

10. MANAGING DEVELOPMENT

10.1 SAFEGUARDING AMENITY

Context

^{10.1}National Planning Policy Framework (NPPF), paragraph 17.

- 10.1.1 A core function of planning^{10.1} is to ensure a good standard of amenity for all existing and future occupants of all types of land and buildings, particularly residential properties. It is also an objective of the Core Strategy^{10.2} to improve the quality of life for those living in the Borough.

^{10.2}Darlington Core Strategy objectives 1, 2,5 and 8.

Issues

- 10.1.2 Without appropriate controls, new development could result in unacceptable living environments for its occupants, reduce the quality of life for the occupants of neighbouring buildings, and result in poor quality neighbourhoods overall.
- 10.1.3 The Core Strategy plans for significant new development, mostly within the existing urban area of Darlington, and the mix, density and concentration of uses needs to be planned well at the detailed level to avoid conflicts between uses, where segregation is not provided by land allocations.
- 10.1.4 The aspects of amenity taken into consideration are:
- Privacy and overlooking;
 - Access to sunlight and daylight;
 - Visual dominance and overbearing effects of a development;
 - Noise and disturbance (including that caused by traffic);
 - Artificial lighting;
 - Vibration;
 - Unpleasant emissions from odour, fumes, smoke, dust, etc; and
 - Commercial waste.

Options Considered

- 10.1.5 Three policy options considered are:
- a) rely on national planning policy; or
 - b) complement national planning policy with more detailed local policy; or
 - c) as for b), plus a supplementary planning document (SPD) covering in more detail appropriate standards and good practice for protecting amenity.

Preparing a Draft Policy: the Preferred Option

- 10.1.6 The preferred option is option c). Option a) is not sufficient because national planning policy lacks specific guidance on the protection of residential amenity in existing properties or in those that are planned. Option b) was considered, but the level of detailed guidance and range of issues would make the policy overlong and complex. Option c) was therefore considered most appropriate to allow more detail and consequently more certainty through providing supplementary guidance on protecting amenity. Such an SPD will give more certainty to applicants and decision makers about how impact on amenity will be assessed, and include advice on minimising or mitigating potentially harmful impacts. It will encourage early consideration of the amenity impacts in the design of schemes, and help to minimise the potential expense incurred by applicants from revising plans and incorporating necessary mitigation measures later on.

- 10.1.7 Conflicts between uses and neighbouring developments can generally be avoided by careful design, siting and orientation of buildings and spaces, paying particular attention to those aspects which are most likely to cause issues (e.g. car parks, bin stores and noisy equipment), and which are most sensitive to effects (e.g. children's play areas, outdoor spaces or habitable rooms). Planning conditions can also be used to deal with matters such as the installation of extraction systems, hours of operation, or preventing a development from changing its character.
- 10.1.8 There is not any current policy prescribing the location of employment uses below 2,500m². Such a policy is not required, as long as impacts on residential amenity are carefully controlled. This policy (draft Policy MGP32) will therefore be regularly applied to new or expanding employment uses. Where HGV movements (vehicles having a gross laden weight greater than 7.5 tonnes) are to be generated, apart from during construction, it is not appropriate that residential roads are used.
- 10.1.9 This policy applies equally to amenity levels within new residential developments. For instance, layouts should avoid locating living rooms, bathrooms and kitchens next to, above, or below proposed and neighbouring bedrooms of attached properties.
- 10.1.10 Other policies in this document deal specifically with uses which often have particular amenity impacts; new employment use (Policy MGP11), housing (Policy MGP16) and rural employment (Policy MGP 8) should be read in conjunction with this policy where they apply. Note that this policy only applies to the end result of developments. The construction process should usually be dealt with through other mechanisms such as Environmental Protection Act 1990 and other relevant law.
- 10.1.11 Certain development is permitted under national 'permitted development' rights^{10.3}. In such circumstances impact on amenity is not a consideration as development of this scale is deemed to be minor in scale. The Government is currently reviewing permitted development rights for numerous types of development including householder extensions and changes of use. At the time of drafting, these changes were not known. Where there is clear justification to do so, permitted development rights may be removed to protect local amenity or the wellbeing of the area^{10.4}.
- 10.1.12 Sustainability appraisal... (to follow).

^{10.3} The Town and Country Planning (General Permitted Development) Order 1995 and its amendments.

^{10.4} NPPF Paragraph 200.

Policy MGP 32: Safeguarding Amenity

New development should be sited, designed and laid out to avoid significant detriment to the living environment of existing or planned residential properties, and if residential development is proposed it is acceptable in terms of:

Form of built development

- a) Privacy and overlooking;
- b) Access to sunlight and daylight;
- c) Visual dominance and overbearing effects of a development;
- d) The position of habitable rooms, windows and outdoor living spaces is particularly important. A back-to-back distance of 20 metres between dwellings will normally be required, unless it can be demonstrated that dwellings can be closer without a detrimental effect on privacy.

Use of land and buildings, including traffic movements and hours of operation

- e) Noise and disturbance;
- f) Artificial lighting;
- g) Vibration;
- h) Unpleasant emissions from odour, fumes, smoke, dust, etc; and
- i) Commercial waste.

Proposals which would result in regular movements of HGVs on residential roads will not be acceptable.

Where an otherwise acceptable development could change its character to a use that would have a greater impact on amenity without needing planning permission, conditions will be applied to restrict such changes.

Making it Happen

- 10.1.12 Through the development management process. A supplementary planning document 'Protecting Residential Amenity' will be prepared, with guidance on protecting residential amenity and on how extensions can be designed to accord with this policy. Some detail on separation distances of new buildings (but not conversions and extensions) is provided in the Design of New Development SPD.

10.2 SUSTAINABLE DESIGN AND ADAPTATION

Context

- 10.2.1 By the 2050s, as a result of climate change, the North East is predicted to experience an increase of 21% in winter rainfall, a rise in extreme hot temperatures by 3°C, and more frequent heatwaves, storms and flooding^{10.5}. A key factor causing climate change is carbon dioxide emissions. In 2009, 37% of carbon emissions in the UK were from heating and powering homes and buildings^{10.6}, while in 2012, over 25% of the total carbon dioxide emissions were from domestic buildings^{10.7}.

- 10.2.2 Minimising the impact of and adapting to the effects of climate change is an objective of the local plan (Core Strategy objective 1). Mitigating climate change is about ensuring that the design and construction of new development (external fabric and structure) and the layout of internal and outdoor space minimises carbon emissions, and adaptation is about ensuring that buildings can still function effectively in the future when the climate is expected to be different. Mitigation and adaptation measures are complementary; they should be integrated into the design of new development, when it is more cost effective to achieve the requirements set out in this

^{10.5}Climate Change Action Plan for the North East, Sustaine, 2008

^{10.6}Carbon Plan: Delivering our low carbon future, DECC, 2011

^{10.7}Powering the nation, Energy Savings Trust, 2012

^{10.8}Darlington Core Strategy, DBC, 2011

Darlington Local Plan: Making and Growing Places Preferred Options, June 2013 draft policy.

^{10.9}Revised Design of New Development SPD, DBC 2011

10.2.3 The adopted Darlington Core Strategy^{10.8} indicates that the design, layout and construction of new development should reduce demand for energy from fossil fuels, for transport, heat and electricity, to help reduce the effect of carbon emissions on climate change. Together with more detailed guidance in the Design SPD^{10.9}, it also sets out sustainable building standards, and the requirement to provide decentralised and renewable or low carbon sources of energy as part of new development (Core Strategy Policies CS2 and CS3). Core Strategy Policy CS4^{10.8} and the associated Planning Obligations SPD^{10.10} also indicates that for major developments, developer contributions could be sought for a carbon management fund that would improve the energy efficiency of existing development.

^{10.10}Planning Obligations SPD, DBC 2013

Issues and options considered

i) viability/deliverability of existing policy requirements

^{10.11}For residential development, these are Code for Sustainable Homes, and for non residential development, the BREEAM 2011 standards

10.2.4 Core Strategy Policy CS2(f) sets out national sustainable building standards^{10.11} achieving Code 3 of the Code for Sustainable Homes has been delivered in new residential development since 2011. In 2013, the policy increased the standard required to Code 4. This is now more demanding than national requirements, which have not advanced at the pace expected when the Core Strategy was prepared. It is also a significant step up from the Code 3 standard, requiring much higher standards of energy improvement in each home^{10.12}, and generally requiring on site renewable and low carbon technologies. In 2013 the additional cost of these has proved to be an obstacle to bringing viable developments forward across the Borough. As such, the policy and associated text (paragraph 3.2.3 of the Core Strategy)^{10.8} need to be replaced, so as to not unnecessarily constrain new development in the Borough.

^{10.12}60% improvement on 2010 Building Regulations

^{10.13}Plan for Growth, Budget 2011, HM Treasury

10.2.5 For non residential developments, the same issues apply, but the relevant nationally recognised BREEAM 2011 ‘very good-outstanding’ standard will now remain in place until 2019, when zero carbon development will be introduced^{10.13}.

10.2.6 The only option considered was to align local requirements with national standards, so that progress can still be made towards sustainability targets without unduly affecting the ability to deliver other local plan objectives (such as building new homes), that rely on viable developments coming forward. A technical annex provides more information.

ii) recognising the limitations to delivering renewable energy on site

^{10.14}Regulated energy is energy used in the home for water heating, lighting, pumps and fans, whereas unregulated energy is that consumed by the occupants of homes through activities like cooking and using household electrical appliances, such as televisions and computers.

10.2.7 The Core Strategy^{10.8}requires at least 10% of all major developments’ predicted energy supply to come from on site renewable and low carbon technologies, and 20% in the strategic development locations, taking into account regulated and unregulated energy^{10.14}. When the strategy was prepared, it was envisaged that a range of technologies e.g. combined heat and power plants, would be available at relatively little cost to suit most new developments. In the strategic locations it was considered district heating networks would be key to supplying the amount of energy required, sustainably.

10.2.8 Whilst still potentially part of the solution, these targets are proving difficult to deliver, because of the impact of up front investment on development viability and because infrastructure delivery can be relatively inflexible for larger schemes, which can evolve in response to changes in the market. In the strategic locations, whilst most development is not planned immediately, other infrastructure costs and planning requirements are likely to make the higher target hard to achieve.

^{10.15} Allowable solutions: small, medium or large scale carbon-saving projects on or off site required to deliver carbon compliance

10.2.9 It is therefore improvements to building fabric and layouts and off-site ‘allowable solutions’^{10.15} that are now considered the most likely and cost effective ways of reducing carbon emissions, and as such, paragraphs 3.3.7-3.3.9 of Core Strategy Policy CS3 need reconsidering, including reviewing the 20% renewable energy requirement for development in the strategic locations.

^{10.16} Sustainable New Homes: The Road to Zero Carbon: Consultation on the Code for Sustainable Homes and the Energy Efficiency standard for Zero Carbon Homes, DCLG, 16 December 2009

10.2.10 The options considered were around the contribution that on-site renewable or low carbon technologies should make to delivering sustainable development. Current Government thinking suggests that from 2016 it will not be possible to achieve zero carbon residential development on site^{10.16} (for non residential development from 2019), so a 70% on site reduction in carbon emissions^{10.17} will be required from carbon compliance (60% from energy efficiency and 10% from renewable and low carbon technologies) from regulated energy emissions only^{10.18}. The remaining 30% should be delivered through allowable solutions. Allowable solutions can be carbon-saving projects on or off site used to deliver the overall reduction in carbon emissions required by the new development. They can include improving the energy efficiency of existing homes, using energy efficient appliances, planting trees on or off site^{10.19} or any other alternatives identified by the Government.

^{10.17} against the 2010 Building Regulations

10.2.11 To achieve a balance between sustainability and viability, a similar approach will be used up to 2016 (or 2019 for non residential development); delivering Code 3 and a further 10% reduction in carbon emissions from carbon compliance (either energy efficiency measures, on site renewable or low carbon technologies or a combination of both) on site. Only where this is not viable or feasible will allowable solutions to be used.

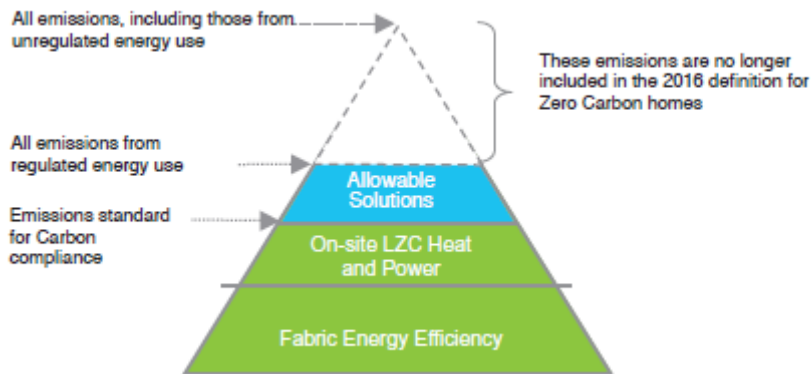
^{10.18} rather than from both regulated and unregulated emissions required by the Core Strategy

^{10.19} identified in a project in the Darlington Green Infrastructure Strategy

10.2.12 Core Strategy paragraph 3.3.8 identified a different approach to delivering renewable energy in the strategic locations^{10.20}. The approach set out in paragraphs 10.2.10-10.2.11 above will supersede the adopted approach in CS3, being the most viable alternative to achieving sustainable development unless a specific opportunity is identified for connection to a district heating network (see draft Policy MGP4).

^{10.20} Core Strategy Policy CS1.

Figure 10.2.1: Designing Energy Efficient Developments



iii) including mitigation and adaptation measures in new development.

10.2.13 Mitigation and adaptation are complementary measures that should be integrated into the design of new development. At this early stage, incorporating energy efficiency measures are more cost effective to achieve, and several measures can be designed to achieve other local plan and scheme objectives too.

Preparing the Draft Policy

- 10.2.14 The policy proposed in this document is to replace those set out in Policies CS2(f) and parts of Policy CS3 of the Core Strategy with a more flexible approach, to reflect changing economic conditions and the availability of sustainable technologies. Sustainable building standards will be aligned with the new national requirements by focussing on the three priorities in the energy hierarchy; energy efficiency improvements will be the principal means of reducing carbon emissions on site, complemented by on site renewable energy generation and/or allowable solutions. Development will be able to exceed the national standards; new development that exceeds these will be looked upon favourably. The sequential approach suggested is as follows.
- 10.2.15 *Step 1:* Reducing energy use, by building a high level of energy efficiency in to the fabric, design and layout so that developments can mitigate and adapt to climate change. This can include orientation of buildings, choosing building materials with a high thermal mass, and including elements such as insulation, making the most of natural light, advanced glazing systems, green roofs and reflective surfaces, which can all help to regulate building temperature. Including green spaces and trees can reduce temperatures and providing shade for people and buildings and habitats for wildlife. Water conservation measures that could be designed in include low flow taps and advanced rainwater harvesting systems for larger developments.
- 10.2.16 Climate change adaptation measures will be a priority in vulnerable areas^{10.21}, in accordance with national planning policy^{10.22}. The design of development in areas at risk of all types of flooding should incorporate flood resilience measures, for example moving electrical sockets higher up walls above future flood levels, to significantly reduce the damage, cost and time of repair if properties are flooded in the future. Sustainable drainage should also be considered where there is a high risk of surface water flooding or when private gardens are replaced with hardstanding (see draft Policy MGP 34).
- 10.2.17 Buildings should be designed to be fit for purpose, both now and in the future. For example, hospitals, schools and homes for older people should have adequate ventilation, so that an increase in temperature does not make the building uncomfortable, and this should be built in from the outset rather than added on by attaching air conditioning units at a later date. New developments should also be robust enough to withstand storms and high winds, easy to maintain and repair, and capable of being used in a different way.
- 10.2.18 Adaptations to Darlington's important heritage buildings should be sympathetic to the special interest of the heritage asset and ensure that its significance is not affected (see Policy MGP21). For example, fitting appropriate insulation and secondary glazing can have a positive impact, if planned and installed correctly.
- 10.2.19 Given the vulnerabilities identified in 10.2.16 above, the only option for climate change adaptation considered was to ensure adaptation measures are integrated into the design of new development reflecting specific needs and opportunities.
- 10.2.20 *Step 2:* Once maximum energy efficiencies have been achieved, additional reductions in carbon emissions should be achieved from on-site renewable and low carbon technologies. These could include wind, solar and biomass technologies as well as directly connected combined heat and power or district heating schemes.
- 10.2.21 *Step 3:* Where the ability to reduce carbon emissions to the right standard, cost

^{10.21}Vulnerable area: parts of the Borough at risk from all types of flooding

^{10.22}National Planning Policy Framework, DCLG, 2012

effectively, on-site have been exhausted, all outstanding emissions must be mitigated via a financial contribution to the carbon management fund^{10.10} for 'allowable solutions'.

- 10.2.22 This approach will ensure that new development is designed to function easily and effectively with the minimum amount of energy, and hence carbon emissions, over its lifetime. It should be achievable in a viable development; by designing for higher standards of energy improvement, which most developments are already delivering, and providing for renewable energy and/or allowable solutions, the costs and timings of provision are more flexible, and can be phased more easily over the construction of the development.
- 10.2.23 Clear evidence in a viability assessment will need to be submitted to show why a development cannot achieve these requirements.

Sustainability Appraisal and Consultation Responses

10.2.24 XXXX

- 10.2.25 No specific consultations have been carried out on this issue previously, but the Council has had dialogue with housebuilders and developers over the last year who have all outlined, and in some cases provided evidence of, the challenges of delivering to Code for Sustainable Homes level 4 or above.

Draft Policy MGP33: Sustainable Design and Adaptation to Climate Change

All new development and conversions should be sustainably designed and constructed to meet the appropriate level of the national sustainable building standards or any successor.

In accordance with the energy hierarchy all major development should achieve at least the following minimum standards:

Major residential developments of 10 or more dwellings:

- i) from 2013, Code for Sustainable Homes Level 3 and a further 10% reduction of carbon emission from on site renewable and low carbon technologies;*
- ii) from 2016, 60% of carbon emission reductions from energy efficiency measures and a further 10% from on site renewable and low carbon technologies, with up to 30% from allowable solutions.*

Major non residential development of 1000m² floorspace or more:

- iii) from 2013: BREEAM 2011 standard 'very good-outstanding' and a further 10% reduction of carbon emissions from on site renewable and low carbon technologies;*
- iv) from 2019: 60% of carbon emission reductions from energy efficiency measures and 10% from on site renewable and low carbon technologies, with up to 30% from allowable solutions.*

Where it can be shown to be not feasible or viable to achieve these requirements, an equivalent reduction in carbon emissions will be secured through a financial contribution to the carbon management fund to deliver allowable solutions on and/or off site.

These requirements will be met by ensuring that the overall layout and massing of the development:

- a) takes account of landform, layout, building orientation and landscaping to minimise energy consumption;*
- b) maximises the use of passive solar heating, thermal mass, natural light and ventilation, insulation, air tightness, green infrastructure and reflective materials to control building and development temperatures;*
- c) minimises all sources of flood risk to and from the development, taking future climate change scenarios into account;*
- d) promotes the use of sustainable transport to minimise the impact of vehicle emissions;*
- e) reduces water consumption through water efficiency, rainwater harvesting and grey water recycling measures;*
- f) mitigates for possible subsidence, with careful consideration given to the design of foundations and to the positioning and choice of trees;*
- g) minimises waste and promotes recycling and composting; and*
- h) takes account of the expected changes in local climate throughout the lifetime of the development by incorporating sufficient flexibility in the design and layout to enable easy adaptation to the impacts of climate change;*
- i) adaptable to meet the changing needs of the occupier.*

Making it happen

- 10.2.26 By operating the Council’s development management function, preparing masterplans for each of the strategic locations, Planning Briefs and other non statutory plans, and by revising and applying the Design SPD.

10.3 SUSTAINABLE DRAINAGE SYSTEMS

Context

- 10.3.1 Flooding from surface water and sewers occurs during extreme rainfall, storms and when heavy snow melts, which is expected to happen more frequently with climate change. It occurs where the ground or rivers cannot absorb all the surface water or where sewers are not large enough to deal with all the water entering them from the drains. It is more of a risk in the older built up parts of the Borough with traditional drainage, such as the Town Centre Fringe, and low lying areas^{10.23}. The significant amount of new development envisaged in the Local Plan could increase the risk, if the increase in impermeable surfaces is not adequately mitigated.

^{10.23}Darlington Strategic Flood Risk Assessment Level 2, JBA, 2010

^{10.24}National Planning Policy Framework, DCLG, 2012

^{10.25}Sustainable drainage systems: manage surface water runoff as close to where it falls as possible, and can include SuDS and mimic natural drainage.

^{10.26}Darlington Core Strategy, Policy CS16

^{10.27}Critical Drainage Area: an area within Flood Zone 1 which has critical drainage

- 10.3.2 To reduce the risk of surface water and sewer flooding in the long term, the amount of water discharged into local sewers and drains from new development should be limited and the capacity of the sewerage network improved. To accord with national planning policy^{10.24}, the appropriate application of sustainable drainage systems^{10.25} will be prioritised. The Darlington Core Strategy^{10.26} promotes their use in new developments, where technically and feasibly possible, and requires an integrated surface water management solution for development in the Town Centre Fringe, Darlington’s only Critical Drainage Area^{10.27} (see draft Policy MGP 3).

- 10.3.3 Sustainable drainage systems also have other benefits; they remove pollutants from runoff improving water and river quality, while green features, like ponds and green roofs, can be visually attractive and provide habitats for wildlife. If green elements of the system are publicly accessible and provide opportunities for informal recreation, education and habitat creation, they can also contribute to open space requirements for new development (see draft Policy MGP25) and can help achieve the right sustainable building standard (see draft Policy MGP 33).

Issues and Options Considered

i) Site location and topography

- 10.3.4 The most appropriate type of sustainable drainage system (SUDS) will depend on the underlying geology of the site and the surrounding area, and the groundwater level. Central and southern Darlington has freely draining loamy soils, which absorb rainfall and allow it to drain more easily. Here, dealing with surface water runoff as close as possible to where it falls (source control techniques) may be the most appropriate approach. The rest of Darlington has more clayey soils which drain slowly and are more likely to experience waterlogging in heavy rain. Here, solutions that store water on site and slowly release it in a controlled manner (attenuation techniques) may be most appropriate.

- 10.3.5 SUDS should also reflect the form of the land, keeping flow pathways open and providing areas for water to pond naturally. This means identifying flood risk zones^{10.28}, contaminated land and the source protection zones of the Magnesian Limestone Aquifer^{10.26} early in the design process, as these could reduce the SUDS options available. For example, ponds that take up a lot of space may not be appropriate in high risk flood zones, systems requiring deep boreholes and infiltration

^{10.28}Higher flood risk zones: Flood zone 3b and 3a

must not be constructed in contaminated ground; ponds, basins and permeable paving can be used, with appropriate liners.

ii) Type and size of development

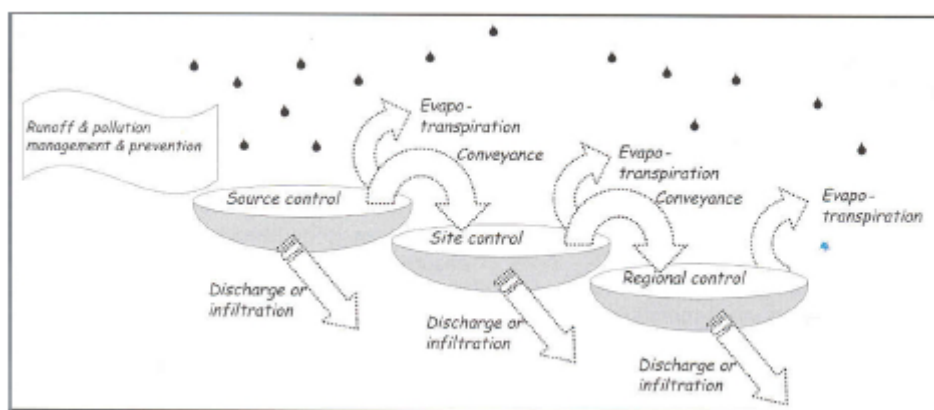
10.3.6 This can affect the amount of space available for SUDS. High density housing and commercial development may have limited space available, making permeable pavements in parking areas, green roofs and water butts attractive options.

iii) integration with other site requirements

10.3.7 Early consideration of SUDS is essential so that where possible, it can be designed to deliver other site requirements too, particularly the design of public realm and green infrastructure.

10.3.8 The sequence of selecting the appropriate drainage solutions should be as outlined in **Figure 10.3.1.** Each step controls and manages surface water as close to the source as possible, reducing run-off, slowing the concentration of flows, and reducing the size of downstream features, such as ponds, until it can be discharged without risk.

Figure 10.3.1: Drainage Hierarchy



10.3.9 Underground storage will only be permitted where all other SUDS are shown to be impractical. Only in exceptional circumstances will discharge to a watercourse or public sewer be acceptable, and even then, potential developers will need to demonstrate that capacity exists to serve their development. Discharge to main rivers (Tees, Skerne and Cocker Beck) will require permission from the Environment Agency. For other watercourses permission must be sought from the Council.

10.3.10 Site investigations and a Flood Risk Assessment^{10.29} will identify the most appropriate technique to meet the needs of each development. This will be particularly important in the strategic development locations, given the amount and mix of development proposed (see draft Policies MPG 3, 4, 5 and 6) and should inform an integrated drainage management plan for the location.

10.3.11 Regular and effective maintenance is essential if sustainable drainage systems are to perform satisfactorily throughout their design life. Responsibility for adopting and maintaining sewers and most SUDS currently lies with Northumbrian Water Ltd; sustainable drainage in open spaces are usually adopted and maintained by the Council. The provision for maintenance must be identified in the planning application, and such provision will be secured via a legal agreement where appropriate^{10.30}.

^{10.29} ensures that flood risk to a proposed development is considered, as well as the impact the development will have elsewhere on people and property. Its scope will reflect the scale, nature and location of the development.

^{10.30} In line with the Planning Obligations SPD

^{10.31}Flood and Water Management Act

^{10.32}will set out how SUDS must be constructed and operated

10.3.12 New national legislation^{10.31} is expected to require any new development or construction that reduces the ability of the land to drain rainwater, to incorporate sustainable drainage from 2014, built to emerging National Standards^{10.32}. This is to reduce flood risk and improve water quality. The approval of new systems will be separate from a planning application and will be by the Council, as the SUDS Approving Body. It will adopt and maintain most SUDS; only systems in the A66 (T) and A1 (M) will be adopted by the Highways Agency, the strategic highway authority. A Sustainable Drainage SPD will be prepared to provide clear and practical advice on designing, operating, maintaining and adopting sustainable drainage systems

Sustainability Appraisal Findings and Consultation Responses

10.3.13 The findings of the sustainability appraisal indicated that

Preparing a Draft Policy

10.3.14 Taking into account national legislation, emerging guidance, existing local surface water flood risk and the sustainability appraisal findings, an efficient and integrated approach to delivering, maintaining and adopting sustainable drainage is the preferred option, and it forms the basis of draft Policy MGP 34.

^{10.33}Greenfield conditions: the level of surface water drainage from a site prior to development

Draft Policy MGP 34: Sustainable Drainage Systems (SUDS)

Sustainable drainage systems must achieve an infiltration capacity to meet or exceed greenfield conditions^{10.33}, incorporating an allowance for climate change. Where practicable, they should be designed and located to improve biodiversity, the landscape, water quality and local amenity.

Within the overall design and layout of a site for development of 10 or more dwellings or 1000m² or more of non residential floorspace, appropriate sustainable drainage systems should be provided in the priority order as follows:

- 1. minimise the amount of impermeable area; then*
- 2. use source control techniques to control rainfall on site; then*
- 3. use attenuation techniques on site; then, if required to store any remaining run off,*
- 4. use larger, strategic systems that receive and store water on or off site.*

Within the strategic development locations (except the Town Centre and the Rest of the Urban Area) sustainable drainage systems should be fully integrated into each phase of development, as required by the location’s integrated drainage management plan.

Where appropriate, a maintenance contribution equivalent to 10 years maintenance may be required for all developments identified above^{10.30}.

All development that provides or replaces 5m² or more of hard, impermeable surfaces in a private front garden will be required to:

- 1. incorporate a permeable surface;*
- 2. provide adequate drainage; and*
- 3. cause no increase in flood risk on site or to neighbouring properties.*

Only in exceptional circumstances, where a Flood Risk Assessment, local site conditions and/or engineering report show that sustainable drainage systems will not be feasible will the discharge of rainwater direct to a watercourse, surface water drain or to a combined sewer be considered.

Making it Happen

- 10.3.15 By operating the Council’s development management function, preparing integrated drainage management plans for areas of significant development and regeneration, preparing a Sustainable Drainage Systems Supplementary Planning Document, and preparing Planning Briefs and other non statutory plans for specific sites.

10.4 AIRPORT SAFETY

Context

^{10.34}Darlington Core Strategy (DBC 2011) Policy CS1

- 10.4.1 Durham Tees Valley Airport is recognised by the Council as essential to the economic performance of the Tees Valley, and to the Darlington Borough. It is identified as a strategic location for airport-related uses in the Darlington Core Strategy^{10.34} a policy specifically to address development needs at the airport is included earlier in this document (draft MGP7).

^{10.35}National Planning Policy Framework (DCLG 2012), paragraph 172

- 10.4.2 The Core Strategy (Policy CS16) indicates there should be no detrimental impact on the health and safety of the community arising from new development, and national planning policy^{10.35} states that planning policies should use up to date information on major hazards to mitigate the consequences of major accidents.

Issues

10.36 Joint
ODPM/DFT
Circular 01/2003

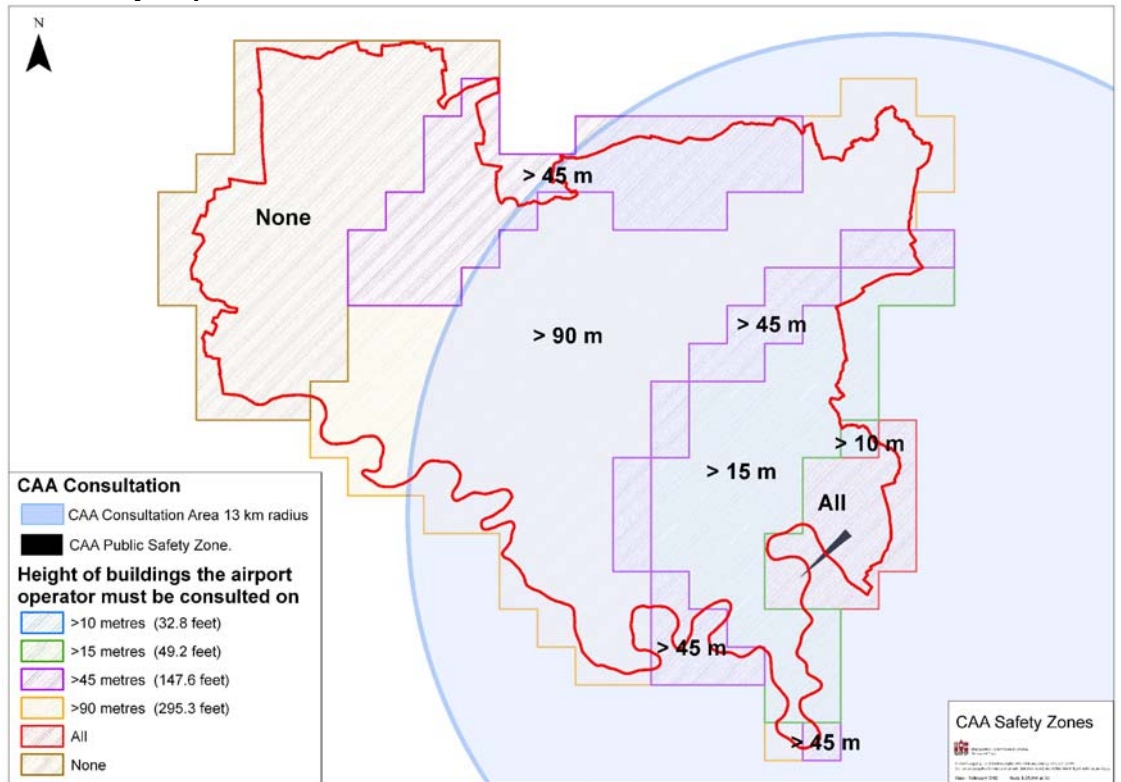
10.4.3 The airport is safeguarded as a civil aerodrome of importance to the national air transport system^{10.36}. As such, the capacity of the airport to operate safely is protected by land use planning restrictions placed on the surrounding area. These include requirements to consult with the airport operator for proposed developments above a particular height or with certain other characteristics that may create a hazard for aircraft using the airport, if proposed developments are within identified zones. Examples are developments likely to attract birds, developments with lights that could distract or confuse pilots, or developments that reflect, diffract or otherwise interfere with the radio signals used at the airport. Wind turbines can also have a distracting effect on radar, so the operator of Durham Tees Valley Airport and the MOD will be consulted on all applications for wind turbines measuring 11m or more from ground to blade tip, or with a rotor diameter of 2m or more.

10.4.4 The safeguarding zones are shown on **Figure 10.4.1**.

10.37 DFT Circular
01/2010

10.4.5 The airport also has an associated Public Safety Zone at the south-western end of the runway, also indicated on Figure 10.4.1. Government policy^{10.37} indicates that various types of development that should not be allowed in a Public Safety Zone and requires local planning policies to include reference to these zones in their development plans. The aim of this designation is that there should be no increase in the number of people living, working or congregating within the Zone and that, over time, the number should be reduced, as circumstances allow.

Figure 10.4.1: Safeguarding Zones and Public Safety Zone associated with Durham Tees Valley Airport



Options Considered

- 10.4.6 The only option considered was to have a policy setting out the extent of airport safeguarding zones and public safety zones in the Borough and referring back to the relevant government guidance on how applications for development within them should be treated. Any other option would not adequately contribute to the safety of the inhabitants/users of new development and of flights in and out of Durham Tees Valley Airport.
- 10.4.7 The proposed policy identifies the zones discussed above on the Policies Map, and indicates the specific provisions that will apply in the processing and consideration of developments proposed within them.
- 10.4.8 Sustainability appraisal... (to follow).

Draft Policy MGP35: Airport Safety

An Aerodrome Safeguarding Zone and a Public Safety Zone, as shown on the Policies Map, are identified for Durham Tees Valley Airport.

Proposals for development within the Aerodrome Safeguarding Zone will be the subject of consultation with the operator of that airport.

Proposals for development within either zone will be determined in accordance with national policy.

Making it Happen

- 10.4.8 Through the Council's development management function.