

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 10 May 2017**

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<b>APPLICATION REF. NO:</b>	16/00989/OUT
<b>STATUTORY DECISION DATE:</b>	19 May 2017
<b>WARD/PARISH:</b>	HURWORTH
<b>LOCATION:</b>	Land To The Rear Of 21 Roundhill Road, Hurworth
<b>DESCRIPTION:</b>	Outline application for the erection of 3 No. detached dwellings (with all matters except access reserved) (Additional Ecological Appraisal; Arboricultural Impact Assessment; Odour Assessment; Ground Investigation Report and amended Layout Plan received 20 February 2017)
<b>APPLICANT:</b>	Mr John Fulton

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**APPLICATION AND SITE DESCRIPTION**

The planning application site measures approximately 0.55 hectares. The site is “T” shaped comprising an agricultural field and a track providing access off Roundhill Road. The agricultural field currently contains a number of single storey timber buildings. Public Footpath No 14 runs alongside the track which also provides access to Garden House, a farm directly to the north of the application site and also Glebe View Farm and Hill Top Farm (which has outbuildings recently converted to residential properties) which are located approximately 500m and 769m respectively to the west of the application site. There are a number of trees within and around the edge of the site which are not covered by a tree preservation order.

As mentioned above, Garden House lies to the north of the application site and the eastern and southern boundaries are bordered by detached residential dwellings on Roundhill Road and their associated domestic gardens. Agricultural fields, also within the ownership of the applicant, lie to the west. The wider surrounding area is predominately in residential use and Members will recall that planning permission (ref no; 16/00886/OUT) has recently been granted (in outline) for up to 100 dwellings on the opposite side of Roundhill Road, which is the north east of this application site.

The planning application has been submitted in outline and is for the erection of three dwellings with all Matters Reserved except the access arrangements which involves the formation of a tarmac road with 2m wide pedestrian footpaths on either side leading to a turning head at the north west corner of the application site. Matters of appearance, landscaping, layout and scale would be reserved for later determination and as such no further details of the proposed

development have been provided with the application, although An Illustrative Plan has been submitted which shows that three dwellings with driveways can be incorporated into the site.

### **PLANNING HISTORY**

The only recent entry is as follows:

05/00036/FUL In March 2005 planning permission was GRANTED for the erection of single storey stable building to replace existing stables

### **PLANNING POLICY BACKGROUND**

The relevant national and local development policies are:

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

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

E2 - Development Limits

E12 – Trees and Development

E14 – Landscaping of Development

H7 - Areas of Housing Development Restraint

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

CS1 - Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS4 - Developer Contributions

CS10 - New Housing Development

CS11 - Meeting Housing Needs

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

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

#### **Other Documents**

Tees Valley Design Guide and Specification: Industrial and Estate Development

Supplementary Planning Document - Design for New Development

Supplementary Planning Document - Planning Obligations

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

A total of nine letters of objection were received in relation to the original submission and the comments can be summarised as follows:

- *The area is a known flood risk. Our garden (No 19 Roundhill Road) has been flooded on numerous occasions due to exceptional rainfall and drainage from the surrounding fields. For this application could you please fully investigate the flood risk and flow and ensure that the construction would not cause deviation of drainage*
- *We are concerned that the proposed development will increase traffic movement along the farm lane and junction with Roundhill Rd .This is a very busy junction and there are already a number of daily deliveries of animal feed stuffs .These vehicles are 38 ton and articulated. The lane entrance is very narrow and if you visit the site you will see that these vehicles already regularly mount the grass verge and footpath that runs along the*

*side of 1 Mowbray Drive and have created a track and ridden over the verge between Garden House and the farm bungalow.*

- We are also concerned that domestic traffic, does not fit with the farm use, they drive the sheep down the lane to the vehicles that move them to other parts of the farm or to mart. The farm machinery for harvesting and spraying are very high and wide*
- Another concern we have is that the junction for the farm lane is opposite Westfield Drive and this junction has become busier, especially at 8.30 to 9am and at 2.45 to 3.15 as the school traffic to Hurworth Priory and Hurworth Primary bring and take children. Many of the children to Hurworth Priory are brought by taxi from out of area and the development of that faculty has increased traffic*
- In addition, if the Banks application is above for 100 homes Westfield Rd will be much busier, there needs to be a joint consideration of all these matters*
- The natural foul drain that the site would link into is situated to the west of 21 Roundhill Road and provides the service for number 21, 19b, 19a and 19c Roundhill Road. The fall on the drain to the main sewer drain in Roundhill Road is quite gentle, but from 1978 until 2005 only served numbers 21, 19b and 19a. When 19c was approved to be built the authorities insisted on an automatic pumping station to be installed to remove any additional risk the additional property may have on the discharge of the foul. This unit is in the grounds of 19c and the cost of maintaining the unit is met between ourselves and the owner of 19c. We would be extremely concerned the impact any additional properties would have on this foul drain. In the event outline permission were granted we would advocate that a subsequent detailed plan would need to incorporate the provision of a different link to the main sewer drain in Roundhill Road for the 3 houses.*
- We acknowledge the site is outside the official flood risk zone, but there is significant history of gardens flooding in the area. Our concern is that a significant part of the 1.2 acre Site will be tarmac road/hard landscaping and that together with the build area taken up by the 3 houses, could have a material effect on the of dissipation of surface water in times of heavy rainfall. We have seen photographs of serious flooding in 2012 in our neighbours (19b) gardens.*
- The situation that exists at this point in time for the removal of foul water is that 19A, 19B, 19C and No 21 are all interconnected into one foul water drain system which culminates at a small Wilo Twin Pump Station situated on my property (19c). The reason for this set up is that the foul water drainage from 19a, 19b and No21 to the main sewer is a very gentle slope, when 19c was built it was deemed necessary that a pumping station be installed to cope with the dispersal of additional foul waste. If the proposed building of these three new properties goes ahead how is the removal of foul water to take place, the small pumping station on my property would not be able to cope with an additional three properties linked into it, also who would pay for the maintenance of said pumping station, at present this cost is shared between 19A and 19C (me), if the development were to go ahead I would advocate an alternative route for the removal of foul water to the main drain. An additional problem for consideration is that of flooding. Gardens in previous years have been flooded due to "run off" from the fields surrounding Nos 19-19a-19b-19c and the field in front of No21 so much so that it has been very close to flooding Nos 19 and 19c, if these properties are built what is going to happen with the build-up of surface water, one would surmise that an access road would be laid and landscaping taken place which would decrease the "soak away" effect*
- One of the reasons we bought 19B Roundhill Road was an open access on 2 or three sides of the back garden which gave us seclusion, lack of noise form other gardens, proximity to open fields and livestock; low level of nuisances. The development will substantially alter our privacy and cause us to be overlooked and subject us to nuisance*

*from domestic garden noise from three properties in close proximity to our own. The impact of potentially 15 people will have a transforming negative impact on the character and amenity we currently enjoy*

- *The fields to the west and north west of these properties give rise to considerable run off in wet weather. One route for the run off runs diagonally across the area proposed for development and down either side of our house (19b Roundhill Road). One of these two routes frequently floods the entrance to our drive. Our garden can be flooded but less often. We are concerned that a new development may be responsible for altering the run off, putting our house at risk from flooding from field run off*
- *The building of 19c Roundhill Road required the provision of an additional pump to handle both the additional land and what are already minimum fall requirements to the main drain on Roundhill Road. The sewage from No 21 runs across our property and has blocked in the past backing up onto the lawn. The system draining 19A, B, C and No 21 Roundhill Road is therefore at capacity. A separate independent sewage connection to Roundhill Road would be required*
- *It is incorrect to state that there are no protected species in the development area. Both House Sparrows and Tree Sparrows are regularly present in our garden. There may be natural nesting habitats for both species that we are unaware of*
- *A few years ago planning permission was sought by the same owner to build 40 houses in the fields behind our property, including the area subject of this planning application. This looks like a stepping stone towards achieving a later, bigger development. It is a device by which to make a second attempt at the original application but submitted on phases, on the basis it would be more difficult to reject later phases if the first development had been accepted*
- *I have a significant concern about the proposed development in relation to the access. During construction it would prevent access to our property (The Byre, Hill Top Farm) and also access for four other properties, in addition to Garden House at the entrance to the track all of which depend on the current track as their only means of access*
- *The proposal will share an access that is currently used for domestic and farm traffic. In addition to the frequent use of the access by tractors and wagons, the business uses the access and track to move cattle for which it has a legal right to do. There are currently in excess of 800 head of cattle on the holding and 270 breeding sheep. This is an established livestock business of scale with successors on place. The proposed development will create conflict between the domestic development and the present use.*
- *The proposal, when complete, will create more traffic movements which will have the potential to impact upon the farming business. It will not be practical to have vehicles and cattle movements utilising the same access. Each beast can weigh up to 750 kg and can cause immediate damage should they become agitated by the usage of the roadway. This does not reflect the extra traffic that would be using the roadway whilst the construction is underway*
- *This location for the housing will prevent livestock from being observed from No 21 Roundhill Road at all hours of the day. This is currently the case and, without doubt, is a contributory factor to the high welfare standards that the current business owners are able to adhere to*
- *The development would undoubtedly interrupt the current livestock business during the construction phase and when constructed. It is envisaged that the extra traffic movements will create not only the impacts mentioned but further impact to the day to day management of the holding in terms of extra traffic delaying farming operations on a daily and seasonal basis*

- *The proposal is located outside the development limit for Hurworth and will have a detrimental impact upon the residential properties directly neighbouring the site. Currently these properties enjoy a vista over open countryside which will be lost should this be approved*

Following the submission of the amended plans, a further two letters of objections have been received and the comments can be summarised as follows:

- *Apart from Garden House, the farm entrance and 21 Roundhill Road at the bottom of the track, there are five family houses at the top end of the track. Access will be required at all times as this is the only access point. Can this be guaranteed?*
- *It is important to remind you that the Walton family, farmers at Garden House have a legal right to use the track that is proposed to access the development for the purposes of moving livestock. The business is predominately a livestock business which typically runs 1000 head of cattle and 250 breeding sheep. The roadway is used for the movement of livestock to provide for feeding, management and welfare. Livestock will be moved along this track four or five times a week between the months of March and November. There will clearly be conflict between the existing exercised right and the proposed development*
- *The amended plans show a turning area at the westernmost dwelling. This creates a new route for livestock to move in when they are being moved between locations. Cattle moving into this enclosed space can become agitated which may lead to them trying to escape which can lead to fences being damaged or broken and livestock being harmed*
- *The improved tarmac access road will be completely unsuitable for the passage of livestock. It is likely this will become slippery and cause damage to livestock should animals fall on this new surface having a severe impact on welfare and financial loss*
- *The impact of a cattle grid is a potential safety hazard which has the potential to cause damage to livestock often resulting in death. If a beast breaks a leg having been caught in a cattle grid, this will often result in the beast having to be shot in situ. The damaging effect of a cattle grid on health and safety and in particular the welfare of livestock means that my clients would strongly object to such a measure being incorporated into the proposed development*
- *The proposed development will lead to an increased usage of the access track which in turn may lead to security being compromised*

### **Consultee Responses**

The Flood Risk Management Team has advised that the scale of the application falls outside of the scope of their remit and have no comments to make

The Council's Environmental Health Officer has raised no objections

The Council's Contaminated Land Officer has raised no objections

The Council's Highways Engineer has raised no objections

The Council's Senior Ecologist and Landscape Officer has raised no objections

The Council's Countryside Access Officer has raised no objections

Northern Gas Network has no objections to the proposed development

Northern Powergrid has raised no objections to the proposed development

Northumbrian Water has raised no objections to the proposed development

## **PLANNING ISSUES**

The main issues to be considered here are whether the proposal is acceptable in the following terms:

Planning Policy

Highway Safety and Parking

Residential Amenity

Impact upon the Character and Appearance of the Surrounding Area

Impact on the Public Footpath

Impact on Trees

Contaminated Land

Drainage Matters

Ecology

Developer Contributions

Delivery

### **Planning Policy**

At the heart of the National Planning Policy Framework 2012 (NPPF) there is a presumption in favour of sustainable development. The NPPF supports planning being plan led, with plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.

In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. It advises (paragraph 49) that policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. If there is no five year housing land supply, the relevant local housing development plan policies are considered out of date and therefore planning applications would be subject to paragraph 14 of the NPPF

At present, Darlington cannot demonstrate a five year supply of deliverable housing sites against an objective assessment of housing need and therefore the Development Limits identified on the Local Plan Proposals Map and the locational strategy of the Core Strategy 2011 are considered out of date and in the context of the NPPF carry little weight when assessing new housing proposals.

In order to continue to plan positively for housing development to meet the needs of our population, applications for planning permission for residential development in all areas of the Borough should be considered with regard to the presumption in favour of sustainable development set out in the NPPF. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

*An economic role* - The construction phase of the development will bring economic benefits to the construction industry and the proposal will contribute towards the current undersupply of new housing in the Borough albeit on a small scale.

*A social role* – The development will support the existing local community and would provide a supply of housing required to meet the needs of present and future generations. The occupiers of

the dwellings would use the existing retail shops, public houses etc that are available in Hurworth.

*An environmental role* – Whilst some of the trees within the site would need to be removed to facilitate the development, there would be opportunities to introduce ecological enhancements and features within any scheme submitted as a Reserved Matter at a later date.

The local development plan comprises saved policies within the Borough of Darlington Local Plan 1997 and the Darlington Core Strategy Development Plan Document 2011.

The agricultural field within the site lies on the edge of but outside of the development limits for Hurworth as identified by the Local Plan but as stated above, the relevant local development plan policies that relate to housing (parts of Core Strategy policies CS1 CS10, and Local Plan policies E2 and H7) are considered out of date and the principle of the proposed development must be assessed against the principles of Paragraph 14 of the NPPF.

The Council recognised the potential for this situation in Core Strategy Policy CS10, supporting windfall housing development in appropriate locations at the Urban Fringe and within or adjacent to larger villages if housing delivery fell below projected rates provided that the early delivery of such developments is secured by planning conditions. This part of Policy CS10 continues to be relevant to determining applications and remains a valid approach.

The above is reaffirmed in the Council's Interim Planning Position Statement 2016, which is not an adopted policy document but it outlines the Council's interpretation of the NPPF on a number of matters, including housing and the need to assess proposals against the NPPF. The document highlights key sustainable development considerations in Darlington as ensuring 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

Due to the small scale nature of the proposed development, the proposal would not impact upon any strategic infrastructure and it would not trigger any planning obligation contributions towards education provision as the scheme is for less than 5 dwellings (as stated in the Council's Supplementary Planning Document – Planning Obligations).

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.

The design and layout of the site would be considered as part of any future Reserved Matters submissions and proposal does not prejudice the future delivery of the strategic vision of the Borough. The proposal would not conflict with any restrictive policies identified in the NPPF.

Saved Policy H13 (Backland Development) of the Local Plan is still relevant. This policy defines backland development as development to the rear of existing houses, usually in large back gardens or open areas. The policy states that planning permission will not be granted for backland development which unacceptably conflicts with the free and safe flow of traffic; the privacy and quiet enjoyment of neighbouring dwellings and gardens and of dwellings that adjoin any proposed access way and the scale and character of the surrounding development. It is considered that the proposed development will not conflict with this saved policy.

It is considered that the principle of the proposal would accord with the requirements of the NPPF and the local appropriate policies of the local development plan. The remainder of this report details the officer's assessment of key material planning considerations.

### **Highway Safety and Parking**

Policy CS2 (Achieving High Quality Sustainable Design) of the Core Strategy seeks to ensure that new developments provide vehicular access and parking provision that is suitable for its use and location reflecting the standards set out in the Tees Valley Design Guide and Specification: Industrial and Estate Development.

The site is served via a new access off Roundhill Road in the form of a simple T junction. It has been confirmed by the applicant that the road would be retained under private ownership although it is to be built to adoptable standards for robustness and should be suitable to serve emergency and service vehicles and farm traffic associated with other buildings along this route.

As the road would be unadopted or private, the local highway authority is under no obligation to pay for its maintenance and this would need to be carried out by the owners of the new dwellings. Statutory provision also enables the street works authority to require the owners to carry out repairs if there is a danger to traffic in a private street. Where the owners fail to act as required the authority may execute the repairs itself and recover the costs. A private road is not necessarily a road to which the public does not have access. Nor is it a road exempt from the law. If the road has not been adopted, however, there is no duty on the highway authority to provide lighting and the responsibility lies with the owners of those properties that have frontage rights on to the road.

Given the status of this proposed private road the Council would issue a Section 220 notice that requires the developer to deposit the sum equal to the construction estimate of the entire road before works commence on site to ensure that if the developers were to cease trading that a road can be built to serve the proposed dwellings when building regulations are applied for before construction. A specification for the highway has been submitted although CBR values and a specific Ground investigation data for the road construction would be needed to ascertain the exact build up required and this should be secured as a condition once the ground conditions are fully known.

As this is a new access point off the highway, a review of the existing street lighting on Roundhill Road would need to be undertaken to see if there is a need to upgrade any existing columns in order to achieve the minimum lighting levels along the carriageway and footway.



It is advisable that street lighting would need to be provided along the new internal access road for safety reasons which can be secured by a planning condition.

Visibility splays of 2.4m x 43m have been demonstrated on the amended plans and should be maintained at the new access point for the life of the development for safety reasons. Vehicle swept paths should be undertaken to ensure that larger vehicles including farm machinery can safely access the development at the new access point onto Roundhill Road and this can be secured by a planning condition. The amended plans do show a vehicle swept path for the turning head in the north west corner which is considered acceptable.

The internal access road to the residential development has been designed with a width of 5.5m and includes footways on both sides at a minimum of 2.0m wide which should be measured between restraints. New footways have been provided along the internal access road of the development and link into the surrounding highway infrastructure with drop kerbs and tactile crossings where required. Some tie in works will be required on Roundhill Road including carriageway and footway resurfacing amendments and these would be covered by a condition and would require agreement under a Section 278 agreement.

Gates have been included in the design to stop errant cattle entering the properties and a turning facility provided to accommodate a refuse vehicle although a 0.5m verge should be provided around the facility where a footway is not shown to avoid vehicle strikes with boundary fences.

Car parking provision for the three dwellings should accord with the parking levels set out in the Tees Valley Design Guidance: Industrial and Estate Development document. Single driveways would need to be a minimum of 6m long and 3m wide to provide adequate in curtilage parking and any garages must be a minimum of 3m x 6m (internal dimension) to qualify as a parking space. This would need to be satisfied as part of any Reserved Matters submission as the size and type of the dwellings have not been provided at this stage.

Having considered the number of residential properties served from this private access road, the number of dwellings being proposed and that there are no accidents associated with this location it would be difficult to refuse the planning application on traffic generation and safety grounds.

The Council's Highways Engineer has raised no objections to the proposal subject to suitable planning conditions.

### **Residential Amenity**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy seeks to ensure that new development has no detrimental impact on the general amenity and health and safety of the community. One of the core principles of the NPPF is to secure good standard of amenity for all existing and future occupants of land and buildings.

#### *Impact of the Proposed Development on Neighbouring Dwellings*

The layout of the proposed development would be a consideration as part of any future Reserved Matters submission but any proposal would need to comply with the proximity distances between existing and proposed dwellings set out in the Council's adopted Supplementary Planning Document – Design for New Development.

No 21 and 23 Round hill Road are located to the north and south of the existing track. The track is already used by vehicular traffic and it is considered that the additional traffic on the track that

would be generated by three new dwellings would not significantly impact upon the amenities of these two dwellings.

The three new dwellings and associated gardens are directly to the rear of No 21 Roundhill Road and to the north of No 19B Roundhill Road. It is considered that appropriate fencing around the periphery of the site with these dwellings will provide a satisfactory screen and the potential noise that may be generated by the future occupants of the dwellings would not be a justifiable reason to recommend refusal for the planning application.

The loss of a private view currently enjoyed from a property is not a material planning consideration.

The planning system is not intended to protect the outlook that residents might enjoy at a particular point in time but to maintain an outlook that meets acceptable standard of amenity and it is considered that an acceptable standard can be maintained.

#### *Impact of Garden House Farm on Future Occupiers of the Development*

There are no restrictions on the hours which the Garden House farm can operate and it would be inevitable that permitting this application will result in future residents being occasionally disturbed by noise from the farm activities. Furthermore, permitting the development will result in the farm becoming enclosed by residential development along its southern boundary and this could impinge on the manner in which it has been able to operate to date. Given the low levels of background noise in the area, and intermittent nature of noise from the farm machinery and animals, it is unlikely that any resultant noise levels would be above 50dB<sub>LAeq,T</sub>, a level recognised as desirable for outdoor amenity spaces. The Council's Environmental Health Officer does not think that a noise impact assessment needs to be completed by the developer as this would be unlikely to capture the intermittent sources of farmyard noise.

The application has been accompanied by an odour impact assessment. As part of this assessment five monitoring visits have been undertaken at the proposed development site from 3<sup>rd</sup> Jan -21<sup>st</sup> Jan. During the majority of the visits no odours were detected at the application site and when an odour was noticed it was described as not strong or prolonged. The applicant has referenced in their own report a previous odour impact assessment which considered how smells from the farm could impact on a residential development on the opposite side of Roundhill Road (Ref: 16/00886/OUT). In that report over twenty monitoring visits were made by the applicant to the proposed development site and no significant odours incidents were recorded. Environmental Health has investigated six complaints of odours in the Roundhill Road area since 2009 but none of these incidents have ever been so prolonged that formal action was necessary by the Council.

The wind rose included with the odour assessment shows that this proposed development will be downwind of the farm for less than 20% of the time. This adds weight to the applicant's claims that odours from the farm will not have a significant impact on the proposed development and that any odours impacting on the proposed development as a result of farm activities area likely to be short lived.

Generally, the Council's Environmental Health Officer is satisfied that the applicant has adequately assessed the risk of odours impacting on the development and would agree with the conclusions of their investigation that for a development of three homes, odours are unlikely to have a significant effect on the amenity of residents in the proposed dwellings

#### *Interaction between vehicles/farm animals and pedestrians*

The concerns that have been raised over the use of the existing track by pedestrians, domestic vehicles and animals associated with the farm are noted. This mix of users would be already taking place and it is considered that the additional traffic and people that would be generated from this small scale development would not significantly impact upon the continued safe passage of vehicles, animals and people.

The proposal involves the erection of gates across the driveways but the Council would expect the front gardens to be fully enclosed with appropriate means of enclosure and these would be secured by condition and considered as part of a Reserved Matters submission.

#### *Construction Management Plan*

A planning condition to secure the submission of a Construction Management Plan would be appropriate in this location. The Plan would include matters such as the hours of construction, deliveries, Dust Action Plan etc.

#### **Impact upon the Character and Appearance of the Surrounding Area**

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.

Policy CS2 (Achieving High Quality Sustainable Design) of the Core Strategy seeks to ensure new developments create high quality, safe, sustainable and inclusive environments.

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 loss of the existing agricultural land would not adversely impact upon the character and appearance of the local rural area. The site is not clearly visible when viewed from Roundhill Road and there are other adjoining and neighbouring fields which would ensure the openness and semi-rural character of the area is retained.

The layout, landscaping and design of the proposed development will be the subject of future consideration and Reserved Matters submissions but the Illustrative Layout Plan shows how the site can be potentially developed. Detached dwellings with front and rear gardens can be found in the immediate area and the Illustrative Plan shows that this can be replicated within the application site. This form of development in this locality would generally meet the design guidance contained within the Council's Supplementary Planning Document – Design for New Development.

#### **Impact upon the Public Footpath**

Public Footpath No 14 runs along the track and following discussions with the Council's Countryside Access Officer, it has been agreed that there is a need to keep vehicular and pedestrian access open along the track during the construction phase and this would need to be secured by a Management Plan. Furthermore, the Public Footpath should follow the northern edge of the new road but the surface of the footpath needs to be agreed with the Local Planning Authority. These issues can be the subject of appropriate planning conditions.

#### **Impact on 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 Assessment has been submitted as part of the planning application which surveyed eight trees that are located within and on the periphery of the application site. None of the trees are covered by a tree preservation order. Three of the trees have been recommended for felling as they are either dead or diseased. One tree, which is a Sycamore and has no major defects, would need to be removed to facilitate the new access road. The remaining four trees are located within the curtilage of neighbouring dwellings and would not be affected by the proposal.

The Council's Senior Arboricultural Officer has visited the site and inspected the trees and agrees with the findings to fell the trees that are dead or diseased but has advised that the Sycamore tree to be felled to facilitate the access road would be worthy of protection.

The tree is considered to be a category B tree which means it is a tree of moderate quality with an estimated remaining life expectancy of at least 20 years and it is preferable to retain such a category tree if possible.

Having considered the retention of the tree along with all the other material planning considerations, Officers consider that the planning application should not be refused on the grounds of the loss of one Category B tree.

Furthermore, to mitigate for the loss of the trees, the Council would expect any Reserved Matters submission to include details of a landscaping scheme. The trees to be retained would be protected during the construction phase by protective fencing to be secured by a planning condition.

### **Contaminated Land**

Council records indicate that the site has not been identified as "potentially contaminated land" under Part 2A of the Environmental protection Act 1990 in accordance with DEFRA Statutory Guidance (2012) of the Council's Contaminated Land inspection Programme (2013).

The site has been the subject of a Phase 1 Desktop Study (Solmek, September 2016) based on the findings of a commercial search and a site inspection which found no potential sources of contamination although noted the presence of a row of disused animal sheds along the north-western boundary, believed to contain asbestos roofing materials in a poor state of disrepair. Based on the information provided in the report and contained in Council records the Environmental Health Team does not anticipate any contamination constraints or issues and recommends that further investigation and risk assessment are not warranted or necessary at this stage.

As a precautionary measure, however, the agricultural buildings along the north-western perimeter should be the subject of a detailed "hazardous materials survey" conducted by a specialist hazardous substances specialists and all asbestos materials, agrochemicals, fuels and pesticide/herbicides fuel/lubricating oils and/or stained or discoloured ground should be removed prior to their demolition and clearance of the buildings. This can be treated as an Informative.

### **Drainage Matters**

Policy CS16 (Protecting Environmental Resources, Human Health and Safety) of the Core Strategy states that new development will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding.

The planning application site is within Flood Zone 1. The site area is not of a size to fall within the remit of the Environment Agency or the Flood Risk Management Team of Stockton Borough Council who provide advice to Officers on flood risk and drainage matters for certain types of planning application.

As this is an outline planning application, the method of foul drainage and whether the proposal will connect to any existing drainage system is unknown.

Northumbrian Water assesses the impact of the proposed development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Having been asked to consider the comments that had been made by local residents, NWL confirmed that they have not received any reports of sewer flooding or blockages on Roundhill Road in the last 20 years. Whilst they have not raised any objections, the developer would need still need approval from NWL before making any connections to the existing public sewer system and this would need to be done through their legal processes. NWL actively promotes sustainable surface water management across the region and would encourage all developers to explore the Hierarchy of Preference contained within Revised Part H of the Building Regulation 2010 and if a sewer is the only option the developer should contact NWL to agree allowable rates and points into the public sewer network.

It is not possible at this early stage to seek confirmation from the applicant as to the method for the disposal of surface and foul drainage and therefore it is appropriate to impose both a planning application and Informative on this matter so details can be provided at Reserved Matters stage by any developer.

### **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 118 of the NPPF advises that local planning authorities should seek to conserve and enhance biodiversity by applying a number of principles.

There are three designated nature conservation sites in the locality, but all three are located more than 1km from the application site and they are physically separated by residential areas, agricultural land, main roads and railway lines. Due to the small scale nature of the proposal, along with the surroundings, it is unlikely that any development of the application site would impact upon the designated sites.

The site itself consists of grazed pasture, improved grassland, scattered trees and timber buildings. Other habitat types include a length of hedgerow, amenity grassland and hard

standing. An Ecology Report, in support of the application, considers these habitat features to be of limited ecological value and therefore the impact of the development upon plant species and habitats is negligible.

The Report also advises that the site has very little potential for the majority of protected species but the site does contain habitats suitable for supporting common nesting birds. The Report concludes that the overall impacts of the proposed development are considered to be low due to the low value of the habitats on site and recommends that all tree and shrub clearance takes place outside of the bird nesting season and there are opportunities for enhancements within any proposal to develop the site, for example a tree planting scheme.

The Council's Senior Ecologist and Landscape Officer agrees with the findings and mitigation measures expressed in the Ecology Report but has also requested additional ecological mitigation measures to be incorporated into any proposed development.

### **Developer Contributions**

Due to the small scale nature of the proposed development, the proposal would not trigger any planning obligations as set out in the Council's adopted Supplementary Planning Document – Planning Obligations.

### **Delivery**

One of the aims of 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

### **Other Matters**

One of the concerns raised by the objectors relates to this submission leading to a proposal to develop adjoining fields. No planning application has been submitted for any scheme to redevelop the neighbouring site and the Local Planning Authority would consider any proposal on its individual merits should one be submitted in the future.

### **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**

The Council's development plan policies relating to housing cannot be considered up to date and the proposal has been assessed against the relevant policies contained within the National Planning Policy Framework 2012 and the Council's Interim Planning Position Statement, although this is not an adopted policy document. It is considered that the proposal is a sustainable development.

Subject to appropriate planning conditions to secure appropriate mitigation measures, the proposed development would not have an adverse impact on drainage, highway safety,

residential amenity, and ecology, trees and landscaping and land contamination. The principle of development is considered to be acceptable subject to a condition requiring the submission of any Reserved Matters submissions within 18 months which is in accordance with the IPPS.

## **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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.

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

3. The application made pursuant to condition 1) shall not propose more than three dwellings  
REASON: For the avoidance of doubt
4. The landscaping scheme to be submitted in pursuance of Condition 1 shall include the planting of heavy standard trees (16cm – 18cm girth and containerised) and the scheme shall be fully implemented concurrently with carrying out the development or within such extended period as may be agreed in writing by the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority  
REASON: To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area
5. The details to be submitted in pursuance of Condition 1 shall include in-curtilage parking and secure cycle parking and storage provision that fully accords with the the standards set out in the Tees Valley Design Guide and Specification: Industrial and Estate Development.

REASON: In the interests of highway safety

6. The details to be submitted in pursuance of Condition 1 shall include details of any walls, fencing, gates or other means of enclosure. The approved means of enclosure shall be erected prior to the approved development being brought into use

REASON: In the interests of visual and residential amenity

7. The development shall be carried out in complete accordance with the recommendations and mitigation measures contained within the approved Ecological Appraisal (Report Reference: BAS\_Roundhill Road\_Eco1.1) dated 31 October 2016 and produced by Dendra Consulting Ltd

REASON: In the interests of the ecological value of the application site

8. Notwithstanding the requirements of condition 7, the details to be submitted in pursuance of condition 1 (appearance) shall include the insertion of two swift boxes under the eaves and two bat bricks in the elevations of each dwelling.

REASON: In the interests of the ecological value of the application site

9. Prior to the commencement of the development hereby approved (including demolition work). Protective fencing shall be erected in complete accordance with the details contained within the approved Arboricultural Impact Assessment (Report Reference BAS\_Roundhill Road\_AIA1.1) dated 28 October 2016 and produced by Dendra Consulting Ltd. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

10. Prior to the commencement of the development, precise details of the design and materials for the surface of the Public Footpath (No 14 in the Parish of Hurworth) shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details and the agreed scheme shall be fully implemented prior to the occupation of the development.

REASON: To achieve a satisfactory form of development

11. Prior to the commencement of the development, including any demolition works, a scheme to ensure that the Public Footpath (No 14 in the Parish of Hurworth) is kept safe, open and unobstructed during the development period shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out otherwise



than in complete accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority

REASON: To ensure the Public Footpath remains open in a safe manner in the interests of pedestrian and highway safety.

12. Prior to the commencement of the development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved scheme.

REASON: In the interest of achieving a satisfactory form of development and to prevent flood risk outside of the site

13. In the event that suspected contaminated material is found at any time when carrying out the proposed development, it must be reported to the Council's Contaminated Land Officer immediately and to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority in advance. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing in advance

REASON: To ensure the proposed development can be implemented and occupied with adequate regard to environmental and public protection

14. Prior to the commencement of the development precise details of the internal highways layout and specification, visibility splays, street lighting and site access junction tie in details shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of highway safety

15. 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 access junction onto Roundhill Road, details of which shall be submitted to and approved by the Local Planning Authority.

REASON: In the interest of highway safety

16. 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 and deliveries, 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 and residential amenity

## **INFORMATIVES**

### **Highways**

The Developer is required to submit detailed drawings of the proposed 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 be made with the Assistant Director: Highways, Design and Projects (contact Ms. 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 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.

### **Environmental Health**

The agricultural buildings along the north-western perimeter should be the subject of a detailed “hazardous materials survey” conducted by a specialist hazardous substances specialists and all asbestos materials, agrochemicals, fuels and pesticide/herbicides fuel/lubricating oils and/or stained or discoloured ground should be removed prior to their demolition and clearance of the buildings.

In the event that development proposals include the importation of fill material or topsoil on to the site the developer is advised to contact the Environmental Health Team (Mr D Jackson – 01325 406435) for further advice. In any event all imported materials should be sampled and analysed in accordance with YALPAG (2016) guidelines to demonstrate that they are suitable for the proposed use and do not cause or contribute to the creation or proliferation of contaminated land

### **Northumbrian Water**

Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their Surface Water Drainage solution by working through the flowing, listed in order of priority

- a) Discharge into ground (infiltration); or where not reasonable practicable
- b) Discharge to a surface water body; or where not reasonable practicable
- c) Discharge to a surface water sewer, highway drain or another drainage system; or where not reasonably practicable;
- d) Discharge to a combined sewer

## **THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

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

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

E2 - Development Limits

E12 – Trees and Development

E14 – Landscaping of Development

H7 - Areas of Housing Development Restraint

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

CS1 - Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS4 - Developer Contributions

CS10 - New Housing Development

CS11 - Meeting Housing Needs

CS15 - Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

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

#### **Other Documents**

Tees Valley Design Guide and Specification: Industrial and Estate Development

Supplementary Planning Document - Design for New Development

Supplementary Planning Document - Planning Obligations