Plan (2022)

SD1: Presumption in Favour of Sustainable Development
SH1: Settlement Hierarchy
DC1: Sustainable Design Principles and Climate Change
DC2: Flood Risk & Water Management
DC3: Health & Wellbeing
DC4: Safeguarding Amenity
DC5: Skills & Training
H1: Housing Requirement
H2: Housing Allocations
H3: Development Limits
H4: Housing Mix
H5: Affordable Housing
H11: Greater Faverdale
E2: Employment Allocations
ENV1: Protecting, Enhancing & Promoting Darlington's Historic Environment
ENV2: Stockton Darlington Railway
ENV3: Local Landscape Character
ENV4: Green & Blue Infrastructure
ENV5: Green Infrastructure Standards
ENV7: Biodiversity & Geodiversity & 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
IN6: Utilities Infrastructure
IN8: Broadband Infrastructure
IN10: Supporting the Delivery of Community and Social Infrastructure

Other relevant Documents :

Greater Faverdale Burtree Garden Village Design Code SPD (2022)
Design of New Development SPD (2011)
Planning Obligations SPD (2013)
First Homes Policy Position Statement (2022)
National Planning Policy Framework 2023

RESULTS OF TECHNICAL CONSULTATION

13. The Council's Highways Engineer, Sustainable Transport Officer, Environmental Health Officer, Public Rights of Way Officer, Education Department, Climate Change Officer, Ecology Officer have raised no objections to the principle of the development subject to the imposition of planning conditions and planning obligations to be secured via a Section 106 Agreement.

14. Following confirmation that their requested financial contribution has been agreed and will be included within the Section 106 Agreement, Highways England removed their holding objection and issued a 'no objection' response.
15. Historic England have confirmed that they do not need to respond to the planning application.
16. Northumbrian Water, the Lead Local Flood Authority and the Environment Agency have raised no objections subject to the imposition of planning conditions.
17. The Archaeology Team from Durham County Council have raised no objections subject to the imposition of planning conditions.
18. The Air Traffic Engineering Manager from Teesside Airport has raised no objections subject to the imposition of planning conditions.
19. Northern Gas Networks have raised no objections.
20. Network Rail have no objections to the planning application.
21. NHS Tees Valley Clinical Commissioning Group have requested a financial contribution to improve existing medical facilities in the local area.
22. Sport England, who are a non statutory consultee for this application have objected to the planning application on the grounds that the proposal does not include indoor sports provision which could lead to pressures on existing facilities.
23. Natural England have raised no objections subject to the imposition of planning conditions and nutrient neutrality mitigation measures being secured via appropriate legal mechanisms.

RESULTS OF PUBLICITY AND NOTIFICATION

24. Following the Council's notification and publicity exercises which involved **295** notification letters, the erection of **13 Site Notices** and adverts in the local press, **twelve letters of objection have been received from seven properties**. The objections can be summarised as follows:
 - *This will result in the loss of a greenfield site used for farming.*
 - *Wildlife, congestion and air quality will get worse for residents.*
 - *Increase in traffic and noise.*
 - *Increased flood risk for High Grange Estate*
 - *Increased traffic on Junction 58 on the A1 (M) down to Cockerton village*
 - *Adverse impact on habitats for mammals, migratory and native birds, insects*
 - *Irreplaceable and environmental impacts on High Faverdale Farm including a natural pond.*
 - *Loss of hedgerows and trees including black poplars*

- *Mitigation does not guarantee preservation and habitats and protected species will be destroyed.*
- *Greenspace around High Faverdale Farm will be lost which provides recreational opportunities for exercise and relaxation.*
- *High Faverdale Farm is one of the very few remaining councils owned small farms for rent in the UK and it is an important economic asset in its own right.*
- *The development will have an adverse impact on flora and fauna.*
- *The development will result in farmland with a rich history being lost.*
- *A68 West Auckland cannot cope with traffic volumes at present.*
- *The existing roads cannot cope.*
- *There are enough new developments being built at West Park*
- *The increase in traffic will lead to increase in pedestrian safety.*
- *The Statement of Community Involvement exercise and documentation is misleading.*
- *The development will result in dangerous tailbacks on Junction 58*
- *There are brownfield sites that need developing rather than this greenfield site.*
- *Residents should be encouraged to use the Burtree Lane access to the estate.*

25. A comment has been received relating to the planning application being confusing due to the hybrid nature of the submission and the extent, nature and duplication of the submitted plans. Members are advised that hybrid planning applications are not uncommon for major development proposals on land of this scale and where they have not been submitted by a particular housebuilder/developer. For this type of application not all details can be provided at this stage and will be subject of future Reserved Matters submissions. Also, there is always duplication of plans and reports due to the planning application having to be supported by an Environmental Statement which covers a wide variety of topics, some of which are also included within the planning application.

26. A comment has been received on future impacts the commercial development which fall within Phase 2 of the wider Burtree Garden Village scheme. As this planning application relates to Phase 1 of the scheme and the commercial units fall outside of the site boundary, the comments cannot be taken into consideration when determining this planning application.

27. **One letter of support** has been received stating:

- *We need direct access from Faverdale Industrial Estate to Burtree Lane/North Road.*

28. The Friends of Stockton and Darlington Railway have submitted comments which relate to the wider Masterplan for Burtree Garden Village and the phases which lie outside of this planning application site boundary.

29. Whilst appreciating the complexity of the planning application Whessoe Parish Council have objected to the planning application on the following grounds

- a) *Impact on loss of wildlife*
- b) *Flood risk*
- c) *Traffic flow*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

30. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2023) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
31. 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 are allocated in the Local Plan as a mixed use urban extension and therefore the proposal would contribute towards the achievement of the housing requirement.
32. Establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies. The site is located within the development limits of the main urban area; therefore, the proposal accords with policy H3 of the Local Plan.
33. 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. It is estimated that 750 homes will be delivered during the plan period in the Local Plan housing trajectory (policy H2). The scheme needs to satisfactorily address the requirements and deliver the necessary infrastructure set out in the site specific policy H11.
34. The development of Greater Faverdale must be carried out in accordance with the principles and requirements set out within the site specific policy H11 and figure 6.3 the Greater Faverdale Masterplan Framework of the Local Plan. Policy H11 outlines that a comprehensive masterplan and infrastructure phasing plan that informs the mix of uses, layout, scale, design, provision of local and strategic infrastructure including social and community facilities and phasing of the proposed development, and which incorporates the key principles for the development as set out in policy H11, shall be prepared prior to the submission of any planning application relating to this site. The masterplan shall be led by the applicant(s), informed by community consultation and should be based on a strong understanding of the characteristics of the site and its surrounds. The masterplan should also have regard to the strategic design requirements established in the Greater Faverdale Design Code.

35. Policy H11 also sets out that development is expected to extend beyond the plan period and 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. This planning application does not exceed these thresholds.
36. Officers can confirm that, in accordance with Policy H11 of the Local Plan, the Burtree Garden Village Masterplan Document (April 2024) and infrastructure phasing plan has been agreed by the Local Planning Authority.
37. To ensure that the development is built out in an appropriate and sustainable way, planning conditions have been recommended to ensure that the infrastructure (the spine road) is constructed concurrently from the south and north and that no dwellings are occupied in the northern outline development cells until the infrastructure has been completed. This is to ensure the sustainable infrastructure is brought forward at the earliest stage and to ensure the Phase 1 development has appropriate sustainable connectivity to existing nearby services and facilities. This is also reflected in the agreed Masterplan document.

b) Impact on non-designated Heritage Assets (Archaeology)

38. The planning application has been supported by various archaeological written scheme of investigations reports which have been considered by the Archaeology Team at Durham County Council. The reports set out a programme of archaeological mitigation work in relation to the proposals that have been submitted in detail and outline. The findings of the reports are considered to be acceptable and appropriate planning conditions have been recommended. The development would accord with policy ENV1 of the Local Plan in this regard.

c) Loss of Agricultural Land

39. The western part of the Burtree Garden Village site (120 hectares) was allocated in the 1997 Local Plan as an Employment Reserve Site. Planning permission (ref 10/00798/FUL) has previously been granted for the erection of a data centre with associated access and landscaping on the site. This development proposal covered much of the application site and the wider Burtree Garden Village allocation. A Section 106 Agreement was never agreed for the data centre scheme and the application was “disposed of” in 2021 ahead of the allocation of the site for a mixed use development. It is clear from the previous local plan allocation and planning history that the application site has been previously earmarked for non agricultural uses.
40. An assessment of the sites agricultural land classification reveals that the majority of land within the site is classed as non-Best and Most Versatile land (BMV land). Subgrade-3b (non-BMV) land covers 33.05 ha (65.3 %) of the site, with 14.38 ha Subgrade 3a (28.4 %) and 0.44 ha Grade 2 (0.9 %) BMV land comprising the remaining agricultural land. There is also 2.75 ha (5.4 %) of non-agricultural land present within the site.

41. The effects regarding the loss of agricultural land were considered and recognised within the Local Plan Sustainability Appraisal when allocating the site for the proposed redevelopment purposes under the Darlington Local Plan.
42. Furthermore, a range of environmental measures have been incorporated into the proposed development to reduce likely impacts on the environment, including soils. Areas of soil within BMV agricultural land have been retained in the creation of the Burtree Village Park and grazing will be retained for as long as possible until it is necessary to commence development.
43. Industry standard practices for the handling, and storage of soils including DEFRA's code of good practice guidelines, and standard working methods and techniques will be used to protect soil resources. Where soil is stored on land within the applicant's control, this would be subject to the associated environmental permits that would be required.

d) Nutrient Neutrality

44. 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.
45. The information provided by the applicant on nutrient neutrality 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. The submitted nutrient budget calculators and supporting statements demonstrate that the proposals will increase the nitrogen arising from the development pre-2030 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. An appropriate assessment needs to be undertaken.
46. The applicant has used the updated Natural England's Nutrient Budget Calculator tool published in January 2024 for the River Tees catchment to establish a nutrient budget for the proposal. This takes in to account the designation of the Tees Catchment as a sensitive catchment area for nitrogen under section 96c of the Water Industry Act (1991).
47. This means sewerage undertakers now have a duty to ensure wastewater treatment works serving a population equivalent over 2,000 are upgraded to meet specified nutrient removal standards of 10 mg/litre by 1 April 2030. This duty applies to Stressholme Wastewater Treatment Works which wastewater from this proposed development will be drained to. Competent Authorities are required to assume that these upgrades will take place when assessing the nutrient impact of proposals. So, the updated calculator establishes a pre2030 total annual nutrient load to be mitigated based on the current Stressholme wastewater treatment works nutrient removal standard of 27mg/litre along with a total annual nitrogen load to be mitigated post 1

April 2030 based on the future Stressholme wastewater treatment works nutrient removal standard of 10mg/litre.

48. The assumptions and inputs used by the applicant within the calculators are now, following revision, considered to be satisfactory by the Competent Authority and are an accurate reflection of the site and its location.
49. The proposal is for 750 dwellings and the total post 2030 annual nitrogen load to mitigate is 0kg per year. The total pre-2030 annual nitrogen load to mitigate is 746.01kg per year. The applicant has presented three scenarios demonstrating how through the use of a restrictive planning condition they consider varying amounts of housing could be delivered on the site pre-2030 without resulting in an increase in nitrogen adversely affecting the Teesmouth and Cleveland Coast SPA. These are:
- Scenario 1 – Land Use Change on-site only – 272 units
Scenario 2 – Mitigation Land all classified as Lowland Grazing – 479 units.
Scenario 3 – Mitigation Land with 2 fields classified as Arable – 508 units.
50. These scenarios are set out in further detail in the Nutrient Balancing Assessment and Mitigation Appraisal Addendum (March 2024). The applicant, recognising the need for a precautionary approach to nitrogen output, whilst also enabling development to proceed broadly in line with the anticipated development trajectory, confirmed they would be happy for the Appropriate Assessment to be run on the basis of Scenario 2 where land to the east of the application site, and within their ownership, has been identified as mitigation land. This is the approach that has been followed by the Competent Authority.
51. This calculation demonstrates that this scenario would result in mitigation of 323.12 kg total nitrogen per year being created if the mitigation land was fallowed and planted with cover crops. The Nutrient Budget for Scenario 2 shows that the total pre-2030 annual nitrogen load to mitigate for 479 dwellings is 322.69 kg total nitrogen per year. So, this does demonstrate that this would ensure that the additional nutrient impact of this scenario could be mitigated.
52. Following consideration of Scenario 2 the Competent Authority considers that this an appropriate mitigation strategy and does demonstrate that sufficient mitigation is available and can be secured which will ensure that 479 dwellings can be occupied pre-2030 and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA.
53. As this mitigation strategy is developed on the basis of only up to 479 of the 750 dwellings being occupied pre the 1 April 2030 a restrictive condition has been recommended that ensures no more than 479 dwellings shall be occupied prior to 1 April 2030.

54. As the mitigation land is located outside the application site red line boundary, the land identified for nutrient mitigation will need to be secured by a Section 106 legal agreement. This will also need to include a mechanism which ensures that the mitigation land has been fallowed and agricultural production has ceased, and the necessary mitigation is in place at stages where the mitigation is required. As the residential element of this application is applied for in outline and as this is a large-scale development that is expected to be built out by different developers in separate phases/cells a mechanism is proposed which would require, prior to the occupation of the first dwelling in each phase/cell the precise nutrient mitigation scheme to be submitted to and approved by the Competent Authority in consultation with Natural England. For example, evidence will need to be produced to the Local Planning Authority that agricultural production on that mitigation land parcel serving the relevant phase/cells has ceased and a management plan has been provided setting out how the applicant will ensure it remains ceased until 1 April 2030. It should also require an annual report to be provided demonstrating continued adherence to this mitigation strategy.
55. As the nutrient impact of the proposal has been calculated taking account of the greenspace that will be provided within the site red line boundary, the Landscape Ecological Management Plan and Open Space and Management Plans have been amended to ensure that there would be no use of fertilisers and a planning condition has been recommended to requests details of disposing of dog waste.
56. The Appropriate Assessment has found that using conditions and an appropriate legal mechanism there is a sufficient likelihood that mitigation measures can be secured at the necessary points in time to adequately mitigate the effects of the proposal and ensure the proposed development will not result in an increase in nitrogen reaching the Teesmouth and Cleveland Coast SPA. So, 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 and legal mechanism requirements as set out above.
57. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted. Natural England have raised no objections subject to ensuring the mitigation measures are secured by appropriate planning conditions and legal agreements.

e) Impact on the Character and Appearance of the Area

58. As stated, the site forms part of the Greater Faverdale Strategic Site allocation (Policy H11). The site is predominantly arable farmland, with utilities corridors, hedgerows with mature trees including veterans and some pasture farmland. There are no designated landscapes or sites of landscape / natural value within or in proximity of the site. Overall, the site and the immediate surrounding area are of medium-low landscape value when taking into account the presence of surrounding large buildings, the existing urban edge of Darlington, the nearby strategic transport corridors and overhead power lines.

59. The proposed development will include street trees to create avenues along the link road, high quality areas of open space, landscape enhancements, SUDs basins and swales and well connected green infrastructure. The development includes lower building heights at appropriate locations and the outline development cells are offset from the site boundaries to allow for woodland planting. Hedgerows and small trees would be incorporated into public and private amenity areas.
60. The Environmental Statement submitted in support of the planning application states that in the long term the proposed development would not result in significant impacts on the character, quality or distinctiveness of the landscape, or to important features or views. The proposals have incorporated appropriate measures to mitigate adverse landscape and visual effects and contribute, where possible, to the conservation or enhancement of the local landscape. Any Moderate and Major adverse effects from isolated viewpoints such as existing farmsteads, the existing PROW, Burtree Lane and Rotary Way, particularly during construction will reduce to become insignificant over time once landscape planting matures. Over time effects often reduce to be become moderate or minor adverse.
61. It is considered that the proposed development would accord with policies DC1 and ENV3 of the Local Plan in this regard.

f) Design and Layout

62. The Greater Faverdale Burtree Garden Village Design Code Supplementary Planning Document was adopted in July 2022 which sets out the strategic design requirements that need to be applied in developing a successful scheme for Burtree Garden Village. The Burtree Garden Village Masterplan has been agreed with the Local Planning Authority and this planning application has been developed in accordance with the design principles set out in these documents.
63. The proposal would create a residential neighbourhood offering a wide range of house types, new community facilities, access to public open space and recreational opportunities.
64. The elements that have been submitted in detail, which include the Strategic Access Road from Rotary Way to Burtree Lane with associated internal links to future development cells, associated hard and soft landscaping, public open spaces, SUDS, drainage infrastructure (inclusive of pumping station) and Burtree Village Park include extensively landscaped areas to create strong areas of green infrastructure to retain and enhance the existing landscape features.
65. Whilst the development cells are currently in outline and will be subject to future Reserved Matters submissions, the supporting documents and the Design and Access Statement states that any future proposals will have active street frontages into all streets, pedestrian routes and open spaces, linear streets connecting to open spaces

and squares of varying sizes, an environment not dominated by vehicles, well overlooked public realm areas, landmark buildings and a range of parking options.

66. The development would include a Village centre comprising a community building/village hall, a small retail centre, allotments. This area would sit to the north east of the Neighbourhood Centre which comprises a retirement living complex, the primary school and associated playing fields. This Centre is located quite centrally within the Phase 1 development. A third element is the Village Gateway which is a mix of residential units, open space and a Public House, which may incorporate the existing High Faverdale Farm building.
67. Overall, the layout and future development proposals would adopt the "Garden Village" approach creating a well connected neighbourhood providing a good choice of community facilities (policy H11).
68. Planning conditions have been recommended to ensure that the outline development cells include an appropriate mix of housing types, sizes and tenures and also that 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 which are requirements of policy H4 of the Local Plan.
69. It is considered that the layout and design principles set out in Phase 1 of the wider Burtree Garden Village allocation will create a development that creates a sense of place with a distinctive character which accords with the objectives of the Design Code SPD, the Masterplan and the Design Vision Guide and Parcel Code (March 2024) as well as policies DC1 and H11 of the Local Plan

g) Highway Safety

70. The proposed development is to have two points of vehicular access, connected by a 6.7m wide access road running north to south within the site. The access road is referred to as the Burtree Garden Village Access Road [BGVAR], connected to the north via a new roundabout on Burtree Lane and to the south via the existing roundabout between Rotary Way and the High Grange Housing estate.

Local Highway Network

71. A full transport assessment (TA) has been prepared to provide an assessment of the transport related impacts associated with this major hybrid planning application and identify where appropriate any mitigation measures required.
72. The proposed village hub facilities including the public house, retail units, community hall and primary school are designed to serve the proposed Garden Village development and have potential to reduce the overall need to travel by the future residents to/from the wider area. As such, it is considered that these village hub facilities would not materially affect the operational performance of the surrounding road network. This approach has been agreed with the Local Highway Authority and National Highways.

73. For the residential dwellings, the trip generation has been based on the existing trip rates derived from ATC survey data of the High Grange housing estate on the south side of Rotary Way opposite the proposed development. The derived trip rates have also been compared with the relevant category obtained from the TRICS database and are found to be slightly higher.
74. With a bus gate in place, it is expected that 292 dwellings will be accessed from the northern roundabout on Burtree Lane, with the remaining 458 dwellings (including 58 retirement/extra care flats/apartments) and other amenities to be accessed from the southern roundabout on Rotary Way. Local junction assessment work has been undertaken to assess the traffic impact of the proposed development. The Operational Assessment showed that with or without the bus gate, the proposed new site access junctions and the surrounding road network will operate efficiently under the future year assessment scenarios in 2036, end of Darlington Local Plan period. It has also been demonstrated that the proposed development traffic can be accommodated at the A1(M)/A68 interchange (Junction 58) whilst remaining below the normal practical reserve capacity threshold.
75. The TA concludes that the traffic generated can be accommodated on the local highway network is does not present a 'severe' impact. Whilst the local plan traffic modelling work undertaken established that the local plan allocations can be delivered without severe impact to the local and strategic highway network, this is subject to the timely delivery of mitigation schemes as identified in the Local Plan Infrastructure Delivery Plan (IDP). Funding for the required works is to be secured via a variety of funding methods, including developer contributions. The Local Highway Authority has established an IDP funding contribution model to fairly apportion costs relative to the scale and impact of each development. Contributions for Burtree Garden village site is £1,410.33 per dwelling based on 750 dwellings across the site. The total therefore is £1,057,744.87 (at 2023 prices) indexed to All In Tender Price Index published by the Building Cost Information Service. This figure is based on modelling work carried out as part of the agreed Local Plan and IDP and would seek mitigation for the development traffic impact from the site on the A68 corridor. The contribution would be secured via the Section 106 Agreement.

Internal Layout

76. The internal spine road, estate and access roads and junction layouts are broadly in compliance with the appropriate design standards (DMRB spine road) and Tees Valley Design Guide for other internal roads as far as is reasonably required for planning approval. It is however important to note that any planning approval granted does not infer highways approval, given that detailed Section 38/278 Technical Approval will be needed post planning approval, where all detailed aspects of design will be reviewed and subject to a Stage 1/2 road safety audit as part of the design review and TA process.
77. As the development cells are in outline, no detail can be provided at this stage to show how each cell will be built out and connected to the highway infrastructure. However, appropriate planning conditions have been imposed to ensure that future

developments are brought forward in accordance with an agreed phasing plan and developed to acceptable highway safety standards.

78. The applicant is aware of the detailed, technical highway comments that have been made by the Council's Highways Engineer during the determination process of this planning application.

Strategic Highway Network

79. An Agreement has been reached between the developer and National Highways for a separate financial contribution for offsite highway works on the Strategic Road Network in particular towards works at the A66 Little Burdon roundabout which has been identified as part of the network which may experience a material impact as a result of Phase 1 of the Burtree Garden Village. The contribution equates to £240,853.73 (at 2023 prices) indexed to All In Tender Price Index published by the Building Cost Information Service. This would be secured by the Section 106 Agreement.

Sustainable Travel

80. As stated in paragraph 36, to ensure that the development is built out in a sustainable way, planning conditions have been recommended to ensure that the infrastructure (the spine road) is constructed concurrently from the south and north and that no dwellings are occupied in the northern outline development cells until the infrastructure has been completed. This is to ensure the Phase 1 development has appropriate sustainable connectivity to existing nearby services and facilities in the interim period before the community and neighbourhood uses are brought forward which will be on a demand basis.
81. Whilst a primary school is included within Phase 1 of the Garden Village, which will, over time, reduce travel requirements to schools which are outside of the application site, there is a requirement for a Safe Route to School from the development in the interim. West Park Academy and Mount Pleasant Primary School are within 2miles of the application site and Wyvern Academy and Longfield Academy are within 3miles. The site is located within an acceptable proximity to the surrounding primary and secondary schools and the walking route to/from them are considered to be suitable. However, it has been agreed to include as part of the package of off site highway works, improved crossing facilities at the Whessoe Road/Elmtree Street junction, including the provision of physical buildout area and tactile paving to assist the safer crossing of Whessoe Road which forms part of the route to and from Longfield Academy. Appropriate planning conditions have been imposed to ensure that appropriate cycle parking provision is secured within the outline development cells along with good cycle path connectivity

Bus Service

82. A financial contribution has been agreed to provide a bus service within the development which equates to £150,000 per year for five years and this would be secured by the Section 106 Agreement. Appropriate planning conditions have also been recommended to secure a public transport route through the development and details of bus stops.

Travel Plan

83. Appropriate planning conditions have been recommended to ensure that Travel Plans are submitted for each outline development cell having regard to the approved Area Travel Plan that has been submitted in support of the planning application. The financial aspects associated with implementing the Travel Plans would be secured through appropriate mechanisms within the Section 106 Agreement.
84. It is considered that, subject to the imposition of appropriate planning conditions and financial contributions, the proposed development would be acceptable in highway terms and would comply with policies DC1, H11, IN1, IN2, IN3 and IN4 of the Local Plan in this regard

h) Residential Amenity

85. The application is scarcely populated, containing High Faverdale Farm and Whessoe Grange Farms which will be incorporated into the development or demolished and a further property, Ques How, which is located within the Garden Village boundary but excluded from the planning application.
86. Ques How would be located in part of the site that is primarily residential with a potential village hall/community building located to the south. The grounds of this property are quite extensive and should ensure that appropriate separation distances are achieved with any new dwellings. Consideration has been given to the impacts of a site compound to this property. Other planning conditions are recommended to ensure that the impacts of the non residential elements (noise/lighting etc) are mitigated to protect the future occupants of the development. Sections k) to l) if this report consider noise, air quality and land contamination in further detail.
87. The planning application has been supported by a Construction Management Plan in relation to the elements that have been submitted in detail and this Plan is considered to include appropriate mitigation measures to protect the amenities of the local area. A planning condition has been imposed to ensure that Plans are also submitted in support of any development proposals for the cells that are currently in outline.
88. In accordance with Policy DC3 of the Local Plan, a Health Impact Assessment has been submitted. The Assessment shows that taking into consideration the mitigation measures adopted as part of the proposed development, no material adverse human health impacts are predicted during construction or operation of the proposed development. The development meets the relevant criteria for a Garden village and exceeds the requirements for publicly open spaces. The development also provides opportunities to improve local health and wellbeing circumstance and to helping people live independent healthy lives for longer while reducing health inequalities. On this basis, the proposed development would support the delivery of a new healthy and vibrant community.

89. It is considered that the proposed development accords with policies DC3, DC4 and H11 of the Local Plan in this regard.

i) Flood Risk and Drainage

90. The majority of the application site and the wider allocation is in Flood Zone 1 and is at low risk of flooding. Parts of the wider allocated area that sit adjacent to an existing watercourse are located in Flood Zones 2 and 3 however, this only affects the south west part of the application site. A Flood Risk Assessment and Drainage Strategy has been produced in accordance with the Local policies DC2 and H11 and National Planning Policy Framework 2023. The Strategy concludes that with appropriate mitigation the site and proposed development has a low risk of flooding from tidal and fluvial flooding, overland flows, groundwater and sewers.

91. Surface water is to discharge, via a network of source control and SuDS features, to the existing water courses within the development site at various outfall locations to mimic the natural drainage patterns as close as practicably possible. Flows are to be restricted to the greenfield rate of 5.12l/sec/ha.

92. Foul water from Phase 1 is to discharge to the existing off-site NWL manhole 9202 located to the south east of the site which is supported by Northumbrian Water

93. The planning application has been subject to consultations with the Environment Agency, Northumbrian Water and the Lead Local Flood Authority and they have raised no objections to the proposed development subject to the imposition of appropriate planning conditions.

94. A planning condition has been recommended to secure the precise details of a bridge crossing with Phase 1 as part of later Reserved Matters submissions. The bridge would need to meet local highway requirements and consider flood models and the natural flow of the watercourse.

j) Climate Change

95. There is an Energy Strategy for the Garden Village which looks to ensure that the development includes low carbon homes with manageable running costs. Measures include air source heat pumps, high levels of built fabric efficiency, Solar PV, waste water heat recovery which are all commended. An appropriate planning condition has been recommended to secure climate change details for each outline development cell. The development would accord with policy DC1 of the Local Plan in this regard.

k) Air Quality

96. Chapter 11 of the Environmental Statement covers air quality and looks at the impacts on local air quality as a result of the construction phase associated with the proposed development as well as the impact on air quality in the operational phase of the development as a result of increased road traffic, considering both existing and proposed sensitive receptors.

97. The assessment has identified in relation to the infrastructure phase (access road and associated infrastructure including SUDS, drainage and soft landscaping) that the dust emission magnitude falls into the medium definition for earthworks, construction and trackout and the risk of dust soiling and human health effects prior to mitigation ranges from negligible to medium risk and site-specific mitigation will be required to ensure effects from these activities will not be significant.
98. In relation to the construction phase assessment associated with the proposed residential dwellings and community facilities (which also assumes infrastructure is in situ once they are occupied and become operational) the dust emission magnitude falls into the large definition (given the scale of the development) for earthworks, construction and trackout.. A dust management plan will be incorporated into a Construction Environmental Management Plan.
99. In relation to the operational phase of the development the assessment has considered the changes in air quality (as a result of road traffic) given a number of scenarios and has used air dispersion modelling to assess nitrogen dioxide and fine particulate matter concentrations. The assessment has calculated that for both existing and proposed receptors pollutant concentrations are predicted to be below the relevant annual mean objectives and limit values and all predicted changes in pollutant concentrations are considered negligible (for all seven scenarios considered, including worst case). The chapter concludes that the proposed development will not lead to an unacceptable risk from air pollution, nor will it lead to any breach of national objectives as required by national policy and it considers there are no material reasons in relation to air quality why the proposed development should not proceed.
100. Travel Plans are to be implemented for the development to encourage alternative travel options (as opposed to private car use) which will also be beneficial in terms of air quality, and dwellings are to be provided with sockets to facilitate electric vehicle charging points to encourage future uptake of electric vehicles.
101. It is considered that the proposed development and the outline development cells can be developed in accordance with the requirements of Policy DC4 in this regard.

I) Noise

102. The Noise Chapter included in the Environmental Statement looks at the potential impact of noise on the proposed development site, including from the existing noise environment (road traffic - from Rotary Way (to the south), Burtree Lane (to the north), industrial noise - from Argos and Aldi) ; noise from the construction phase of the development itself and noise from future traffic (including the wider masterplan area and all committed development in the area included in the Local Plan)
103. The initial assessment puts forward some potential mitigation referencing that good acoustic design should be followed (in accordance with ProPG: Planning & Noise, New Residential Development, 2017) by looking at factors such as spatial separation (from noise sources), site layout and plot orientation, noise barriers, façade mitigation. As the

residential development is in outline further noise assessment work is required at detailed design stage based on finalised site layout for each cell. There are future noise sources (i.e., proposed as part of the development itself) that have not yet been considered but will need considering in terms of the impact on residential development on this site, such as the Public House, the school, sports pitches, local shops etc. Appropriate planning conditions have been recommended to secure appropriate mitigation measures for the elements within the outline development cells.

104. The planning application has been supported by a Construction Environmental Management Plan and a Construction Management Plan which have been found acceptable by the Environmental Health Officer.

105. Appropriate planning conditions have been recommended and it is considered that the proposed development and the outline development cells can be developed in accordance with the requirements of Policy DC3, DC4 and H11 of the Local Plan in this regard.

m) Land Contamination

106. The application has been supported by two reports on land contamination. These cover the wider masterplan area. The majority of the site has been agricultural land since pre-1850s, with a number of farms on the site, as well as a former moated site/village field and a railway line running along the eastern site boundary. A former landfill is identified in the surrounding area, as well as a former ironworks, brickworks and an infilled claypit. Tanks have been noted on the farms on site as well as sacks of fertiliser and pesticides, and some fly tipped waste. There are a number of sources of potential contamination which may pose a risk to future site users. The reports include a review of previous intrusive site investigation works (associated with previous development proposals on the site) including groundwater/ground gas monitoring that took place.

107. From soil samples tested none exceeded relevant assessment criteria. However, parts of the site were inaccessible including areas where suspected asbestos containing materials were noted. Preliminary gas monitoring results conclude that the site falls within Characteristic Situation 1 (CIRIA C665) where no gas protection measures are required but given the changes to the development proposals since these works and as parts of the site were not accessed, further gas monitoring is considered necessary to fully assess the ground gas regime at the site based on the latest development proposals. The groundwater monitoring results identified some exceedances and further sampling/analysis is also recommended in relation to ground and surface water.

108. Appropriate planning conditions relating to land contamination have been recommended and it is considered that the proposed development and the outline development cells can be developed in accordance with the requirements of Policy DC1 in this regard.

n) Impact on the Setting of Heritage Assets

109. The application site contains the Grade II Listed “Manor House Ruins and Wall” to the south east of Whessoe Grange Farmhouse. Whessoe Grange Farm and High Faverdale Farm, also within the application site are non designated heritage assets. The former Medieval Settlement of Whessoe Village is located within the wider Burtree Garden Village allocation but beyond the boundary of this planning application.
110. Whessoe Grange Farmhouse is unoccupied and in a state of decay and may deteriorate without remedial action, however it is only of local significance and of low sensitivity. High Faverdale Farm (local significance and low sensitivity) are occupied and maintained. The listed wall is of regional significance.
111. The Grade II listed building will be incorporated into the development associated with gardens and community use so that it can be preserved for and enjoyed by future generations, and this is much commended. The details will be subject to future Reserved Matter submissions.
112. The farmhouse at Whessoe Grange Farm and the buildings at High Faverdale Farm, which is the most prominent and significant, may be incorporated into the development, for example, High Grange Farm may be retained and incorporated into the public house/eatery within the Neighbourhood hub. Whessoe Grange Farm may also be retained and incorporated into the proposed development. The details will be subject to future Reserved Matters applications but if it is not possible to retain the non designated heritage buildings, their loss would be mitigated by a schedule of recordings in line with Historic England guidelines which would be secured by a planning condition.
113. Their loss, if necessary, would be considered as “less than substantial” harm and in accordance with policy ENV1 of the Local Plan and the National Planning Policy Framework, any identified harm would be weighed against the public benefits that would be derived from the proposed development. The harm is outweighed by the sustainability benefits associated with the modern replacement neighbourhood centre and community buildings in an individual sense and the wider strategic benefits of delivering the associated wider Local Plan allocation, which seeks to develop a sustainable community for the future and deliver the facilities required to support the planned growth in housing.
114. The Chapter on Built Heritage within the supporting Environmental Statement advises that there will be no operational impact deriving from the infrastructure phase of the proposed development on the Whessoe Grange listed building and Whessoe Grange Farmhouse.
115. Operation of the link road will have an effect on the setting of High Faverdale Farmhouse and associated historic farm buildings prior to their demolition. This is because the road is immediately adjacent to and crosses in front of the principal elevation of the farmhouse. The immediate rural setting of the farm to the west of the house will be removed. However, the magnitude of impact is considered to be Low, and

the significance of the environmental effect Minor Adverse. The effect may be temporary where the farmhouse is subsequently demolished, after which the effect will be removed.

116. Where the proposed development results in the demolition of Whessoe Grange Farmhouse and High Faverdale farm buildings, the assets will be removed in their entirety. The effect will therefore be direct, permanent and irreversible. The magnitude of impact is therefore Very High but as the non-designated assets are of Low sensitivity the significance of the environmental effect is considered to be Minor Adverse following implementation of the above mitigation.

117. Due to the demolition of the majority of the listed building at Whessoe Grange Farmhouse, the ability to understand the former function, date and character of the remaining structure within its former complex has been almost entirely removed, and the setting does little to add to its significance. By retaining the walls within a community setting away from dense development and to the north of Burtree Village Park, the development reflects the former rural setting whilst bringing the remains into communal use. This ensures their future survival and enables them to be interpreted and appreciated by the public. This is of benefit to their significance, and comprises a Medium magnitude of impact, such that the significance of the environmental effect will be Moderate Beneficial.

118. The historic Stockton and Darlington Railway route is located to the east of the wider Burtree Garden Village allocation and beyond the site boundary of this planning application.

o) Impact on Existing Trees and Landscaping

119. Trees which were located on and immediately adjacent to the site have been assessed and surveyed, including one hundred and fifty-two individual trees, twenty-three tree groups, two woodlands and fifty-four hedgerows. The riparian woodland on the banks of the Dene Beck stream was recorded as tree groups G7 and G8, with the more significant trees recorded as individual trees.

120. There are a number of hedgerows throughout the site, predominantly single species and comprised of mature hawthorns, some of which have been previously laid. Mature and veteran trees can be found occasionally growing within these hedgerows.

121. Many of the hedgerows are suffering from intense sheep grazing pressure, with their bases often devoid of foliage. Additionally, a significance number of the trees, including some of the veteran ash trees also have basal and surface root damage, synonymous with intense grazing. Soil compaction around the stem bases was also observed. The Dene Beck stream is located on the south-western part of the site, with a number of mature and veteran trees within the stream's riparian zone, including a number of mature crack willows, elms, sycamore and ash and two rare mature native black poplar trees. In the southwestern part of the site are two rare mature native crab apple trees. Another native crab apple is located within hedgerows on the eastern part of the site. A

small woodland copse is located in the northern part of the site adjacent to Whessoe Grange Farm.

122. Two mature native black poplar trees are located just outside the Phase 1 site's western boundary. This sub-species is the rarest large growing native 'timber' tree species in the UK. Three other black poplar trees were found during the survey, one of which was lost due to the 2021/2022 storms. Following a specialised survey in 2023, it has been confirmed that all four black poplar trees within the Phase 1 site are the native cultivar with one being a rare female specimen.
123. A significant number of veteran trees, predominantly ash species, are scattered throughout the rest of the site, with high concentrations located to the south and south-west of High Faverdale Farm. Forty-two veteran trees were recorded during the survey, which includes nine 'Transitioning Veterans', which are trees which have veteran features which over time will develop further veteran features therefore developing into full veteran trees. Transitioning veterans have been allocated a veteran buffer zone, along with the other full veteran trees as these are still within the NPPF definition of a veteran tree.
124. The road and drainage design footprints and landscaping strategy have gone through several iterations in order to eliminate impacts on trees and hedgerows, especially on the veteran trees. Where the impacts on trees (especially veteran trees) couldn't be eliminated due to design requirements for footway widths, the road layout on Burtree Lane and drainage requirements to cope with expected surface water volumes, careful thought has gone into how the impacts could be minimised to ensure where possible the retention of trees and thus avoiding any loss or deterioration of habitat, through the specification of the most appropriate mitigation measures.
125. In order to facilitate the proposed scheme, it will be necessary to remove seven individual trees, which includes three veteran trees (their decaying wood habitat is to be retained and relocated elsewhere on Site), parts of seven tree groups and part of one woodland. Additionally, four hedgerows are proposed to be removed in their entirety and parts of a further twenty-two sections of hedgerows totalling 704m² in length.
126. The total loss of tree canopy cover to enable the Phase 1 detailed design development (roads, road bridge, SUDS basins and drainage runs) to be implemented equates to 7.3% of the Phase 1 site's total tree canopy coverage. The total loss of hedgerows equates to 12% of the Phase 1 site's total hedgerows length. The losses of these trees and hedgerows are considered to be low from an amenity and ecosystem service benefits perspective, when considering the extent of tree canopy cover and hedgerows to be retained and the extent of new planting proposed.
127. The trees and hedgerows that are to be retained on the site will be protected during the proposed works with two types of protective fencing, with the type specified depending upon the closeness and type of development to be undertaken nearby.

128. Paragraph 186 of the National Planning Policy Framework 2023 states, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists. Examples given of exceptional circumstances are, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat. This approach is also set out in policy ENV7 of the Local Plan.
129. It is noted that the highest concentration of veteran trees is at the south of the site, around the Dene Beck watercourse and bounding Rotary Way. These veteran trees are retained and form part of the landscape and biodiversity strategy for the proposed scheme which secures a net increase in habitat and hedgerow. The development also presents an opportunity to include these trees within a Biodiversity Management Plan.
130. The proposed development does result in the removal of three veteran trees, including the loss of two of the identified trees on Burtree Lane to facilitate the roundabout at the northern end of the site. A third veteran tree would be lost due to the design of eastern and western connections within the Masterplan in order to deliver the wider allocation including the need to cross the Dene Beck watercourse at an appropriate point which runs from north to south across the entire allocation.
131. With regard to the removal of trees on the site, this is offset by the planting of approximately 195 street trees within the proposed landscape masterplan (the public open space includes 433 trees taking the proposed planting to 633 trees in total). Furthermore, all compensation measures associated with the removal of veteran trees will be delivered on site and in addition to the wider landscape strategy which delivers a net gain and enhancement to biodiversity to habitat and hedgerow from the up-front delivery of the strategic road through to completion of the development.
132. In this instance, there are wholly exceptional reasons for the loss of the veteran trees given their loss relates to the delivery of strategic infrastructure identified within the Local Plan which forms part of a wider strategy for the delivery of the north Darlington orbital route. This strategic infrastructure together with the wider Garden Village proposal will deliver public benefits that outweigh the limited deterioration or loss of habitat. A separate, suitable compensation strategy has also been identified for their loss. The proposed landscaping scheme has been developed to enhance both the natural and built environment of the development. Planning conditions have been recommended for tree protection measures and management plans for the veteran trees and black poplar trees that will be retained. The proposal would comply with policies DC1, ENV4, ENV7 and H11 of the Local Plan and the National Planning Policy Framework 2023 in this regard.

p) Impact on Footpaths and Public Rights of Way

133. The existing recorded Public Right of Way (Archdeacon Newton Public Footpath No 5) runs north-south through a proposed landscaped area, across the proposed strategic road and through areas required for SUDs features and across tree root protection areas (and buffer zones). To enable the proposed development to be carried out in accordance with the approved plans, it is necessary to stop up the existing recorded PRow from Rotary Way, in order to deliver the proposed development. The physical obstacles that the proposed scheme would introduce along the alignment of the existing footpath would render it incapable of being passed and repassed.
134. There is a need for the applicant to pursue a stopping up application through Sections 247 (and 248) of the Town and Country Planning Act via the Department for Transport, due to the necessity to stop up the recorded route in order to be able to implement the permission.
135. As part of the stopping up application, a new dedicated footpath will be provided through the site. The new alternative route has been designed to follow the existing recorded route, where possible. Importantly, the dedication of a new route will allow for continued pedestrian access through the site, providing a new route that is slightly deviated from the existing route.
136. The Council's Public Rights of Way Officer has confirmed that the applicant has been in discussions to agree the proposed route. The general orientation of the existing route is to be preserved with some small alterations. Whilst the route will no longer travel through the countryside, work has been undertaken to ensure that the proposed route will travel through a greener area of the site as much as possible. Work will also focus on the removal of existing furniture to improve accessibility and improving the surface. The Council's Public Rights of Way Officer has raised no objections to the planning application.
137. The proposed development would accord with policies IN1, IN4 and H11 of the Local Plan in this regard.

q) Ecology

138. The planning application has been supported by a Preliminary Ecological Appraisal (PEA) and appropriate protected species surveys.

Bats

139. Bats are likely to be impacted by the construction both directly and indirectly throughout the construction and operational phases of the development, through factors such as roost loss, foraging habitats being lost or disturbed, and lighting onsite, amongst other things. Considerations for retention of as much hedgerow habitat and trees as possible have been made; and where loss of these features is present, there are long term plans to increase these habitats across the wider site. Loss of habitats is likely to be a short term issue, with longer term benefits overall for bats. Due to the presence of bat roosts within Faverdale Farm buildings and one tree, a European Protected Species Licence (EPSL) will be required to undertake lawful demolition of the buildings.

The bat roosts are considered of low conservation value for common species – brown long-eared bat, common pipistrelle, and soprano pipistrelle.

140. A sensitive lighting design scheme for bats will be required to be submitted for this project to allow the Local Planning Authority to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Badgers

141. Badgers are considered absent onsite due to the lack of records returned by Environmental Records Centre North East (ERIC), and the lack of signs of badger during the various Appraisal works. However, should signs of badger be observed in future surveys, a full badger survey would be required.

Otters and Water Voles

142. Otter and water vole surveys were conducted to establish likely presence/absence of otter and water vole along water courses or areas adjacent to the water courses; to determine likely impacts of the proposed development; to determine levels of activity and distribution; to assess if further surveys were required; to inform any mitigation measures; and to inform whether a European Protected Species Licence for otter or site-specific licence for water vole was required. Alongside the surveys a desktop study was conducted which returned limited and mostly outdated records
143. During the surveys, no field signs of otter were recorded on any of the appropriate habitat within the site boundary. The survey findings and historic data records suggest that otters are considered unlikely to be resident on site although their occasional passage along the stream corridor cannot be discounted. The stream is considered to be only marginally suitable for water vole, at best. Water voles are considered likely to be absent from site. The retention of the stream and associated marginal vegetation would allow a functional corridor for the passage of any commuting otters through the site.
144. Notwithstanding the above, a further otter survey report has been submitted which relates to five weeks of trail camera monitoring of an area of the Beck upstream and downstream of the proposed crossing point. The trail camera deployment was in response to otter spraint being observed in October 2023 upstream of the proposed location. The otter survey again resulted in no otters being recorded, however, an American mink was recorded onsite. It can, once again, be concluded that whilst otters appear not to be resident onsite, their occasional passage along the riparian corridor cannot be discounted.
145. As a result, a precautionary approach has been adopted and will be undertaken whilst working within 30m of the watercourse. This may be supported by a working method statement and “toolbox” talk if required. If works are proposed within 30m of the watercourse, a walkover of the riparian corridor within the site boundary and 200m either side will be required to check for otter presence.

Great Crested Newts

146. As the development will be subject to a Natural England Great Crested Newt District Level Licence (DLL) no on-site mitigation for great crested newts will be required under the DLL. Under DLL any ponds lost to development will be mitigated for with the provision of new ponds within Strategic Opportunity Areas (SOA), as identified on the DEFRA website. The presence of an Ecological Clerks of Works during construction will minimise the risks to GCN.

Wintering and Breeding Birds

147. Overall, the impacts to specific bird species are low in the long term, though there is likely to be initial short term impacts whilst construction onsite occurs. Due to the wider habitat network the individual birds are likely to be absorbed within the adjacent habitats. Barn owls have the potential to be impacted by the new access road, and displacement from foraging habitat, increasing their encounters with road traffic overall. Installing barn owl boxes onsite, which may encourage a larger population to utilise the site and consequently increase the road mortality would not be appropriate.

Drainage Basins

148. There would be approximately 15 SUDS basins of varying sizes with permanent water retention created across the site. The design of the SUDS allows functionality and ecological benefit, linking habitats and increasing biodiversity across the site. Surrounding the SUDS are reedbeds and wetland areas which assist with carbon capture, nutrient runoff and increasing habitat for wildlife, in particular great crested newts (GCN) and other amphibians. The SUDS will create breeding habitat for protected species such as GCN and for other wildlife including dragonflies and other invertebrates, which will increase the food availability for birds and bats. The SUDS will act as replacement habitat for the loss of two ponds through the development; and whilst the ponds will be lost initially, the SUDS will mitigate this and there will be no permanent loss of water bodies across the site.

Culverts

149. Culverts can have many damaging effects on the riparian ecosystem as a whole.

150. The planning application has also been supported by a Construction Environmental Management Plan; a Landscape and Ecology Management Plan and an Open Space and Landscape Management Plan which are considered to be acceptable by the Council's Ecology Officer and the Environment Agency. Overall, subject to the imposition of appropriate planning conditions to secure mitigation measures, the proposed development is considered to not have an adverse impact on protected species and habitats and would accord with policy E7 and H11 of the Local Plan in this regard.

Biodiversity Net Gain

151. An increase in woodland planting, changes to planting to include an increase in native planting and species diversity, amendments to hedgerows and lines of trees, and alteration of Sustainable drainage systems (SuDS) have occurred since the application was first submitted. A BNG Metric Version 4.0 has been submitted in support of the

planning application. The headline results demonstrate an uplift in Habitat Units of 23.88%, Hedgerow Units of 38.36%, and watercourse units of 14.39%. The Council's Ecology Officer is satisfied that the units meet the trading standards, and that habitats proposed for each unit type are achievable and realistic for the development. A Biodiversity Offsetting Assessment and Biodiversity Management and Maintenance Plan is aligned correctly with the BNG Metric 4.0 and the Biodiversity Management and Maintenance Plan (BMMP). The proposed development would accord with policies E7, E8 and H11 of the Local Plan in this regard.

r) Affordable Housing

152. Policy H11 of the Local Plan states that the Garden Village needs to provide a mix of housing types and tenures including 20% affordable housing. The development proposals for Phase 1 have been the subject of a robust viability assessment in accordance with Policy H5 of the Local Plan which states that assessments must be submitted when an applicant considers that the provision of affordable housing would make a scheme unviable. The fundamental issue in considering assessments is whether a development is made unviable by the extent of affordable housing along with other planning obligations and requirements. The assessment shows that in order for the Phase 1 land to be released for residential development from north to south, significant infrastructure works are required to be delivered upfront and the costs are substantial. Such costs are shown to have a detrimental impact on the viability of Phase 1, including the delivery of affordable homes within Phase 1 through the planning process.

153. However, given Homes England, who have a broad remit encompassing site delivery, affordable housing provision, driving design quality and Garden Village delivery, are joint applicants to this application with Hellens Land Limited also being a Registered Provider of Social Housing, Members are advised that the applicants and landowners are actively exploring means of alternative funding outside of the planning process to enable the delivery of affordable housing in this Phase 1 development.

154. In summary, it is not possible to secure AH in line with policy due to the infrastructure cost burden of delivering a key (and substantial) piece of infrastructure upfront which:

- serves a role in the wider improvement of the road network in Darlington as per the Council's Infrastructure Delivery Plan,
- unlocks the wider strategic allocation providing delivery certainty for a large element of the Council's long term housing delivery pipeline,
- maximises opportunities for accelerated delivery and
- deeply embeds high quality landscape led design principles that the masterplan seeks to secure.

155. However, the applicants and all landowners within the Phase 1 development are keen to deliver affordable housing at a policy equivalent level through other mechanisms outside of the usual Section 106 approach and preparatory measures have been taken to advance these discussions as far as is possible in advance of planning so that

equivalent provision can be confirmed as soon as possible after the viability case has been accepted and the Ph1 application approved.

156. The viability assessment provides robust evidence to justify and demonstrate why Phase 1 cannot provide affordable housing through the planning process in accordance with Policy H5 of the Local Plan. However, it is highly important to note the approach that the applicant is hoping to take to ensure that the application maximises the positive affordable housing outcomes that can be secured when the delivery strategy of the site is considered holistically.

s) Sport Provision

157. Whilst the outline element of the proposed development includes the provision of a primary school, community hall and playing fields which will be the subject of a Community Use Agreement, these elements will be brought forward at later stage subject to demand as the residential elements progress. Sport England consider that the increase in population resulting from this development will generate additional demand and pressure on existing sports facilities thereby creating deficiencies in facility provision. Sport England acknowledge the inclusion of the school playing fields and the Community Use provision as well as the viability assessment findings, but they consider that there is a lack of other sports provision such as an indoor sports hall or swimming pool and the proposal does not make appropriate provision for the sporting needs of its residents.

158. Where a shortfall is identified, financial contributions have previously been secured to improve existing facilities to mitigate the impact of the increase in population created by a particular proposal. In this instance, the viability assessment shows that such a request would not be viably possible, which has been accepted by Officers.

159. The proposed school depending on its size may be able to provide indoor sports activities for the wider community outside of school hours, but this cannot be confirmed at this early stage. This is also the case with regard to the proposed community hall. There is a substantial amount of recreational space embedded within the design of this first phase, including a Village Park and a network of greenways and cycle routes. It is also noted that there are a variety of existing indoor and outdoor sports facilities in Darlington which would help to spread any potential impact of this proposal on such facilities.

160. Notwithstanding the above, Members are advised that Sport England are a recommended non statutory consultee on major housing developments as opposed to their statutory consultee role on applications affecting playing fields. Sport England have acknowledged this and whilst they have objected for the reasons set out above, their comments can carry limited weight. The proposed development does include proportionate sports facilities on site including a primary school and playing fields as required by Policy H11 of the Local Plan and other community facilities which could possibly be designed to cater for additional sport facilities and having taken account of

the outcome of the viability process, it is considered that the proposal would accord with policy IN10 of the Local Plan in this regard.

t) School Places

161. A primary school and nursery and sports pitches would form part of the Neighbourhood Centre within phase 1 of the Burtree Garden Village allocation which meets the requirements of policies H11 and IN10 of the Local Plan. It has been agreed between the applicant and the Council that there is no requirement for financial contributions toward secondary education given the level of capacity and accessibility of existing secondary schools in Darlington.

162. The delivery of the primary would need to be established over the course of the development being brought forward and a planning condition has been recommended which sets the land aside for such purposes for a time period of 15 years. The associated sports pitches would be subject to a Community Use Agreement. A review mechanism would form part of the Section 106 Agreement.

163. In the interim period, the Transport Assessment and Sustainable Movement Strategy submitted in support of the planning application demonstrates that pedestrian access to existing facilities is still achievable utilising proposed pedestrian and cycle links associated with the strategic road and the proposed off-site highway improvements at Elm Tree Street via Faverdale Black Path (the Safe Route to School). West Park Academy (Primary) and Mount Pleasant Primary School are within a 2 mile walking distance from the northern gateway to the site at Burtree Lane. Wyvern Academy and Longfield Academy (Secondary schools) are located within 3 miles. In addition to pedestrian and cycle routes, bus services provide a service between West Park and Darlington via Rotary Way.

u) Developer Contributions/Viability Assessment

170. 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.

171. Under the provisions of the Local Plan and the SPD on Planning Obligations, a development of this nature would trigger planning obligations towards sustainable transport, public transport, sports provision, affordable housing as well as off site highway works. As stated in paragraph 152, the proposals have been subject of a robust viability assessment which shows that the development would become unviable if the development was to contribute to all such planning obligations due to the substantial costs associated with the infrastructure works which are required to be delivered upfront. However, the assessment factored in the costs for the offsite highway works to both the local and strategic highway networks and for the bus

extension (public transport) which were considered to be critical contributions to make this proposal acceptable in highway safety and sustainable development terms. The applicant has also agreed to the financial contributions associated with the implementation of travel plans.

172. It has not been possible to secure obligations relating to sport provision (as set out in paragraphs 157 to 160); further sustainable transport requests beyond the previously agreed Safe Route to School improvements on Elmtree Street/Whessoe Road junction.
173. 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).
174. The delivery of affordable housing within Phase 1 is set out in paragraph 152 of this report
175. The outcome of the viability assessment exercise is that the following planning obligations can be secured and have been agreed with the applicant:
- a) £1,057,744.87 towards off site highway improvements on the A68 corridor
 - b) £240,853.73 towards off site highway improvements to the A66 Little Burden Roundabout
 - c) £750,000 towards half hourly bus service.
 - d) Travel Plan contributions based on:
 - £2850 Travel Plan Monitoring fee
 - Travel Plan Personalised Travel Advice based on £300 per dwelling and £100 per full time employee
 - Travel Plan Implementation Bond based on £200 per dwelling and £50 per full time employee
176. In terms of other obligations which do not require a financial payment, these would comprise
- a) Mechanisms for the transfer of the school site,
 - b) Details of the offsite nutrient neutrality mitigation and
 - c) Methods of securing Biodiversity Net Gain

THE PUBLIC SECTOR EQUALITY DUTY

177. 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. The proposed infrastructure elements, which is primarily the link road, will include crossing points at appropriate places to aid connectivity for persons with mobility issues. The proposals within the development cells will be submitted for future considerations as Reserved Matters submissions and opportunities will arise to ensure that buildings and footways provide suitable access and facilities for people with mobility issues (policy IN2)

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

178. 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

179. 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 masterplan and infrastructure phasing plan for the Burtree Garden Village has been agreed with the local planning authority. This planning application which is for Phase 1 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 2023.

180. The application is Environmental Impact Assessment development under Schedule 2, Section 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Impact Assessment (EA) has been undertaken and an Environmental Statement (ES) has been submitted with the application which has been advertised and consulted upon in accordance with the 2017 Regulations. The impacts of the matters for consideration in the ES have been fully taken into account by the Local Planning Authority.

181. The proposal includes key strategic infrastructure to link Rotary Way and Burtree Lane and measures have been put in place to ensure that this significant piece of infrastructure is brought forward at the earliest stage to ensure the Phase 1 development has appropriate sustainable connectivity to existing nearby services and facilities. Furthermore, measures are in place to ensure that the development is occupied from the south and no occupations occur in the northern cells until the

infrastructure has been completed to ensure that the development is brought forward in a sustainable way.

182. Whilst the development cells are in outline, it has been shown that the layout and design of the residential and non residential developments will be done in a way which adopts and reflects the “Garden Village” approach and creates a well-connected, attractive neighbourhood within a landscaped setting providing a good choice of community facilities as set out in Policy H11 of the Local Plan.
183. Whilst detailed proposals for the development cells will be submitted in the future as Reserved Matters, measures have been secured to ensure the development will include an appropriate mix of house types and sizes. Buildings of a scale and design which is appropriate to the location and Garden Village design ethos of the site would be provided along with excellent footway and cycleway connections; a safe and attractive accessible development, appropriate amenity protections and enhancements for residential properties, ecological and biodiversity enhancements and sustainable drainage systems.
184. Robust justifications have been provided and agreed for the removal of veteran trees and the potential demolition of non designated heritage assets. There will be a need to stop up an existing Public Right of Way and create a new dedicated route which has been agreed in consultation with the Council’s Public Rights of Way Officer.
185. Nutrient neutrality and biodiversity net gain have both been mitigated for and achieved and will be secured by planning conditions and as part of a Section 106 legal agreement.
186. Financial contributions towards offsite highway improvements requested by the Council and National Highways have been agreed along with a contribution towards public transport.
187. A viability assessment has shown that the development would not be viable if all planning obligations were secured due to the substantial costs involved in constructing the infrastructure up front. but the priority contributions have been secured in agreement with Officers. Affordable housing could be secured by other means outside of the planning process which is being explored by the applicant.
188. The development has been designed and considered in accordance the local development plan and the National Planning Policy Framework 2023 along with the Design Code SPD and Masterplan (Policy H11). Appropriate planning conditions have been recommended and they are listed below along with the agreed planning obligations.

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. AND**
- (2) THE APPLICANT/OWNER FOR THE REMAINDER OF THE APPLICATION SITE ENTERING INTO A SECTION 106 AGREEMENT TO SECURE THE FOLLOWING (THIS TO BE COMPLETED WITHIN SIX MONTHS)**

- a) £1,057,744.87 towards off site highway improvements on the A68 corridor
- b) £240,853.73 towards off site highway improvements to the A66 Little Burden Roundabout
- c) £750,000 towards half hourly bus service.
- d) Travel Plan contributions based on:
 - £2850 Travel Plan Monitoring fee
 - Travel Plan Personalised Travel Advice based on £300 per dwelling and £100 per full time employee
 - Travel Plan Implementation Bond based on £200 per dwelling and £50 per full time employee
- d) Mechanisms for the transfer of the school site,
- e) Details of the offsite nutrient neutrality mitigation and
- f) Methods of securing Biodiversity Net Gain

THAT UPON SATISFACTORY COMPLETION AND SIGNING OF THE AGREEMENTS, 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 PLANNING CONDITIONS RELATING TO THE WHOLE SITE

1. The development hereby permitted (including demolition) shall be built in accordance with the approved Plans and documents for the full planning consent (listed at Condition 27)and in general accordance with the approved Plans (including Parameter Plans) and documents in relation to the outline planning consent (listed at condition 44). This is unless a further planning application specific to one or more of the severable

phases/areas and/or development cells shown on the following approved plans is submitted and approved by the Council in substitution for that part of the approved development.

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

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

REASON – For the avoidance of doubt

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

REASON – For the avoidance of doubt

MASTERPLAN AND DESIGN CODE

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

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

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

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

SUSTAINABLE DEVELOPMENT

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

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

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

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

DEMOLITION OF NON DESIGNATED HERITAGE ASSETS

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

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

ARCHAEOLOGY

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

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

PUBLIC RIGHTS OF WAY

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

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

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

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

TRAVEL PLAN

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

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

TREES

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

REASON – In the interests of good arboricultural practice

LANDSCAPE MANAGEMENT PLANS

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

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

ECOLOGY AND BIODIVERSITY NET GAIN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FLOOD RISK AND DRAINAGE

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

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

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

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

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

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

FULL PLANNING PERMISSION CONDITIONS

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

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

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

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

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

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

- Drawing Number 017-27 Refuse Tracking Rotary Way Sheet 3
- Drawing Number 017-28 10m Rigid Tracking Rotary Way Sheet 1
- Drawing Number 017-29 10m Rigid Tracking Rotary Way Sheet 2
- Drawing Number 017-30 10m Rigid Tracking Rotary Way Sheet 3
- Drawing Number 017-31 Large Car Tracking Rotary Way Sheet 1
- Drawing Number 017-32 Large Car Tracking Rotary Way Sheet 2
- Drawing Number 017-33 Large Car Tracking Rotary Way Sheet 3
- Drawing Number NT15003-129 Temporary Landscape Street Barriers
- Drawing Number 005-01 Drainage Construction Details
- Drawing Number 006 10 Rev A Existing Roundabout Rotary Way
- Drawing Number 014 09 Rev A Existing Roundabout Rotary Way White Lining
- Drawing Number 014 10 Rev O Proposed Roundabout Rotary Way White Lining
- Drawing Number 1027 P2 Revised PROW Plan
- Drawing Number 1018 P2 Illustrative Masterplan Parameter Plan
- Drawing Number 1024 P1 Illustrative Masterplan Parameter Plan Phase 1
- Drawing Number 1008 P2 Indicative Phasing Plan
- Drawing Number 1003 P4 Land Use Plan (Context Masterplan Parameters)
- Drawing Number 1016 P2 Site Location Plan
- Drawing Number 1001 P1 Topographical Survey Plan
- Drawing Number 1002 P1 Aerial Plan
- Drawing Number 010 P2 Ownership Plan
- Drawing Number 1005 P3 Building Storey Heights Plan
- Drawing Number 1006 P3 Density Parameter Plan
- Drawing Number 007 P5 Indicative Areas Plan (Context Masterplan Parameters)
- Drawing Number 1015 P5 Early Delivery and Infrastructure Plan (Phase 1)
- Drawing Number 1027-P2 Proposed PROW Plan

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

HIGHWAYS

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

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

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

- a) Delivery of a safe means of vehicular, pedestrian and cycle access via the construction of a 4th arm on the existing roundabout:
- b) Delivery of additional offsite footway and cycling crossing facilities and associated carriageway works on Rotary Way which connect to existing pedestrian and cycleway infrastructure:
- c) Completion of a signalised pedestrian/cycle crossing on Rotary way:
- d) Completion of required carriageway resurfacing, signing, lining, lighting, and drainage works associated with the above mitigation works.
- e) Completion of access to pumping station and associated works off Rotary Way including earthworks, fencing and gates (gates must not open outward over the adopted highway).

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

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

31. The following schemes of off-site highway mitigation measures must be completed in complete accordance with the approved plans and prior to the first occupation of any dwelling and any other building:
- a) Construction of a new roundabout access at Burtree Lane with associated works,
 - b) Construction of improved crossing facilities at the Whessoe Road/Elmtree Street junction
 - c) Construction of offsite pedestrian links to nearby infrastructure
 - d) Completion of required carriageway resurfacing, signing, lining, lighting, and drainage works associated with the above mitigation works.

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

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

32. The point closure details shown on Drawing Number NT15003 – 129 shall be installed prior to the first use of the infrastructure and must remain in place to prevent through traffic until such a time as required offsite highway mitigation works are completed as identified in the Darlington Local Plan to the satisfaction of the Local Highway Authority.

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

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

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

BUS SERVICE INFRASTRUCTURE

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

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

LAND CONTAMINATION

35. Any contamination not considered in any previous site investigation for the infrastructure phase but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land

contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework

36. Any other Remediation and Verification works for the infrastructure works resulting from condition 35 shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with an agreed Phase 3 Remediation and Verification Strategy or other strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority. Where necessary for the infrastructure phase (unexpected contamination) a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. Where applicable, the development shall not be brought into use until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON: The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection

LANDSCAPING SCHEME

37. Any trees or shrubs within the approved landscaping scheme that are removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

BIRD HAZARD MANAGEMENT PLAN

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

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

GENERAL AMENITY

39. The infrastructure phase of the development hereby approved in detail shall not be carried out other than in complete accordance with the submitted Construction Environmental Management Plan by Environmental Monitoring Solutions dated February 2024 Version 2 and Appendices, and Construction Management Plan by Environmental Monitoring Solutions dated February 2024 Version 2.0 and Appendices, unless otherwise agreed in advance and in writing with the Local Planning Authority.

REASON – In the interest of residential amenity and highway safety

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

REASON – In the interests of the amenity of the area

ARCHAEOLOGY CONDITIONS

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

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

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

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

OUTLINE PLANNING PERMISSION CONDITIONS

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

- Drawing Number 1019 P3 Land Use Parameter Plan Phase 1
- Drawing Number 1020 P3 Movement and Access Plan Phase 1
- Drawing Number 1021 P3 Density Parameter Plan Phase 1
- Drawing Number 1022 P3 Building Storey Heights Plan Phase 1
- Drawing Number 1018 P2 Illustrative Masterplan Parameter Plan
- Drawing Number 1024 P1 Illustrative Masterplan Parameter Plan Phase 1
- Drawing Number 1006 P3 Density Parameter Plan
- Drawing Number 1017 P4 Hybrid Planning Applications Plan
- Drawing Number 1023 P4 Indicative Areas Plan (Phase 1)

REASON: For the avoidance of doubt.

44. Details of the appearance, landscaping, layout, any secondary means of access where applicable and scale for each outline development cell hereby permitted (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.

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

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

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

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

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

47. The application(s) made pursuant to condition 45 shall not propose more than up to 750 dwellings Use Class C3 (inclusive of up to 75 retirement/extra care dwellings C2 and/or C3) and community facilities comprising a school (Class F1.a) and sports pitch provision (Class F2), Nursery (Class E) , public house (sui generis), retail/health care/office spaces (Class E), Community Hall (Class E and/or Class F2), local convenience retail/temporary sales office (Class E and/or F2), Business Incubator Units (Class E),

community spaces within development cells and any associated parking, drainage, SUDs, hard and soft landscaping, open spaces, additional private drive access and other associated infrastructure for outline cells unless otherwise agreed in writing by the Local Planning Authority

REASON: For the avoidance of doubt.

NUTRIENT NEUTRALITY

48. No more than 479 of the dwellings hereby permitted shall be occupied prior to the 1st April 2030, the statutory deadline requiring Stressholme Wastewater Treatment Works to operate at the technically achievable limit of 10mg/litre for nitrates¹. Should the technically achievable limit of 10mg/litre for nitrates be operationally achieved before this statutory deadline, details to confirm this shall be submitted to, and approved in writing, by the Local Planning Authority in consultation with Northumbrian Water and Natural England. Thereafter the remaining dwellings can be occupied. For the avoidance of doubt, should 479 dwellings be delivered in advance of the upgrade to Stressholme Wastewater Treatment Works to operate at the technically achievable limit of 10mg/litre, details of the additional mitigation to facilitate the occupation of additional dwellings would be required to be submitted to and agreed in writing, by the Local Planning Authority in consultation with Natural England

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

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

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

HIGHWAYS

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

by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

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

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

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

52. In relation to each non residential cell identified on the Land Use Parameter Plan P4, there must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Burtree Garden Village until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

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

No part of the development cell must be brought into use until the vehicle access, parking, manoeuvring, and turning areas for all Non-Residential development have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

54. No dwelling within the outline development cells must be occupied until the related parking facilities associated with that dwelling have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

REASON: In order to promote sustainable modes of transport

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

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

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

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

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

REASON: In the interests of highway safety.

TRAVEL PLANS

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

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

ROAD BRIDGE

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

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

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

LAYOUT

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

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

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

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

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

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

CLIMATE CHANGE/SUSTAINABILITY

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

materials, the planting of native species within landscaping schemes, solar panels. The development of the relevant development cell shall not be carried out otherwise than in complete accordance with the approved details.

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

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

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

ECOLOGY

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

REASON: In the interests of ecological enhancements for the development

EXTERNAL MATERIALS

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

REASON: In the interests of the visual amenity.

HOUSING MIX

68. The proposals within the outline development cells hereby approved shall comprise 45% of all new dwellings meeting building regulations category M4(2) adaptable and accessible dwelling standards and 9% meeting M4 (3 a or b) wheelchair user dwellings standard. Precise details of how this will be achieved for a relevant cell shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of the each of the development cells and the development shall not be carried out otherwise than in complete accordance with the approved details.

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

PLAY AREAS

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

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

BROADBAND CONNECTIVITY

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

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

BUS SERVICE INFRASTRUCTURE

71. Prior to the construction of each outline development cell, precise details of the location and infrastructure design of bus stops serving that cell shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include off-site bus stop provision on Rotary Way and the agreed scheme shall be fully implemented to an adoptable standard and available for use within a timeframe to be agreed by the Local Planning Authority.

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

EDUCATION LAND

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

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

ROAD TRAFFIC NOISE CONDITIONS

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

- a) The noise impact assessment shall demonstrate via calculations that the following internal and external noise levels in respect of residential properties are not exceeded:
- a) Internal noise levels for bedrooms shall not exceed 30dB LAeq(8 hour)** and 45dB LAFmax***
 - b) Internal noise levels for living rooms shall not exceed 35dB LAeq(16 hour)**
 - c) External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)** unless otherwise agreed in writing with the Local Planning Authority

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

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

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

- b) The detailed scheme of noise mitigation shall include the following:
- d) Details of the sound insulation, alternative forms of ventilation and any other works to be provided for the proposed residential properties to achieve the internal and external noise levels as specified above.

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

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

REASON – To safeguard the amenities of the proposed development.

SCHOOL DEVELOPMENT CONDITION

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

level to be used in the BS4142 Assessment and noise sensitive receptors shall be agreed in writing with the Local Planning Authority.

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

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

REASON – To safeguard the amenities of the proposed development.

PUBLIC HOUSE CONDITION

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

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

REASON – To safeguard the amenities of the proposed development.

SPORT PITCHES CONDITION

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

- a) Minimising the impact of noise on the proposed residential development(s) and shall include intended hours of use (to be agreed) and details (height, density), design and

location of any acoustic barrier(s) to be installed, as well as details of any other mitigation.

The approved details, findings and noise mitigation measures shall be implemented prior to first use of any sports pitch(es) and thereafter shall be retained and maintained for the duration of the development.

REASON – To safeguard the amenities of the proposed development.

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

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

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

REASON - To safeguard the amenities of the proposed development.

EXTERNAL LIGHTING CONDITION

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

a) Times of operation of the proposed lighting units.

b) A description of the proposed lighting units including height, type, angling and power output for all lighting.

c) Drawing(s)/contour plans showing the luminance levels (both horizontal and vertical) of the lighting scheme to demonstrate that no excess light falls into the curtilage of sensitive neighbouring properties.

d) The Environmental Zone which the site falls within, in accordance with the Institution of Lighting Professionals Guidance on the Reduction of Obtrusive Light, to be agreed with the LPA. The relevant light sensitive receptors to be used in the assessment to be agreed with the LPA in advance of the assessment.

e) Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.

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

*excludes any external lighting associated with residential properties

REASON - To safeguard the amenities of the proposed development.

FLOOD RISK AND DRAINAGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LANDSCAPING

86. Any trees or shrubs which form part of a landscaping scheme to be submitted as part of a future Reserved Matters submission and which are removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

LAND CONTAMINATION

87. Prior to the commencement of each outline development cell of the development and any site investigation works for that cell or at a time agreed in writing by the Local Planning Authority a cell specific Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be designed and documented by a "suitably competent person(s)" in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority dispenses with the requirement specifically and in writing. The Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) shall be sufficient to fully and effectively characterise and evaluate the nature and extent of any potential contamination and assess pollutant linkages. No alterations to the agreed Phase 2 Site Investigation Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

88. Prior to the commencement of each outline development cell or at a time agreed in writing by the Local Planning Authority a Phase 2 Site Investigation works shall be

conducted, supervised and documented by a “suitably competent person(s)” and carried out in accordance with the approved Phase 2 Site Investigation Strategy (Sampling and Analysis Plan) for the relevant cell. A Phase 2 Site Investigation and Risk Assessment Report prepared by a “suitably competent person(s)”, in accordance with published technical guidance (e.g. BS10175 and Land Contamination: Risk Management (LCRM)) and shall be submitted to and agreed in writing with the Local Planning Authority unless the Local Planning Authority for the relevant cell dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework

89. Prior to the commencement of each outline development cell or at a time agreed in writing by the Local Planning Authority a Phase 3 Remediation and Verification Strategy shall be prepared by a "suitably competent person(s)" to address all human health and environmental risks associated with contamination identified in the Phase 2 Site Investigation and Risk Assessment for the relevant cell. The Remediation and Verification Strategy which shall include an options appraisal and ensure that the site is suitable for its new use and no unacceptable risks remain, shall be submitted to and agreed in writing with the Local Planning Authority, unless the Local Planning Authority for the relevant cell dispenses with the requirement specifically and in writing.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

90. Any contamination not considered in the Phase 3 Remediation and Verification Strategy for the outline development cells but identified during subsequent construction/remediation works of any phase or individual development cells shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority that that phase or cell and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

91. Where necessary (unexpected contamination) for an individual outline development cell, a Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted for the relevant cell. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. Where applicable, the development site or agreed phase or individual cell of development site, shall not be occupied or brought into use until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

GENERAL AMENITY

92. Prior to the commencement of each outline development cell a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority for the relevant cell. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 - b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
 - c) details of any temporary construction access to the site including measures for removal following completion of construction works.
 - d) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - e) the parking of contractors' site operatives and visitor's vehicles

- f) areas for storage of plant and materials used in constructing the development clear of the highway.
- g) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- h) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- i) protection of carriageway and footway users at all times during demolition and construction
- j) protection of contractors working adjacent to the highway
- k) details of site working hours.
- l) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
- m) an undertaking that there must be no burning of materials on site at any time during construction.
- n) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
- o) details of the measures to be taken for the protection of trees. 16. details of external lighting equipment
- p) details of any ditches to be piped during the construction phases.
- q) a detailed method statement and programme for the building works; and
- r) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

REASON – In the interests of amenity and highway safety

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

REASON – In the interests of amenity

94. If piled foundations are proposed, prior to commencement of that building or structure, details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment, if necessary, in accordance with recognised guidance shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON - In the interests of amenity

ARCHAEOLOGY CONDITIONS

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

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

96. No development shall commence on any outline development cell of the development until a subsequent and cell specific written scheme of investigation is submitted to and approved in writing by the Local Planning Authority. Each development cell specific written scheme of investigation should be prepared in accordance with 'Standards For All Archaeological Work In County Durham And Darlington' and should identify a programme of any further archaeological mitigation (including recording or watching briefs) deemed necessary for that phase of development as a result of the evaluation trenching undertaken under WSI 22390 (October 2023). The programme of archaeological work will then be carried out in accordance with the approved scheme of works. For cells or works where a programme of archaeological mitigation is not necessary this will be agreed in writing with the Local Planning Authority

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

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

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

PUMPING STATION CONDITIONS

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

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

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

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

REASON – In the interests of the amenity of the development

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

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

REASON - In the interests of the amenity of the development

INFORMATIVES

Flood Risk Matters

Please see attached Environment Agency response.

Lead Local Flood Authority

To facilitate the proposed road crossing over the existing ordinary watercourse the applicant must apply for land drainage consent. Outfalls within Phase 1 - S236, S77a, S197 and S173 will also require land drainage consent as will any future watercourse crossings or outfalls required

in the planned phases. A land drainage consent is a separate application that could take up to 8 weeks for completion and no works on the watercourse can proceed until consent has been approved by the Lead Local Flood Authority

At Reserved Matters stage all Cell layouts must be designed to ensure sufficient space to allow access for basin maintenance, it is noted that Basins 8, 9 & 10 do not incorporate a 3m maintenance strip around the entirety of the basin.

Highway Matters

Other Permissions required from the Local Highway Authority

Applicants 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 at the appropriate time.

Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Section 278/38 Agreement with the Local Highway Authority.

Delivery of off-site highway works.

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 and Darlington Borough Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence and is likely to risk abortive works.

Street Naming and Numbering

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

Street Lighting

Design An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter.

Traffic Regulation orders (Speed Limit)

The applicant is advised that contact be made with the Assistant Director : Highways, Design and Engineering (contact Mr. C. Easby 01325 406707) to discuss amended speed limits within public highway and the introduction of New Traffic regulation Orders in connection to 20mph and 30mph speed limits within the development.

Projections over Footways

The developers are 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 developers are 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.