

PLANNING APPLICATIONS COMMITTEE

Wednesday, 15 May 2024

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

APOLOGIES – Councillors Ali and Bartch.

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

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

PA82 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

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

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

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

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

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

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

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

RESOLVED – That Planning Permission be granted subject to:

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

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

The planning obligations referred to above are:

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

time employee

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

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

GENERAL PLANNING CONDITIONS RELATING TO THE WHOLE SITE

1. The development hereby permitted (including demolition) shall be built in accordance with the approved Plans and documents for the full planning consent (listed at Condition 27)and in general accordance with the approved Plans (including Parameter Plans) and documents in relation to the outline planning consent (listed at condition 44). This is unless a further planning application specific to one or more of the severable phases/areas and/or development cells shown on the following approved plans is submitted and approved by the Council in substitution for that part of the approved development.
 - Phase 1 - Hybrid Planning Application Plan 1017 Rev P4
 - Early Delivery and Infrastructure Plan 1015 Rev P5
 - Indicative Areas Plan 007 Rev P5
 - Land Use Parameter Plan 1003 Rev P4
 - Landscape Strategy Plan NT15003-006 Rev J
 - Access and Movement Plan 1007 Rev P4

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

REASON – For the avoidance of doubt

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

REASON – For the avoidance of doubt

MASTERPLAN AND DESIGN CODE

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

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

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

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

SUSTAINABLE DEVELOPMENT

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

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

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

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

DEMOLITION OF NON DESIGNATED HERITAGE ASSETS

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

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

ARCHAEOLOGY

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

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

PUBLIC RIGHTS OF WAY

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

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

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

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

TRAVEL PLAN

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

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

TREES

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

REASON – In the interests of good arboricultural practice

LANDSCAPE MANAGEMENT PLANS

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

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

ECOLOGY AND BIODIVERSITY NET GAIN

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

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

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

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

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

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

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

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

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

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

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

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

20. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted Biodiversity Management and Maintenance Plan for Burtree Garden Village Version 3 produced by Wardell Armstrong dated February 2024 unless otherwise agreed in writing by the Local Planning Authority
- REASON - To ensure the development complies with policies ENV7 and ENV8 of the Darlington Local Plan

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

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

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

Authority

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

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

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

FLOOD RISK AND DRAINAGE

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

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

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

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

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

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

FULL PLANNING PERMISSION CONDITIONS

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

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

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

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

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

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

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

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

HIGHWAYS

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

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

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

- a) Delivery of a safe means of vehicular, pedestrian and cycle access via the construction of a 4th arm on the existing roundabout:
- b) Delivery of additional offsite footway and cycling crossing facilities and associated

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

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

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

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

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

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

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

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

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

prior to the first use of the infrastructure and must remain in place to prevent though 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 and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing. Where applicable, the development shall not be brought into use until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

LANDSCAPING SCHEME

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

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

BIRD HAZARD MANAGEMENT PLAN

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

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

GENERAL AMENITY

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

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

REASON – In the interest of residential amenity and highway safety

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

REASON – In the interests of the amenity of the area

ARCHAEOLOGY CONDITIONS

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

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

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

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

OUTLINE PLANNING PERMISSION CONDITIONS

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

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

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

REASON: For the avoidance of doubt.

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

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

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

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

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

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

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

REASON: For the avoidance of doubt.

NUTRIENT NEUTRALITY

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

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

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

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

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

HIGHWAYS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In order to promote sustainable modes of transport

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

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

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

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

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

REASON: In the interests of highway safety.

TRAVEL PLANS

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

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

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

ROAD BRIDGE

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

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

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

LAYOUT

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

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

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

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

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

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

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

CLIMATE CHANGE/SUSTAINABILITY

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

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

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

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

ECOLOGY

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

REASON: In the interests of ecological enhancements for the development

EXTERNAL MATERIALS

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

REASON: In the interests of the visual amenity.

HOUSING MIX

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

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

PLAY AREAS

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

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

BROADBAND CONNECTIVITY

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

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

BUS SERVICE INFRASTRUCTURE

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

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

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

EDUCATION LAND

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

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

ROAD TRAFFIC NOISE CONDITIONS

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

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

a) Internal noise levels for bedrooms shall not exceed 30dB LAeq(8 hour)** and 45dB LAFmax***

b) Internal noise levels for living rooms shall not exceed 35dB LAeq(16 hour)**

c) External noise levels within garden areas shall not exceed 55dB LAeq(16 hour)** unless otherwise agreed in writing with the Local Planning Authority

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

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

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

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

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

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

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

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

REASON – To safeguard the amenities of the proposed development.

SCHOOL DEVELOPMENT CONDITION

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

Authority.

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

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

REASON – To safeguard the amenities of the proposed development.

PUBLIC HOUSE CONDITION

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

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

REASON – To safeguard the amenities of the proposed development.

SPORT PITCHES CONDITION

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

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

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

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

REASON – To safeguard the amenities of the proposed development.

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

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

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

REASON - To safeguard the amenities of the proposed development.

EXTERNAL LIGHTING CONDITION

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

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

relevant properties) and Luminaire Intensity.

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

*excludes any external lighting associated with residential properties

REASON - To safeguard the amenities of the proposed development.

FLOOD RISK AND DRAINAGE

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

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

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

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

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

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

include but not be restricted to providing the following details.

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

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

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

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

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

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

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

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

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

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

LANDSCAPING

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

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

LAND CONTAMINATION

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

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

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

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

together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework

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

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

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

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

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

brought into use until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

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

GENERAL AMENITY

92. Prior to the commencement of each outline development cell a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority for the relevant cell. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a) Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- b) Methods for controlling noise and vibration during the construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- c) details of any temporary construction access to the site including measures for removal following completion of construction works.
- d) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- e) the parking of contractors' site operatives and visitor's vehicles
- f) areas for storage of plant and materials used in constructing the development clear of the highway.
- g) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- h) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- i) protection of carriageway and footway users at all times during demolition and construction
- j) protection of contractors working adjacent to the highway
- k) details of site working hours.
- l) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
- m) an undertaking that there must be no burning of materials on site at any time during construction.
- n) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

REASON – In the interests of amenity and highway safety

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

REASON – In the interests of amenity

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

REASON - In the interests of amenity

ARCHAEOLOGY CONDITIONS

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

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

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

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

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

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

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

PUMPING STATION CONDITIONS

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

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

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

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

REASON – In the interests of the amenity of the development

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

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

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

REASON - In the interests of the amenity of the development

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

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

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

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

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

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

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

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

2016-2036.

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

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

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

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

Proposed Footway Drawing No. 4521 04 (A)

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

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

REASON – In the interest of residential amenity.

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

REASON – In the interest of residential amenity.

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

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

(3) LAND AT 1 BRIAR CLOSE

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

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

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

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

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

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

3. Prior to the first occupation of the static caravan of the dwelling hereby approved whichever is sooner, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority

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

4. The static caravan shall be removed from the site prior to the first occupation of the proposed dwelling hereby approved.

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

5. Prior to any demolition works and the commencement of the development, a site specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:

- a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within

BS5228 "Code of Practice for noise and vibration control on construction and open sites".

- c. Details of Hours of Construction
- d. Details of Hours of Deliveries
- e. Construction Traffic Routes, including parking areas for staff and visitors, if required
- f. Details of construction traffic access point into the site
- g. Details of site compound
- h. Details of wheel washing.
- i. Road Maintenance.
- j. Warning signage.

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

REASON: In the interests of residential amenity and highway safety

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

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

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

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

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

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

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

REASON - To prevent overlooking of the nearby properties.

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

REASON - To prevent overlooking of the nearby properties.

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

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

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

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

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

REASON: In the interests of residential amenity

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

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

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

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

16. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

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

(4) 69 WELBECK AVENUE

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

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

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

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

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

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

REASON - In the interests of highway safety.

4. No part of the proposed extension shall be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

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

REASON - In the interests of highway safety.

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

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

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

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

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

PA85 NOTIFICATION OF DECISION ON APPEALS

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

RESOLVED – That the report be received

PA86 NOTIFICATION OF APPEALS

The Chief Executive reported that:

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

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

RESOLVED – That the report be received.

PA87 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

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

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

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

RESOLVED - That the report be noted.