

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 August 2017

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APPLICATION REF. NO:	16/01231/FUL
STATUTORY DECISION DATE:	31 August 2017
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Field At OSGR E425124 N514093, Low Coniscliffe
DESCRIPTION:	Proposed residential development comprising of 37 No. detached dwellings (including seven affordable units) and associated access road, car parking and landscaping (amended site location plans received 11 January 2017)(Additional information received 7th February 2017) (Amended and additional plans received 13 March 2017) (Archaeology Report received 5 April 2017) (Amended and additional information received 11 July 2017)
APPLICANT:	H And D Ward

APPLICATION AND SITE DESCRIPTION

The application site comprises two fields to the north and east of Low Coniscliffe. The two fields are separated by an existing field boundary but the overall site measures approximately 3.3 hectares and it is currently used for the grazing of horses. The site is bounded by the A67 to the north; a tributary of the Baydale Beck to the east, the River Tees to the south and the village of Low Coniscliffe to the west. The site is bounded by mature trees and hedges to the north and west and woodland areas to the east and south. The site is accessible off Gate Lane by a field gate and also from the A67 via the entrance to a Public Right of Way (Footpath No 6 - the Teesdale Way) that runs in an east west direction through the site. Five trees within and on the edge of the site are covered by a tree preservation order dated 2017.

Low Coniscliffe lies approximately 3 miles to the west of Darlington town centre. A modern housing development known as Merrybent Drive lies to the north on the opposite side of the A67 along with the Baydale Beck Public House. Merrybent Village is to the north west and Broken Scar Water Treatment Works lies to the east.

The proposal has been amended and now involves the redevelopment of the site for residential purposes comprising No 37 dwellings with associated garages. There would be seven affordable units within the development and the overall mix of dwellings would comprise:

- Eight 3 bed semi-detached bungalows (of which seven are affordable units)
- Nine 3 bed detached dwellings;

- Eight 4 bed detached dwellings;
- Twelve 5 bed detached dwellings;

Vehicular access to the site would be via a new entrance off Gate Lane. Two dwellings would have driveways leading off Gate Lane and a further three dwellings would have pedestrian access only.

Sections of the existing hedgerow on the west boundary will need to be removed to facilitate the vehicular and pedestrian entrances and accesses and to achieve the required visibility splays for the main access. A footpath would be created on the east side of Gate Lane along the majority of the Gate Lane frontage.

The Teesdale Way would be retained and incorporated into the layout of the development. A 2m wide gravel surface is being proposed for the route along with a tree lined grass strip on either side.

A central spine road would provide access to the dwellings with amenity garden space to the front and rear. Low open estate railings would bound the front garden areas of the dwellings. An area of open space would be located to the south east of the site which would also provide a sustainable drainage pond.

The bungalows are located close to the entrance of the development, with the detached dwellings within the site being of a Georgian design constructed from a mix of materials. A feature wall would be formed at the entrance and a landscaping scheme would mitigate and supplement the existing trees and hedges. The landscaping would also include the drainage pond, woodland areas.

The applicant carried out a consultation exercise with local residents prior to the submission of the planning application. Whilst this exercise has been criticised by some of the objectors to the planning application, this would not be a ground to recommend refusal for the planning application.

Planning Obligations

The applicant is prepared to enter into a Section 106 Agreement to secure local sustainable mitigation measures. The Section 106 Agreement would secure financial contributions towards improving Rights of Way and cycle paths, grass playing pitches and open space in the locality of the application site. The open space, SuDs and Right of Way within the scheme would be maintained by a private management company.

Environmental Impact Assessment Requirements

The proposed development does not meet the required thresholds set out in the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 to trigger the local planning authority to carry out a "Screening" procedure on this individual application and having also considered the scheme alongside existing known planning applications and permissions in the locality an Environmental Impact Assessment is not required to support the application.

PLANNING HISTORY

The most recent entries are:

05/01230/FUL In February 2006 a retrospective application for the erection of an animal shelter was REFUSED

06/00593/SU In September 2006 NO OBJECTIONS were raised to an upgrading of the Darlington North to Richmond overhead electricity power line that crosses over the east section of the application site

PLANNING POLICY BACKGROUND

The relevant national and local development policies are:

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

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

National Planning Policy Framework 2012

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

NOTE - A number of the objection letters state that the site was identified as being within an Area of High Landscape Value by Policy E8 of the Local Plan but Members are advised that following the adoption of the Darlington Core Strategy Development Plan Policy in 2011, policy E8 is no longer a saved policy in the local development plan and it therefore carries no weight in the determination of the planning application.

RESULTS OF CONSULTATION AND PUBLICITY

Following the Council's consultation exercises, a total of 59 letters of objection has been received to the original proposal and the amended site location plans. The comments can be summarised as follows:

- *The GI states that the ground is not suitable for drainage. It suggests using the Baydale Beck as a run off, with other proposals being discussed this is not feasible due the beck being at capacity.*
- *All schools have already been consulted and there are no plans for expansion and no financial contributions are welcome as there is no room for expansion.*

- *Hedgerow does not belong to developer. ie No access is available. Surveys have been carried out*
- *The access is to be via Low Coniscliffe the outline design is not compliant.*
- *Doctors/dental/civic amenities are at full capacity*
- *Currently the Teesdale way runs through the site, this is of significant ecological importance and current legislation states thus.*
- *Responses to comments from residents and ward councillors are dismissive and do not alleviate concerns.*
- *The plan is outside of permitted development limits for the area.*
- *I have flood plans for the area and they do not match the developer's reports. My reports show significant flood risk areas in the immediate area.*
- *The plans do not embrace the village ethos and are not welcome.*
- *Very little correspondence has been held with the parish and or residents so communication has been very poor.*
- *This proposal should and will be considered as its own proposal but with other applications either already submitted or due to be submitted the village will become part of Darlington which is very much not welcome.*
- *Low Coniscliffe is a village where people have made the lifestyle choice to make their home and this is being diluted by this proposal along with others.*
- *Housing proposals are not financially viable, I would suggest the average income per person in Darlington is circa £30k per annum, how on earth will these be a viable option for the majority of people?*
- *Impact on an already congested highway network will make an already congested road even worse.*
- *The proposed development would have a detrimental effect as it would increase the number of properties in the village by one third. There is also the increased traffic to take into account. There is a public footpath (a part of the Teesdale Way path) that runs through the site. There are also a lot of mature trees & hedgerows on the site & removal of them would have a negative effect on wildlife. Also, in my opinion, these houses are completely unnecessary when you take into account the proposed development planned between Coniscliffe Road & Staindrop Road anyway.*
- *On behalf of Durham Bird Club and Darlington Friends of the Earth we are disappointed and concerned to see more green space lost to development. Building 34 new dwellings here and potential development nearby at Coniscliffe Park is likely to result in considerable disturbance from people and pets. This particular area holds small numbers of Tree Sparrow, Yellowhammer, Starling (red data species) Reed Bunting, Swallow and Dunnock (amber data species), also Siskin as well as common woodland and farmland birds. Frogs and Otter are also present together with numerous water birds. Any housing / residential proposals should be sympathetic to the existing wildlife and their habitat and promote its longevity. Indeed we are keen to understand if / how wildlife can be encouraged within this proposed development e.g. bat, owl and swift nest boxes, hedgehog highways, ponds, fruit trees in gardens, nectar rich planting for bees and even wall cavities for bats and starlings.*
- *Will there be an ecological survey undertaken for this area? What, if any, plans are there to help mitigate and offset the effects of habitat and species loss*
- *Given that there is already an application for over 1000 properties in this vicinity the Council needs to prove there is a need for this. The council also need to set out a clear plan as schools in this area are already oversubscribed. I also believe the proposed access will be a danger if other applications are approved as traffic volumes will dramatically increase.*

- *Low Coniscliffe is a small village consisting of 100 dwellings characterised mainly by detached properties of unique and varied architecture. Infilling could ruin the character of the village while estate development would overwhelm it. An additional 34 dwellings on a relatively small plot of land at the entrance to the village's only single narrow lane access would not only overwhelm access into and out of the village, but the housing density would be out of character.*
- *Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
- *A new 20 year Darlington Local Plan 2016-2036 is being prepared for the whole Borough, with the Issues and Scoping Document May 2016 identifying sustainable development sites within Darlington and strategic development sites. The above proposal is not on an identified sustainable development site nor is it listed as a potential location for strategic development.*
- *Furthermore Low Coniscliffe is not one of the larger villages identified in the Core Strategy that could provide suitable locations for growth based on sustainability.*
- *With reference to the Key Sustainability Factors for Darlington Villages: Low Coniscliffe does not have a primary school within 1km, has no rail access within 2km, has no shops or post office within 1km, has no local/ district centre within 2km, and has no GP practise within 1km. Furthermore Low Coniscliffe lacks utility services such as gas, and the current drainage and sewerage systems are at capacity. It only has nearby public bus transport, and therefore on balance is not a sustainable development area.*
- *The National Planning Policy Framework supports planning being plan led. The above proposal goes against this principle and is opportunistic at best.*
- *The proposed siting of the development is particularly ill-considered as it is on greenfield land which together with the vacant land on the opposite side of the entrance lane to the village, gives the village part of its charm and rural setting. The village is used by many villagers and the extended local Darlington community for recreation and walking dogs, with easy access to the Tees River and surrounding farm lands. A high density residential development at the entrance to the village would destroy the charm, appeal and rural feel of the village.*
- *This application must be considered together with planning application 16/00575/OUT which proposes a development of 14 dwellings on the opposite side of the entrance lane to the village. Considered together i.e. 34 + 14 dwellings = 48 dwellings, or an approximately 50% increase in the size of the village. This would completely overwhelm the access to and from the village, its rural charm, it's services, and would destroy a valuable community and recreational area for the Darlington Community.*
- *I consider the Planning Application itself is flawed due to a number of omissions and errors and therefore should not be presented to the Planning committee. The plan exceeds the boundaries of land owned by the applicant as we understand there is a strip of land between the development and Gate Lane carriageway which currently incorporates the 'countryside hedge' which is over fifty years old that is managed by Low Coniscliffe Parish Council and should not be allowed for access.*
- *We understand the archaeological investigations has produced evidence of an Anglo Saxon ring at the field to the rear of our garden of our property (2 Low Coniscliffe) and feel this needs to be given due consideration. Recently there have been two featured articles on the history of Low Coniscliffe in the Northern Echo highlighting the historic features such as the old school house etc in the village. A new development for housing is not in keeping with the individuality of the buildings in the village, several dating back hundreds of years and in some cases Listed Buildings*

- *The development is too large and detracts from the village's historical appearance and entrance giving simply an 'add on estate' on the edge of a beautiful character hamlet*
- *There is a similar site already for sale for residential development of executive housing on Carmel Road South that would be appropriate.*
- *We object to the field at the entrance to Low Coniscliffe Being used for housing development on the grounds that this is an area of high landscape value, is a home for wildlife and birds and has previously been used for horses to graze making this a popular village for visitors admiring the natural scenery. One of two fields on which 34 new houses are proposed has had the Teesdale Public Right of Way running through it for centuries with amazing unspoiled clear views over the River Tees, Cleasby Moor and beyond which will be lost forever if the proposals were agreed.*
- *The fact that that the Council has not developed a new Local Plan should not detract from the fact that the site falls outside of the long established development limits for Low Coniscliffe. The entrance will be damaged and the environment, character and history will suffer.*
- *The village already has over 100 homes all with cars using the only access in and out of the village. To add another 34 homes assuming they all have between two and three cars will add to the traffic and fumes in the atmosphere by a further 100 cars excluding any visitors. The small pull in area outside our home (just a few metres opposite the proposed development is regularly parked upon by walkers of 2/3 which causes a bottleneck to the village and accidents have occurred in the past. The proposed access including three access points onto the development for vehicles would make this even more dangerous and cause potential for accidents particularly when cars are also coming from the back lane as well as Gate Lane. The roads are narrow and not gritted making it even more of a treacherous risk in the winter months*
- *Hedges and trees would need to be removed at the detriments of the landscape and wildlife and the highway widened of the only access into the village. Despite any additional planting the site would be visible from the road and impact on privacy of the village particularly in the winter when no leaves on trees and hedges.*
- *Our property at 2 Low Coniscliffe is particularly affected with plan to build 6 properties on two sides of our property at an acceptable close proximity.*
- *We have a barn owl in one of the trees to the rear of our property and this along with other endangered species will be affected.*
- *A previous planning application in 2008 on the same site stated that 'the application site lies within an area of high landscape value (AHL) within 'Darlington Local Plan' . In December 2015 the Landscape Assessment for Darlington published by Darlington Borough Council clearly showed the development line for Low Coniscliffe being preserved as per the 1997 Local Plan. The Landscape Assessment explains the importance of maintaining the landscape surrounding the settlements with the Tees Valley and Low Coniscliffe is specifically mentioned - the proposed development would have a detrimental impact on the landscape.*
- *Consideration should also be given to the fact there is already insufficient school places at the local schools with children from the village travelling to Gainford and North Road schools adding to the traffic pollution and congestion. Consultation with High Coniscliffe School and Hummersknott Academy confirms both are oversubscribed and there is no capacity for expansion.*
- *There is no chemist, village hall, shop, medical amenities in the village or parish and again this means increased traffic, pollution and congestion. Equally the existing medical practices at Carmel, Blacketts and Clifton Road are at full capacity.*
- *Northumbrian Water has confirmed there is insufficient capacity with regard to Foul and Safe water to accommodate further development.*

- *There is already huge flood risk in the village and if the new development utilises soak always this will increase the flood risk due to the fact that sand belts and underground streams run under the village and drain into the river tees.*
- *Evidence shows that changes to groundwater conditions affect properties founded on clay with natural waterways running underneath - settlement and structural cracking of which there is evidence is also highly likely.*
- *Risk of accidents (there are often accidents and the two bollards outside the village are currently damaged following recent accidents) are also a concern particularly as parents and children wait at the bus stops for school buses. The proposed site has already been well developed over the years growing in size upwards and onwards with increased number of vehicles impacting on traffic entering the village.*
- *The proposals do not fulfil the policy CS2 requirements in respect of the safety of the people who live and visit the village. It also is not in accordance with CS14 (promoting local character and distinctiveness).*
- *I live in the first house on the left hand side of the village and the entrance has mature trees and hedges on both sides of the only entrance into the village I often walk from the bus stop and the path is already too narrow meaning I walk on the road again which is very narrow which given the volume of traffic for existing residents can be quite risky but widening the road to incorporate a new footpath would destroy the landscape of the village and the proposed development would be seen from the main road*
- *The pollution and noise would impact on myself and others There are children from the village already travelling into and across to North Road and also to Gainford. The plan submitted is not in keeping with sustainability of the environment and insufficient for 34 dwellings and dangerous to introduce vehicular access at three new points from the narrow entrance already existing Any change would have a detrimental impact on the landscape of this beautiful village*
- *The noise and pollution by increased traffic with 100 more cars for 34 houses is not sustainable. Getting out of the village which only has one narrow access is already dangerous with the high volumes and extent and speed of traffic on the main road The roundabout at Elm Ridge backs right up Coniscliffe road as a result already*
- *The proposed development site falls outside the long established limits for Low Coniscliffe as stated in the Borough of Darlington local Plan 1997 and Interim Planning Position Statement.*
- *I take exception to the fact that this application is clearly taking the opportunity to obtain planning approval whilst there is a delay by the Council in providing an approved Local Plan to satisfy the 5 year supply of housing required by the National Planning Policy Framework.*
- *The Council have made specific reference to this site in that it is NOT suitable for development. The development limits around Low Coniscliffe are intended to maintain well defined boundaries and ensure that the current charm and character of the existing village and countryside are maintained.*
- *The development site exceeds the boundaries owned by the applicant. The strip of land between the land owned by the applicant and the Eastern edge of Gate Lane, which incorporates the existing hedge and verge, is not owned by the applicant. This strip is managed by the Local Parish Council and is not available for access to the proposed development. I am concerned that the planning application has not followed correct procedure required by law in respect of all land owners affected by the planning application.*
- *The proposed plan for 34 "Georgian Style" Houses on the site is excessive and wholly out of character with the existing village.*
- *The Village of Low Coniscliffe may become part of a wider "housing estate"*

- *Land currently up for sale at the former Blackwell Golf Club and former Council Nurseries adjacent Coniscliffe Road are already available for development with better current access provision.*
- *Recent consultation with Northumbrian Water Authority reveals that there is insufficient capacity with regard to foul and surface water drainage in Low Coniscliffe to accommodate further development. The existing foul sewerage pipework is at full capacity. The application does not provide for a foul drainage scheme and the NWA has advised the Council to cover this omission as a planning condition which is wholly inadequate. With respect to surface water drainage from such a potentially large development, associated submissions appear to show one of the measures being a low lying pond at the Eastern edge of the proposed site adjacent the Baydale Beck. In recent years a scheme was undertaken by NWA to divert the flow of surface water from adjacent land flowing out of the Baydale Beck at its original outfall, downstream approximately 1 km to below Broken Scar Dam and the NWA water treatment abstraction point, in an attempt to improve water quality. The crude measure to build a pond as a surface water drain, flowing into the original Baydale Beck outfall, seems to conflict with those water quality measures taken at that time*
- *The low lying west end of Low Coniscliffe has a high risk from flooding. As a resident of Low Coniscliffe of over 25 Years I have witnessed this on many occasions. Excessive runoff of surface water into the Baydale Beck has the potential to increase this risk.*
- *Surveys have shown potential for significant archaeology within the potential development site, in particular a pair of ancient rings or ditches just outside and north east of my garden boundary hedge. Potential for such heritage should not be undervalued.*
- *I have lived in the village as a child, teenager and later as an adult. I am a keen fly fisherman and over the years have seen a definite and marked increase in the diversity and numbers of species in the area. Living next to the proposed development site has allowed me to observe deer, foxes, stoats, kestrels, sparrow hawks which have territories in these fields, buzzards, greater spotted woodpeckers, green woodpeckers and recently on New Year's Eve a Barn Owl paid a visit to my garden for a daytime roost. The adjacent fields provide a significant habitat for these often protected and important species which are starting to thrive in this rural area. A housing estate will destroy over 30 years of improved habitat.*
- *The village lies on a floodplain and in times of heavy, wet weather the river does flood. These plans appear to use the Baydale Beck to run water into which in turn feeds into the river therefore the flood risk to existing properties must be greater, particularly as the beck is deemed to be at capacity*
- *The local schools are at full capacity with no prospect of expansion. The plans propose mainly family homes and children would have to attend schools in another part of town or outside the boundary. This would inevitably lead to an increase in traffic at peak times in the day as children are transported to their destination.*
- *There are no patient vacancies in local GP practises. Anyone moving to this new estate not already registered with a GP would presumably have to attend the walk in clinic within the Memorial Hospital putting pressure on the NHS.*
- *Where is the affordable housing in these plans? Four and five bedroomed houses are a step up the ladder, not for those who wish to get on the ladder. I assume the bungalows are to attract people of a certain age or ability but with a poor bus service and no shops on hand being able to drive is almost essential and again this increases the traffic onto the A67.*
- *This application is for a new estate, not a development to sympathetically enhance what already is a pretty village although the disruption to all residents would be great.*

- *The footpath on the west side of Gate Lane going out of the village is not wide enough for pedestrians to pass without stepping into the road. With the increase in the traffic this would prove very dangerous!*
- *The existing entrance to the village is barely wide enough for two cars to pass each other. The development will impact on people leaving and entering the village*
- *The land is Grade 1 / 2 agricultural land. A grade of soil of high value and at some future time such farming land will be of great importance to meet the needs of future generations*
- *Development on a greenfield site when there are many brownfield sites in need of sympathetic development within the borough boundary*
- *Large executive homes which will do nothing to help alleviate the housing pressure for starter and affordable homes.*
- *The loss of habitat of significant conservation value. The developer's mitigation does not go far enough in my opinion.*
- *I believe the scale of some of the houses will dwarf existing village houses. Two storey homes will dominate the skyline and reduce light for neighbouring properties.*
- *Pulling out of Gate Lane onto the busy A67 to turn right towards Darlington can involve long waits and problems with the traffic speedily travelling into Darlington. A development of this size will increase the traffic flow into and out of the village by more than one third. Any increase in traffic will increase the risk in exiting onto the A67. The traffic islands in the centre of the A67 approaching the entrance into the village from Darlington frequently are damaged by traffic which do not reduce speed when cars in front are entering the village and have to make late avoidance manoeuvres and either hit the bollards or pass them on the wrong side of the road.*
- *The stone 'Low Coniscliffe' sign on entering the village belongs to the Parish and should not be moved.*
- *The two fields bordering the A67 on either side of the entrance to the village provide a clear divide between the town of Darlington and the village of Merrybent and contribute to its character, distinctiveness, history and significance. Approving this development would result in the village losing its own identity.*
- *The desire to build and the relaxation of rules that protect our countryside is driven by the Government's call to build more housing, primarily as a result of massive immigration into Britain. As the majority of people within Britain have voted to leave the EU and once BREXIT is complete, the Government are suggesting that there will be a reduction in net migration to tens of thousands per annum rather than the current rate of hundreds of thousands. The housing needs will be greatly reduced and can probably be sustained by building on mainly brownfield sites. I ask that Darlington Borough Council consider the fact that there is uncertainty in Housing stock needs for the future and this application should be rejected at this stage until at least after Britain has exited the EU and a better understanding of new housing requirements.*
- *The amount of traffic now using Coniscliffe road has increased many fold since 1990 and is becoming increasingly difficult for residents (like my family) living along it to access and exit their driveways. Consideration must be given to the safety of existing householders on this road as a consequence of increased road traffic.*
- *The layout of the development totally ignores the linear nature of the village with driveways serving many dwellings and rear gardens facing Gate Lane. The formal style of the estate entrance is unnecessary, overpowering and will detract from the rural entrance into the village. The open plan frontages and metal railings are not in keeping with the character and appearance of the village. The development resembles Wynyard Estate rather than a rural village. It is an intrusive "add on" to the village*

- *Gate Lane does not meet requirements for providing access for this form of development and will need to be widened on the east side. The entrance will need new visibility splays and pathways either side of the entrance meaning that 70m of hedge will need to be removed.*
- *The Council's Landscape Assessment advises the importance of maintaining the landscape surrounding the settlements within the Tees Valley and specifically mentions Low Coniscliffe in this regard*
- *The riverside is suffering erosion on the banks with the loss of trees during flooding and river surges*
- *Gate Lane joins the A67 on a bend and visibility can be poor. Together with existing residential traffic, visitors, tractors and combine harvesters we also have frequent oil tankers visit as there is no provision for gas. The plans also propose that two new houses will also be accessed via Gate Lane on the very bend that has limited visibility. Having access to the proposed site and two dwellings on Gate Lane is absurd and dangerous*
- *Within 3 miles of Low Coniscliffe there are 600 homes for sale of which over 50 have been for sale for over a year. This shows that buyers are not desperately awaiting new homes in Low Coniscliffe or the local area. I understand that properties are struggling to sell at West Park and other local authorities are putting developments on hold as there is no demand for new housing*
- *The application should be refused in accordance with the NPPF as the applications adverse impact would significantly and demonstrably outweigh its benefits when assessed against the NPPF policies as a whole*
- *This is not an infill or small scale development which the Interim Planning Position Statement considers may be acceptable in locations such as Low Coniscliffe*
- *The local bus service is infrequent which results in the majority of villagers using their own transport on a daily basis to attend work, schools, shops and medical centres. There are no services in the village*
- *Building more houses here will not enhance the vitality of the community*
- *The development site is of special importance to residents as it gives the village its own identity and separates it from the A67 and the nearby village of Merrybent. Any development will incrementally remove this identity which could then never be recovered*
- *The application is unsympathetic to the historic fabric of Low Coniscliffe*
- *I have heard a lot about requirements for residential housing each town has to supply. I understand that there is a figure around 450- 500pa. I would suggest that there is adequate provisions for this already made in the West Park area of town, across the northern boundary of town around Barmpton Lane and also further planning available along the A66 bypass around the southern boundary of town. These areas together with some smaller areas already added around Central Park in my opinion should suffice for the immediate future.*
- *Low Coniscliffe has a diverse eclectic mix of housing styles and the uniformity of the proposed dwellings is a total clash with the village.*
- *With recent political developments, there is political and financial uncertainty resulting the bankruptcy of many developments and building firms which has left development sites abandoned and half built. Durham and Hartlepool Councils have put their Local Plans on hold in anticipation of the Government's White Paper due in the Spring of 2017, would it not be prudent for Darlington to consider the unpredictability of the markets before making any decisions?*
- *The planning application should have an Environmental Impact Assessment*
- *The Teesdale Way is very important and enjoyed by many people and should not be harmed*

- *The treeline to the entrance of the village will be lost according to the plans simply to make way for access to the new estate. This has always been a key feature to the village and its rural setting. Surely removing this from the local parish councils care and allowing a developer access to something he does not own seems very unfair and against regulations. The council appear to have been happy to allow the parish council to maintain it for many years yet simply remove it from them when the time comes for a developer to want it.*
- *In the 20 years we have lived here we have seen badgers in the development area and any proposals will damage the natural wildlife*
- *In our location (No 8 Low Coniscliffe) we enjoy tranquility, privacy, wildlife and unspoiled views to the east over open fields. As a result of the development we will share a rear garden, eastern facing boundary with the proposed development and we will lose privacy particularly from our garden, lose views, suffer increased noise levels and the facility to maintain hedges and fencing.*
- *The Council has refused planning permission (ref no: 15/00984/OUT) for housing in High Coniscliffe*
- *The new estate will not add to the keeping of the village in any way based upon the style, design and layout proposed. It will simply be an addition making it like any other housing estate in Darlington*
- *The uniqueness of every other house with Low Coniscliffe has not been considered with no consideration given to location and character and perhaps profits have taken over.*
- *As the Walking Coordinator of the South Durham U3A, I would like to object to the building of homes on part of the Teesdale Way as this is a well-used walkway through the countryside in peace and quiet away from traffic*
- *Public transport links are poor meaning all residents will need a vehicle to reasonably use the site and I don't think the current road links could handle that without further alteration to the entrance of Low Coniscliffe and impacting on the surrounding hedgerow again changing the very nature of the village*
- *I would like to add that Low Coniscliffe has no recreation area for children and this development offers nothing to help alleviate this problem*
- *This is not an infill development and does not fit in with the rural character of the area.*
- *There is a Right of Way through the middle of the development which must be retained according to the Wildlife and Countryside Act 1981*
- *The increase in housing which will be all of the same Georgian style would be an act of vandalism*
- *The proposed development is surrounded to the North, West and South by predominantly countryside and agricultural land. This site provides the gap between the urban and rural setting of Darlington. Within this area there are no employment opportunities other than farming pursuits, other employment opportunities will necessitate the use of motor vehicles adding to already congested road infrastructure.*
- *We understand from the Core Strategy that only larger villages with amenities should be considered for development. Low Coniscliffe with 92 houses and no amenities cannot be considered sustainable and as such we believe that this development should not be considered on these grounds alone*
- *There are no details within the application in respect of foul drainage.*
- *This site is of significant archaeological interest (Pre-history and Bronze Age settlements) evidence of past human activity and is worthy of further expert investigation. This site is about the evolution of the West of Darlington and the cultures that made them and should not be dismissed for the purposes of development.*

- *This development will become a separate enclave of the village and will not form part of the Low Coniscliffe cultural settlement.*
- *This development will be overbearing and obtrusive to residents living in Low Coniscliffe particularly those to the South of the proposed development whose open countryside views will be replaced by intrusive housing structures.*
- *Any development in this area will result in the loss of cultural identity and local distinctiveness.*
- *This proposed development is not an extensive tract of land, it is local in character and close to the community setting of Low Coniscliffe. It is demonstrably special for its beauty, historical significance, recreational value, tranquillity and richness of wildlife. (NPPF paragraph 76/77/78) It should be protected for future generations.*
- *There are no amenities within this small village.*
- *Northumbrian Water we understand has issues with this development. Discharge of surface water into Baydale Beck will cause further flooding to the Cockerton area of Darlington.*
- *Surrounding GP and Dental surgeries have no further capacity to take onto their books further patients.*
- *The Teesdale Way track will lose its natural countryside aesthetic pleasing view to the thousands of walkers who traverse the area because of its natural embracing countryside.*
- *Proposed 'Kissing Gates' will not be DDA compliant.*
- *There is a clear lack of information on Affordable Housing in fact, none i.e.: Social rented housing, Affordable rented housing or intermediate housing. Presently within Low Coniscliffe there is a particular need for specialist housing for elderly residents and first time buyers and families on lower incomes. The applicant has used the term in his application- "Affluent West End" which I believe in an attempt to side step their responsibilities under the NPPF to provide affordable housing.*
- *Building adjacent to the A67 will have a visual impact on the village and will detract from its heritage*
- *I feel that the government is encouraging local authorities to involve neighbourhoods in areas of future potential development. As a resident who has chosen to live in this quiet village, my preference should carry substantial weight when the Council considers the application*
- *There are many other far more suitable sites for housing in Darlington within the development limits which should be considered first before considering applications falling outside such areas*
- *The bicycle lanes are inadequate and dangerous putting cyclist in conflict with pedestrians if they ride on the bike lanes and with drivers if they do not*
- *Darlington Borough Council prepared its first Strategic Housing Land Availability Assessment and supply against the RSS (Regional Spatial Strategies) requirements for 2008/09 to 2012/13, which estimated a surplus of housing from 2013/14 to 2016/17 as large sites such as Central Park begin to be implemented and West Park continues to deliver dwellings. This most recent SHLAA update identifies housing development which is deliverable, with an estimated 672 dwellings in 2011-2016. There will not be considered to be a shortfall in dwellings until 2021-2026. There is an estimated surplus*

of housing from 2013 to 2016/17 (as large sites such as Central Park begin to be implemented). Low Coniscliffe is not identified as part of the above SHLAA as land for development.

- *Under the Poisonous Weeds Act 1959 it is an offence to allow harmful plant material or contaminated soil and on the proposed site from spreading into a neighbour's field and into the wild causing a nuisance. The harmful weeds present on this site are Ragwort, Broadleaved Dock and Creeping Thistle*
- *My wife and I have visited many parts of the country finding wonderful small villages and hamlets and would not like to see any more devastation to these special places. Low Coniscliffe is a particular hamlet adjacent to Darlington and any housing development would completely ruin its rural situation.*

The Campaign to Protect Rural England has objected to the planning application on the following grounds, which including some detailed comments on noise:

- *The development would be a detrimental change to the landscape setting of the village*
- *The separation of the village from the urban area would be detrimentally affected.*
- *The addition of 34 dwellings onto a village of 92 dwellings would be out of proportion and change the character of the village*
- *The site is unsustainable as there are no essential services within the village so residents will have to travel by car to reach facilities, nothing is within walking distance*
- *CPRE considers the development will suffer from noise to an unacceptable level*
- *The proposal is contrary to the Core Strategy Policy CS16 and to Paragraph 17 of the NPPF. Recent case law¹ is that such conflicts mean that the proposal cannot be considered to be sustainable development and that the presumption for sustainable development in the NPPF therefore falls away.*
- *Bearing in mind all of the above, CPRE considers that this proposal should be refused on the basis the proposed development would fail to safeguard the living conditions of future occupiers, having regard to levels of noise and disturbance which would be experienced in external areas*

The Ramblers for North Yorkshire and South Durham Area has objected to the planning application on the following grounds:

- *This section of the Teesdale Way is enjoyed by walkers either as a group or as individuals and come from other areas of North Durham to enjoy this walk and through Low Coniscliffe. The fields that the footpath passes through offer a rural green belt between Darlington and that of the village and provide an ideal starting point for this part of Darlington's section, a footpath route which is being given present day coverage as a tourist attraction*
- *The building of the proposed houses would totally deflect from this image and material planning authorities are supposed to regard*
- *From the Ramblers point, the effect of the development on a public right of way is a material consideration in the determination of applications for planning permission and all potential consequences should be taken into account and hope that due consideration be given to this objection*

The Low Coniscliffe and Merrybent Parish Council have submitted a detailed objection to the planning application which has been considered by the Local Planning Authority. The grounds for objection are:

- *The development is unsustainable and does not comply with the NPPF*
- *Pressure on nearby services which are over capacity*
- *The development is out of scale and character with the village*
- *Ecological impact*
- *Foul drainage and flooding*
- *Highway safety*
- *Affordable housing*
- *Ownership Matters*

Following submission of the amended plans and additional information, a further 20 letters of objection have been received. Some of the letters confirm that their previous objections remain and some have provided new comments. The new comments on the planning application can be summarised as follows:

- *The visibility splays for safe access onto Gate Lane are not achievable as proposed. The removal of hedgerow is not acceptable in ecological terms and the hedges were planted by the Parish Council and residents*
- *The revised development makes no significant change and will continue to detract from the visual character and rural landscape currently enjoyed by all users*
- *The archaeological reports highlights that the site contains further important archaeological history of Low Coniscliffe and its conservation should be a priority. Further investigations should be requested and agreement with the Parish Council should be obtained with regard to preservation methods*
- *The planting of trees on the Teesdale Way will be identified as being not acceptable by Northumbrian Water as it involves planting directly over and immediately adjacent to the existing pumping sewage main.*
- *Low Coniscliffe and Merrybent Parish Council is leading the preparation of a Neighbourhood Plan. The Council should take this action into consideration and allow time for a Development Plan that would enable future close co-operation between the Council and the community*
- *The entrance to Low Coniscliffe, with its high hedgerows, works to separate the village from the road adds to the beauty of the village. The plans (from the proposed street scene) would seem to indicate that most, if not all of the hedgerow on the development side would be lost and replaced by a path. This will detract from the unique nature of the village*
- *The Bat Survey is incomplete. A full emergence survey should be carried out and the Report does not meet EU Regulations*
- *The established hedgerow within the site is at least 100 years old and according to government guidance should not be disturbed.*
- *Noise pollution in the area is already above guidelines laid out by government and the proposal does not offer a solution on how to mitigate this.*
- *Existing drainage network is already at capacity and the proposals offer no mitigation*
- *The area in and around the site is a conservation area*
- *There is no "Safe Route to School" for children and it is suggested that children should walk two miles to school which is not realistic. Traffic congestion will be increased as a result of parents transporting children to school. No safe crossing point from the village to the schools is offered*
- *Ownership of both the hedge and grass verge should be challenged*
- *Utility companies have already stated on previous applications that they are not prepared to or want to provide additional services*

- *Archaeological surveys suggest numerous issues and these must be addressed*
- *The NPPF is not being correctly applied and the Council need to understand local objections and provide an unbiased decision which is both realistic and sensible and not for financial gain*
- *There is obvious potential for excess surface water runoff from hard surfaces to cause flooding to adjacent properties*
- *Low Coniscliffe will become part of a wider housing estate*
- *There are other existing sites which are not being utilised for housing*
- *The archaeology and habitats within the site will be destroyed*
- *It is proposed to have an entrance at the back of the garden of No 2 Low Coniscliffe which will have limited view for both incoming traffic and the residents pulling out. There is a small "pull in" used by visitors which already causes a bottleneck and there have been some near misses in terms of accidents involving children, walkers and cyclists as well as other cars. Opening up another entrance as a driveway to a property will heighten the risk.*
- *Pre-Application consultations did not meet Council guidelines*
- *The area has been deemed not suitable for housing already in the past*
- *There is a distinct potential for subsidence which could cause structural cracking*
- *This is not a vacant field. It is used for grazing for many years and it is an Area of High Landscape Value and part of the Teesdale Way.*
- *Previous applications have been refused for housing in High Coniscliffe by the Council and by the Government on appeal which is pertinent to this application*
- *The development is over a mile from the station and so people are unlikely to walk, especially if commuting. People are likely to drive as the cycle lanes are inadequate and dangerous putting cyclists and pedestrians at risk. Road between villages are unlit and dangerous to cycle in the dark. Narrow access to village which is the entrance and exit and already causes congestion*
- *In addition to my original objections, the site is of archaeological interest with the discovery of an ancient burial ground which adds to the reasons why this development is unnecessary and unsuitable for this area*
- *The Ecology Report is biased towards the developer. The bat survey acknowledges the site is of high value and significant to bats but the despite this the survey is incomplete and does not meet EU Regulations. No dawn survey has been carried out and the survey contradicts itself. Trees have only had a cursory inspection. Insufficient weight has been given to the impact of light spill from the development*
- *Despite reduction in house numbers by one, the new road totally bisects the hedgerow and the remaining hedgerow will be in someone's garden and will be destroyed at a later date*
- *A survey is required for any works near to the River Tees. The report downplays impact of hedgerows for Great Crested Newts*
- *Otters visit the area more than what is stated in the survey*
- *Two houses have drives onto Gate Lane which will allow people to park on the pavement or on Gate Lane causing an obstruction*
- *The development will have an adverse impact on ancient and important hedges and field boundaries*
- *The development will suffer noise levels in excess of 60dB externally regardless of the proposed mitigation by way of fencing*
- *The Education Authority specifies the development of 33 dwellings will only yield 7 primary age children and 3 secondary age school children which appears to be an extremely low number in view of the properties all being large homes*

- *I am unable to see how Abbey Infants and Mowden Infants will be in a position to accept any more children from the locality. This raises the question as to whether the Local Authority should be put in a position where it will be obliged to cover transport costs of delivering primary school children to their place of education*
- *Whilst we appreciate the need to ensure adequate supply of housing for Darlington, the adverse impact of this proposal far outweighs the benefits of providing a small number of dwellings which will damage the character of this pretty village which attracts visitors to Darlington*
- *No safe crossing has been offered for children from the village to school*
- *We are aware that assessments have been undertaken and mitigation measures discussed. However, these mean nothing unless you have lived in the area for some time and taken on board the spirit of the environment*
- *There are no established economic facilities within the parishes of Low or High Coniscliffe that can support growth or innovation other than long term farming pursuits*
- *There are no facilities or amenities except a small pub located on the A67. There is very poor accessibility to even the most basic needs such as local shops, meeting places, sports venues, cultural buildings and other local services to enhance the sustainability of a small community and residential environment such as Low Coniscliffe*
- *An assumption has been made on a handful of returned questionnaires that were distributed that because affordable housing was not mentioned in the responses, affordable housing was felt not to be required. We are aware that there is a community supported need for affordable housing within Low Coniscliffe for first time buyers and older people wishing to downsize. We are of the view that affordable housing should carry "substantial weight" and the need for affordable housing is being addressed within the Parish Neighbourhood Plan as it progresses*

A letter has been submitted on behalf of the Low Coniscliffe and Merrybent Parish Council which has been taken into consideration by Officers. The letter makes reference to issues relating to sustainability and services; ecology; affordable housing and ownership issues, schools, landscape character.

A detailed letter has been submitted on behalf of the Low Coniscliffe and Merrybent Parish Council questioning the comments that have been submitted by the Adult and Children Services Section and the potential school place requirements for the development.

Following the submission of the amended plans submitted in July 2017 a further twenty six letters of objection have been received raising the following comments:

- *This amended application to include seven affordable units along the access road into the existing village is fundamentally unsafe in its design and layout. The amended plan is designed to maximise the benefit to the applicant while clearly disregarding the safety of the existing village residents and visiting public.*
- *This amended plan actually increases the overall number of proposed dwellings on the site from 33 to 37. This amended plan replaces up to four former properties with seven affordable units which are all to be located along the Eastern edge of the access road into the existing village, with driveways and footpaths for access to the properties through a hedgerow not owned or controlled by the applicant.*
- *The number of proposed affordable properties at entrance to the village with their associated driveways, requiring regular vehicular access, represent a significant safety risk for village residents, public, cyclists and general traffic entering and leaving the village*

- *This application including seven affordable units is wholly inappropriate for the existing village of Low Coniscliffe and should be rejected on safety grounds alone. It has the potential to concentrate the number of vehicles along the existing entrance road into the village to dangerous levels. Any additional access through the hedgerow onto the existing entrance road either by vehicles or pedestrians should not be approved under any circumstance.*
- *Increasing the number of units on this proposed development will only exacerbate previously stated issues such as parking, access issues, safety of traffic using Gate Lane and pressure on current services (schools, doctors, dentists, public transport etc). There would also be increased pressure on the already overloaded sewerage and drainage system which currently results in large volumes of standing water along Back Lane.*
- *It would appear that the West End is subject to the attention of developers and it would be a positive step if the Council could take a holistic approach to West End development and formulate a strategic plan for the area. There is a real danger of unique villages such as Low Coniscliffe being subsumed into a conurbation.*
- *There should be no access on/off the proposed development onto Gate Lane due to safety and an unacceptable increase in traffic*
- *The proposed drive entrance that will be directly at the rear of 2 Low Coniscliffe will have lack of visibility causing a serious risk of accidents*
- *The pull in outside low Coniscliffe is used by visitors parking and further bottlenecks will develop if more accesses are given causing potential for accidents.*
- *The additional proposed dwellings results in the bungalows being unacceptably close to the rear of 2 Low Coniscliffe. We request that the Planning Committee visit the site.*
- *The 7 affordable housing dwellings are of concern and not appropriate as there are affordable housing statements in the Darlington Borough Council's published guidelines on the internet that are not being adhered to. In this submission i.e. 'taking into account the type and size of village, the character of its built area and the level of services available' - there is no capacity for local doctors or schools. Also the guidance states 'Provision should not lead to an overconcentration of affordable housing in one part of a village' all 7 dwellings are concentrated in one area of the village on the submission and also increase the number of dwellings from earlier plans therefore exacerbating traffic issues and capacity for services for schools and doctors further*
- *Further submissions of plans for over 1500 houses opposite the proposed development received this week means the village will be subsumed but the access is more appropriate from Coniscliffe road rather than several new access proposals from Gate lane which is considered extremely dangerous and out of keeping with the village's natural charm*
- *My previous objections still stand and even more so as there will be more houses*
- *I wish to object on the ground of impact on the countryside, wildlife, hedges, trees, the Teesdale Way, drainage and how does the scheme adhere to the Local Plan*
- *Resubmitted plans are now for 37 dwellings with some having direct access from Gate Lane. This is already a narrow lane that provide the only access to our village and we are looking at a potential 45% increase in traffic*
- *The altered dwellings show dwellings of an inappropriate style that do not reflect Low Coniscliffe's sympathetic blending of houses, All existing dwellings, when built, were all required to have river stone walling to blend with the older house and any wall removed had to be replaced with river stone*
- *The increase in dwellings only magnifies my original objections*
- *The settlement of Low Coniscliffe is deemed to be a small village and not a large one and shouldn't be made up to one. The development of an extra 37 houses increases the original size of the village by 41% which is very great.*

- *There are no amenities to accommodate the development the only thing within walking distance via a public house and a bus stop which runs on a 30 minute basis and the nearest major supermarket is approximately 3 miles away. The nearest doctors practice is Carmel Road Surgery which is 2.4 miles away which is not in walking distance for elderly people. There are no free school places.*
- *The addition of increased traffic congestion on an already busy major road and an increase in carbon monoxide pollution. The volume of traffic through the village increases by at least 50% during the summer time with people visiting the river, this increase is already a danger to the villagers and animals.*
- *The type of affordable housing is generally going to be for older or infirm people who wish to downsize rather than for people who want to get on the housing ladder this making this development rather exclusive.*
- *We have recently been consulted on planning applications for 1500 new homes across the road which should more than satisfy any targets the Council need to provide new homes and services*
- *I don't know why the Council would object to the Parish Council owning the verge*
- *The green gateway created by the fields will be lost forever*
- *The existing highway servicing Low Coniscliffe is inadequately maintained*
- *The mock Georgian housing estate will be an overbearing monstrosity*
- *How can this be approved in close proximity to a dangerous part of the River Tees. The rear gardens will be within yards of steep sides dropping into fast flowing deep water. The embankment into Baydale Beck is at even more risk as it is higher and steeper. These areas will be a huge temptation to children living in the estate*
- *I believe there is sufficient supply of residential planning applications to meet the Government requirements*
- *The proposed development has not followed the Landscape Character Assessment*
- *The number of houses will dwarf the rest of the village*
- *The two fields are a highly valued rural landscape and mature trees, hedgerow, wildlife habitats and a pre-historic archaeological site will be lost forever*
- *There is a high risk of contamination from construction activities due to the close proximity of the development to the Baydale Beck and River Tees*
- *Children will be at risk due to the close proximity of the SuDs area to overhead power lines*
- *An independent Drainage and Flood Risk Report has been submitted which highlights serious shortcomings on the drainage proposals and the Flood Risk Assessment.*
- *It is accepted that there would be some benefit resulting from the provision of 37 new homes including seven affordable homes but this should not be seen as mitigation*
- *There may be some ecological benefits but these are set against the loss of nature and ancient and important hedges, a heritage asset and a highly valued landscape*
- *The landscape benefits to the mainly east of the site around the SuDs pond will not be fully realised for a period of at least 10 years and not visible from Gate Lane, A67 and Coniscliffe Moor*
- *The Section 106 contributions are not a benefit. They only provide for necessary mitigation in order to make the development acceptable*
- *There is no evidence of any need for the proposed development to contribute to the viability of shopping facilities*
- *The benefits claimed by the applicant are exaggerated and very slight and are easily outweighed by the real and significant harm that the development would cause*
- *New Homes Bonus contribution cannot be regarded as a material benefit in the absence of an indication as to how the money will be spent*

- *The views of residents and Parish Council are material considerations*
- *The Local Plan should not be considered out of date in accordance with paragraph 49 of the NPPF when they are otherwise considered consistent with the NPPF and should be brought into the balance and given their full weight*

Low Coniscliffe and Merrybent Parish Council have submitted a further objection which has been considered by the Local Planning Authority. This objection makes reference to and assesses the proposal against the the Landscape Character Assessment commissioned on behalf of the Council, Policy CS10 of the Core Strategy and the Interim Planning Position Statement 2016.

The Campaign to Protect Rural England has raised further objections to the planning application. Their concerns can be summarised as follows:

- *There has been many interpretations of housing policy and the matter has been taken to the Supreme Court which recently released a judgement on the matter (Richborough Estates Partnership LLP and another versus Cheshire East Borough Council) and the point the CPRE consider to be of particular relevance is that the Court took a view that a narrow definition of what is a housing policy is the interpretation to use. It is the understanding of the CPRE that policies which deal with more issues than just housing are not deemed to be out of date.*
- *Policy E2 of the Local Plan relates to many types of development not just housing so CPRE consider the Development Limits policy to be up to date and carries "weight". In addition settlement boundaries continue to have "weight" and the CPRE equate this with development limits and a reason for Policy E2 to have "weight"*
- *The CPRE consider the development is outside development limits of the village contrary to Policy E2 and they are not aware of any agricultural or forestry justification for the development and it will bring unacceptable harm to the character and appearance of the rural area. The development is contrary to the Local Plan and should be refused*
- *The development is contrary to policy CS1 of the Core Strategy as it is outside development limits and its location will encourage car usage and should be refused*
- *The CPRE considers new housing should be in the urban area, the North West Urban Fringe and the Eastern Urban Fringe as per Policy CS1*
- *CPRE consider that the development will have a negative impact on the intrinsic quality of the agricultural land and is contrary to policy CS14*

Consultee Responses

The Council's Contaminated Land Officer has raised no objections to the proposed development subject to any approval being subject to appropriate planning conditions

The Council's Sustainable Transport Officer has raised no objections to the proposed development

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

The Council's Capital Asset and School Place Planning Manager has provided comments on the application and raised no objections

The Council's Senior Landscape and Ecology Officer has raised no objections subject to planning conditions

The Council's Countryside Rights of Way Officer has raised no objections to the proposed development

The Council's Highway Engineer has raised no objections to the proposal subject to appropriate planning conditions

The Council's Senior Arboricultural Officer has requested that a number of trees on the edge and within the site are covered by a tree preservation order and that conditions are imposed for a landscaping scheme

The Durham County Council Archaeology Section has raised no objections to the scheme subject to the imposition of appropriate planning conditions

The Flood Risk Management Team has raised no objections subject to the imposition of appropriate planning conditions

Northumbrian Water has raised no objections to the proposed development subject to the imposition of a planning condition that seeks to ensure the development is carried out in accordance with the submitted Drainage Strategy

The Environment Agency has raised no objections to the planning application subject to any approval being subject to planning conditions relating to the development being carried out in accordance with the submitted Flood Risk Assessment and that no dwellings are located in the areas of the site that are within Flood Zones 2 and 3.

The Highways Agency has raised no objections to the proposed development

Northern Gas Networks has raised no objections to the proposed development

PLANNING ISSUES

The main issues to be considered here is whether or not the proposal is considered acceptable in the following terms:

- Validity of the Planning Application
- Planning Policy
- Impact on the Visual Appearance and Character of the Local Area and Design and Layout of the Development
- Highway Safety
- Residential Amenity
- Impact on Trees
- Ecology
- Land Stability
- Archaeology
- Impact on the Significance of Heritage Assets
- Flood Risk and Drainage
- Public Right of Way
- School Places
- Land Contamination
- Health and Safety Implications
- Planning Obligations
- Delivery
- Other Matters

Validity of the Planning Application

The red line boundary of the application site abuts the grass verge that runs on the eastern edge of Gate Lane. The site does not abut the metalled part of the road which means that work is required on a section of land (grass verge) that is outside the application site boundary in order to gain access to the site.

The Parish Council have raised issues and concerns relating to the ownership of the hedge line that runs along the Gate Lane frontage and also the grass verge between the application site and the edge of the carriageway. The Parish Council state that the hedge and verge are not within the ownership of the applicant and as a result the applicant does not have a right to create an access into the site and the Ownership Certificates within the planning application forms have been incorrectly completed.

The Parish Council and local residents state that the land on either side of the entrance into the village were gifted to the Parish Council for the purpose of establishing hedgerows which were provided from surplus money that had been made available from the construction of new housing in the village. They say that Durham County Council landscaped the borders and, with the help of local residents and the Parish Council, planted the hedgerows. The Parish Council has stated that they have maintained the hedgerows since 1965.

The Parish Council has made a formal application for adverse possession of the hedgerow and the verge to HM Land Registry and this process is still ongoing.

With regard to the hedges, the planning application has been supported by two signed Statutory Declarations. One states that since 1987 the Ward family, who own the application site, has instructed a farm contractor, Mr Guy, to maintain the hedges on the site; and the second is from Mr Guy confirming that he has maintained the hedges since the mid 1980s on behalf of the Ward family.

Council records show that the adopted public highway covers the carriageway and the verges on either side but that the Council do not own the verges. The Planning Consultant, acting on behalf of the applicant has provided two letters on the applicant's behalf, one from their local property solicitor and another from a Planning Solicitor. These letters have been supported by Land Registry Title Plans and a copy of the Council's Adopted Highway Plan. The Consultant advises that the application site abuts the boundary of the adopted highway and it is anticipated that the Council as highway authority would look to the developer to enter into a Section 278 Agreement under the Highways Act 1980 to implement the necessary works in the public highway in order to create the access into the site, the new footpath in the verge and new vehicular and pedestrian accesses onto Gate Lane. The Planning Consultant acting on behalf of the applicant has advised the local planning authority that, in his opinion, the planning application is valid, that the development is on land within control of the applicant and the site connects to the adopted public highway.

The applicant has submitted Ownership Certificate B within which Mr D Ward and Mr H Ward are named as owners of the application site and certifying that the requisite notices have been served on them. The Local Planning Authority subsequently served the requisite notices on the statutory consultees which included neighbours and the Parish Council. The onus is on the applicant to correctly complete their supporting Certificate. Section 65(6) of the Town and Country Planning Act 1990 states that a person is guilty of an offence if he:-

- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular,

Although the Parish Council dispute ownership this does not necessarily mean that the applicant has completed the Certificate either fraudulently or recklessly with any intent to mislead. The applicant has provided the Local Planning Authority with evidence in support of their position but it is recognised that such documentation can be challenged and it is acknowledged that the Parish Council has submitted an application to HM Land Registry for them to be named as the registered owners of the disputed land.

However, the Land Registry plan showing the extent of the application site would seem to abut with the adopted highway (based on the Council's adopted highway plan) and the applicant can enter into a Section 278 Agreement with the Council as the Highway Authority to carry out works within the public highway.

Where planning permission has been granted and it is then discovered that the incorrect Certificate was submitted, the planning permission is not necessarily void. In deciding whether to quash a decision on that basis, the Court would need to consider the nature of the irregularity, the identity of the applicant seeking relief, the amount of time that has lapsed and the effect on other parties, including the general public. Courts have shown that discretion may be exercised, with relevant considerations including whether there was any intent to mislead and whether any prejudice was caused to the parties affected by any non-compliance. In this instance, the disputing party is the Parish Council and they and local residents have been given the required notice of the planning application and been given the opportunity to make representations. Officers consider that based on the information that has been placed before them, the planning application is valid and it can be determined on that basis.

The ownership of the hedgerow and verge is a civil matter between the Parish Council and the applicant and is not a material planning consideration. Members will note that the granting of planning permission would not prejudice any legal standing of any of the parties in terms of their ownership interest.

Planning Policy

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

Saved policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997 states that new development will be located inside the developments and this is reaffirmed by Policy CS1 (Darlington's Sub-Regional and Locational Strategy) of the Darlington Core Strategy Development Plan Document 2011. Saved policy E2 continues that only development for agricultural or forestry operations, small scale development beneficial to rural communities, operations for utility providers and development for countryside related sports and activities would be permitted outside development limits provided that there is no unacceptable harm to the character and appearance of the rural area.

Policy CS1 of the Core Strategy states that within the limits to development of the Borough's villages, development that supports the vitality and viability of the village, its services or the rural community will be supported, particularly in the larger villages such as Middleton St George. Outside the limits to development of the main urban area and the villages, development will be limited to that required to meet identified rural needs.

This planning application site lies outside of the limits of development as identified on the Proposals Map of the Borough of Darlington Local Plan 1997 and is therefore contrary to the adopted local development plan.

Policy CS10 of the Core Strategy states that in circumstances where housing delivery is below 80% or less of the average annual net additions to existing housing stock required, windfall housing development in appropriate locations at the urban fringe and then within or adjacent to the larger villages maybe permitted, provided that early delivery of such development is secured by planning conditions. Low Coniscliffe is not an identified large village in the Interim Planning Position Statement 2016 and therefore the proposed development would be contrary to Policy CS10.

At present, Darlington Borough Council cannot demonstrate a five year supply of deliverable housing sites against an objective assessment of housing need and, in such circumstances, Paragraph 47 of the National Planning Policy Framework 2012 states that housing applications should be considered in the context of the presumption in favour of sustainable development but relevant local development plan polices for the supply of housing (parts of Core Strategy policies CS1, CS10 and Local Plan policies E2 and H7) should not be considered up-to-date.

The principle of the housing development must be considered against the principles of Paragraph 14 of the NPPF and also any other relevant local development plan policies and material planning considerations.

Paragraph 14 of the NPPF establishes the presumption in favour of sustainable development and for decision taking this means (unless material considerations indicate otherwise);

- 1) approving development proposals that accord with the development plan without delay; and
- 2) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - b) specific policies in this Framework indicate development should be restricted

In relation to Paragraph 14.2 a) where a Council cannot demonstrate a five year supply of deliverable housing sites, decision makers have to apply a planning balance between the benefits, and the harm of permitting the development contrary to the development plan (*do the adverse impacts of approving the application significantly and demonstrably outweigh the benefits*).

The weight to be given to the relevant development plan policies is a matter for the decision maker, in this case the Members of the Planning Applications Committee, in the context of all the relevant material planning considerations.

Consequently, it is considered that in this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. The balance in this occasion is whether the impact of the development on matters such as the character and appearance of the rural area, highway safety, ecology, residential amenity etc significantly and demonstrably outweigh the benefits, such as providing housing (and affordable housing) on a deliverable site that would improve the Council's ability to demonstrate a five year housing supply.

Clearly, whether any benefits of the proposed development are significant and demonstrably outweighed by adverse impacts can only be considered following an examination of all of the issues within the planning balance.

There are three dimensions to sustainable development as outlined by the NPPF: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These should not be considered in isolation, because they are mutually dependent. Economic, social and environmental gains should be sought jointly and simultaneously.

An economic role – The provision of housing itself is acknowledged as a driver of the economy and the construction phase of the development will bring economic benefits to the construction industry.

A social role – The proposed development would help to provide a supply of housing required to meet the needs of present and future generations and the scheme will include seven affordable housing units. In terms of access to goods and services, it is acknowledged that other than being located close to a public house (the Baydale Beck) Low Coniscliffe does not provide any of the services such as local shops/post offices, Doctors surgery or school which are found in the larger villages. These facilities are available in Darlington and whilst it is acknowledged that the future occupants would depend upon the private car to access the services, the site does have good footpath, cycle path and public transport links to Darlington.

An environmental role – One of the main considerations is the impact that the development may have on the character and appearance of the rural area, its relationship with Low Coniscliffe and potential coalescence of Low Coniscliffe and the western edge of Darlington, which will be considered in more detail elsewhere in the Report. The proposal will result in the loss of sections of the hedgerow on the Gate Lane frontage and a section of the internal field boundary to facilitate the access road but the boundary of the site will be augmented by further planting and there would be opportunities to enhance the ecological value of the site.

Part of the site is within Flood Zones 2 and 3 and as such is one of the restrictive policies identified in footnote 9 of the NPPF. No buildings would be located outside of the Flood Zone 1 area and the SuDs feature can be appropriately designed and located so that it is also located inside of Flood Zone 1 to ensure there is no increase in the risk of surface water flooding to the site or surrounding area. A Flood Risk Assessment and drainage strategy has been submitted and considered by the appropriate bodies who have not objected to the planning application and therefore whilst part of the site is covered by a restrictive policy within the NPPF, satisfactory mitigation measures can be secured by planning conditions.

The Council's Interim Planning Position Statement 2016, (IPPS) 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

The IPPS acknowledges that there is the opportunity for some of the villages to provide capacity for future housing growth which is also highlighted by Core Strategy Policy CS10 but Low Coniscliffe is not identified as being one of the larger villages within the Borough that would be suitable for further sustainable expansion the proposal would be contrary to Policy CS10.

The IPPS continues to comment that other villages, such as Low Coniscliffe, are unlikely to be of sufficient scale to accommodate new housing development other than suitable small scale infill development or replacement dwellings and arguably this is not a small scale infill development.

Members are advised that the IPPS is not part of the local development plan for Darlington but provides evidence to be considered by Members in the determination of this planning application against the NPPF and the relevant local planning policies.

Nevertheless, when considering the application site against the above criteria, as will be examined in detail in the report, the proposed development, which is not a small scale development, has been assessed in terms of its impact on strategic infrastructure and compliance with restrictive policies in the NPPF and it is considered that appropriate mitigation can be achieved through the layout and planning conditions. Whilst there are no services, local school, shop etc in Low Coniscliffe, the site has good accessibility to public transport and connectivity to the main urban area, existing schools and the design of the development will be shown as being acceptable. Arguably, the future residents will use the private car, despite the accessibility of the site to public transport and this would be contrary to the underlying aim of the NPPF and development plan policies but paragraph 14 of the NPPF allows these to be weighed against the benefits of the development when assessed against the framework as a whole. In this instance, the proposed development would aid the future delivery of housing in the Borough and would secure affordable housing provision in this area, the site is deliverable and can be built in such a way that would integrate acceptably into the village without adversely affecting the existing character and built form of the village or significantly harm the surrounding area. This is to be afforded significant weight in the planning balance.

Impact on the Visual Appearance and Character of the Local Area and Design and Layout of the Development

It is evident that Policy E2 (Development Limits) of the Local Plan is still a saved policy consistent with the NPPF and that, in this case, part of the overall planning balance (the weight that should be given to the policy) involves considering the impact of the development upon the character and appearance of the rural area against other material planning considerations such as the fact that the Council cannot demonstrate a five year supply of deliverable housing sites.

Policy CS2 (Achieving High Quality, Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness) 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 and also 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. Policy CS14 also seeks to preserve and protect the character and views along the approaches to the urban area, such as along Coniscliffe Road, the openness between settlements, the River Tees Strategic river corridor and the landscape character of the Tees Lowlands.

Policy CS17 of the Core Strategy states the green infrastructure network will be protected and, where appropriate, enhanced and extended to provide a quality, accessible and safe network of well connected, multifunctional green spaces to meet the formal and informal recreation needs of the community, help reduce health inequalities and enhance the visual amenity, biodiversity, landscape and historic character of the Borough. The network includes the River Tees and the general open countryside. The loss of any part of the green infrastructure network will only be considered in exceptional circumstances for the provision of essential infrastructure or where it has been demonstrated that the site no longer has any value to the community in terms of access and usage, is not required to perform an alternative green infrastructure function, is not required to meet a shortfall in the provision of that open space type or another open space type, and an alternative equivalent or better space in terms of quality, quantity, accessibility, biodiversity, flood storage, attractiveness and functionality is available.

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.

The Core Strategy identifies the application site and the wider rural area, including Low Coniscliffe as being within the Tees Lowland character area (Policy CS14) which in fact covers the majority of the rural hinterland within the Borough. The Core Strategy states that the largely undulating Tees Lowland dominates the natural landscape of the Borough providing wide views to the North York Moors and the upland Dales across the urban fringe, surrounding villages and countryside. The land falls in steep sided, wooded banks to the River Tees, which is a significant green corridor at the Borough's southern boundary.

The Core Strategy continues to state that development in these areas should reflect variations on the local landscape and character by enhancing local distinctiveness guided by the principles set out in the Supplementary Planning Document on New Design (which is considered in further detail below). Areas of openness form clear boundaries between the urban area and surrounding villages and that limits to development (Policy E2 and CS1) are integral to the protection of the Borough's green infrastructure network and settlement pattern.

The Darlington Landscape Assessment (2015) has been prepared on behalf of the Council to provide part of the evidence base for forthcoming development planning documents and it provides descriptions and evaluations of the landscape throughout the Borough.

The Assessment recognises Low Coniscliffe as one of the small settlements within the character area which has its own distinctive character. In terms of semi-natural habitats, the River Tees and its wooded banks provides a rich series of habitats, with many sections protected as local wildlife sites. The area is an important green corridor for wildlife species. It is noted in the Assessment that the Teesdale Way follows the north side of the river, linking villages and making use of several footbridges.

Whilst several roads run parallel to the River Tees, along much of the river there is very little development, and there are many intimate and secluded sections of the river banks which have a highly tranquil character. The Tees Valley is generally sensitive to built development along its length, and the Teesdale Way traverses most of this character area, emphasising its importance as a corridor for wildlife and people. Historic character is reflected in bridges and settlements the length of the river, and more recent infrastructure only has a localised influence. The Assessment identifies key sensitivities within this landscape to include:

- Tranquil character along much of the riverside;
- Traditional settlement pattern of nuclear villages related to the river;
- Extensive riparian woodland forms a significant habitat resource;
- Riparian meadow habitats contribute to important wildlife corridor;
- Important historical sites and monuments along the river; and
- Strategic recreational corridor, with the Teesdale Way running the length of the area.

The Assessment states that each of the settlements along the river valley has its own character and sensitivities. The Assessment continues to advise that the riverside villages of Piercebridge, High Coniscliffe, Low Coniscliffe, Neasham and Middleton One Row have little physical room for expansion.

The IPPS confirms that the NPPF indicates that valued landscapes should be protected and enhanced, with guidance provided against which development proposals affecting these areas will be assessed.

The IPPS reaffirms that the Core Strategy protects and seeks to appropriately enhance the distinctive character of the Borough's natural and historic townscapes and landscapes, including unique features like rural gaps, green wedges, green corridors, strategic historic routes and parklands. The IPPS confirms that any proposals within the rural area or on the fringes of existing development will be expected to have regard to the aforementioned Darlington Landscape Character Assessment 2015 and adequately mitigate any impact on the identified character.

The application site, which is in agricultural use, is in a prominent location on the corner of the A67 and the entrance into Low Coniscliffe (Gate Lane). It is currently bounded by mature hedges and some trees with ranch style timber fencing within the vegetation. A central field boundary comprising hedges and trees splits the two fields and there is an existing timber shed in the western field. The fields can be accessed via a timber stile on the A67 (part of the Teesdale Way); a field gate also off the A67 and a field gate off Gate Lane. The site is in agricultural use and it does provide an open area that separates Low Coniscliffe from the western edge of Darlington.

It is clear that the proposed development will change the character and appearance of the area but the main consideration here is whether or not that change is harmful and if so, would it outweigh the benefits of granting planning permission.

The main change to the boundaries of the site are that sections the hedgerow along Gate Lane will need to be removed to facilitate vehicular and pedestrian accesses, the erection of 1.2m high ranch style fencing and the creation of a footpath on Gate Lane and as part of the noise mitigation measures a 1.8m close boarded acoustic fence would be erected along the length of the A67 frontage. The loss of the hedgerow will impact upon the entrance into the village but as part of the landscaping of the development, new hawthorn hedging will also be planted along

this frontage and along a section of the A67 boundary. The footpath would not have a major adverse impact on the entrance into the village as it would be similar to the footpath on the west side of the Lane and new the 1.2m high fencing matches the sections of existing fencing on this frontage. The 1.8m high acoustic fence would be inside the existing mature hedgerow and therefore not clearly visible from the A67.

There will be views into the site via the vehicular access which includes a masonry wall entrance feature. The dwellings on this frontage are bungalows which will not have such an adverse impact when viewed against the retained and new hedgerows within their foreground. The majority of the dwellings that are positioned along the boundary with the A67, which consists of mature hedgerows to be retained, are set back from the edge of the application site which will reduce the prominence of the properties when viewed from this aspect.

The Public Right of Way (Teesdale Way) would be retained and enhanced by a new surface and a landscaped, tree lined verge and the riverbank would remain unchanged and unaffected by the development.

The proposal will increase the envelope of the built up environment around the existing village and also bring the eastern extremity of the village closer to the main urban area (west edge of Darlington). However, the landscaped SuDs and open space area on the eastern edge of the site along with the existing riverbank and the Beck itself would maintain an open landscaped “break” between Low Coniscliffe and the western edge of Darlington preserving to some extent the detachment and openness between the village and the urban area and the continuing rural nature of the local area (Policy CS14).

The retained hedgerows along the A67 and the set back of the majority of the proposed dwellings from the edge of the site would help to protect the approach into the urban area from Coniscliffe Road (Policy CS14) and whilst the site is within the Tees Lowland and the Core Strategy seeks to protect and preserve its landscape character, a scheme of this scale when considered in wider context of the Tees Lowland characterisation, would not adversely harm such a setting.

The River Tees Strategic Corridor (Policy CS17) runs along the south boundary of the application site but riverbank will not be affected by the proposal. Access to the corridor would be unaffected and the proposed dwellings which are on higher ground would have a 30m woodland buffer as a separating feature in order to protect the corridor and to minimise the visual impact of the new development.

Whilst the site is part of the wider green infrastructure of the Borough due to it being within the open countryside, consideration has to be given to the fact that the majority of the hedges and trees would be retained (and enhanced in certain areas), the Right of Way would be enhanced and landscaped and there is an area of open space on the eastern edge which would be landscaped and as a result the development will still retain an element of green infrastructure function. The public accessibility and community value of the site via the Public Right of Way would be retained and on the advice of the Council’s Countryside Right of Way Officer, enhanced. So whilst this proposal would result in the loss of part of the wider green infrastructure network in the Borough, the weight that the loss of this part would be, in the planning balance, would not be significant, especially when considered against the overall benefit of the proposal.

The site lies outside of the limits for development for Low Coniscliffe and the general description and evaluations contained within the Landscape Character Assessment have been taken into consideration. It is acknowledged that this development is more than a small scale infill development referred to in the IPPS, but it is also considered that the impact that the principle of this housing development will have on the wider landscape character and appearance of the surrounding area is not so significant to outweigh the benefit that would be derived from the proposal which is the provision of housing within the Borough.

Policy CS2 of the Core Strategy seeks to provide high quality, safe, sustainable and inclusive design will be promoted in all new developments. All development proposals must, amongst other matters,

- reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place;
- create a safe and secure environment that will incorporate the principles of Secured by Design;

Under the provisions of the Council's Design SPD, Low Coniscliffe is located within Character Zone 4 (Outer Suburbs). In general terms, the SPD considers that within this Character Zone, buildings between one and 2.5 storeys are acceptable with parking accommodated to the side or rear of the buildings or in a purpose built court within a block. Garages may be provided externally. Terraced, semi-detached and detached dwellings are seen as being a characteristic of the Zone with areas of defensible space to the frontage. Other design features that are considered appropriate in the Zone are canopies, porches, rectangular windows, bay windows, windows with headers and footers and a variety of roof designs (for example, hipped, pitched, dormers). Brick, render and slate or pantiles for the roofs are considered to be an appropriate choice of materials.

There is a mix of housing types, styles, ages and materials within the village which adds to its character and appearance but also gives it a lack of uniformity. The housing types range from detached and semi-detached dwellings, terraced dwellings, dormer bungalows and bungalows built from a range of materials. The styles of the properties range from the historic traditional buildings to more modern infill developments. The dwellings front onto the circular public highway that forms the pattern of the village with those on Gate Lane positioned behind boundary walls and the properties on Back Lane being a mix of open frontages or low walls, fences and hedges etc. There is a small green where Gate Lane and Back Lane meet and Merrifield Hall and its former Grooms accommodation lie at the entrance to the village.

The design of the proposed dwellings would accord with the general guidance contained within the Design SPD for this location and it is considered that they are acceptably designed when adjudged against the existing varied housing stock in the village. In order to integrate the development into village, the seven properties that are located on the west boundary of the site have been rotated to front onto Gate Lane to provide a continuation of the existing street frontage. The internal layout of the scheme is considered to be acceptable with the Teesdale Way benefiting from some natural surveillance and an area of open space is being provided on site. It is considered that the proposed housing development will accord with the Design SPD and the aforementioned criteria within Policy CS2.

Highway Safety

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

A new vehicular access off Gate Lane would form the main access into the development. An existing access would be used to create a vehicular access for Plots 1 and 2 and a new one would be created for Plots 3 and 4. Plots 2, 5, 6 and 7 would have pedestrian access onto Gate Lane.

The development would not generate significant additional trips in the Am and PM peak periods and as the access into the site is before the village any additional traffic would not have to travel through the village and it would almost have direct access to a local distributor road. Police accident records show that there have been no reportable accidents within the previous 5 years data along Gate Lane or its junction onto the A67. The parking provision throughout the site accords with the Tees Valley Guidance and a swept path analysis has been submitted to show that vehicles such as an 11m refuse vehicle can be accommodated.

The site would be accessed by a T junction and a new footway is proposed along the east side of Gate Lane. There may be a requirement for Gate Lane to be widened in some areas in order to achieve a satisfactory width of 5.5m and the footway should be a minimum of 2m wide in order to link in with the internal estate road. These details would be secured by a planning condition.

There are no highway objections to the proposal subject to the aforementioned condition and also conditions relating to visibility splays for the private drives, the location of bin stores and a Construction Management Plan.

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.

The proximity distances which need to be met between existing and proposed dwellings accord with the guidance contained within the Council's adopted Supplementary Planning Document – Design for New Development. The spatial relationships between the proposed dwellings within the development would also accord with the SPD.

There are four dwellings on the southern boundary of the site that would have first floor balconies to the rear. Three of the properties would face over the River Tees and the fourth (Plot 27) would overlook an open field. The spatial relationship between the property on Plot 27 with and the nearest existing dwelling on Gate Lane (No 10) are considered to be acceptable to ensure that the balcony area would not impact upon the privacy or amenity of this neighbouring property.

Some concerns have been raised by an objector over the loss of a private view across the application site, but Members are advised that such a concern is not a material planning consideration and the application should not be refused on such grounds.

The planning application has been supported by a Noise Assessment which concludes that the ambient noise climate across the application site is primarily associated with local and distant road traffic noise. The Assessment also concludes that with certain mitigation measures put in place such a specific glazing and trickle vent specifications and the installation of a reflective

barrier along the frontage of the A67 to protect rear garden space, the noise levels for internal and external spaces set out in guidance can be met.

In their comments on the planning application, the CPRE made reference to a planning application for 6 dwellings at Beacon Hill Works being refused on noise grounds and they have queried the Noise Assessment for this application. The comments from the CPRE have been considered by Environmental Health and in response to the queries it is clear that each application is considered on its merits and assessed based on the individual proposal given the context and location etc. The Environmental Health Officer is satisfied that the methodology used in the assessment met recognised criteria. As part of their deliberations, the Environmental Health Officer made visits to the site and local area to take noise measurements in relation to noise from the A67 and the Officer is satisfied that subject to appropriate planning conditions the development is considered to be acceptable.

The planning conditions relate to securing the mitigation measures outlined in the Noise Assessment; the details of the acoustic fence to be erected on the A67 boundary; the details of glazing specifications; the submission of a Construction Management Plan and controlling the hours of construction/deliveries and details of any piled foundations if deemed necessary.

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.

Following an inspection of the site, the Council's Senior Arboricultural Officer has advised that four Ash trees and a Hawthorn tree were worthy of a tree preservation order. The scheme has been revised to realign the internal spine road to retain the hawthorn tree and the four ash trees within the curtilage of Plots 11, 12, 13 and 27 as part of the overall landscaping for the site. The five trees that are considered to be worthy of protection are now subject to the tree preservation order.

Planning conditions would need to be imposed to ensure that these trees along with any other existing trees to be retained are protected during the construction phase of the development.

A landscaping scheme for the development would be secured by the imposition of a planning condition.

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.

Policy CS15 seeks to conserve, restore and enhance the ecological condition of sites that have a high biodiversity value such as the strategic wildlife corridor along the River Tees.

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

A Preliminary Ecological Assessment advises that the two fields have low ecological value but there is an increased value in the boundary features and the central field boundary, which is of moderate value for foraging and commuting bats. Overall the site has negligible value for badgers, reptiles, great crested newts and otter and low to moderate value to breeding birds with no roosting value for bats. The Assessment outlines a number of mitigation measures including timescales for hedge removal, compensatory hedge planting and ecological enhancements such as bird boxes.

Following further discussions with the consultant in response to comments made by local residents, the following responses have been made:

- The Assessment has been carried out in accordance with current relevant guidelines and it fully considered the presence of all relevant protected species based on the habitats present on and adjacent to the site;
- A number of measures to control light spill from street lights etc on the main spine road bisecting the hedgerow/bat route and long the Teesdale Way. These include a 30m buffer zone between the development area and the River, the retention of existing tree planting, additional tree planting and the need for sensitive lighting scheme
- Whilst the hedgerows on the north and west boundary are of value for foraging and commuting bats and nesting birds, the hedgerows themselves, being mostly hawthorn dominated with poor species mixes and gaps in various places, were not considered to have sufficient ecological value at the proposed access points
- None of the hedgerows are protected and the species compositions would suggest that they would not be considered “important” under the Hedgerow Regulations 1997
- The transect bat surveys that were carried out on the site meet BCT guidelines which state that dusk transects should commence at sunset which was adhered to.
- Mitigation for both giant hogweed and Himalayan Balsam are discussed in the Assessment and mitigation is recommended. Common Ragwort, which is considered to be a harmful weed, was also recorded on site but this in relation to land that is used for agricultural purposes.
- Bats were the only European Protected Species that needed further consideration following the surveys and the layout includes mitigation measures for foraging and commuting bats.
- No trees of significant roosting value were noted. There were three trees along the central hedgerow that were considered to be of “low value” for roosting bats and a further emergence survey revealed no recordings
- The consultants believe that whilst the retention of the central hedgerow would be preferable it is not considered to be of such value that mitigation could not offset any negative impact. The Assessment outlines the transplanting of existing mature vegetation in an effort to maintain connectivity in the short term and the site is small enough that the negative impact to the central hedgerow will not create a complete severance of habitat connectivity.

The Council’s Senior Landscape & Ecology Officer accepts the findings of the Assessment and the layout of the development has been amended to retain as much of the central field boundary as possible in order to provide a viable commuter route for bats. In order to protect the route it is considered appropriate to remove the “permitted development” rights from the Plots that share the boundary with this route in order to prevent future development from damaging the hedgerow and its future maintenance would be carried out by a private management company as part of the wider maintenance regime of the housing development.

An ecological street lighting scheme would need to be included within the layout to control the location, height and level of luminance in proximity to this “green corridor”.

Whilst the site is along the River Tees wildlife corridor, the site itself is considered to be of low ecological value other than the field boundaries. The layout of the development, the landscape features and the mitigation measures to compensate for any loss of ecological features outlined in the Assessment are considered to be appropriate but the Council’s Ecology Officer has recommended some further measures (bat and bird boxes) that can be incorporated into the design of the dwellings and the layout and can be secured by a planning condition to enhance the ecological value of the housing development

Land Stability

The dwellings would not be located on the actual river bank slope and the slope does not form part of the gardens belonging to the dwellings on the south boundary. The rear gardens are fenced off along this boundary by steel boundary railings. Sectional plans through the riverbank show that the angle of repose (maximum area to support the foundation loads) from the proposed foundations do not extend to a zone within the existing embankment slope. The Consulting Engineer for the applicant has advised that should any instability of the slope/bank occur, this would affect structure of the proposed houses.

Archaeology

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 on to 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.

A desk based assessment of the site has been carried out along with a first phase of archaeological evaluation and an Evaluation Report on these two assessments has been submitted and considered by the Durham County Archaeology Team. The analysis has identified a feature which may be a burial mound or barrow comprising two sub-circular ditches in the west section of the application site and the Report recommends that a strategy for further investigative studies and recordings of the features through a further evaluation should be implemented in mitigation of the proposed development in the west part of the site. The Historic Environment Record Officer from Durham County Council agrees with the recommendations that a strip map and sample exercise should be carried out on the western field of the development area which can be secured by appropriate planning conditions.

Impact on the Significance of Heritage Assets

There are three Grade II listed buildings in the village (Nos 20, 55 and 57 Gate Lane) which are located in the central core of the village approximately 70 and 95m from the application site.

The proposed development would not be visible from these heritage assets and would not harm their setting.

Low Coniscliffe and the application site are not covered by a conservation area although the Parish Council are in the early stages to obtain such a designation for the village.

Flood Risk and Drainage

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 majority of the site is within Flood Zone 1 but the southern boundary and southeastern corner of the site are within Flood Zone 2 and 3. The Environment Agency's Flood Maps highlight an area to the west of the site that is at risk of surface water flooding.

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the planning application. The Drainage Strategy submitted with the planning application indicates that SuDS features are to be used to control surface water flows from the proposed development. The Flood Risk Management Team has not raised any objections to the planning application but they have requested the imposition of planning conditions to secure precise details of the design and location of storage structure and future management regime.

Northumbrian Water has raised no objections to the proposal subject to the development being carried out in accordance with the submitted Drainage Strategy which states that foul water would be discharged to the existing foul sewer and surface water would be discharged to an existing watercourse.

The Environment Agency has made no objections to the planning application provided that the development is carried out in accordance with the latest Flood Risk Assessment and that no dwellings are built within Flood Zones 2 and 3. An appropriate planning condition would be imposed.

Public Right of Way

The Public Right of Way that currently runs through the site would be retained within the layout of the housing development. The existing stiles would be removed to improve access for a wider range of users and the proposed "kissing" gates would need to be designed to BS5709:2006. The Way would be resurfaced with gravel which is considered to be beneficial for users and a 3m wide tree lined strip would be provided on either side. It is expected that the route and the grass strip on either side would be maintained by a private management company rather than by the Local Authority and the details of this maintenance scheme would need to be part of any Section 106 Agreement. The Council's Public Rights of Way Officer has raised no objections to the proposed development and its impact on the Right of Way route.

School Places

The Capital Assets & School Place Planning Manager has advised that Darlington has experienced pressure on primary places over recent years particularly in the West End, however with evidence of a lower number of recent births this is not expected to be the case over the coming years. Within three years all selected primary schools (High Coniscliffe, Federation of Abbey Schools and Federations of Mowden Schools) apart from Polam are projected to have

increased space capacity of more than 5%. The expected yield from this development is eight primary school pupils and there would be spare capacity to mitigate for these numbers.

The planning application includes the flood lighting of an existing footpath link from the A67 exit of the Public Right of Way onto Coniscliffe Road to create an improved “Safe Route for Schools”.

Hummersknott Academy is the nearest secondary school to the proposed site and it is expected to be at over capacity in every year group to the end of projections (2027). The next nearest school is the Wyvern Academy (formerly Darlington School of Maths and Science) which is 2.5miles from the site. The Wyvern Academy is projected to have places until 2021 after which it is projected to be full in the majority of year groups until 2026. There is capacity at the Wyvern Academy for a further 40 places per year group and the Head teacher wishes to re-open these additional places when there is sufficient demand, expected admission year 2020-21. The expected pupil yield for this development for secondary school places is 5 pupils and with some spare places available (albeit not across all year groups), 5 pupils is not considered sufficient to demonstrate that a development will have a significant impact on existing provision.

Land Contamination

Land at the southern perimeter of the site includes a former clay pit believed to have been infilled in the 1950s and thereafter used as agricultural land and a steep wooded escarpment sloping to the River Tees to the south. Whilst the land is not designated as being contaminated land, it would require further investigation and this would be secured by appropriate planning conditions. The remainder of the site is considered to be unaffected by contaminants and further investigations and assessments would not be required.

Health and Safety Implications

In 1992 a Hazardous Substance consent was granted by the Council for the storage of 10 tonnes of chlorine at Broken Scar Water Treatment Works and the Health and Safety Executive (HSE) were a statutory consultee as part of the eastern section of the planning application site was within the Consultation Distance of Major Hazard Sites. As no part of the within the zone contained any dwellings, the HSE consultation process resulted in there being no objections to the development.

However, Members are advised that the Council has recently revoked the Consent as there is no longer a requirement for it to be in place as the amount of chlorine being stored on at the Water Treatment Works is now below the threshold for consent and Council records have now been updated.

Planning Obligations

In compliance with the Council’s adopted Supplementary Planning Document on Planning Obligations, the development will fulfill the following planning obligations:

Affordable Housing

The proposed scheme meets the 20% on site affordable housing requirement and the applicant has advised that two Registered Social Landlords have expressed an interest in the site. The applicant is also aware of the Council’s preference for affordable housing to be delivered early and this will be considered in the context of the timing and phasing of the development and the other contributions (listed below) requested by the Local Planning Authority. The timing and management etc of the units shall be secured and agreed via an appropriate planning condition.

Sustainable Transport

A financial contribution towards improving and maintaining walking routes, the wider Public Right of Way network and cycle paths within the vicinity of the application site.

Green Infrastructure

A financial contribution towards improving and maintaining open space within the vicinity of the application site.

Sport Provision

To improve and maintain existing playing fields in the vicinity of the application site.

Open Space/SuDs and Right of Way Maintenance

The open space, SuDs area and the Right of Way that runs through the site would be maintained by a private management company and the details would be secured as part of the Section 106 Agreement.

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 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.

This is a detailed planning application and not an outline submission that requires further Reserved Matter submissions but the applicant recognises that there is a need for Darlington to meet its housing need and has agreed to reduce the implementation time limit from three years to two years which is considered acceptable.

Other Matters*Low Coniscliffe and Merrybent Neighbourhood Plan*

The Parish Council is at the early stages of a Neighbourhood Plan. A neighbourhood plan attains the same legal status as a Local Plan once it has been approved at a referendum and it is at this point that a Plan comes into force as part of the statutory development plan. At this stage, the Neighbourhood Plan is an emerging document and the weight that it can carry is very limited at this point in time.

Other Planning Applications

Some of the objection letters have made reference to a planning application that was refused for a housing development in High Coniscliffe (ref no: 15/00984/OUT). Members are advised that this application related to a development of up to 4 dwellings. The application was refused on the grounds that the development would have an adverse impact on the character of the surrounding area and also the High Coniscliffe Conservation Area. An appeal against the decision was dismissed as the Planning Inspector considered that the development would harm the conservation area and a nearby listed building which would outweigh the benefits of the proposal.

Reference was also made to an outline planning application (ref no 16/00575/OUT) for up to 14 dwellings on the opposite side of Gate Lane which was submitted prior to this planning application but has subsequently been refused for two reasons. Firstly due to insufficient information being submitted with the application to enable the Local Planning Authority to

assess the proposal against national and local development policies and due to the use of an existing access being unacceptable in highway safety terms

Members are advised that whilst these are examples of housing applications on the edge of a village being refused by the Council each application has to be assessed on their individual merits and Officers consider that this application should not be recommended for refusal due to these recent decisions.

Two planning applications have been submitted to redevelop land to the north of the application site (ref nos: 17/00632/FUL and 17/00636/FUL) for residential purposes. The planning applications are for up to approximately 1500 houses on the western edge of Darlington and have yet to be determined.

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 is unable to demonstrate a five year supply of deliverable housing sites and therefore the development plan policies specifically relating to housing cannot be considered up to date (paragraph 47 of the NPPF) and the development must be assessed against the relevant paragraph 14 of the NPPF, the relevant local development plan policies and any other material considerations.

Members are being asked to consider granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole which is subject to the planning balance test.

The planning balance is that the proposed development would provide housing, including affordable housing, in such a way that would integrate into the built form of the village and without adversely effecting highway safety, ecology residential amenity etc at a time when the Council are unable to demonstrate a five year supply of deliverable housing sites against any impacts the development may have on the character and appearance of the rural area.

Having adopted the planning balance, Officers consider that the need for housing and affordable housing in the Borough and the opportunity to meet the requirements of the five year housing supply carries significant weight and the benefits of granting this housing application would not be significantly and demonstrably outweighed by any adverse impacts such as the site being outside development limits and its impact upon the character and appearance of the rural locality. As mentioned the IPPS is not part of the local development plan and furthermore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 allows decision makers to approve planning applications that are not in full accordance with the development plan when material considerations indicate otherwise.

Subject to appropriate planning conditions to secure appropriate mitigation, the proposed development would not have an adverse impact in terms of flood risk such that in accordance with paragraph 14 of the NPPF the development of the site should be restricted. The proposed development can achieve satisfactory access and is acceptable in terms of its impact on highway

safety. There would be no unacceptable impact on ecology, archaeology or trees, subject to appropriate mitigation.

It is acknowledged that the proposed development would not have ready access to those shops and services identified in the IPPS but the site is very accessible to a local bus service and whilst there will be an impact on the character and appearance of the rural area, it is not considered to be significantly harmful and the proposed benefits of the development, as outlined above, are considered to outweigh the harm in this instance and the principle of development is considered to be acceptable subject to a condition

Appropriate planning obligations have been negotiated and would be secured by a Section 106 Agreement, to ensure the proposal is a sustainable development which would generate environmental, social and economic benefits including helping to address the housing needs of Darlington. Whilst the proposal would be contrary to the local development plan, there are material planning considerations to allow the planning application to be recommended for approval and to support a departure from the plan.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT WITHIN SIX MONTHS TO SECURE THE FOLLOWING:

- a) A financial contribution towards improving and maintaining walking routes, the wider Public Right of Way network and cycle paths within the vicinity of the application site.
- b) A financial contribution towards improving and maintaining open space/green infrastructure within the vicinity of the application site.
- c) A financial improvement to improve and maintain existing playing fields in the vicinity of the application site.
- d) Details of a private management company to maintain open space, the Public Right of Way and retained field boundaries.

AND THE FOLLOWING PLANNING CONDITIONS:

1. The development hereby permitted shall be commenced not later than two years from the date of this permission
REASON; In the interests of achieving an improved rate of housing delivery in the Borough
2. B4 – Details of Materials
3. 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 provision will take the form of on-site provision (of not less than 20% of the housing units) in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme shall include:
 - a. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - b. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);

- c. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- d. 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;
- e. 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.

REASON: To comply with local development plan policy

4. 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;
 - a. Detailed design of the surface water management system
 - b. A build program and timetable for the provision of the critical surface water drainage infrastructure
 - c. A management plan detailing how surface water runoff from the site will be managed during construction Phase
 - d. Details of adoption responsibilities;
 - e. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

The building 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.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 2017 Reference: H76116/FRA/001. Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved by limiting surface water discharge from the development to 13.6l/sec. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

6. No dwellings should be occupied until the surface water management system for the development or any phase of the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.
REASON: To reduce flood risk during construction / development of the site
7. The development hereby approved should not be carried out otherwise than in complete accordance with the drainage scheme contained within the Drawing Number H76116-D-001 Rev C “Drainage Strategy” produced by JNP Group. The drainage scheme shall ensure that foul flows discharge into the foul sewer at manhole 0901 and ensure that surface water discharges to the existing watercourse
REASON: To prevent increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012
8. The development hereby approved shall be carried out in complete accordance with the approved Flood Risk Assessment dated June 2017 and the following mitigation measures detailed within the Flood Risk Assessment and Drawing Number L015046-103 Rev C:
 - a. No dwellings shall be built within Flood Zones 2 or 3.

The mitigation measures shall be fully implemented prior to the 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.
9. Prior to the commencement of the development precise details of a bin storage facilities and location shall be submitted and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be permanently retained thereafter.
REASON: in the interests of highway safety
10. Notwithstanding the details shown on the approved plans, precise details of the off site highway works required to access the site and mitigate the development impact shall be submitted and approved, in writing, by the Local Planning Authority prior to the commencement of the development. The submitted details shall include widening of Gate Lane to 5.5m up to the new access junction, the provision of a new 2.0m wide footway along the frontage of the development on Gate Lane connecting into the surrounding infrastructure and the new site access junction. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of highway safety
11. Prior to the commencement of the development, precise details of the visibility splays for the private drives onto Gate Lane shall be submitted to and approved, in writing, by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of highway safety

12. Prior to the commencement of the development, precise details of secure, covered cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In order to encourage the use of sustainable transport
13. The mitigation measures outlined in the approved Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1) shall be fully implemented prior to the first occupation of the dwellings and thereafter shall be retained and maintained for the life of the development.
REASON: In the interests of the amenities of the occupiers of the development
14. Notwithstanding the mitigation measures outlined within the approved Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1), precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The details shall include the specification and construction of the fence (i.e. density, height, design) and its location. The development shall not be carried out otherwise than in complete accordance with the approved details and the fence shall be fully installed prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development
REASON: In the interests of the amenities of the occupiers of the development
15. Notwithstanding the mitigation measures outlined within the approved Noise Impact Assessment produced by Environmental Noise Solutions Ltd and dated 8 April 2016 (reference NIA/6572/16/6505 v1, precise details of the glazing specifications (including details on the $R_w + C_{tr}$ value) and acoustic trickle vents (including their acoustic performance) for all windows for habitable rooms on the road frontage elevation for dwellings within 20 metres of Coniscliffe Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details and the measures shall be implemented prior to the first occupation of the dwellings, and thereafter shall be retained and maintained for the life of the development
REASON: In the interests of the amenities of the occupiers of the development
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 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 be carried out otherwise in complete accordance with the approved Plan

REASON: In the interests of residential amenity and highway safety

17. Construction work, including the use of plant and machinery (including generators) as well as deliveries to and the removal of material from the site, shall not take place outside the hours of 08.00 - 18.00 Monday - Friday, 08.00 -14.00 Saturday with no working on a Sunday and Bank/Public Holidays without the prior written approval from the Local Planning Authority
REASON: In the interest of the residential amenity of the area
18. If piled foundations are proposed, prior to the commencement of the development details of the piling method including justification for its choice, means of monitoring vibration and groundwater risk assessment if necessary in accordance with recognised guidance shall be submitted and agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
REASON: In the interest of the residential amenity of the area
19. Prior to the commencement of the development, a management plan for keeping Public Footpath No 6 The Parish of Low Coniscliffe unobstructed and available for public use during the construction phase of the development. The development shall not be carried out otherwise than in complete accordance with the approved plan.
REASON: To ensure that the Public Footpath continues to be accessible.
20. The proposed development (construction and post development) shall not be carried out otherwise than in complete accordance with the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of mitigating the impact of the development to protected and notable species
21. Prior to the commencement of the development, an appropriate street lighting scheme for the development, including for the "Safe Route for School" route on the A67/Coniscliffe Road shall be submitted to and approved, in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of highway and pedestrian safety
22. Notwithstanding condition 19 and the recommendations set out in the document entitled "Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe" Version R2 dated 16 August 2016 and produced by Naturally Wild, the street lighting scheme for the site shall include an ecological lighting strategy to be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details, location and level of luminance of the street lighting and external floodlighting on the dwellings in the vicinity of the retained central field boundary and

the development shall not be carried out otherwise than in complete accordance with the approved details. No additional street lighting or external floodlighting to the dwellings shall be installed other than agreed without the prior consent of the Local Planning Authority

REASON: In the interests of protected species and their habitats

23. Notwithstanding the recommendations set out in the document entitled “Preliminary Ecological Appraisal and Bat Survey Report. Land south of Coniscliffe Road, Low Coniscliffe” Version R2 dated 16 August 2016 and produced by Naturally Wild a scheme for the installation of bat and bird boxes (within trees and integrated into dwellings) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type of bird boxes and location throughout the development and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In order to compensate for the loss of bird nesting opportunities due to the removal of sections of hedgerow and to enhance alternative bat foraging routes in the general ecological interests of the site.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the dwellings on Plots 15, 16, 17, 18, 29 and 30, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON: In order to protect the central boundary hedge for ecological purposes

25. CL2 – Phase 1 Preliminary Risk Assessment

26. CL2 – Site Investigation Strategy

27. CL3 – Phase 2 Investigation Works

28. CL4 – Phase 3 Remediation and Verification Strategy

29. CL5 - Construction/Remediation Works

30. CL6 – Phase 4 Verification and Completion Report

31. 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:

- a. Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- b. Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts
- c. Post-fieldwork methodologies for assessment and analyses
- d. Report content and arrangements for dissemination and publication proposals
- e. Archive preparation and deposition with recognised depositories

- f. 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
- g. Monitoring arrangements, including the notification in writing to the County Durham Principal Archaeologist of the commencement of works and the opportunity to monitor such works
- h. 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 paragraphs 135 & 141 of the National Planning Policy Framework 2012 because the site is of archaeological interest.

32. 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 paragraph 141 of the National Planning Policy Framework 2012, 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.

33. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. 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 well being of the trees on the site and in the interests of the visual amenities of the area.

34. E2 – Landscaping (Submission)

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

- a. L015046-101 Rev A Development Enabling Works

- b. L015046-102 Rev A Site Boundary Treatments
- c. L015046-103 Rev C Site Layout Plan as Proposed
- d. L015046-104 Rev D Site Layout as Proposed
- e. L015046-105 Boundary Treatments
- f. L015046-106 Boundary Treatments
- g. L015046-107 Dwelling Type A Proposed Floor Plans
- h. L015046-108 Dwelling Type A Proposed Elevations
- i. L015046-109 Dwelling Type B Proposed Floor Plans
- j. L015046-110 Dwelling Type B Proposed Elevations
- k. L015046-111 Rev A Dwelling Type C Proposed Floor Plans
- l. L015046-112 Rev A Dwelling Type C Proposed Elevations
- m. L015046-113 Rev A Dwelling Type D Proposed Floor Plans
- n. L015046-114 Rev A Dwelling Type D Proposed Elevations
- o. L015046-115 Rev A Dwelling Type E Proposed Floor Plans
- p. L015046-116 Rev A Dwelling Type E Proposed Elevations
- q. L015046-117 Double Garage
- r. L015046-118 Materials Combination 1
- s. L015046-119 Materials Combination 2
- t. L015046-120 Materials Combination 3
- u. L015046-121 Materials Combination 4
- v. L015046-122 Rev B Street Scene Elevations
- w. L015046-124 Rev A Site Location Plan
- x. L015046-125 Rev A Site Block Plan
- y. L015046-126 Dwelling Type AA Proposed Floor Plans
- z. L015046-127 Dwelling Type AA Proposed Elevations
- aa. L015046-128 Dwelling Type EE Proposed Floor Plans
- bb. L015046-129-Dwelling Type EE Proposed Elevations
- cc. L015046-130 Dwelling Type F Proposed Elevations
- dd. L015046-131 Dwelling Type F Floor and Roof Plans
- ee. H76116-D-100 Rev A Development Site Sections
- ff. H76116-D-001 Rev C Drainage Strategy
- gg. H76116-D-002 Rev C Vehicle Tracking Fire Tender
- hh. H76116-D-003 Rev C Vehicle Tracking Refuse Vehicle
- ii. H76116-D-004 Rev B General Arrangement

36. REASON – For the avoidance of doubt and to ensure the development is carried out in accordance with the planning permission

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

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

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

National Planning Policy Framework 2012**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

INFORMATIVES TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**Highways**

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 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 new adopted highways and 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.

The applicant is advised to contact the Assistant Director: Highways, Design and Projects (contact Mr. Chris Easby 01325 406707) to discuss the introduction of a 20mph zone.

Environment Agency

The Baydale Beck watercourse bounds to the East and the River Tees bounds the site to the south, both are designated as a “main river” under the Environmental Permitting Regulations. If any works or structures (such as outfalls) are proposed in, under, over or within 8 metres of the top of the bank/foreshore of the Baydale Beck or River Tees, the applicant is advised that they will need to apply for an environmental permit for flood risk activities. Information on permit

requirements can be found on <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. If a permit is required, it must be obtained prior to the beginning of the works.