

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 14<sup>th</sup> December 2016**                      **Page**

**APPLICATION REF. NO:**                      **16/00886/OUT**

**STATUTORY DECISION DATE:**            **11<sup>th</sup> November 2016**

**WARD/PARISH:**                              **HURWORTH**

**LOCATION:**                                      **Land at OSGR E430566 N510791 Roundhill  
Road Hurworth Moor Darlington**

**DESCRIPTION:**                              **Outline planning permission with access details  
(all other matters reserved) for the erection of up  
to 100 No dwellings (Amended Travel Plan  
received 3rd October 2016) (Additional Habitat  
Survey received 10th October 2016) (Additional  
Qualitative Odour Assessment received 3rd  
November 2016)**

**APPLICANT:**                                  **Banks Property Limited**

---

**APPLICATION AND SITE DESCRIPTION**

The application site, which extends to some 5.4 hectares and lies to the north of Hurworth village, consists of previously undeveloped agricultural land. Further agricultural land bounds the site to the north resulting in open countryside dominating the northern outlook. Private playing fields are situated to the east of the site with Roundhill Road to the west and residential properties on the Westfield Drive estate to the south.

Existing hedgerows and trees form the main boundaries to the site, with an existing watercourse, Cree Beck, located on the northeast boundary of the site. An existing ditch runs in an L-Shape through the site. On the western side of Roundhill Road is an existing farm. There are no historic or statutorily protected buildings or scheduled ancient monuments in the vicinity of the site.

This application seeks outline consent for up to 100 dwellings with consideration given to access only. Matters relating to scale, layout, and appearance and landscaping would be considered as part of a future Reserved Matters application should Members be minded to approve this application.

Access is proposed from Roundhill Road in the form of a simple T-junction with visibility splays consistent with traffic speeds on Roundhill Road.

An indicative plan has been included within the submission, to demonstrate how the site could be developed for up to 100 dwellings with associated infrastructure. This indicative plan includes the following design principles:

- Low density development of around 19 dwellings per hectare, to reflect that of other residential developments in the locality;
- Clusters of housing off a central road with the use of shared surfaces and private driveways where possible to create a pedestrian friendly layout;
- Active frontage onto part of Roundhill Road;
- A variety of family dwellings from 3 – 5 bedrooms with a maximum height of two storeys;
- A central area of open space around the existing ditch to provide a focal point, with housing fronting onto the open space, where possible;
- A SUDs pond and wider amenity space in the northeast corner of the site with the potential for inclusion of a wildflower meadow within this part of the amenity space to provide ecological enhancements;
- Structured planting to the northern boundary comparable to existing landscape in the northeast boundary

The proposal has been the subject of pre-application consultation exercises with local residents in accordance with the Council's guidance contained within the Statement of Community Involvement document (2010).

### **Environmental Impact Assessment Requirements**

The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

It is the opinion of the Local Planning Authority, that the proposal is development for which an Environmental Impact Assessment is not required as the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

### **PLANNING HISTORY**

There is no planning history relevant to this planning application.

### **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

#### **National Planning Policy Framework 2012**

#### **Borough of Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- R4 – Open Space Provision
- T9 – Traffic Management and Road Safety

- T11 – Traffic Calming – New Development
- T52 – Drainage Infrastructure

### **Darlington Core Strategy Development Plan Document 2011**

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS3 – Promoting Renewable Energy
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS11 – Meeting Housing Need
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety
- CS17 – Delivering a Multifunctional Green Infrastructure Network
- CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network

### **Interim Planning Position Statement 2016**

#### **Other Documents**

Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

### **RESULTS OF CONSULTATION AND PUBLICITY**

71 Letters were sent to occupiers of neighbouring properties advising of the proposal, site notices were displayed and a press advert was issued.

**Comments and objections** representing **224** objectors were received and the main points raised are summarised below:

- *The site is within a flood plain and the proposals will not address potential flooding as the land currently drains into the Cree Beck; Terrible flooding in wet weather on these roads which can only be made worse by building on the adjacent fields; Site has previously flooded;*
- *Surface water and overflowing sewers is already a problem on parts of Westfield Road and beyond;*
- *Since we have lived here there have been problems with drains on the estate, and the proposed development will seriously exacerbate this problem;*
- *Addition of a pond will only mitigate into the land and will potentially flood my property; Who is going to look after a potentially dangerous and deep pond in the long term to ensure that no child comes to harm in the pond which will be like a magnet for children in the summer; No proof that the SUDS drainage system will protect other areas of land from flooding; No mention of the height of the water table at times where there has been more than average rainfall – the water table in the fields to the west of Roundhill Road is at or close to the surface for weeks at a time when there are prolonged periods of rain (as occurred in 2000 and 2012); When ground has no capacity to absorb the rain then regular flooding of Roundhill Road occurs; Surface water run off opposite the proposed development can last in excess of 12 hours after rain ceases and with significant flow*

*rates; Significant flooding has occurred within Hurworth on at least four separate dates in the last 25 years;*

- *If proposed new development raise ground levels then existing houses in proximity to the development likely to have an increased risk of pluvial flooding; Report states that all reported flooding occurred before gullies were installed – DBC has confirmed that there have not been any new gullies installed after the photos I took in 2012 and as far as I can ascertain the only new gully was installed at the time that the gateway was constructed in the early 2000's – clear from my 2012 observations and photos that the existing gullies in Roundhill Road are incapable of coping with an event of no more than a 1 in 35 year return period; My evidence contrary to Shadbolt report but is based on personal observation and I consider risk of flooding to existing and new houses a real risk;*
- *Doubt that balancing pond has sufficient capacity to store surface water from the development site if any water enters from off-site – in which case there would be uncontrolled release of storm water into Cree Beck at exactly the times when it should be holding the excess water for later release;*
- *The land is based on gypsum which is known to cause sinkholes, particularly in areas with lots of flooding – this can lead to roads and houses collapsing;*
- *Sewage is a major issue on the Westfield Drive estate; Numerous cases of sewage being backed up and several cases of collapsed drains; Additional housing will cause more problems; Unless NWA guarantee that the development has its own stand-alone surface water and sewerage system there will be serious problems with the already overloaded existing system; This can be verified by the number of times Northumbrian Water and other agencies have been called out to clear blocked drains, especially on the Westfield Drive estate;*
- *New properties are not in keeping with the existing ones as they should be;*
- *Hurworth has existed since the 12<sup>th</sup> century and has retained its quintessential village character; Negative environmental and visual impact on the Roundhill Road entry to the village; Distance from the conservation area of the historic village centre is 0.4 miles and additional traffic will adversely affect historic buildings;*
- *Size of development too large; No tangible demand for 100 new houses;*
- *This will open the floodgates to more developers wanting to build here;*
- *The proposal will have a negative impact on the current catchment area for Hurworth School places – a min of 100 family homes will considerably increase the school age population this depriving Darlington and other village children of the Hurworth schooling option; Children from Firthmoor and Eastbourne areas currently have access to a first class rural education by attending Hurworth schools and an increase in housing in the village will ultimately deprive them of this opportunity; There is little or no room for expansion, particularly at the senior school; Size of school is perfect – all the children know each other and teachers know all the children personally – with a bigger school would lose this;*
- *Plenty of houses already; Why do Darlington Borough Council feel it necessary to build 900 new houses when many lay empty in the town; No evidence that there is a need for housing in Hurworth;*
- *Lack of five year supply is not a reason to rush through applications;*
- *An area with one of the highest disposable incomes after rent in the country – homes being built to meet a target rather than a need;*
- *The development is not affordable housing for young people or first time buyers; if it was would there seriously be a system that would give priority to those whose origins are here? This is highly unlikely;*

- *Residents in this area are already concerned over the pungent smell which comes regularly from the farm directly opposite – if potential home buyers visited on these days there is no chance they would buy a house there;*
- *Client runs the farm opposite – farmyard and buildings currently act as natural edge to the village. Completed scheme will increase the danger to Lorries and agricultural machinery that turn into and out of the farm; Development would begin to enclose farm into the village of Hurworth itself. With daily deliveries, livestock transported into and out of the farm and general agricultural movements, further developments will greatly affect the running of the business; During construction noises will have adverse effects on livestock enterprise, which furnishes around 800 head of cattle at any one time within the buildings directly opposite the proposed development; Concerns regarding maintenance of unnamed watercourse that runs through development site, that takes a large amount of water away from the farm, which if not properly maintained could cause flooding to the farmland, buildings and yard areas; Concerns that the development will lead to an increase in complaints to the running of the farm – odours are mitigated as much as possible, however due to the type of business that is running on the site, odour is inevitable at times predominantly during mucking out of the buildings – with the prominent wind direction going through the development land there is no way to ignore that the development will lead to increased complaints; Increased time spent by Environmental Health in dealing with these complaints and my clients time and money to try and reduce the impact of their business on a development that was built with the knowledge that this issue would arise;*
- *Banks propose a public footpath along the fence of our back garden; the footpath will come out at the end of our driveway. This will result in an increase in noise pollution and particularly at anti-social hours – field at the other side of the footpath already used by teenagers who display anti-social behaviour through drinking and smoking;*
- *The proposed development is merely a first stage with approximately 100 houses to be built, but they also have first refusal on other pockets of land so by granting this permission you will be granting future developments;*
- *Upset about turning the village into a small town;*
- *Problems with the doctors and dentists; GP surgery offers a first class service to all current residents, and this will be adversely affected by a significant increase in the number of patients wishing to register there; How will the surgery cope without major investment at a time of NHS cuts?*
- *Increase in traffic in and around Hurworth; Roundhill Road is a dangerous road with regular accidents and cars going through hedges; Danger to cyclists; Road already in a poor state of repair; Poor visibility and dangerously close to the bend in the road; Access on a blind bend; If project does go ahead then a mini roundabout entrance to the development has got to be a better solution for all concerned;*
- *The transport proposals put forward the idea that a co-ordinator would be appointed – how would this be funded and how would the planners, developers and builders ensure the position would be sustainable in the long term;*
- *Already existing speeding, traffic congestion and parking issues near schools and at junction of Roundhill Road and West End, especially at school drop off and pick up times;*
- *Continual traffic problems with large articulated vehicles making deliveries to the Spar convenience store;*
- *Concerns regarding Banks highway survey conducted on 5<sup>th</sup> May where the Monday was a bank holiday and a significant number of couples without school age children use that Monday as a springboard to take the rest of the week as a holiday to take advantage of*

*off-peak prices; Survey date was also the referendum date which caused Primary school to be closed – which must have resulted in a reduction of some 50-70 cars which usually travel out from Westfield Drive during the AM and PM peak periods; As my house fronts Westfield Drive I was aware that traffic flow was reduced and the pedestrian count was increased; This suggests that the conclusions drawn from the Highway survey are based on incorrect data as a significant amount of traffic has not been counted;*

- *Suggested that there might be a connecting path between the new development, across the Priory Hurworth House school field, to the existing housing on Crossfield Close, thereby improving pedestrian and cycle access – no agreement has been given for this and as such it must be discounted;*
- *Public transport is currently limited, e.g. no buses after 17.30;*
- *Proposed reinstatement of the evening buses is no more than a pipedream to win the villagers support;*
- *Development will be outside of the boundary / envelope of the village; Building on greenbelt land should always be a last resort; Over the last 10 years 105 houses have been built within Hurworth but these have been infill and in keeping with the character of their surroundings;*
- *Eco-structure of site will be destroyed due to loss of hedgerows, trees and nesting sites, including a red-listed bird, the Tree Sparrow; Since the archaeological survey took place the heron which regularly visited the field behind my house and the deer, which could be seen in the morning mist along the beck, have disappeared; Will also add to the national danger to the sparrows; Tree Sparrows, Greenfinches, Yellowhammers, Lesser Redpolls on development site; At ground level hedgehogs are known to live in this area, often visiting gardens in Westfield Drive that border these fields; Water voles living in Cree Beck which passes along the eastern boundary of the site;*
- *No Environmental Impact Assessment taken on increase in air and noise pollution from the traffic; Traffic calming measures are proposed that will slow down the speed but this will only increase the emission of particulates and CO2 from the vehicles as the engines are not efficient at low speeds;*
- *Proposed development not in line with the Parish Plan; Parish in process of creating a Neighbourhood Plan that will identify areas for future development within the parameters of the parish – applicant was invited to postpone this application until he plan is complete – this invitation was refused;*
- *DBC and Hurworth Parish Council are currently in the process of producing a development plan for the village – would it not be more sensible to wait until this is produced then they can work together with developers to build within the village where it can enhance the area instead of detracting from the village and the community;*
- *Contrary to Making and Growing Places Revised Preferred Option for New Housing – was considered that 100 new homes would be needed in each of the three larger villages which would be more than a modest extension in each;*
- *Half of the site is good arable land with a crop growing at this very time;*
- *The Environmental Health document also raises the issue of dirt, dust and noise, that would result from the development; How would this be monitored and controlled – how would any policy be policed and implemented;*
- *Houses should be built in Darlington so that people will use the town centre otherwise people will start to go elsewhere;*
- *My property backs onto the proposed new development and I have several mature trees right on that boundary and so not wish these to be touched in any way;*
- *The development would result in a completely changed and spoiled outlook which we have enjoyed over open countryside for 40 years;*

- *Will only be of benefit to DBC who will receive New Homes Bonus and Council Tax;*
- *Some of the technical reports are incomplete, i.e. the archaeological report;*
- *We understand archaeological survey revealed a brooch and pieces of pottery that date back around 2000 years to the late prehistoric or early Romano-British period; Clear signs of roundhouses and of ancient cultivation are also mentioned – will there not need to be extensive excavations to determine whether there is anything more significant to be found?*
- *Our boundaries end earlier than they should; are these plans the actual positions they will be built on, what distance is likely to be from our boundary? Will they be two storey or three storey houses; Proposed housing is slightly elevated and therefore will have negative impacts to the houses backing onto the site including loss of privacy and overlooking, overshadowing by increased height of proposed housing;*
- *Suggestion in Travel plan that the site would be well served for sustainable transport, particularly bicycles, due to the presence of a cycle network route (route 165, 400 metres to the south) – considering the majority of commuters by bicycle would be travelling northwards, towards Darlington, I must contest that provision for cyclists is non-existent, particularly considering the dangers of sharing Roundhill Road with speeding traffic; Despite the nearest bus stop being over 400m from the site, the provision for bus transport is sufficient for a village – if this development is to go ahead then I would suggest that sustainable transport measures are reviewed by DBC for the village of Hurworth;*
- *The proposals in the application are dependent on schemes to be agreed, implemented and funded by Darlington Borough Council; The financial constraints faced by the borough council mean that this funding is not available and the proposal by the applicant cannot, or is unlikely to be delivered; The applicant is effectively trying to influence the process by promising things that they have no intention of paying for; In this instance they are suggesting that an already cash strapped town pays money for transport to ensure that the application is approved;*
- *During any construction phase heavy goods vehicles will need to access the site via Roundhill Road – this road is unsuitable for a large number of such traffic movements;*

37 letters of support were received and the main points raised are summarised below:

- *The developer should be committed to building a pathway / cycleway along Roundhill Road between the village and the Rugby stadium – there is a similar pathway between the village and Neasham – on this condition I would support the application;*
- *The village must develop or die; 100 houses is an appropriate number;*
- *Will bring 100 badly needed new homes to the area – will only increase number of households in the village by less than 6% - this will not change the character of the village;*
- *Hurworth has not seen any new developments for over 20 years;*
- *My children attend Hurworth Primary school and I am looking to move into the village – at the moment homes for a young family of four are few and far between, and I will be certain to purchase a house on this development;*
- *Will provide safe play areas for children;*
- *I like the plans for the Roundhill Road traffic calming scheme;*
- *The density is consistent with surrounding developments on Roundhill Road;*
- *Development will bring significant economic, environmental and social benefits including around £950,000 new homes bonus for DBC as well as generating £180,000 council tax payments each year; Help-to-buy incentives; 30 jobs will be created for local*

*people during the construction phase as well as significant supply chain opportunities which would support the local and regional economy;*

- *The sensitively designed proposal includes new green spaces for local people to enjoy;*
- *Will improve public transport and sustainable transport links;*
- *Lack of affordable homes is affecting families across the whole country – we need more homes in Darlington, the North east and the UK in general –the village must take their share; Need so great that even if we took all the brownfield sites in the UK and built houses on them as densely as possible, we still need more homes to begin to address the housing crisis in the UK;*

The following points that are not planning considerations were also made;

- *Not enough time to respond;*
- *Did not receive notification on time;*
- *The development would result in a completely changed and spoiled outlook which we have enjoyed over open countryside for 40 years;*
- *In initial presentation Banks developments insisted their plans would be for no more than 90 houses – it has already increased to 100;*
- *Negative factors could devalue the price of existing homes in the village;*
- *Some years ago I approached the farmer who owns the application site and planning department told me that permission for change of use to residential would not be supported – as the proposal is also a change of use to residential I hope and trust that the Council will continue with their same strategy and policy that existed then back in the 1990's and refuse planning permission;*
- *There are already dogs using The Green as a lavatory;*
- *Banks Group have been approaching people and coercing them into signing standard letters of support for the proposed development; some residents of more mature years have been left distressed as a consequence of these actions; Surely this cannot be considered an ethical practice?;*
- *Banks appear to be encouraging their staff to submit standard letters of support;*

## **Consultee Responses**

The Council's **Highway Engineer** has raised no objections to the proposal subject to appropriate highway related conditions being attached to any approval given.

The **Durham County Council Archaeology** Team has raised no objections to the proposed development subject to appropriate planning conditions requiring the implementation of a programme of archaeological work and any findings being deposited at the County Durham Historic Environment Record.

**Durham Police Architectural Liaison Officer** has advised of no issues with the indicative layout of the site from a Design out Crime perspective apart from the proposed footpath link indicated in the northeast corner of the site.

**Environment Agency** has raised no objections to the proposed development subject to the imposition of planning conditions to any approval to ensure that the measures detailed in the Flood Risk Assessment submitted with the application are implemented and secured.



The Council's **Environmental Health Officer** has raised no objections subject to the imposition of appropriate planning conditions.

The **Flood Risk Management Team** has raised no objections to the proposed development subject to the inclusion of a planning condition relating to surface water discharge and a surface water construction management plan.

**Northern Gas Networks** has raised no objections to the proposed development.

The Council's **Rights of Way Officer** has raised no objections to the proposed development, but has recommended that consideration be given to links to the local public rights of way network, where possible, together with sustainable transport contributions to improve and maintain the existing rights of way.

The **Ecology Officer** raised no objections subject to the imposition of appropriate planning conditions for the protection of habitats.

**Hurworth Parish Council** has objected to the proposed development on the grounds of Environmental Health issues, road traffic safety and the Parish Plan and Village Boundary.

**Campaign to Protect Rural England** has objected to the proposed development on the grounds of character of the village, precedent, highway safety, sustainability and risk of flooding.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Principle of development
- Impact on character and appearance of the countryside
- Loss of Agricultural land
- Highway and sustainable transport issues
- Surface Water and Flood Risk
- Design and layout
- Ecology
- Trees
- Archaeology
- Residential Amenity
- Developer contributions
- Delivery

### Planning Policy

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development subject to normal development control criteria. It seeks the speedy approval of proposals that accord with the development plan, and, where the plan is 'absent, silent or relevant policies are out of date, to grant permission unless the adverse impact would significantly and demonstrably outweigh the benefits; or where policies in the NPPF indicate that development should be restricted.

The NPPF also states at paragraph 49 that ‘relevant policies for the supply of housing should not be considered to be up-to-date if a five year supply cannot be demonstrated’. Thus, if there is no five year supply, relevant housing policies which includes E2 (Development Limits) of the Borough of Darlington Local Plan and CS1 (Darlington’s Sub-regional Role and Locational Strategy) of the Core Strategy in their relevance to housing provision, are considered out of date and therefore planning applications would be subject to paragraph 14 of the NPPF, which provides a presumption in favour of sustainable development.

The weight to be afforded to the development plan policies therefore relies largely on whether a five-year supply of deliverable housing sites can be demonstrated. The Borough cannot presently demonstrate a five-year supply of housing land and therefore the ‘presumption in favour of sustainable development’, as contained within paragraph 14 of the NPPF effectively replaces the housing supply policies in the development plan.

### Principle of Development

As established above, the Development Limits and locational strategy as they relate to new housing development are considered to be out of date, and in the context of the NPPF carry little weight when assessing new housing proposals beyond the development limits.

Nevertheless, policy CS10 (New Housing Development) of the Core Strategy does provide some guidance for circumstances whereby there is a shortfall in the housing land supply and where the shortfall is delivering 80% or less of the average annual net additions to existing stock required. In these situations, the policy indicates that windfall housing development within or adjacent to larger villages may be permitted if the early delivery of such developments is secured by planning condition and / or such other arrangements as may be agreed with the applicants. The Core Strategy categorises Hurworth as a larger village and as such an appropriate location for new housing in such circumstances.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Government policy states that the policies in paragraphs 18-210 of the NPPF taken as a whole constitutes the Government’s view of what sustainable development in England means in practice for the planning system, having an economic, an environmental and a social role.

The Council’s Interim Planning Position Statement (2016) acknowledges that in order to achieve a five-year supply the Council needs to deliver housing quickly and cannot wait for a comprehensive local plan to be in place otherwise a backlog of under delivery will continue to grow. Whilst the new local plan is being prepared, it states that the Council will therefore consider suitably located sustainable sites, including at the edge of larger villages. More guidance on the local interpretation of the NPPF presumption in favour of sustainable development is set out in the document, and both will be considered further in the following sections of this report. However, key considerations in Darlington are ensuring that proposals:

- Do not unacceptably impact strategic infrastructure without sufficient mitigation;
- Have access to education facilities that have sufficient capacity or capability for expansion (typically 1km to a Primary School with appropriate safe route);
- Have access to goods and services (including shops, post office, etc.)
- Accessibility to public transport and connectivity with existing settlements (such as footpath and cycleway links);

- Good design that respects the character of the area;
- Does not prejudice the good planning and future delivery of the strategic vision for the borough;
- Compliance with restrictive policies identified in the NPPF. For Darlington these could be a combination of: Sites protected under Birds and Habitats Directives and / or Sites of Special Scientific Interest; Local Green Space; Designated Heritage Assets (within the Borough of Darlington this could include Scheduled Monuments, Listed Buildings, Registered Parks and Gardens or Conservation Areas; Locations at risk of flooding.

The above issues have been considered within the submitted application, in the form of detailed analysis through assessments and reports, including capacity of existing infrastructure, sustainability issues and, where mitigation or enhancement is required, proposals for this.

In terms of access to goods and services, there are a number of services and amenities within the village within reasonable walking distance from the site. These include the doctors, schools, post office, fish and chip shop and public houses. There is currently a regular bus service into Darlington and Middleton St George.

Overall, the proposal is considered to be a sustainable development and acceptable in principle, taking into consideration the policies of the NPPF and the local interpretation of this set out in the Interim Planning Position Statement. These detailed issues will be considered further in the following sections of this report.

#### Impact on character and appearance of the countryside and the village

One of the Core Planning Principles of the NPPF is that planning should take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements.

The site, which is currently agricultural field, adjoins the built form along the southern boundary, and to an extent, continues some of the built form provided by the farm buildings to the west of Roundhill Road. It is considered that development would appear as a modest extension to this built form and would not affect the relationship between towns and villages nor impact adversely on natural landscape character. If the application were to be approved, suitable planning conditions relating to open space and landscaping should be attached to the consent ensuring that the overall impact of the development would be softened to an acceptable level.

#### Loss of agricultural land

At paragraph 112, the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

In cases where there is doubt about the quality of the agricultural land, the applicant would be asked to submit further information. In this case, the land affected by the proposal is considered to be moderate in terms of its agricultural land quality. However, there are a number of issues which suggest that this land is not of the best and most versatile quality, but is of a much poorer quality. Part of the land has been prone to flooding, some is farmed and some is not, and it essentially forms the corner of an existing holding adjacent to existing housing. In this context, it is considered that the impact of the proposal on the loss of agricultural land is not significant. Furthermore, it is not considered that the loss of part of the site currently used for agriculture would be so significant as to adversely impact on the agricultural economy or operations within the immediate vicinity.

### Highway issues

As the application was submitted with details of access, this issue must be considered in detail at this outline stage. The application indicates that the adopted road to serve the development shall be taken from Roundhill Road in the form of a priority T-junction with visibility splays suitable to the existing recorded speed limit of the adjoining carriageway.

The Council's Highway's Officer has assessed the access point for the new adopted road in terms of highway safety and increased capacity at other junctions within the area. It has been confirmed that there have been no accident within the last five years data within 50m of the proposed access junction leading off Roundhill Road. Further, no reported accidents are evidence at the main junction in the village (Roundhill Road / The Green / West End T-Junction) with the closest accident to the site approximately 450m to the north on Roundhill Road. It is concluded that whilst traffic flows will increase on the local road network, the development traffic will not have a material impact on road safety.

The site access junction and major junctions either side of the development on Roundhill Road have been assessed, namely Roundhill Road/The Green/West End T junction and A66/Neasham Road roundabout for capacity and it is demonstrated that the development traffic does not cause a severe impact at these locations and therefore no mitigation is proposed.

The Highway's Officer has raised no objections to the proposal subject to appropriate planning conditions (**conditions 5-9**) to provide the following, and implementation thereof:

- i) Details of internal highways layout and site access junction;
- ii) Vehicle swept path analysis to support the movement framework for emergency vehicles, refuse and service vehicles and for the internal network;
- iii) Details of car parking and secure cycle parking;
- iv) Details of a construction management plan;
- v) A road safety audit for all of the works required within the public highway.

A travel plan has also been submitted alongside the application. It's findings can be summarised as follows:

- Key services and amenities in the village are within an acceptable walking and cycling distance;
- Existing public transport services also provide a sustainable alternative to single occupancy car travel;
- A financial contribution to provide an evening bus service will further improve public transport links for both new residents and the existing village; and

- The production of a Sustainable Travel Pack to be distributed to all occupants of new housing with a range of initiatives, aimed at promoting sustainable forms of transport.

The Council's Sustainable Transport officer has raised no objections based on the Travel Plan submitted. As such, it is recommended that a planning condition be attached to any permission to secure a submission of and compliance with a Travel Plan. This, along with a suggested condition requiring submission, agreement and implementation of cycle parking, is included as **conditions 10-11** of the recommendation.

In addition, a sustainable transport calculation within the Planning Obligations SPD is triggered by this development. This contribution would be used to part fund two highway schemes in Hurworth. Firstly, it would be used to part fund a traffic calming scheme close to the proposed site ensuring that vehicles are reducing speed to 30mph as they pass the site and continue towards the primary school and village. Secondly, it would be used to part fund a safer routes to school scheme along Croft Road including improvements to crossing facilities and a 20mph zone near the secondary school. Also proposed is a public transport contribution to provide an evening bus service that will benefit new and existing residents.

### Surface Water and Flood Risk

The majority of the proposed development is in a Flood Zone 1 however, a small area to the northeast corner of the site, lies within Flood Zones 2 and 3. The indicative layout shows this area as the SUDS for the development.

The applicants have submitted a Preliminary Flood Risk Assessment and that has been prepared by Shadbolt Group Consulting dated August 2016. The FRA has been assessed by the Environment Agency and they have responded with no objection subject to all development occurring in Flood Zone 1 only, in accordance with the mitigation measures outlined in the FRA. A suggested planning condition to secure this is included at **condition 14** of the recommendation.

Stockton Borough Council, who act as the Council's technical advisors for SuDs, has assessed the level of information submitted with this outline application. They do not raise concerns to the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site that must include detailed design of the surface water management system, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance and funding arrangements. The full level of necessary information that is required is covered by **condition 15** of this recommendation.

### Design and Layout

Policy CS2 (Achieving High Quality, Sustainable Design) of the Core Strategy includes provision that new development should reflect or enhance Darlington's distinctive nature; create a safe and secure environment; create safe, attractive, functional and integrated outdoor spaces that complement the built form; and relate well to the Borough's green infrastructure network.

Issues relating to the layout of the development, the scale, the appearance of the dwellings and the landscaping are all reserved matters that will be considered at a later stage. These matters will however be given full consideration when any application(s) for reserved matters are submitted.

## Ecology

Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity) of the Core Strategy states that the protection, restoration, extension and management of the Borough's biodiversity and geological network will be delivered to help achieve the target level of priority habitats and species set out in the UK and Durham Biodiversity Action Plans by measures including by ensuring that new development would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation, interests and soils; and, recognising the wider benefits of ecosystems services; and, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

An extended Phase 1 Habitat Survey report undertaken by BSG Ecology (July 2016) and subsequently updated in September 2016 to take into account the results of the Autumn bat transect survey, were submitted with the application.

The reports indicate that the habitats present are generally of low ecological value, being dominated by species-poor improved grassland used as grazing land. There is no evidence that badger, otter and water vole are present within the site. The Bat survey identified no evidence of bats roosting within the site and only low levels of common and soprano pipistrelle foraging and commuting within the site. Breeding bird surveys identified a limited range of common farmland birds breeding within the site with only one Red List species (tree sparrow) identified as potentially breeding within the site. No other protected species have been identified within the site. The proposed development is likely to result in localised impacts on flora and fauna and short term impacts on birds.

The report makes a number of recommendations, including:

- Hedgerows and trees within the site are retained where possible;
- Retained habitats should be protected from damage by adopting best practice;
- The design and implementation of adequate landscape planting and the linking of existing habitats such as the woodland habitats and watercourses via green corridors;

The Ecology Officer has been consulted and considers that the report is acceptable and that the main issues will centre around the design quality for the SuDs area and the green corridor with principles such as; watercourses buffered by habitat; retention of hedgerows where possible; mature trees retained; connectivity between greenspaces; vegetation removal only outside of nesting season; native planting; and safeguarding the greenspace.

Overall it is considered that subject to a condition to secure submission and agreement of a detailed mitigation plan for species identified in the Phase 1 habitat survey along with a

comprehensive landscaping scheme, the proposed development will conserve and enhance the natural environment (**condition 16**).

### Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site.

An Arboricultural Impact Assessment undertaken by Innovation Group Environmental Services (June 2016) was submitted with the application. Also submitted was a Landscape Masterplan. None of the trees within the site are protection but the intention is to retain existing trees where possible.

The proposals within the Landscape Strategy incorporates new and existing landscaping. Subject to the submission, agreement and implementation of a final landscaping scheme prior to the commencement of any development, the proposal is considered to be acceptable in respect of its impact on trees (**condition 3**).

### Archaeology

One of the Core Planning Principles of the NPPF is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Paragraph 135 of the NPPF requires the effect of an application on the significance of non-designated heritage assets to be taken into account in the determination of planning applications. It goes onto state that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 141 of the NPPF requires that Local Planning Authorities make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. It states that they should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

An Archaeological Desk Based Assessment including Geophysical Survey and on-site archaeological investigations (trial trenching) undertaken in January 2016 was submitted alongside the planning application. This was conducted by Archaeological Services Durham University. The work has identified that:

- i) There are no archaeological deposits identified that require preservation in situ;
- ii) There are probably ring-ditches which might be associated with roundhouses and probable former enclosures;
- iii) Archaeological deposits present, including ditches, pits and other features in eastern field;
- iv) A programme of archaeological investigation is required in central and northern areas of the eastern field;
- v) No further archaeological works are required in the western fields.

The County Archaeologist has been consulted and has raised no objections to the proposed development subject to appropriate planning conditions (**conditions 12 and 13**) being attached to any consent to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation prior to any development taking place and for any analysis, reporting, publication or archiving required as part of the eventual mitigation strategy to be deposited at the County Durham Historic Environment Record.

### Residential Amenity

Residential amenity in terms of the layout of the site and achieving an acceptable level of amenity for existing and future residents will be given full consideration when any application(s) for reserved matters are submitted.

At paragraph 120 the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

A number of objections raise the issue of odour from Garden House Farm, which lies on the western side of Roundhill Road opposite existing housing, a concern raised by the Council's Environmental Health Officer during the pre-application stage. As a result, the applicant was asked to undertake an Odour Impact Assessment to assess the impact of odours that may arise from existing agricultural activity at the farm.

The assessment was undertaken in accordance with the Institute of Air Quality Management's Guidance on the assessment of odour for planning published in May 2014. It considers the current sources of odour from agricultural activity at Garden House Farm, the pathway for the odour to travel through the air to the proposed location of the housing development, and the current and future receptors, i.e. the current local residents who already live very close to Garden House Farm and also to future occupants of the housing scheme.

Garden House Farm is operated as a finishing unit for around 800 cattle housed in sheds on straw and sawdust bedding. Livestock is brought to, and transported from the farm in road vehicles. The farm also has approximately 250 ewes, which come in to sheds for two to three weeks each year at lambing time but are otherwise in fields elsewhere on the farm. The front of the cattle sheds where the animals stand and are fed are cleaned out approximately every six weeks. The manure and used bedding material is spread directly onto fields (subject to weather and time of year) or sold to other arable farmers or stored in a stockpile in fields elsewhere on the farm away from Roundhill Road.

Potential sources of odour include the livestock, the feed, silage in black bales, the silage clamp, animal manure and used bedding material. However the report considers the farm to be well run and tidy. The silage clamp is covered with a tarpaulin, the bales of silage are in good condition and covered with black plastic, there are no stockpiles of manure or used bedding at the farm buildings and there appears to be no slurry material either generated or stored in open lagoons or tanks, which can often be a source of odour from farm premises.

The Environmental Health Officer has confirmed only six recorded complaints relating to alleged unpleasant odour near Roundhill Road since August 2009. On each occasion the complainant has been asked to call again if the odour recurs and / or complete a diary to log the date and time of any further recurrences. Following each initial complaint, no diary forms have been submitted and there is no record of repeated complaints or regular pattern.



The assessment concludes that there are occasions when odour from activity at Garden House Farm is noticeable but these are not frequent or long in duration and appear to be associated with a specific activity at the farm where odour emitting material is disturbed such as the clearing out of sheds or the disposal of manure and bedding to stockpile on the land. There is also odour associated with spreading of manure and activity in other farms in the area. The assessment goes on to conclude that there is no evidence to suggest that the occupants of the new houses at Roundhill Road will experience a scale of odour at a greater frequency, intensity, duration or offensiveness than is experienced by current residents of the area.

Officers consider that the identified odours from the farm are not so significant as to refuse planning permission for the proposed development.

### Land stability

A number of local residents have raised the issue of the stability and suitability of the land for the proposed development.

Paragraph 120 of the NPPF states that where a site is affected by land stability or contamination issues, responsibility for securing a safe development rests with the developer / landowner.

Guidance on land stability and subsidence is contained within the NPPG (National Planning Policy Guidance). This details the steps that a planning authority should follow where they expect land stability is an issue. If land stability could be an issue, developers should seek appropriate technical and environmental expert advice to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected.

In the case of the application site, there is no evidence from objectors or from the submission to suggest that land stability issues are present in the area or likely because of the proposed development. A Preliminary Geotechnical and Geo-Environmental Risk Assessment has been submitted with the planning application which confirms that the site is negligible to low risk in terms of potential ground stability issues. Therefore, in this instance, this is an engineering and Building Control issue and the responsibility of any further assessment, as well as investigation of ground conditions, and the design and execution of any remedial or precautionary measures rests with the developer.

The Environmental Health Officer has been consulted and has raised no objections.

### Developer Contributions

The application includes proposals in the form of Heads of Terms for developer contributions in line with the requirements of the Planning Obligations SPD.

Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The Draft Heads of Terms proposes the following:

- i) £98,400 towards sustainable transport projects towards all or any of the following purposes; a) General highway improvements within the vicinity of the site; b) A traffic calming scheme close to the proposed site ensuring vehicles are reducing speed to 30mph as they pass the site and continue towards the primary school and village; and, c) A safer routes to school scheme along Croft Road including improvements to crossing facilities and a 20 mph zone near Hurworth Secondary School;
- ii) £273,000 towards public transport provision to provide an hourly evening service between Hurworth and Darlington for a period of five years;
- iii) £305,000 towards enhanced educational infrastructure at Hurworth Primary School to improve existing internal or external areas to assist with increased numbers;
- iv) Affordable Housing in line with local policy subject to viability assessment, as yet to be agreed.

The above Heads of Terms were submitted with reference to the Planning Obligations SPD and in close liaison with internal consultees. Overall, it is considered that these meet the tests set out above, are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

### Delivery

As detailed earlier in this report, as the interim planning position set out for housing in the Interim Planning Position Statement is to significantly boost housing delivery over the next five years or so to meet the housing need identified; if an outline planning application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the submission of all outstanding reserved matters and typically a one year time limit for the commencement of development from the date of approval of the last reserved matters. Should planning permission be approved, it is recommended that this approach be followed (**condition 2**).

### Other matters

An adjoining resident has questioned the land ownership and the red line boundary of the site in relation to land they believe to be in their own ownership. As a result, this issue was checked with the applicant, who has provided a further plan to show ownership which has been reproduced from Land Registry information. Therefore, officers have accepted the ownership certificates have been submitted correctly. Nevertheless, officers are satisfied that any further disagreement over ownership, for the purposes of this planning application, has not affected the position of the Council, or the resident concerned, who has submitted comments to the application, which confirms that they are aware of the proposals and have had sufficient time in which to comment on the planning application.

Some concerns have been raised about lobbying of local residents by Banks Developments, and have asked that the standard letters allegedly related to this, be discounted from consideration. Whilst this is noted, it is not unusual practice for developers, or even local residents groups, to approach other residents to provide information on planning applications or to ask for their support, in relation to letters of representation or objection. Whilst it is noted that there have been no complaints from those residents who have signed standard letters, it is not the role of the planning system to adjudicate that process and it has to be assumed that letters of support and objection, have been submitted at the individuals own will.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

## **CONCLUSION**

Paragraph 7 of the NPPF sets out the three dimensions of sustainable development; social and environmental, and outlines the number of roles that the planning system performs. These include contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and, contributing to protecting and enhancing our natural, built and historic environment, helping to improve biodiversity, and using natural resources prudently.

The proposed development is considered to contribute to the three dimensions of sustainable development, and the local interpretation of the NPPF presumption in favour of sustainable development set out in the Interim Planning Position Statement. In particular, the proposal, along with the mitigation and improvements outlined within this report, will not unacceptably impact on strategic infrastructure, has access to education facilities capable of expansion and access to local goods and services, has accessibility to public transport and connectivity with existing settlements, does not prejudice the good planning and future delivery of the strategic vision for the borough; and is compliant with the relevant policies set out in this report.

Additional benefits include the creation of local direct and 'spin-off jobs' during the construction phase, support for local services and those within the town centre, and ecological enhancements and open space within the area, alongside increased accessibility, together with developer contributions that will support new infrastructure and services in the local area.

## **RECOMMENDATION**

**THE DIRECT OF ECONOMIC GROWTH BE AUTHORISED TO NEGOTIATE AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO SECURE PLANNING OBLIGATIONS THAT ARE APPROPRIATE FOR THE DEVELOPMENT COVERING:**

- i) SUSTAINABLE TRANSPORT IMPROVEMENTS;
- ii) HIGHWAY IMPROVEMENTS;
- iii) PUBLIC TRANSPORT PROVISION;
- iv) EDUCATION;
- v) AFFORDABLE HOUSING.

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

**General**

- 1) Approval of the following details ('the reserved matters) in respect of the development shall be obtained from the Local Planning Authority in writing before the development is commenced:
  - a) layout
  - b) scale
  - c) appearance
  - d) landscaping

The development shall not be carried other than in accordance with the approved plans. Application(s) for the reserved matters for any building/s or phase of development shall be made to the local planning authority before the expiration of eighteen months from the date of this permission.

REASON – To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990 and to ensure the speedy provision of this site for the approved development.

- 2) The development hereby permitted shall be begun either before the expiration of;
  - (a) three years from the date of this permission, or
  - (b) one year from the date of approval of the last of the reserved matters to be approved; whichever is the later.
- 3) E3 – Landscaping (Implementation)
- 4) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - a) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
  - b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - c) The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
  - d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Or

An off-site financial contribution be paid to the local planning authority through a Unilateral Undertaking.

Both the above to be subject to the results of a viability assessment of the proposed development.

REASON – To comply with Council Housing Policy.

### Highways

- 5) Prior to the commencement of the development precise details of the internal highways layout and site access junction shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the provision of a footway along Roundhill Road across the frontage of the development and to the south, connecting into the surrounding pedestrian infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety

- 6) No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse and service vehicles for the internal network and, where appropriate, in respect of the off-site highway proposals, details of which shall be submitted to and approved by the Local Planning Authority.

REASON – In the interests of highway safety

- 7) Prior to the commencement of the development, precise details of car parking and secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON- In the interests of highway safety

- 8) Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance and signage. The development shall not be carried out otherwise than in complete accordance with the approved detail.

REASON – In the interests of highway safety

- 9) A Road Safety Audit shall be carried out for all of the works within the public highway and the scope of the audit shall be agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved audit.

REASON – In the interests of highway safety

## **Sustainable Transport**

- 10) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development shall be occupied until a Travel Plan, to help reduce dependency on the use of the private car has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement; Thereafter, the development shall not be carried out otherwise than in accordance with the terms of the approved Travel Plan.

REASON - To encourage the reduction of journeys made to and from the development by private motor vehicles by the promotion of more sustainable forms of transport.

- 11) Prior to the commencement of the development, precise details of secure cycle parking and storage details shall be submitted and approved in writing by the Local Planning Authority. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of highway safety.

## **Archaeology**

- 12) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been approved in writing by the Local Planning Authority. The scheme shall provide for:
- i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance;
  - ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts;
  - iii) Post-fieldwork methodologies for assessment and analyses;
  - iv) Report content and arrangements for dissemination, and publication proposals;
  - v) Archive preparation and deposition with recognised repositories;
  - vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
  - vii) Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of archaeological works and the opportunity to monitor such works;
  - viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

REASON – To comply with para 135 and 141 of the NPPF because the site is of archaeological interest

- 13) Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record.

REASON – To comply with para 141 of the NPPF, which requires the developer to record and advance understanding of the significance of a heritage asset to be lost, and to make this information as widely accessible to the public as possible.

### **Flood Risk and surface water drainage**

- 14) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2016, referenced ‘Hurworth on Tees Preliminary Flood Risk Assessment and Drainage Strategy’ compiled by Shadbolt Group Consulting and the following mitigation measures detailed within the FRA:

- i) All proposed development must occur in Flood Zone 1 as stated in section 8.0. No development shall take place in Flood Zone 2 or Flood Zone 3.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON – To reduce the risk of flooding to the proposed development and future occupants

- 15) The development hereby approved shall not be commenced on site, until a scheme of ‘Surface Water Drainage and Management’ for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details:

- i) Detailed design of the surface water management system;
- ii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
- iii) A management plan detailing how surface water runoff from the site will be managed during construction phase;
- iv) Details of adoption responsibilities;
- v) Management plan for the Surface Water Drainage Scheme and any maintenance and funding arrangement;

The development hereby approved shall not be brought into use until the approved ‘Surface Water Drainage’ scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

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 the guidance within Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

### **Ecology**

- 16) Prior to the commencement of any works, a detailed mitigation plan for species identified in the ecological survey and assessment dated September 2016 shall be submitted to and approved in writing by, the Local Planning Authority.

The measures as detailed in the approved mitigation plan shall also include details of measures to enhance the ecology and biodiversity of the site through appropriate landscape planting and long-term management. The development shall not be implemented otherwise than in accordance with the agreed specified details and timetable and thereafter shall be permanently maintained in accordance with the approved details.

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.’

### **Construction Management Plan**

- 17) Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include the following:
- 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) Construction Traffic Routes, including parking areas for staff and visitors;
  - d) Details of wheel washing;
  - e) Road maintenance;
  - f) Warning signage

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

REASON – In the interests highway safety and residential amenity.

- 18) Construction work, including the delivery of material to the site and removal of wastes, shall not take place outside the hours of 08.00-17.00 Monday to Friday, 08.00



– 13.00 Saturday with no working on a Sunday and Bank / Public Holidays without prior written permission from the Local Planning Authority.

REASON – In the interests of residential amenity

## **INFORMATIVES**

The developer is required to submit detailed drawings of the proposed internal highway and off site highway works to be approved in writing by the Local Planning Authority and enter into a Section 278 / 38 agreement before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

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

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

The applicant is advised that contact be made with the Assistant Director: Highways, Design and Engineering (contact Mrs B Bowles 01325 406708) to discuss the amended 30mph limit and introduction of Traffic Regulation Orders in connection with a 20mph zone.

The following information must be submitted at Reserved Matters planning application stage (the size of the development and the way the surface water runoff will be managed will determine the level of information required).

### **Flood Risk Assessment / Statement**

- A detailed site specific flood risk assessment must include development description and location, definition of the flood hazard, probability, climate change, detailed development proposals, flood risk management measures and off site impacts;
- Refer to paragraph: Planning Practice Guidance for Site-specific Flood Risk Assessment CHECKLIST

### **Drainage Strategy / Statement & Sketch Layout Plan**

- Detailed design statement & drawings of the proposed Sustainable Urban Drainage System / Drainage System;
- Detailed hydraulic calculations must include:
  - Total site area and impermeable area;
  - Greenfield / brownfield runoff rates;
  - Proposed surface water discharge rates;
  - Proposed attenuation / storage requirements and location;
  - Proposed flow controls and point of discharge;
  - Drain down times of SUDS if appropriate.
- Detailed Health and Safety Risk Assessment, if appropriate;
- Detailed Ecology and Water Quality implications report, if appropriate.

Evidence of Third Party agreement for Discharge to their system (In Principle / Consent to Discharge)

- All discharge rates must be approved by the LLFA;
- Northumbrian Water provide an allowable discharge rate into their sewers, however the LLFA must approve the final discharge rate from all development sites;

### **Maintenance Program and on-going Maintenance Responsibilities**

- An operation and maintenance plan setting out how to maintain the full drainage system following construction (such details to include maintenance agreement for the lifetime of the development);
- A Health and Safety Plan, if appropriate, considering area of open water.

### **Detailed Development Layout**

- A site layout at an identified scale of the proposed drainage system with catchment areas;
- A Topographical survey of the site identifying the blue / green corridor;
- Details of the existing site layout, drainage system and catchment areas, if appropriate;
- Details of the existing geology and hydrology (for sites with high ground water table);
- Survey of any existing drainage system or water bodies to which the SuDS may discharge.

### **Detailed Flood & Drainage Design Drawings**

- Detailed flow calculations (mdx file) including a copy of the micro drainage output files, digital terrain model (DTM) and site layout drawing in either .dxf or .dwg file format
- A site layout drawing that references to the micro drainage file which includes manhole numbers, pipe run numbers, individual Plot finished ground floor levels
- Detailed drawings highlighting each drainage catchment area including impermeable area for each catchment
- A drawing highlighting the extent of flooded areas that will occur on the system between 1 in 30 year event up to the 1 in 100 plus climate change, it must include depths, duration, volume and flow routes.
- A drawing highlighting the exceedance flow routes for events greater than 1 in 100 plus climate change
- Details of any requirements for temporary drainage features or discharge points during construction (including details of pollution prevention measures)
- Detailed drawings of any proposed SuDS features, must include long/ cross-section and detailed design parameters.
- Detailed drawings highlighting the 1 in 30 year event and 1 in 100 plus climate change flood levels on any proposed SuDS features

### **Full Structural, Hydraulic & Ground Investigations**

- Detailed drawings and Calculations

### **Geotechnical Factual and Interpretive Reports, Including Infiltration Results**

- For infiltration and groundwater

### **DETAILED Landscaping Proposals**

- **Detailed** Sustainable Urban Drainage statement
- **Detailed** drawing indicating the landscape proposals for the Sustainable Urban Drainage System to resolve all elements of the layout, appearance and character of the feature including:-

- **Hard landscaping**
  - footpaths and access track surfacing materials
  - boardwalks, boulders, fences and any other furniture etc.
- **Soft Landscaping**
  - proposed new tree and shrub planting, grass seed mixes, aquatic plants etc.
- Details of areas where SuDS will form recreational features, **if appropriate**

**Discharge Agreements (temporary and permanent)**

- Evidence of approved / agreed temporary and permanent discharge rates

**Development Management & Construction Phasing Plan**

- A build program and timetable for the construction of the critical surface water infrastructure, must include, outfall structure, control devices, attenuation/storage, temporary control measures during construction phase, measures to control silt levels entering the water course.
- Temporary or interim drainage measures required to manage and mitigate flood risk during development of the site

**The applicant must consider local guidance detailed in the ‘Tees Valley Local Standards for Sustainable Drainage’. It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for this proposed development.**