

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 August 2017

Page

APPLICATION REF. NO: 16/00396/OUT

STATUTORY DECISION DATE: 13 July 2016

WARD/PARISH: SADBERGE AND MIDDLETON ST GEORGE

LOCATION: Land At Lancaster House, Durham Tees Valley Airport, Middleton St George

DESCRIPTION: Outline planning permission for residential development of up to 55 dwellings with all matters reserved (amended Arboricultural Survey received 6 June 2016) (amended Site Location Plan, Parameters Plan, Constraints Plan, Design & Access Statement and Planning Statement received 29 June 2016) (additional Retrospective Heritage Statement received 29 June 2016) (Additional Ecology Report received 4 October 2016)

APPLICANT: Mr CG Robinson And Mr CJ Leonard

APPLICATION AND SITE DESCRIPTION

The planning application site is currently vacant but last occupied by Lancaster House, which was part of the RAF buildings on the wider Durham Tees Valley Airport site. A Heritage Statement submitted with the planning application advises that Lancaster House appears to have been constructed in the early 1940s along with hangars, an officer's mess and military accommodation at the airport. The Lancaster House was demolished over three years ago and the majority of the associated buildings have been cleared. The site contains the remains of foundations and hardstanding areas in the northern section of the site which the southern section of predominantly grassland apart from a tank located within a pit. The site is enclosed by a mix of hedgerows, trees and mesh fencing.

There are trees within the southern section of the site which are covered by two separate tree preservation orders dated 2007.

The site is located to the east of the St Georges Way roundabout that leads to the main Airport terminal and car parking area. The Fire Training Centre and St George Hall Care Home lie to the east of the application site; a Motorhome Centre lies to the south and Yarm Road, the A67 and railway lines are both to the north.

This outline planning application is seeking consent to redevelop the site for residential purposes for up to 55 dwellings with all matters reserved for future submission, including means of

access. Whilst this is the case, an Indicative Parameters Plan has been submitted showing that the main vehicular and pedestrian access to the site could be achieved from the south off St Georges Way and further pedestrian links are possible from the north west and east.

Members will be aware that an outline planning application (ref no 16/00578/OUT) has recently been recommended for approval, subject to a Section 106 Agreement, for 350 houses and a local centre at the Durham Tees Valley Airport and this application site is located to the both the north and east of that larger proposal.

Also for reference, permission has also been granted for approximately 176,900 sqm of warehousing and distribution buildings on the south side of the Airport (“Southside” Phase 1) which has been implemented and remains extant and in 2015 planning permission (ref no: 15/00677/FUL) was granted for the construction of a new link road between Northside and Southside of the Airport and the construction of a new industrial/warehousing facility. This road would enable the development of Southside to be accessed without the need for a new access to the A67.

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 a minimum of 9% of the overall scheme as onsite affordable units (5 units); and financial contributions towards playing field improvements, bus stop improvements, education provision within the village and improvements to footpaths and cycle paths for a “Safe Route to School”.

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 relevant entries for the application site are as follows:

06/01166/OUT In October 2007 outline planning permission was GRANTED for a hotel development

08/00615/OUT In October 2008 planning permission was GRANTED for the erection of a 130 bed hotel

The following planning application is located adjacent to the application site:

16/00578/OUT In March 2017 Members were minded to APPROVE outline planning permission for up to 350 houses and a local centre, subject to the withdrawal of objections from Highways England and Sport England and a Section 106 Agreement. The Agreement has yet to be signed and therefore the planning permission has yet to be issued.

PLANNING POLICY BACKGROUND

Borough of Darlington Local Plan 1997

E2 - Development Limits

E12 – Trees and Development
E14 – Landscaping of Development
E21 – Wildlife Corridors
EP9 - Teesside Airport Employment Land - North
H7 - Areas of Housing Development Restraint
T40 - Teesside Airport

Darlington Core Strategy Development Plan Document 2011

CS1 - Sub-Regional Role and Locational Strategy
CS2 - Achieving High Quality Sustainable Design
CS4 - Developer Contributions
CS9 - District and Local Centres and Local Shops and Services
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
CS18 - Promoting Quality, Accessible Sport and Recreation Facilities
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
The Durham Tees Valley Airport Master Plan 2014
Aviation Policy Framework 2013
Draft Airports National Policy Statement 2017

RESULTS OF CONSULTATION AND PUBLICITY

Eleven letters of objection have been received from seven households and the comments can be summarised as follows:

- *I am concerned about this planning application firstly for the increased traffic in the vicinity of the development. 55 homes means around 110 extra cars. The access road to the south is a poor quality road, already heavily used by airport traffic and TNT lorries. The access road to the north is more concerning, the "unnamed road" is accessed from the main A67 road to Yarm. Of particular concern is traffic accessing the site from the Darlington direction, therefore having to wait and then turn right across a busy road. This stretch of road is renowned as an accident hotspot and having traffic turning across this carriage way can only worsen this situation. This problem is rather skimmed over in the traffic plan of the application. Obviously there are also concerns regarding the further pressure this will put on village facilities, primarily the doctors surgery and primary school, which is already heavily oversubscribed.*
- *There is no information as to where waste water will be exiting. There is no flood risk highlighted in the planning application but there have been instances raised historically of flooding at Goosepool Cottages and neighbouring farmland due to excess water flows*

at Goosepool Beck at peak rainfall times. The Beck can back up near the culvert passing under the bypass road behind the property and also the neighbouring farmland. Rainwater from 55 dwellings would have a significant impact if it were to enter Goosepool Beck prior to the culvert. I am concerned that should there be flooding, there could be risk to inhabitant and vegetation of the surrounding land as was proved during the early stages of the planning stages for the bypass road. There were Great Crested Newts along with other endangered plants found in this area

- *I am concerned that the approach road to Goosepool Cottages will be used, at least during the construction phase. The road is used by a lot of dog walkers and pedestrians along with the owner, who moves animals from his smallholding over the road at times.*
- *It is incumbent on Darlington BC, as a shareholder in the airport Company that owns the adjacent airport land, to consider whether or not, a return to previous passenger levels or exceeding as once forecast, will have an effect on acceptable noise levels. The noise assessment is almost dismissive of aircraft noise because of the very limited usage now prevailing? Any decision to approve planning permission must be done in the confidence that a multiplying of flights if passenger numbers increased to 900k+ (potential 3m once forecast) from 140k will not produce noise levels that cause a claim from residents that these levels are a disturbance that would be upheld as above a tolerable level. The noise assessment does indicate that the external environment does require designed mitigation measures. What these may be is questionable because the noise source seems to be the Darlington to Saltburn railway which runs past at an elevated level. A simple 2.4m high acoustic fence on the boundary of the site probably will not mitigate the noise from an elevated level across the whole site?*
- *The noise assessment is based on today's relatively small number of flights rather than the supposed aspiration in the Peel master plan for Teesside Airport which contends that 900,000 ppa can be accommodated. It also fails to take into account the already consented southside industrial park and link road whose traffic will pass directly by this proposed development.*
- *In addition the Darlington Updated Strategic Housing Land Availability Assessment 2013 already indicates that: "The site will be prone to significant noise from aircraft, railway and fire training centre. It is located on a principal aquifer which could give rise to drainage or flooding issues should the proposed development come to fruition"*
- *Housing development on the site would not accord with and would be contrary to Council planning policy.*
- *The applicant's planning statement asserts that saved Policies E2, H7, CS1 and CS10 should be given no weight in the determination of the application simply because they are "not up to date" rather than considering their current day relevance, and this in my view is an unjustified comment by the applicant made for seeking their preferred outcome.*
- *In my view the applicant has also failed to demonstrate that the travel plan is sustainable or adequate. All amenities are located approx 1.7 miles from the site apart from the WH Smith retail shop within the airport.*
- *The site is shown within the red line boundary of the planning application relating to the Durham Tees Valley Airport and should be considered as part of the airport land*
- *The SHLAA 2013 recognises various constraints for the site including Great Crested Newts, noise from aircraft, the railway and fire training centre which are not addressed in the application*
- *No account is taken of any possible increase in aircraft movements; the new road that has recently been granted planning permission to service the southside commercial development.*

- *Traffic to be generated by the proposal for 350 houses on the adjacent site, as well as traffic from the northside airport development have been addressed in the application*
- *The Defence Infrastructure Organisation, part of the Ministry of Defence, has made a strong objection to a planning application for development at Manston Airport, Kent. There is a substantial fire training operation there, similar to the one at Durham Tees Valley Airport. The matters raised by the DIO are as important at DTVA as they are at Manston yet I do not think there are addressed in the planning application*
- *The application is contrary to Saved policy E9 within the designated Teesside Airport Employment Land. This policy should not be considered out of date*
- *The application takes no account of impact on primary and secondary schools and medical facilities*
- *Recent additions suggest that the long delay in deciding this may be coming to an end? However, the applicant has not yet responded to Environmental Health consultee comments about noise issues?*

Detailed letter of objection has been received which has been taken into consideration by the Officers. In summary, the letter state the application should be refused for the following reasons:

- *The site has already been considered as unsuitable for housing as part the Council's Strategic Housing Land Availability Assessment process*
- *The Interim Planning Position Statement does not list Lancaster House as a sustainable housing site*
- *The application does not comply with local development plan policies. Lancaster House is designated as airport employment land under Saved Policy E9 of the Local Plan*
- *The application does not comply with the Council's policy regarding access to education facilities*
- *The Noise Assessment is not acceptable*
- *The Transport Assessment is not acceptable*
- *The Council appears to have an adequate 5 year housing land supply*
- *The application does not comply with Making and Growing Places Development Plan*
- *The application does not comply with the Council's provision for affordable housing*
- *The application does not accord with the National Planning Policy Framework presumption in favour of sustainable development*
- *The application does not comply with the Middleton St George draft Neighbourhood Plan*

Letters of objection have been received which argue that Saved Policy E9 of the Local Plan is an up to date policy, consistent with the National Planning Policy Framework and should carry significant weight in the decision making process for this planning application. The comments have been considered by Officers.

A letter of objection has been received making comments upon the response from the Council's Environmental Health Officer on noise levels

A letter of objection has been received which raises concerns about all recent planning applications for housing in Middleton St George. The relevant comments for this application relate to the disproportionate increase in housing in the village without an overall plan for services, utilities or schools and within consideration for the effect on village amenity and traffic flows.

A letter of objection has been received that makes reference to saved Policy EP9 of the Local Plan not being out of date and consistent with the NPPF. The letter makes reference to an appeal decision at Manston Airport and the change of use of buildings from aviation related uses to non-aviation uses and how the considerations for this appeal decision should be applied at this site. Officers have taken this letter into consideration.

Consultee Responses

Northern Gas Networks has no objections

Northumbrian Water has no objections subject to a planning condition to ensure the development is carried out in accordance with the submitted Flood Risk Assessment

The Architectural Liaison Officer from Durham Constabulary has provided general advice on the principle of Crime Prevention through Environmental Design

Northern Powergrid has raised no objections to the planning application

Highways England has not objected to the planning application

The Flood Risk Management Team has not objected to the planning application subject to the imposition of planning conditions

The Durham County Council Archaeology Section has raised no objections subject to a planning condition that a report on any buildings of significance on the site have been recorded and deposited at the County Durham Historic Environment Record

The Council's Contaminated Land Officer has raised no objections subject to the standard contaminated land conditions being attached to any grant of planning permission

The Council's Senior Arboricultural Officer has raised no objections

The Council's Highways Engineer has raised no objection subject to appropriate planning conditions

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

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

The Council's Sustainable Transport Officer has raised no objection subject to planning obligations being secured via a Section 106 Agreement for Safe Route to School improvements and bus stop improvements

Middleton St George Parish Council has submitted an objection to the planning application and the comments can be summarised as follows:

- *The cumulative effect of the Gladman and High Stell approvals and this application threatens to transform Middleton St George into a town which only has a limited range of shops, services, amenities and employment opportunities and which will struggle to cope with the sudden and large scale increase in size of the settlement already agreed*
- *The site is not sustainable*
- *Since the occupiers would be substantially car dependent, increase in traffic will only serve to accentuate the congestion problem and may be detrimental to highway safety*
- *The school is already full and current residents have to run their children to schools elsewhere. The claim that 106 places will be added through investment by developers is not relevant. With 450 houses already passed for approval in the village, and even presuming just 1 child per new dwelling, there is an under capacity of some 400 after allowing places for children of current residents to return to their local school*
- *The doctors surgery is oversubscribed with premises not deemed suitable for the numbers*

- *There are a significant number of unimplemented residential planning permissions in the Borough as well as a plethora of alternative sites closer to jobs*
- *The site is subject to flooding*
- *The Parish Council is working on a Neighbourhood Plan, which should carry weight in the decision making process*

The Middleton St George Parish Council has also submitted a further detailed letter of objection which has been considered by Officers. This letter makes comments on all the recent planning applications in the village and raises general issues relating to utilities; schools; medical facilities; roads; public transport; parking requirements, lack of retail outlets; limited leisure resources and the impact on the environment (open spaces/flooding/conservation/safety and security and cleanliness)

PLANNING ISSUES

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

- The Local Development Plan and Paragraph 14 of the National Planning Policy Framework
- The Future of the Airport
- Residential Amenity (Noise etc)
- Layout and Impact on the Character and Appearance of the Surrounding Area
- Highway Safety
- Sustainable Transport
- Impact on Trees
- Flood Risk and Drainage
- Ecology
- Sports Provision
- Education
- Contaminated Land
- Impact on Heritage Assets
- Planning Obligations

The Local Development Plan and Paragraph 14 of the National Planning Policy Framework

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 development limits 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.

At present, Darlington Borough Council cannot demonstrate a five year supply of deliverable housing sites against an objective assessment of housing need and 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 policies 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 if the local planning authority cannot demonstrate a five year supply of deliverable housing sites and 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 of permitting the development 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.

In this instance, the proposal should be subject to the planning balance test as contained within Paragraph 14 of the NPPF. 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 no specific policies in the NPPF relating to this site which indicate that the development should be restricted and therefore the proposal falls to be considered against the presumption in favour of granting planning permission unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits (the so called tilted balance test).

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:

An economic role – The provision of housing itself is acknowledged as an 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 a minimum of five affordable housing units. The existing playing fields that are in close proximity to the site would be improved and footpath links would be improved to create better links between the site and the centre of the village providing access to local services and School. The site is also in close proximity to the proposed local centre that forms part of the housing proposal within the wider Airport site if it is approved and goes ahead.

An environmental role – Whilst this is an outline planning application, it is not envisaged that the redevelopment of the site will result in the loss of significant trees or hedges in and around the site. The retention of such features would be considered at Reserved Matters stage. There would be opportunities to enhance the ecological value of the site and the final layout of the proposal will be designed to minimise waste, pollution and flood risk. The impact that the proposed development would have upon the amenities of the area and also the impacts that the existing uses and the Airport will have on the occupiers of the new housing will be considered in more detail within the report but it is considered that the relationships between these various uses are acceptable.

As stated above the relevant local development plan policies that specifically relate to housing are considered out of date and the principle of the proposed development must be assessed against the principles of Paragraph 14 of the NPPF but also any other relevant local development plan policies and material planning considerations.

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

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

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

- Does not prejudice the good planning and future delivery of the strategic vision for the borough.
- Compliance with restrictive policies identified in the NPPF

The Report will consider the proposal against these sustainable development considerations in more detail in the appropriate Sections. However, the proposal would make a financial contribution towards school provision; accessibility to existing shops and services would be improved by bus stops and footpath links and the larger planning application for the adjacent site involves a local centre that would be very accessible from this site. Whilst the design and layout of the site would be subject to a future Reserved Matters application, the Parameters Plan shows that the site could be developed in a way that respects the character and appearance of the area. The proposed residential development would contribute towards the Council's overall strategic housing strategy for the wider borough and it would not conflict with any restrictive policies identified in the NPPF.

The application site is identified in the Proposals Map of the Local Plan as being within land designated as Teesside Airport Employment Land. Saved Policy EP9 states that any development requiring a location at or adjacent to an airport will be permitted to the north of the main runway in the vicinity of the airport terminal. The overriding context, consideration and underlying objective of policy EP9 is to facilitate airport related development, especially when read in conjunction with saved Policy EP10 (Teesside Airport Employment Land – South) which is a policy that does safeguard land south of the runway for development which requires a location at or adjacent to an airport. These two policies should be read together and they are consistent with the NPPF and national aviation policy and they remain saved and relevant local development plan policies.

Clearly, a residential development would not accord with the requirements of Saved Policy EP9 and the objective of the policy must therefore be assessed against the other local development plan policies and material planning considerations. At present, the Council is unable to demonstrate a five year supply of housing sites and this is a consideration that carries weight in the decision making process. The proposed development would assist in providing housing in the Borough on a deliverable site within a sustainable location. The proposal will incorporate an element of affordable housing and the development does not have any adverse impacts on highway safety, residential amenity, the character and appearance of the locality, ecology and landscaping. There will be planning obligations to be secured by a Section 106 Agreement to improve footpath links, sport provision, education provision and bus stop improvements.

With regard to retaining the land for airport related purposes, consideration has been given to the size of the application site in relation to the remainder of the extent of land that is covered by Policy EP9; the planning history of the site and possibility of the site being used for purposes that would accord with the Policy. The site is in the north west corner of the Airport complex and the wider area covered by the EP9 designation and it is only a very small part of the overall designation, that includes existing non-airport related uses such as residential care homes, caravan and motor vehicle showrooms. It is considered that there would still be sufficient land available for airport related uses within the overall area of the land that is designated for such purposes should this site be developed for a residential development.

When the planning applications to erect a hotel on the Lancaster House site were considered in 2006 and 2008, it was reported that the site, at that time, was occupied by a range of buildings that were in poor condition and the site was overgrown. Officers are not aware that the buildings or the site have been used or occupied for any purposes since this date and the majority of the

buildings were demolished over three years ago. It would appear that the site has not been used for airport purposes for many years and it is unlikely that such uses would be forthcoming because if there was an operator needing land within an Airport, the site would have been used for such purposes rather than being vacant for approximately 15 years or more. The site is not within the ownership of the Airport or persons with a need for aviation requirements that may have increased the possibility of such a development coming forward.

Having balanced these factors, Officers consider that the loss of the site for airport related uses would not outweigh the benefits of developing the site for residential purposes at a time when the Council cannot demonstrate a five year supply of deliverable housing sites. Under the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this particular case, Members must balance the need to retain the application site for airport related uses against the need for local housing.

Policy CS5 of the Core Strategy states that Durham Tees Valley Airport is a second priority location for employment (20 ha airport related and 5ha for general employment). The policy permits exceptions to the safeguarding of land for employment purposes where it can demonstrate that:

- Continued use of the site for employment uses is no longer viable for appropriate employment uses, taking into account the site's characteristics and existing/potential market demand; or
- Continued use of the site for B1, B2 or B8 purposes gives rise to unacceptable environmental or accessibility problems; or
- An alternative mix of uses offers greater potential benefits to the community in meeting local needs for business and employment, or has other regeneration benefits; and
- The site is no longer required for the purposes of providing a balanced portfolio of land for employment purposes

The NPPF sets out that planning policy should avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose. Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities. National guidance seeks to increase housing delivery at the expense of employment sites which has been a common theme in recent years particularly by the introduction of permitted development rights for changes of use of employment uses to residential. It is considered that, on balance, the housing need of the population of the Borough outweighs the need to retain this site for Employment Land for the Airport.

The need to retain the land should also be considered in the context of the planning application for the 350 dwellings and local centre that was also partly covered by the EP9 designation. This proposal would be a small scale extension to that housing approval and would not be out of character in such a setting.

The Future of the Airport

Officers are aware of the relevant national aviation policies that highlight the importance of airports to regional economies. Whilst the site is not within the ownership of the Airport, it is included within the Durham Tees Valley Airport Master Plan Area but it is not land highlighted for redevelopment by the Master Plan and therefore the Master Plan is not a material planning consideration for this proposal.

In considering the policy context, there is nothing to suggest that the proposed development would have an adverse or prejudicial impact on the future viability of the airport, subject to the detailed consideration of environmental effects as discussed in the remainder of the report.

Members will note from that element of the report the Officers conclude that the presence of this housing development, as shown in the application, will not prejudice the long term ambition of the airport either on its own or cumulatively with planning application reference number 16/00578/OUT for 350 dwellings and a local centre should that be granted and proceed.

Residential Amenity (Noise etc)

This planning application site is located approximately 440m from the main terminal building of Durham Tees Valley Airport and approximately 535m from the edge of the main apron/runway beyond the terminal building.

This section of the Report considers whether the proposed development would have any significant impacts the amenities on the existing locality, whether the existing uses in the area, including the Airport would impact on the proposed housing and if the proposed housing development that would prevent the airport from expanding and growing in the future.

Aircraft Noise

Environmental Health has considered the Noise Assessment that was submitted with the planning application, the proximity distances between the airport and the application site and information used in assessing the larger housing proposal. Whilst the Assessment has not taken account of noise from the Durham Tees Valley Airport (aircraft take offs, landings or taxiing on the runway), and that the developer would need to demonstrate that the final layout of the site and designs for the dwellings would achieve specified noise levels, Environmental Health consider that this is achievable and has recommended the imposition of appropriate planning conditions. Environmental Health has advised that the impact of aircraft noise on the amenities of the future occupiers of the site should not be a reason to refuse the planning application.

The Environmental Health Officer has considered comments that have been received since he made his initial comments, and his response on aircraft noise can be summarised as follows:

Noise from Durham Tees Valley Airport has not been specifically investigated as part of the BWB noise report which accompanies the application. Current and future noise levels at the airport were recently assessed in some detail by Environmental Health for the planning application (16/00578/OUT) for 350 residential dwellings in a location much closer to the Airport than this application site. That application assessed likely future noise levels at the Airport as predicted by the Department of Transport and noise levels with a significantly busier scenario where the airport returned to historically high levels of aircraft activity. Under both of these scenarios the predicted future noise levels at the site due to aircraft noise at the Airport were below the 50dB noise contour and aircraft noise should not be a reason to recommend refusal of the application. This current application is for outline permission only and given the widely publicised plans for airport activity to increase in future, it was felt necessary to recommend that should the application be approved, appropriate planning conditions should be imposed to secure a scheme for the protection of the dwellings from reasonable foreseeable air traffic noise from the Airport. This will require the developers to demonstrate that the proposed homes can achieve a suitable internal and external noise environment with regard to aircraft noise and should allow another opportunity to ensure the development site could be suitably mitigated against future noise from Airport.

Road and Rail Traffic Noise

The Noise Assessment has looked at noise from the surrounding roads and railway impacting on the proposed development site. The Assessment has concluded that inside the proposed dwellings, noise will be below the lowest observed adverse effect level across the site assuming that standard glazing is installed together with an additional source of trickle ventilation.

The Assessment has also looked at noise impacting on external amenity areas within the development such as gardens or balconies. The Assessment criteria for these areas has been quoted as a desirable level of 50 dB $L_{Aeq,T}$ with an upper guidance value of 55 dB $L_{Aeq,T}$ being acceptable in noisier environments. The levels measured at the three assessment locations across the site have been 55 dB $L_{Aeq,T}$ or above at all locations and therefore do not meet the suggested guidance criteria.

The Assessment has not provided any details on site layout (as this is an outline planning application) and there will be considerable scope within the site design phase to design a layout plan which minimises the noise intrusion in external areas. These measures could include but should not be limited to:

- maximising the separation distance between any houses and any noise sources by judicious placement of estate roads,
- orienting homes so that their principal amenity space is located away from the noise source and in the acoustic shadow of the new dwellings
- erecting noise barriers alongside noise sources to mitigate against the noise and to create amenity space where levels are closer to the guidance values.

One of the detailed objections that have been received following the initial comments made by the Environmental Health Officer queries the use of 55dB L_{eq} as a limit for assessing noise for outdoor amenity spaces in the development. The noise report from BWB Environmental Consultants has assessed noise from road traffic sources around the proposed site. It has identified that at some locations on the edge of the site the level of 55dB it likely to be exceeded. However, this is before the installation of any noise mitigation at the site and Environmental Health are confident that with the proposed mitigation measures as set out in the report, together with careful orientation of the dwellings, it will be possible to contrive a site layout where for the majority of homes there are amenity spaces within each individual dwelling where a good standard of amenity at a level of 50dB can be achieved. Any homes not reaching this standard will almost certainly be able to achieve an acceptable level of amenity of less than 55dB. Mitigation measures will include the provision of an acoustic fence around the garden areas and using the proposed dwellings to screen amenity areas from road traffic noise. As the application is outline only the applicant has not at this stage provided a detailed site layout. When a Reserved Matters application is received with a final site layout the specific mitigation measures which are needed can be finalised, as required by an appropriate planning condition.

The potential for additional traffic being generated by the scheme for 350 dwellings and a local centre and the proposed Southside development has been considered by Environmental Health and it is considered that planning conditions can ensure a scheme with appropriate mitigation measures is achievable and the amenities of the future occupiers can be satisfactorily protected.

Air Quality

Due to the location and scale of the proposed development, it is not envisaged that the future occupiers of the new dwellings would be adversely impacted upon by any changes in air quality.

General Impacts

The buildings that surround the site are a mix of residential, commercial and office uses and it is unlikely that these uses would adversely impact on the future occupiers of the new development.

Proximity Distances

The layout of the proposed development would need to comply with the guidance on the proximity distances between new and any existing dwellings set out in Supplementary Planning Document - Design for New Development. This would be considered in more detail at Reserved Matters stage.

Overall, it is considered that through the use of appropriate planning conditions, the final design of the development can include mitigation measures to ensure the future occupiers of the development are not harmed by the surrounding uses, including the Airport, and rail and traffic noise. The housing development is also not considered to be a potential constraint to the future growth of the Airport.

Layout and Impact on the Character and Appearance of the Surrounding Area

The second point of saved policy E2 of the Local Plan that seeks to ensure that any development that is located outside of the development limits does not unacceptably harm the character and appearance of the rural area is still valid as it is broadly consistent with guidance contained within the NPPF and is therefore relevant to the consideration of matters of character and appearance.

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.

The Design and Access Statement submitted with the planning application envisages a quality housing development comprising two to four bed dwellings (over 2 to 2.5 storeys) with associated amenity space, pedestrian links and parking provision. The layout of the site has been developed in response to the identified site constraints to make best use of the site in terms of efficiency and amenity. The need to replicate the scale of the existing buildings in the area and the proposed housing development on the adjacent site are recognised along with the need to retain trees and create key open landscaped spaces lining back to vehicular and pedestrian routes. However, the overall final design of the development would be guided by the Council's adopted Supplementary Design Guide for New Development and will be the subject of future consideration and Reserved Matters submissions.

The principle of a residential use in this location would not be totally out of character due to the existence of the nearby Oak Tree housing development, the existing residential uses, albeit Care Homes within the grounds of the Airport and the recent scheme for 350 dwellings on adjacent land within the Airport. The site has been previously built upon and therefore having a new build development sited here would not harm character and appearance of the area based upon the Illustrative Parameters Plan

The Architectural Liaison Officer has advised that from a “Design out Crime” perspective, the application site could be developed in accordance with best practice such as carefully designed footpaths; acceptable car parking provision; boundary treatments; natural surveillance of open spaces; appropriate street lighting.

Highway Safety

The Transport Assessment shows that the development would not create an unacceptable impact on the local highway network. The Assessment shows that the development would generate 37 two way trips in the AM peak and 38 two way trips on the PM peak. As the existing access roads have been designed to accommodate traffic from the airport which is currently not operating to full capacity, there would be available capacity from the additional traffic generated by this development. It is also shown that there is sufficient capacity at the existing entrance roundabouts to accommodate the new traffic.

Whilst access arrangements to the site would be subject to a future Reserved Matter submission, the Parameters Plan indicates that vehicular access would be created off the main estate road (St Georges Way) which is acceptable, in principle, subject to the final design.

For this application, the prime concern for Highways England is the impact on the Strategic Road Network (SRN). HE has advised that the overall impact is estimated to be of the order of 38 trips in a peak hour and as it is at some distance from the SRN, they consider that the impact the development will have will not be severe and there are no safety issues. Highways England has confirmed that their advice has also taken into account the planning application for the 350 dwellings and local centre on the adjacent site.

It is considered that the proposed development would not have an adverse impact on the local highway network or the Strategic Highway Network.

Sustainable Transport

The site is located approximately 2KM from the Dinsdale Railway Station and the services in the centre of the village. The Teesside Rail platform currently has no service and the frequency of the existing bus service has recently been reduced. There is an off carriageway cycle route in proximity of the site.

It is recognised that, as per the larger scheme for 350 dwellings, there is a need to improve the links between this site and the surrounding area and the applicant has agreed to enter into a Section 106 Agreement to improve existing bus stops and create new bus stops in the locality of the application site and to improve footpaths and street lighting on Yarm Road to create a “Safe Route to School”.

Impact on Trees

There are trees and hedges on all boundaries and with the application site. A number of trees on the south and east boundaries and a small group within the site are covered by two separate tree preservation orders that are dated in 2007. An Arboricultural Survey of the existing trees has been carried out which highlights the health and condition of all the trees and hedges. The Survey does not stipulate what works would need to be carried out to the trees and hedges to facilitate any housing development but it does makes some recommendations for future consideration such as the retention of Category A and B trees being considered as a priority for retention; all new development being located outside the root protection areas or canopy spread of any retained trees unless it can be constructed in such a way that damage of the trees root system can be avoided. The findings of the Tree Survey are accepted and any Reserved Matters

submission will need to be supported by an Arboricultural Method Statement and a Tree Protection Plan.

Flood Risk and Drainage

The site is located within Flood Zone 1 and the application has been accompanied by a Flood Risk Assessment. Darlington Borough Council is the Lead Local Flood Authority and the Flood Risk Management Team has advised that insufficient information has been provided at this early stage regarding the management of surface water runoff from the proposed development and they have requested the imposition of appropriate planning conditions to deal with this matter.

Northumbrian Water has raised no issues with the planning application provided that the development is carried out in accordance with the submitted Flood Risk Assessment which can be secured by a planning condition.

Ecology

A Preliminary Ecological Assessment has been carried out which advises that it is unlikely that the proposed development will harm the nearest nature conservation sites (The Whinnies Local Nature Reserve approximately 115m to the north west or any Sites of Special Scientific Interest in the locality). The Assessment also recommends:

- Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site
- Losses of trees, hedges and scrub should be minimised as much as possible within the development plans. Any temporary losses of hedgerow should be replanted post-development whilst any permanent losses should be mitigated for through the creation of new hedgerows. Felled trees should be replaced with native species of local provenance or species of value to wildlife. Native scrub planting should also be incorporated into the landscaping scheme for the site, to mitigate for any losses incurred.
- Vegetation clearance and the demolition of the building should be undertaken outside the nesting bird season.
- Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.

A Habitat Suitability Assessment for Great Crested Newts (GCNs) on ponds surrounding a proposed development site has been carried out. Four ponds were identified within 500m of the site. Due to the unsuitability of two of the ponds to support breeding GCNs and the barriers between the site and two other ponds, the Survey concludes it is highly unlikely that great crested newts would be present on the proposed development site. Therefore no further surveys are necessary and there are no constraints to the development with regards to great crested newts.

A Daytime Bat Survey recommended that whilst the existing building on site was considered to have low bat roost potential and that only three trees were considered to have bat roost potential a further survey would need to be carried out during bat activity season which extends from May to September. These surveys were carried out in July 2016 and the findings recommended:

- The remaining building on site does not contain a bat roost
- The surveyed trees had no identified bat roosts
- The site is used regularly by a low number of common species of bat for commuting and foraging purposes and in order to maintain the value of the site for such purposes it is

recommended that sensitive lighting and landscaping is incorporated into the planned development

- A bat brick roost feature should be included into a minimum of three dwellings with a south/south west aspect bordering the edge of the development

The Council's Ecology Officer has accepted the findings of the reports but considers that further mitigation measures should be incorporated into any final designs such as integral bat roosts and bird boxes. The ecological mitigation measures can be secured by appropriate planning conditions.

Sports Provision

Whilst the scale of the proposed development would not fall within the scope of a consultation with Sport England, the future occupiers of the development will still generate a demand for sport provision and the applicant has agreed to make a financial contribution towards improvements to the sports facility and pitches that are in the vicinity of the application site and are currently used by Middleton Rangers.

Education

When considering planning applications for housing in Middleton St George it was recognised that the existing school needed to be extended in order to mitigate for the school placement needs generated by the proposals. Planning permission (ref no: 16/00653/FUL) was granted to extend the school to provide a further 105 spaces.

This proposal could generate up to 12 primary school aged pupils and the applicant has agreed to make a contribution based on the formula set out in the Council's Supplementary Planning Document 2011 which would go towards the expansion of the School. As mentioned, a commuted sum has been agreed to upgrade and improve Yarm Road to create a "Safe Route to School" from the site.

Contaminated Land

The application has been submitted together with a Phase 1 Contaminated Land Desktop Study and Site walkover Report. The study notes how the site has historical usage as a possible former ambulance garage and a hospital with a chapel. These usages are associated with when the nearby DTVA was being used as an RAF base. Currently all the buildings on site have been demolished apart from one remaining garage in the north eastern corner of the site. Towards the middle of the site there is a feature recorded on the historic maps as '*Tank*'. The Site walkover Report has identified this as an open below ground tank pit of 1.4m depth. The usage of this tank has not been established and it should be specifically targeted for chemical testing in any subsequent site investigations. This scope of future site investigations must be agreed in advance of the works in accordance with the requirements of the standard contaminated land conditions.

Impact on Heritage Assets

Whilst the site does not contain any listed buildings and it is not within a conservation area, the Historic Record Officer (HRO) at Durham County Council requested that a recording of the buildings on site was carried out due to their former use in World War II. Whilst the majority of the buildings have been demolished the applicant has been able to submit a Retrospective Heritage Statement which has been considered by the HRO, who considers that the general format is acceptable but needs to be enhanced by some further photographs, if possible, and plans showing the location and direction of the photographer and clear labelling of the photographs. The HRO is satisfied that this can be secured by an appropriately worded planning condition.

Planning Obligations

The planning application has been the subject of an extensive viability assessment which has been independently considered by the District Valuer Service on behalf of the Local Planning Authority. The outcome of the exercise is that based on the current information the proposal would be a viable development with the following obligations based on the number of dwellings being proposed:

Affordable Housing

A minimum of 9% of the overall number of units built on the site would be affordable units and this would be secured by a planning condition. There is a possibility that with grants which are currently available from the Homes and Communities Agency to provide affordable units on sites, the number of units could increase and this is a matter that the applicants, who are landowners, would look to discuss with any potential developers.

Sport Provision

This would be a financial contribution towards improving a sport facility and playing pitches in the vicinity of the application site.

Education Provision

A financial contribution towards the expansion of the St George's CE Academy within the village of Middleton St George

Sustainable Transport Improvement

Improvement to existing bus stops and erection of new bus stops in close proximity to the site and improving footpaths and street lighting on Yarm Road. These are the same proposals that would be secured by a Section 106 Agreement for the planning application for 350 dwellings and therefore the commuted sum could be a contribution towards these works if both sites are delivered.

Open Space and Play Area Requirements

The applicant expects the final design of the layout to meet the open space standards set out in the Planning Obligations SPD and will also provide a play area. As a result, there is no requirement to request a planning obligation for any off site contributions and it is envisaged that the areas will be managed and maintained by a private company.

Other Matters

Middleton St George 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.

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 application site lies outside of the development limits as defined by the Borough of Darlington Local Plan and it is also within land highlighted by Policy EP9 of the Local Plan as Teesside Airport Employment Land. The redevelopment of the site for residential purposes is contrary to the local development plan.

The Council is unable to demonstrate a five year supply of deliverable housing sites and therefore the local 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.

Officers have considered the planning balance, which includes the need for housing in the Borough against the impact of the development on the character and appearance of the surrounding area (Policy E2 and Policy CS2) and also retaining the land for airport related employment (Policy EP9). Other relevant local development plan policies and material considerations have been taken into account to assess whether any adverse impacts on granting planning permission would outweigh the benefits. 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 and it is the view of Officers that housing need in the Borough is a material consideration of significant weight which is not outweighed, in the planning balance, by the application site being located outside development limits or by continuing to set the land aside for airport related uses only and Officers support the principle of redeveloping this site for residential purposes which is a departure from the development plan.

The proposal does not result in any adverse highway safety, residential amenity, visual amenity or environmental conditions and with appropriate mitigation measures in place secured by planning conditions, the existing airport and other associated uses would not have an adverse impact upon the amenities of the future occupiers of the housing development and the location of the housing development would not prevent the future expansion and growth of the Airport.

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 the playing fields in close proximity to the application site;
- b) Improvements to existing bus stops and the erection of new bus stops in close proximity to the application site;
- c) A financial contribution towards education provision in Middleton St George
- d) Creating a "Safe Route to Schools" by improving and widening footpaths of Yarm Road; improving and extending cycle routes and street lighting improvements on Yarm Road.

- e) Details of a private management company to provide and maintain open space and children's play area(s)

AND THE FOLLOWING PLANNING CONDITIONS:

1. Details of the appearance, landscaping, layout, scale and access of any development hereby permitted (hereinafter called "the reserved matters") for the whole development, or phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced. The development shall be carried out as approved.
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990
2. Applications for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission or the conclusion of any Judicial Review process.
REASON: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON: To accord with the provisions of Section 92(1) of the Town and Country Planning Act 1990
4. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The provision will take the form of an on-site provision in accordance with a scheme to be submitted and agreed in writing by the local planning authority. The scheme shall include:
 - a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 9% of the housing units;
 - b. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL is involved);
 - d. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - e. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced;
 - f. 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

5. The planning application(s) made pursuant to condition 1 shall not propose more than 55 dwellings.
REASON: For the avoidance of doubt

6. The details to be submitted in pursuance of Condition 1 shall include details on the precise number, design and location of children's play areas within the application site and details of the play equipment that would be provided within the areas. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of the character and appearance of the proposed development
7. The details to be submitted in pursuance of Condition 1 shall include the provision of open space based on the formula contained within the Supplementary Planning Document – Planning Obligations. The development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of the character and appearance of the proposed development
8. The details to be submitted in pursuance of Condition 1 shall include a scheme for the protection of the proposed residential accommodation from reasonably foreseeable air traffic noise from the Durham Tees Valley International Airport shall be submitted to and approved by the Local Planning Authority. The levels of airport noise to be assessed against shall be agreed in advance with the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35dB(A) L_{Aeq} in living rooms, less than 30dB(A) L_{eq} in bedrooms, less than 55dB(A) L_{eq} in garden areas and individual noise events not to exceed 42 dB L_{AFmax} in bedrooms. Any works which form part of such a scheme shall be completed in accordance with the approved scheme and prior to any part of the developments being first occupied or used.
REASON: In the interests of residential amenity
9. The details to be submitted in pursuance of Condition 1 shall include an Acoustic Design Statement. The noise levels to be achieved within habitable rooms and external amenity areas in the development shall be agreed in writing with the Local Planning Authority prior to the submission of the Statement and the development shall not be carried out otherwise than in complete accordance with the approved Statement. The Statement shall include the following:
- a. Justification for how the site layout has been designed to minimise noise intrusion into dwellings from environmental sources.
 - b. Justification for how the external amenity areas have been designed to provide a suitable acoustic environment for future residents.
 - c. The location of any mitigation measures deemed necessary to create a suitable acoustic environment in outdoor amenity areas, or any justification for not erecting such barriers if guidance values for noise levels in outdoor amenity spaces at the development would still be exceeded without them.
 - d. An assessment of how noise impacts from any planning permissions granted in the area since the approval of this outline application would impact on environmental noise levels at the site, including the need for any further mitigation measures.
- REASON: In the interests of residential amenity
10. No development shall take place within a phase or sub-phase of the development hereby permitted until a Demolition and / or Construction Environmental Management Plan has

been submitted and approved in writing by the Local Planning Authority. These plans shall include:

- a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
- b. The hours of construction and deliveries for the whole development, phase or sub phase
- c. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- d. Construction Traffic Routes, including parking areas for staff and visitors.
- e. Details of wheel washing.
- f. Road Maintenance.
- g. Warning signage.

The development shall be carried in accordance with the approved Plan(s).

REASON: In the interests of amenity and highway safety

11. The details to be submitted in pursuance of Condition 1 shall include precise details of the internal highways layout and site access junction. The submitted details shall include the provision of a footway along Durham Tees Valley Airport Estate Road and links on Yarm Road as required to connect to the surrounding infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety

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

REASON: In the interests of highway safety

13. The details to be submitted in pursuance of Condition 1 shall include precise details of car parking and secure cycle parking and storage details. The details shall include the number, location and design of the cycle stands and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of highway safety

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

REASON: In the interests of highway safety

15. CL2 – Site Investigation Strategy

16. CL3 – Phase 2 Investigation Works

17. CL4 – Phase 3 Remediation and Verification Strategy
18. CL5 – Construction/Remediation Works
19. CL6 – Verification and Completion Report
20. The development shall not be carried out otherwise than in complete accordance with the recommendations contained within the submitted document entitled “Lancaster House, Middleton St George, Darlington, County Durham – Preliminary Ecological Assessment. Report No: RT-MME-120849-01” dated November 2015 and produced by Middlemarch Environmental unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the ecological value of the site
21. The development shall not be carried out otherwise that in complete accordance with the recommendations contained within the submitted document entitled “Lancaster House, Middleton St George – Bat Nocturnal Emergence and Activity Surveys. Report No: RT-MME-122876” dated August 2016 and produced by Middlemarch Environmental unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of the ecological value of the site
22. Notwithstanding the recommendations contained within the submitted document entitled “Lancaster House, Middleton St George – Bat Nocturnal Emergence and Activity Surveys. Report No: RT-MME-122876” dated August 2016 and produced by Middlemarch Environmental, the following ecological mitigation measures shall be incorporated into the design of any Reserved Matters submission
 - a. A minimum of 5 integral bat roosts
 - b. 3 swift integral boxes
 - c. 4 bird integral boxes, which can be for House sparrow or Starling

The above mitigation measures shall be sourced from and installed to recommended British Standards.

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

23. The details to be submitted in pursuance of Condition 1 shall include shall include an Arboricultural Method Statement and a Tree Protection Plan. The submitted details for the Tree Protection Plan 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: In the interests of the visual appearance of the site and surrounding area

24. The development shall not be carried out otherwise than in complete accordance with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy for a Proposed Development on Land at Lancaster House, Middleton St George" dated February 2016 prepared by ID Civils Design Limited. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 5602 and ensure that surface water is restricted to 50% of the existing site run off before connecting into the public sewer.

REASON: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework 2012

25. Prior to the commencement of the development, or in such extended time as may be agreed in writing with the Local Planning Authority, details shall be submitted to and approved in writing by the Local Planning Authority for the implementation, maintenance and management of the sustainable drainage scheme in accordance with the information contained with the submitted document entitled "Flood Risk Assessment and Surface Water Management Strategy for a Proposed Development on Land at Lancaster House, Middleton St George" dated February 2016 prepared by ID Civils Design Limited. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Information required includes the following:

- 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 the construction phase

REASON: To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area

26. None of the dwellings shall be occupied until a management and maintenance plan of the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the arrangements for adoption by any public body or statutory undertaker or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The Plan shall also include the following:

- a. A plan clearly identifying the sections of the surface water system that are to be adopted by NWL;
- b. The arrangements for the short term and long term maintenance of the SUDs element of the surface water system
- c. Funding arrangements for the long term maintenance of the SUDs component

REASON: To ensure that all elements of the SUDS are maintained satisfactorily

27. Prior to the occupation of the development, a copy of a report detailing the significance of the buildings within the application site, and incorporating photographic recording of the buildings, shall be deposited at the County Durham Historic Environment Record. This report shall be based on the submitted Retrospective Heritage Statement dated June 2016 and produced by England Lyle Good, but also include additional photographs, a plan showing the location and direction of the photographer and appropriate labelling. The record should be completed in line with the following sections of "Standards For All Archaeological Work In County Durham And Darlington": 6 The Report, 7 OASIS, and 8 Archiving Standards.
REASON: To comply with paragraph. 141 of the National Planning Policy Framework 2012 which ensures information gathered becomes publicly accessible.

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

- a. A10-00-04 Rev C – Site Location Plan

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:

National Planning Policy Framework 2012

Borough of Darlington Local Plan 1997

E2 - Development Limits
E12 – Trees and Development
E14 – Landscaping of Development
E21 – Wildlife Corridors
EP9 - Teesside Airport Employment Land - North
H7 - Areas of Housing Development Restraint
T40 - Teesside Airport

Darlington Core Strategy Development Plan Document 2011

CS1 - Sub-Regional Role and Locational Strategy
CS2 - Achieving High Quality Sustainable Design
CS4 - Developer Contributions
CS9 - District and Local Centres and Local Shops and Services
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
CS18 - Promoting Quality, Accessible Sport and Recreation Facilities
CS19 - Improving Transport Infrastructure and Creating a Sustainable Transport Network

Interim Planning Position Statement 2016

Other Documents

Tees Valley Design Guide and Specification: Industrial and Estate Development
Supplementary Planning Document - Design for New Development
Supplementary Planning Document - Planning Obligations
The Durham Tees Valley Airport Master Plan 2014
Aviation Policy Framework 2013
Draft Airports National Policy Statement 2017

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**Northumbrian Water**

Northumbrian Water has a number of assets that crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus. The developer should contact Northumbrian Water at the earliest opportunity to discuss protection measures of the assets.

Highways

The developer is required to submit detailed drawings of the proposed internal and off site highway works to be approved by the Local Planning Authority and to 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 developer is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact: Mrs P McGuckin – 01325 4066551) to discuss naming and numbering of the development

The developer is advised that an appropriate street lighting scheme and design shall be submitted to the Local Authority. Contact must be made with Assistant Director: Highways, Design and Projects (contact: Mr M Clarkson – 01325 406652) to discuss this matter

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