

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE:	27th September 2017
APPLICATION REF. NO:	17/00552/FUL
STATUTORY DECISION DATE:	22nd September 2017
WARD/PARISH:	REDHALL AND LINGFIELD
LOCATION:	Former Darlington Equestrian Centre, McMullen Road Darlington
DESCRIPTION:	Erection of 81 dwellings including all associated landscaping and infrastructure and removal of trees to facilitate development
APPLICANT:	Keepmoat Homes Limited

APPLICATION AND SITE DESCRIPTION

The application site, which measures some 3 hectares, is situated to the east of McMullen Road, at its northern end, some 175m from its junction with Haughton Road. The site consists of open land, with residential housing within the Redhall estate to the south, whilst the remaining open land forming part of the River Skerne corridor, lies to the north of the site. The site is bounded to the south and the west by mature trees. An existing employment area (Red Barnes Way) is situated on the western side of McMullen Road. Footpath No. 55, a public right of Way, runs east west to the south of the site.

The site lies to the south of the Haughton Le Skerne Conservation Area, which encompasses the village of Haughton to the north and the open green space of the River Skerne and the fields, which make up the application site.

This application seeks planning permission for the erection of 81 residential dwellings and associated landscaping and infrastructure and comprises the following:

- 81 two and two and a half storey dwellings (consisting of 15 No. two bed houses; 33 No. three bed houses and 33 No. four bed houses) set in perimeter blocks to provide passive surveillance;
- Access from McMullen Road;
- Retention of the majority of existing tree cover;
- Connections to existing pathways and 'desire lines' to create attractive pedestrian and cycle routes for connection to the wider landscape;

The proposal forms part of the 'Healthy New Towns' Initiative for which Darlington was announced as one of ten successful bids from around the country. Darlington's Healthy New Towns project has focussed on an area including the application site, Burdon Hill and Lingfield Point, collectively known as the Eastern Growth Zone, and includes some new development and some refurbishment of existing homes. The Eastern Growth Zone was chosen due to the economic and housing development opportunities the area presented but along with some significant challenges in terms of health inequalities compared to the rest of Darlington including, including: -

- High Premature mortality rates;
- Higher worklessness than other areas of Darlington;
- Significantly high emergency hospital admissions; and,
- A significantly high number of residents with a life-limiting condition

As such, it was felt by Darlington organisations working collaboratively, much more would be possible in creating healthy homes, and environment and models of care more fit for the future.

The Healthy New Town Design Principles of Transport and movement; green infrastructure, social infrastructure, economy, place-making and healthy food choices have informed the master planning of an early exemplar development of the application site by Keepmoat Homes.

It is proposed that properties within the proposed development will be built to Lifetime Homes standard, enabling homes to adapt to the changing needs over residents over their lifetime, allowing independence for as long as possible, and will incorporate the following:

- i) On plot parking;
- ii) Accessible WC's;
- iii) Plywood inserted into the walls of bathrooms and WC's so that they are capable of having firm fixings for adaptations such as grab rails;
- iv) Entrance level W.C.'s that have been designed so that they are large enough to be accessible and to house a potential shower;
- v) Level approach to each dwelling for ease of access;
- vi) Weather protection and external lighting at entrances;
- vii) Accessible doorways, hallways and circulation space;
- viii) Potential for temporary bed space in the living area;
- ix) Stairs constructed so that they are wide enough for a potential stair lift to be installed;
- x) Joists designed in a way which would allow for the easy installation of a lift at a later date;
- xi) Windows at a height so that you can see out of them from a sitting position; Window handles at an accessible level;
- xii) Service controls accessible to all users;
- xiii) Sufficient space in all bedrooms to be able to dress, in a wheelchair, 700mmx1100mm turning ellipse;
- xiv) A potential route for a hoist from bedroom to bathroom;
- xv) Smoke detectors, carbon monoxide / gas detectors, heat detectors and smart readers;
- xvi) PIR Sensors, Home Alarm units, Bed sensors and chair mats;
- xvii) Central hubs that display information about the house and to receive notifications regarding the surrounding areas (i.e. coffee mornings) located in the kitchen and requiring hard wired connection with the power source;

- xviii) Fast Charge, allowing charging of electrical vehicles – encouraging the use of electrical vehicles, located on the exterior, in front of driveways and requiring hard-wired connection.

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

Application documents including Heritage Statement and Design and Access statement, detailed plans, consultation responses, representations received and other background papers are available on the DBC website.

PLANNING HISTORY

There is no relevant planning history attached to the application site.

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E3 – Protection of Open Land
- E14 – Landscaping of Development
- E21 – Wildlife Corridors

Darlington Core Strategy Development Plan Document 2011:

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

The Council's Design of New Development Supplementary Planning Document 2011 is relevant.

The Haughton-Le-Skerne Conservation Area Character Appraisal and Management Plan (December 2014) is also relevant.

The National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance are also relevant.

RESULTS OF CONSULTATION AND PUBLICITY

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

Three letters of objection were received from Darlington Friends of the Earth, Campaign to Protect Rural England and a resident at 2 Festing Court in the nearby Redhall estate, and the main points raised are summarised below:

- *Loss of trees;*
- *Access for construction vehicles and potential disruption of resident parking at Ayresome Way;*
- *Air pollution and general upheaval;*
- *Loss of open land;*
- *Additional congestion;*
- *Air quality;*
- *Negative impact on Conservation Area;*
- *Negative impact on McMullen Road green corridor;*
- *Despite lack of 5 year housing supply, policies relating to Conservation Areas and Green space are still relevant;*
- *The site is not allocated for development;*

The **Local Lead Flood Authority** has raised no objections to the proposed development subject to conditions to secure the agreement, implementation and ongoing maintenance of a scheme of surface water drainage and management.

The **Historic Assets Officer** has raised no objections to the proposed development further to design amendments.

The **Highways Officer** has raised no objections to the proposed development subject to conditions to secure vehicle swept path analysis and a construction management plan.

The **Environmental Health Officer** raised no objections to the proposed development subject to conditions to secure implementation of the recommendations of the ground gas assessment and the noise assessment, as well as a construction management plan.

The **Archaeology Officer** raised no objections subject to conditions to secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation and mitigation strategy.

The **Ecology Officer** has raised no objections to the proposed development subject to conditions to secure biodiversity gain and mitigation within the development.

The **Police Architectural Liaison Officer** has raised no objections to the proposed development.

The **Transport Policy Officer** has raised issues regarding accessibility of the site for pedestrians and cyclists.

PLANNING ISSUES

The main issues to be taken into consideration in the determination of this planning application are:

- Principle of development
- Impact on Designated Heritage Assets
- Impact on non-designated Heritage Assets (Archaeology)
- Loss of green space and Impact on the character and appearance of the area
- Trees
- Highway and sustainable transport issues
- Surface water and flood risk
- Land contamination
- Design and layout
- Residential Amenity
- Ecology
- Delivery

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

Saved Policy E2 (Development Limits) of the Local Plan states that most new development will be located inside the development limits. The site is located within the development limits.

Saved Policy E3 (Protection of Open Land) of the Local Plan states that in considering proposals to develop any area of open land within the development limits, the council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole and to supplement the interconnections between its elements. It states that permission will not be granted for development which inflicts material net harm on; the visual relief afforded by the system in built-up areas; the character and appearance of the locality through loss of openness and greenery; facilities for organised sport and other informal recreation or for horticulture; the internal continuity of the system, or its linkages with the open countryside; or, areas recognised for their nature conservation or wildlife interest.

The NPPF at paragraph 47 sets out a requirement for local planning authorities to significantly boost the supply and delivery of housing. This includes a requirement to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

Paragraph 49 of the NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five-year supply of suitable, available and deliverable housing land and

consequently planning policies relating specifically to the supply of housing land cannot be considered up to date.

In these circumstances, this application should be considered with regard to the presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Saved Local Plan policies and Core Strategy policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable'.

The proposed development falls within the scope of 'development that should be restricted' due to the location of the site within the Haughton-Le-Skerne Conservation Area, and the loss of local green space and these are therefore the first considerations.

Impact on Designated Heritage Assets

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

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy indicates that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will, amongst other things, be protected by protecting and enhancing the separation and intrinsic qualities of the openness between settlements.

This is in general accord with the core planning principles of the NPPF as they relate to conserving heritage assets in a manner appropriate to their significance, contributing to conserving and enhancing the natural environment and seeking high quality design.

As this proposal is situated within the Haughton Le Skerne Conservation Area, the development must be considered against paragraph 131-134 of the NPPF in terms of its impact on the significance of designated heritage assets.

This recommendation must also be mindful of the requirements to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area, as set out in statute. The consideration of this issue goes to the heart of the decision making process. Notwithstanding the fact that the Council cannot demonstrate a five-year supply of housing sites, an assessment of the impact of the development on heritage assets must be the first consideration.

Paragraph 131 of the NPPF covers new development impacting on heritage assets (such as listed buildings and conservation areas) and states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and, the desirability of new development making a positive contribution to local character and distinctiveness.

The framework goes on to explain that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Paragraph 133 sets out the requirement to consider whether a proposed development will lead to substantial harm, or total loss of a designated heritage asset, in which case planning permission should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed, as a separate exercise, against the public benefits of the proposal, including securing its optimum viable use.

The Council's Conservation Officer has been consulted on the proposal, and has made the following comments:

The layout of the scheme will ensure good natural and passive surveillance of the majority of the external green open spaces and paths and the internal green space. This green space makes a connection between the existing estate to the south and the grounds of the former Red Hall, now currently used for informal recreation and an important route to Haughton and other destinations. The green area to the north of the development has suffered from a lack of natural surveillance for some time and the development will have significant public benefit in terms of discouraging anti-social behaviour and promoting the further use of the area with the attendant health and wellbeing benefits that the Council and developer have sought to secure. This has been the product of positive negotiations and overall the delineation of public and private space, sense of place and arrival and internal movement for pedestrians and cyclists within the development is well demonstrated.

In terms of the house types and elevations there has been some analysis undertaken of the adjoining Conservation Area to support this design approach, and in the main, this has been successful in informing the design of the homes. The materials palette of brick, tile and slate is a good response to the best of the character and appearance of the Conservation Area. Taking each house type in turn:

- *HT740 and HT821 – this is a modest two storey house type that has a number of traditional features and details and as such will have an overall neutral impact on the character and appearance of the Conservation Area.*
- *HT 881 – this is a common form with materials and details that are similar to the two properties adjoining the site dating from the early twentieth century and as such are appropriate to the context. Furthermore, these house types are in the middle of the development and provide variety and a transition between the frontage addressing the green space and facing the Conservation Area.*
- *HT 1046(+v1) – taking cues from HT740 etc. this larger property over two storeys is also appropriate in terms of materials and detailing and similarly has taken into consideration the character and appearance of the conservation area.*
- *HT 1166 – This house type is a departure from the character and appearance of both the Conservation Area (as depicted in the Design and Access Statement) and the immediate surroundings by being two and a half storeys in height and the use of dormer windows on the front elevation. There is no precedent for this approach and notwithstanding the design of the dormers; these should be accommodated to the rear of the properties. The*

concept sketches in the Design and Access Statement clearly show the use of roof lights on the front elevations (which have been consistent from the pre-application), however this has not been followed though in the final design. I have concerns over the use of dormers on the front elevation of these house types, in particular on the main frontage facing Haughton Conservation area and as such recommend that these are revised or omitted.

- *The proposed scheme is innovative and ground breaking in terms of the accommodation of various technologies to support health and wellbeing and independent living, and this is welcomed. The inclusion of Lifetime Homes is similarly welcomed. The scheme has been developed under the NHS England Healthy New Towns Programme and has been the product of consultation with health professionals and in itself as an innovative pilot that will secure significant public benefits in terms of learning and the wider objectives of the project to improve long-term health outcomes in the area. Similarly, the layout of the scheme has been developed to promote walking and cycling and there are facilities for covered secure storage for bikes that will assist in this end.*
- *The site lies within Haughton Conservation Area. A comprehensive Conservation Area Character Appraisal was adopted in 2014. This appraisal identifies a number of key characteristics and priorities for the positive management of the area. Quoting from the CACA:*

“The majority of buildings in the Conservation Area are residential, two storey cottages or houses in terrace form facing the village green. The scale and size of buildings increased as time passed, so Georgian buildings are generally at a smaller scale than Victorian additions, which are at a smaller scale than twenty and twenty-first century additions. Departure from this form is usually found only in the public houses, which are larger than residential development of the same era, as would be expected. The oldest building in the Conservation Area, Butler House and the Rectory, is enclosed behind a high wall and faces an internal courtyard. All buildings are at a maximum of two storeys or two and a half storeys, with the exception of Rymers Court.”

However, notwithstanding the occasional incursion in to the roof space, the character and appearance is predominantly two storeys and there is little evidence in the CACA of the use of dormers on the front elevation save for a few modern developments and a small number of bungalows. Additionally, quoting the CACA:

“Roof lights and dormer windows are not a common feature in Haughton, so their introduction on existing or new development should be avoided and will be resisted through the planning process without justification that they will not harm the Conservation Area. “

For the reasons above the use of dormer windows on the front elevation is not appropriate and will harm the character and appearance of the area, particularly on the elevations facing Haughton Village.

I consider that the proposed development will lead to less than substantial harm of the Conservation area, and therefore the public benefits identified above and by the applicant will be relevant to your considerations.

My recommendation is that the design of house type HT1166 is revised (in particular on the elevations facing Haughton Village) to reflect the concept sketches or at very least the use of any

dormers be limited to the rear elevation. If this is not possible, another suggestion may be a substitution of another house type, although I accept that this may have an impact on the layout, which I would be reluctant to see substantially changed.

Further negotiations with the applicant have resulted in the omission of the dormer windows from the front elevations facing Haughton Village as a result of the above comments. Overall, therefore, it is agreed that the development would lead to 'less than substantial harm' and this therefore, must be weighed against the public benefits of the proposal in accordance with the requirements of the NPPF.

The Heritage Impact Assessment submitted in support of the application lists the public benefits as:

- A key regeneration scheme that will enhance the public perception of the Redhall Estate that has suffered from deprivation for many years;
- Help to rebalance the housing tenure mix of the wider Redhall Estate;
- Retention and enhancement of the existing landscape assets in line with the Healthy new town principles;
- Creating linkages into the existing pedestrian network of paths and the existing communities;
- A wider range of private family housing in the area;
- Homes built to Lifetime Homes Standard;
- All homes will have access to SMART technology.

Other public benefits are considered to be as follows:

- Improvement of long term health outcomes in the area;
- Improvement in natural surveillance to the green space.

Taking into consideration the impact of the scheme on the Conservation Area, by virtue of its location, layout, design and scale, and the loss of green space, and taking into account the amended design, the 'less than substantial harm' to the significance of the Haughton Le Skerne Conservation Area is considered to be outweighed by the significant public benefits identified.

Impact on non-designated Heritage Assets (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.

An Archaeological Evaluation undertaken by Archaeological Services Durham University (August 2017) has been submitted in support of the application. The report documented the archaeological excavation of 10 evaluation trenches. The results of the evaluation trenching are as follows:

- i. The remains of a large ditch identified on the geophysical survey was excavated in Trench one; pottery and glass recovered from the ditch suggest it is Roman in date;
- ii. An undated shallow gully was recorded in Trench two;
- iii. Palaeoenvironmental analysis of a sample from the ditch in Trench one shows it contains limited evidence for domestic activity of probable Iron Age or Roman Origin;
- iv. Five walls were excavated in Trench 15; These walls are likely to be the remains of Red Hall, shown on historic Ordnance Survey maps of the site, and subsequently demolished.

The report concludes that no archaeological resource was identified which requires preservation in situ. Further archaeological recording of the north-west corner of the site where Roman remains are present is recommended, prior to development taking place.

The County Archaeology Officer has been consulted and considers that the remains of Red Hall are also worthy of investigation (it is shown on the Tithe Map of 1838) and the remains should be considered a non-designated Heritage Asset. No objections are raised subject to planning conditions to secure pre-development archaeological work and recording, in line with an approved scheme of investigation.

Loss of green space and Impact on Character and Appearance of the area

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

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

Policy E3 (Protection of Open Land) of the Local Plan states that in considering proposals to develop any area of open land within the development limits, the council will seek to maintain the usefulness and enhance the appearance and nature conservation interest of the open land system as a whole and to supplement the interconnections between its elements. It states that permission will not be granted for development which inflicts material net harm on; the visual relief afforded by the system in built-up areas; the character and appearance of the locality through loss of openness and greenery; facilities for organised sport and other informal recreation or for horticulture; the internal continuity of the system, or its linkages with the open countryside; or, areas recognised for their nature conservation or wildlife interest.

The site, which sits to the north of the existing Redhall Estate, is part of a larger area of open land, which extends to the north where it affords significant visual relief within the built-up area of Houghton Village. The proposal incorporates significant mature tree cover and enhanced landscaping, and has been designed to improve access to, and use of and natural surveillance of,

the remaining open land to the north. It is considered that the proposed development will ensure the retention of the openness and greenery of the locality, the recreation value of the remaining open land and the internal continuity of the system, including its nature conservation and wildlife value. These issues are considered in further detail in the following sections of this report. Given the nature and position of the site, and the scale and design of the proposed dwellings, the proposal is considered acceptable in terms of its impact on the open land network, and the character and appearance of the locality in general.

Due to the situation of the site within a Conservation Area and its position adjacent to the remaining open space and mature trees, it is recommended that permitted development rights be removed by planning condition, requiring extensions and alterations to be approved by the local planning authority.

Trees

Saved 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.

A Pre-development Tree Survey and Arboricultural Implications Assessment, undertaken by Elliot Consultancy Limited (April 2017) was submitted in support of the application.

For the main part, the now mature tree cover, particularly around the periphery of the site, was landscaping / screening for the former Red Hall (a former large residence constructed on the site in circa 1830). These larger groups of trees are now mostly continuous wooded groups with younger regeneration of Sycamore and Ash where allowed to prosper and occasional remnants of the original landscaping along the northern boundary, north west corner and adjacent to the southern boundary and the Red Hall estate. Remnants of the landscaping within the internal aspect of the site are limited to a handful of large parkland trees including some large Beech and Oak and the mature Cedar of Lebanon, which was situated in the front of the original building.

The proposed access requires the removal of trees within an area of more limited tree cover in the southwest corner of the site. The report also recommends the removal of a large mature Poplar on the southern boundary, which extends into the main body of the site due to its condition, life span and the presence of other high quality trees nearby.

The Arboricultural Impact of the development as a direct consequence of the design will include the loss of seven trees of high to moderate quality, and eight small trees of low quality, together with three trees that require removal regardless of the development. All other trees and hedgerows can be retained and protected in line with recommendations to be set out in an Arboricultural Method Statement and Tree Protection Plan, which should be required by planning condition.

The report concludes that overall, given the extent of the proposals, such loss of tree cover is considered low impact, one that will not be visible beyond the peripheral tree groups that surround the site, and one that can be compensated for by tree planting within a structured landscape proposal. Overall, subject to further information to ensure the protection of retained trees, and a landscaping scheme, the proposal is considered to be acceptable in respect of its impact on trees within the site.

Highway and sustainable transport issues

A Transport Assessment prepared by S.A.J. Transport Consultants (June 2017) assessing the potential traffic impacts of the proposal in detail was submitted in support of the application. The report concludes that the proposal will deliver a development that is integrated within the surrounding environment and accessible by alternative modes of travel to the private car; and, that the development impact on the surrounding road network is considered acceptable, both operationally and in terms of highway safety.

The proposed development would involve the creation of a new access from McMullen Road and would involve the creation of some 119 parking spaces associated with the new dwellings.

The Highways Officer has raised no objections to the proposed development subject to planning conditions to secure submission, agreement and implementation of a Construction Management Plan, together with vehicle swept path analysis to support the movement framework for emergency vehicles.

Red Hall bus stops are some 320m walking distance from the site. Service 2, a 10-minute service is available during the day with a half hourly evening and Sunday service. McMullen Road inbound and outbound are located some 400m walking distance from the site. Frequent 10 minute services run from these stops (Service 9 and 10).

The site incorporates a series of pedestrian footpaths and combined cycle and footways which link up to the wider network of footpaths and cycle routes that serve the River Skerne Green Corridor, connecting the site to the centre of Darlington and the wider Eastern Growth Zone. In particular, a pedestrian link and cycle link is included to the north of the site providing links to existing cycle paths towards the river and the school. A pedestrian link is also included to the south of the site linking to Footpath No. 55, an existing Right of Way. An informative should be included with any approval to ensure the route remains accessible during construction and following the completion of the development.

Overall, the proposal is considered to be acceptable in terms of highway safety and sustainable transport and its impact on the Rights of Way Network.

Surface water and flood risk

The proposed development is situated within Flood Zone 1. A SuDS area is identified within the detailed site layout.

A Flood Risk Assessment and Drainage Strategy (May 2017) undertaken by Patrick Parsons Limited, was submitted in support of the application. This demonstrates that the proposed development will have a very low risk of flooding from surrounding watercourse, surface water, sewers and groundwater, and proposes a strategy for the disposal of surface water from the development.

Stockton Borough Council, who acts as the Council's technical advisors for SuDs, has assessed the level of information submitted with this application. They do not raise concerns to the development subject to a condition being attached to any forthcoming approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site that must include detailed design of the surface water management system, build program for the

provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance and funding arrangements.

Land contamination

A Phase 2 ground investigation report undertaken by Patrick Parsons Environmental Consultancy (May 2017) has been submitted in support of the application. Soil samples from across the site and a series of trial pits and boreholes have been excavated. The report concludes that the site does not have a history of industrial use and that the site is uncontaminated and can safely be developed for the proposed residential end-use.

A supplementary ground gas report has documented flows of methane at one of the monitoring locations on the site, and as a result, the report proposes gas protection measures to be installed across the site. The Environmental Health Officer has been consulted and has recommended a planning condition that secures either the gas protection measures recommended in the submitted report, or that the site is further investigated for landfill / ground gas to be undertaken and the recommendations to be agreed with the Local Planning Authority and implemented in full, and prior to occupation.

Design and layout

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

The application has been the subject of continued pre-application discussions in terms of its design and layout, and as described above, has more recently been amended to accord with the sentiments of the Haughton Le Skerne Conservation Area Character Appraisal. It is considered that the proposal represents an appropriate response to the site, in terms of design and layout, allowing natural surveillance, connections and retention of the natural features of the site where possible.

Residential Amenity

The Council's Design of New Development Supplementary Planning Document states that there should be 21m separation distance from elevations with habitable rooms facing other elevations with habitable rooms. The Supplementary Planning Document also states that there should be 12.5m from elevations with habitable rooms facing blank elevations.

The proposed layout is considered acceptable and raises no significant issues in respect of the residential amenity of existing residents or the occupiers of the proposed dwellings.

A Noise Assessment undertaken by Wardell Armstrong (June 2017) was submitted in support of the application. The report has assessed how noise from nearby industrial sources (from the west side of McMullen Road, particularly the extraction unit at C M Varley Feed Mill on Red Barnes Way) could potentially affect the site and how traffic noise from vehicles on McMullen Road could affect the proposed new dwellings. The report recommends acoustic fencing to the western boundaries of those dwellings closest to McMullen Road, which would be further screened by the significant existing tree cover, together with acoustic glazing and ventilation to

the living and bedroom areas of the dwellings. The Environmental Health Officer has been consulted and has raised no objections subject to securing the implementation of the recommendations set out in the report.

An issue was raised by objection, regarding the upheaval and disturbance that would be created to existing residents (of Redhall) during the construction of the development. It is considered that these issues, although temporary in nature, would be addressed by the Construction Management Plan and the control over hours of construction.

Overall, the proposal is considered acceptable in respect of its impact on residential amenity.

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.

Saved Policy E21 (Wildlife Corridors) states that development which would materials harm the wildlife habitat value of linear features providing corridors within which wildlife can move and live, including the open land network within the urban area where it forms continuous corridors, rivers and streams, road and rail corridors, woodlands, hedgerows and green lanes will not be permitted. It goes on to state that harm will be assessed according to the impact of development on the value of the feature in terms of its continuity and ecological structure and diversity; and that the landscaping of new development within or adjacent to wildlife should, where appropriate, incorporate semi-natural habitats which contribute to maintaining the wildlife value of the corridor.

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

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 (August 2017), a Breeding Bird Survey (August 2017) and a Bat Survey (September 2017), all undertaken by E3 Ecology Limited, we submitted in support of the application.

The reports make a number of observations, including the following;

- A. That the site comprises a mixture of coarse, semi-improved, neutral and amenity grassland, scrub, tall ruderal vegetation and mature broadleaf woodland, with the River

- Skerne flowing to the north of the site and a number of mature trees, may be of up to district value for the habitats it supports;
- B. The site may provide nesting opportunities to a limited suite of ground nesting bird species although the breeding bird survey has recorded no such species, likely to be limited by recreational disturbance within the site;
 - C. The woodland and scrub provide nesting and foraging opportunities to a typical range of woodland / urban bird species;
 - D. Great Crested Newts are considered likely absent;
 - E. The site and its boundaries are of high suitability to badger, though no evidence of this species was recorded and any activity may be limited by the levels of dog walking and recreational activities on site;
 - F. The site does not provide suitable habitat for water vole, though the species is known to be present on the River Skerne, with a single animal recorded during the survey. The site does not provide suitable habitats for otter, though the woodland may provide some opportunities for lying up and holt creation, with this species known from the River Skerne Detailed Water Course survey of the river found no further evidence of either species and it is considered that the rivers suitability to support burrows or holts is limited due to the fact that it is heavily choked with the Schedule 9 invasive species, Himalayan balsam;
 - G. The areas of grassland on the site may provide habitat suitable for reptiles;
 - H. Habitats for scarcer butterfly species are considered to be limited with no evidence of either species recorded;
 - I. Common pipistrelle was the most frequently recorded species of bat with high levels of activity recorded at monitoring points;
 - J. The site has high quality foraging opportunities to a range of bat species with the mature trees on the site boundaries and off-site considered to provide a range of potential roosting locations;

The development is not predicted to have any impacts on statutory / non-statutory sites. Potential impacts of the development include; loss of grassland; loss of vegetation of low habitat value; loss of a number of trees; and potential harm or disturbance to the species identified.

As a result, the report makes a number of recommendations to mitigate the development including:

- a. Further inspection of trees to avoid the risk of bats being present;
- b. An appropriate lighting scheme to minimise impacts on foraging and commuting bats;
- c. Bat boxes to be installed on trees to create roost sites in advance of start of works;
- d. No lighting at the woodland edges;
- e. Limited removal of trees and vegetation;
- f. Controlled timing of clearance / tree felling;
- g. Working methods to prevent impacts on the River Skerne;
- h. A landscaping strategy to be devised to increase the value of neighbouring grassland and woodland habitats to form a compensation strategy.

The Ecology Officer has been consulted and has raised no objections subject to conditions based on the recommendations of the Ecology reports, but also to include the installation of integral bat boxes on perimeter housing and a biodiverse landscaping scheme.

Overall, it is considered that subject to a condition to secure submission and agreement of the above details, together with a condition to require compliance with the recommendations, it is considered that the proposed development will conserve and enhance the natural environment.

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) comprises up to date national planning policy and is a material consideration in planning decisions.

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

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

The impact on the historic environment is a significant factor that has been taken into account in the decision making process. The design of the proposal is considered to be in keeping with the character and appearance of the Haughton Le Skerne Conservation area and the 'less than substantial harm' is significantly outweighed by the public benefits of the proposal.

The loss of open space and the impact on nature conservation and wildlife has been taken into account in the decision making process. Overall, it is considered that the proposal will conserve and enhance the natural environment.

The size and siting of the proposed dwellings would be such that no significant detrimental impacts in terms of light, outlook or overlooking issues would be raised. The proposal is considered acceptable in respect of its impact on highway safety.

Conditions are required in relation to archaeological work, ecology, tree retention, noise and landscaping.

The above issues have been considered in the context of the sites Conservation Area location, the loss of open space and the lack of a five-year supply of suitable, available and deliverable housing land, and in the face of a requirement for local authorities to significantly boost the supply and delivery of housing. Overall, it is considered that the benefits of the proposed development significantly and demonstrably outweigh the impacts identified in this report.

RECOMMENDATION

THAT PLANNING PERMISSION IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. PL (Accordance with Plans)
3. B4 Details of Materials (samples)
4. E2 Landscaping (Submission)
5. E5 Boundary Treatment (Submission)
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order [2015] (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or other alteration of the premises, 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 not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

7. No development shall be carried out unless and until vehicle swept path analysis has been undertaken to support the movement framework for emergency vehicles, refuse vehicles 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

8. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The plan shall include 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 highway safety and residential amenity

9. Construction work 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 permission from the Local Planning Authority.

REASON – In the interests of residential amenity

10. The development hereby approved shall not be commenced on site, until a scheme of ‘Surface Water Drainage and Management’ for the implementation, maintenance and management of the sustainable drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, The scheme shall include but not be restricted to providing the following details;
 - I. Detailed design of the surface water management system
 - II. A build program and timetable for the provision of the critical surface water drainage infrastructure
 - III. A management plan detailing how surface water runoff from the site will be managed during construction Phase
 - IV. Details of adoption responsibilities;
 - V. Management plan for the Surface Water Drainage scheme and any maintenance and funding arrangement;

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.

11. 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 for the lifetime of the development must also be submitted and approved in writing by the Local Planning Authority.

REASON - To reduce flood risk during construction / development of the site

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

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

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

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

REASON – To comply with paragraph 141 of the NPPF that ensures information gathered becomes publicly accessible.

14. Prior to first occupation of the homes in the development hereby approved the applicant must: -

A. Install ground gas protection measures in accordance with the conclusions of the Patrick Parsons ground gas assessment REF: AC/TD/N17137 submitted with the application. The installation of protection measures must be documented in a Verification and Completion Report which shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies and validation results obtained to demonstrate the completeness and effectiveness of all approved remediation works conducted. The

Verification and Completion Report and shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development unless the Local Planning Authority dispenses with the requirement specifically and in writing.

OR

B. Use a suitably competent person(s) to further investigate the site for landfill/ground gas and carry out a further gas risk assessment to be submitted to, and approved by, the Local Planning Authority, to demonstrate whether or not gas protection measures are required. Where gas protection measures are required the details, including any proposals for reporting on the verification of membrane installation, shall be submitted to, and approved by, the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.

15. The noise mitigation measures in the Wardell Armstrong Acoustic Report dated June 2017 submitted with the application shall be completed in full prior to the first occupation of the homes hereby approved. These mitigation measures must include:

A the installation of a 2m high close boarded acoustic fence of a density not less than 10kg/m² or similar equally effective measures must be constructed in the gardens of the properties facing onto McMullen Road in the position specified in the report;

B acoustic vents of an equal or better standard to those proposed in the report must be installed in the facades of bedrooms in dwellings facing onto McMullen Road to allow future occupiers to ventilate their rooms without having to open a window.

REASON – In the interests of residential amenity

16. E11 (Tree Protection)

17. Unless otherwise agreed in writing by the Local Planning Authority, the proposed development shall be only carried out in all respects in accordance with the recommendations and methods contained within the Preliminary Ecology Appraisal (E3 Ecology Ltd) (August 2017), Bat Survey (E3 Ecology) (September 2017) and Breeding Bird Survey (August 2017).

REASON – In the interests of ecology.

18. Notwithstanding the recommendation contained in the Bat Survey (E3 Ecology) (September 2017) prior to works commencing on site, details of the specification and number of bat boxes and their precise locations on the site, shall be submitted to and approved in writing by, the Local Planning Authority. The details shall include integral bat boxes in 50% of the perimeter housing facing tree line or green space (24 No. houses). The approved bat boxes and position shall be erected before the development hereby approved is brought into use and retained in perpetuity.

REASON – In the interests of ecology.

INFORMATIVES:

The Developer is required to submit detailed drawings of the proposed 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.

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.

The footways/cycleways from the internal site should link into the surrounding infrastructure with tactile paving and drop crossing where appropriate.

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

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. **The discharge rate from the site will be restricted to existing greenfield runoff rates** with sufficient storage within the system to accommodate a **1 in 30 year storm**. The design shall also ensure that storm water resulting from a 1 in 100 year event plus climate change surcharging the drainage system can be stored on site without risk to people or property and without overflowing into drains or watercourse. Full Micro Drainage design files (mdx files) including the catchment plan and 3D topographical survey must be submitted for approval. The flow path of flood waters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

The layout of any proposed development and sustainable drainage system should be designed to mimic natural drainage flow paths, utilising existing natural low-lying areas and conveyance paths where appropriate. This means considering the existing blue / green corridors across the proposed site and utilizing the natural low-lying areas for the surface water management system for the development. To mimic natural catchment process as closely as possible, a “management train” is required, it is fundamental to designing a successful SuDS system, it uses techniques in series to reduce pollution, flow rates and volumes. The detailed design must show flow routes, SuDS component section, sub-catchments, discharge and flow control locations, storage features and how SuDS integrate into the landscape.

The developer will need to provide a detailed program including time table for the construction of the main surface water drainage infrastructure.

The proposed development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any increase in surface water generated by the proposed development or existing surface water / groundwater issues on the site must be alleviated by the installation of sustainable drainage system within the site.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore new surface water drainage scheme designed within the Flood Risk Assessment/Drainage Strategies require at least three sets of calculations;

1. 1 in 30 year event;
 2. 1 in 100 year plus 20% climate change;
 3. 1 in 100 year plus 40% climate change;
- Drainage systems can be designed to include a 20% allowance for climate change;
 - A sensitivity test against the 40% allowance is required to ensure that the additional runoff is wholly contained within the site and there is no increase in the rate of runoff discharged from the site. It must be demonstrated that there are no implications to people from the increased flood hazard (volume between 20% and 40% allowance). It is crucial that the additional runoff from the 40% is contained within the site and does not contribute to an increased flood risk to **people/property/critical infrastructure/third parties elsewhere**.
 - If the flows cannot be contained within the site without increasing risk to properties or main infrastructure a 40% allowance must be provided.

The applicant must consider local guidance detailed in the ‘Tees Valley Local Standards for Sustainable Drainage’ (<https://www.stockton.gov.uk/media/6235/flooding-webpage-update-jane-salisbury-25-02-2016-3msg.pdf>). It is recommended that the applicant contacts the Flood Risk Management Team at an early stage to discuss surface water management requirements and their proposed surface water drainage solution for any new development.

Public Footpath 55 runs to the south of the proposed development. The public footpath must be open and available for use at all times during the development period and thereafter and the safety of the users of the footpath must be considered when carrying out the development.