

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 13 December 2017

Page

APPLICATION REF. NO:	17/00847/FUL
STATUTORY DECISION DATE:	19 December 2017
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	Field at OSGR E434813 N513507, Yarm Road, Middleton St George
DESCRIPTION:	Residential development consisting of 44 dwellings, garages and associated infrastructure (additional Archaeological Evaluation received 21 September 2017, amended Flood Risk Assessment and Drainage Strategy received 24 November 2017, amended site plan, elevations plans and boundary treatment plans received 27 November 2017 and additional ground gas addendum report received 30 November 2017)
APPLICANT:	KARBON HOMES

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of 44 dwellings, garages and associated infrastructure on land to the south of Yarm Road, Middleton St George. A single access to the site will be taken from Yarm Road connecting to an internal estate road serving a row of 21 dwellings at the rear of the site. The remainder of the site would be laid out with two short cul-de-sacs serving a further 23 dwellings, the majority of which will either front onto, or present the side gable to, Yarm Road.

The following mix of dwellings comprising 6 different house types is proposed:

- 8 x 2 bed semi-detached dwellings;
- 23 x 3 bed semi-detached/short terraced dwellings;
- 10 x 4 bed semi-detached dwellings; and
- 3 x 4 bed detached dwellings.

Each dwelling would have at least 2 in-curtilage parking spaces supplemented by car parking spaces within the integral garages, where provided. The site would be enclosed to both sides and the rear by 1.8 metre high hit and miss timber board fencing, with the front, northern boundary of the site enclosed by 1.5 metre high railings and brick pillars in front of a new boundary hedge.

The application site extends to approximately 1.27 hectares of grazing land located to the south side of Yarm Road, Middleton St George, approximately 0.25kms from the centre of the village

(The Square). The site is bounded by allotment gardens to the west, by the railway line to the south and by further agricultural land, separated by Footpath No. 3 in the Parish of Middleton St George, to the east and is contained by mature hedgerow and tree planting on all sides. Established terraced housing on Killinghall Row and more recent housing development on Acorn Close and The Beeches is located to the north of Yarm Road opposite the site. Members may recall that outline planning permission was granted for the erection of a doctor's surgery, pharmacy and up to 26 no. dwellings on this site in July 2016 (15/01006/OUT). The Clinical Commissioning Group (CCG) subsequently rejected this site and planning permission was granted for the siting of a portable building to facilitate the relocation of the surgery from Felix House to Middleton Hall in May 2017 (17/00069/FUL). The outline permission however remains extant and is a material consideration to be given some weight in the determination of this application.

The following information has been submitted with the application:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Ecological Appraisal
- Ground Investigation Report
- Archaeological Investigation
- Tree Surveys
- Noise and Vibration Assessment
- Statement of Community Involvement

PLANNING HISTORY

08/00773/OUT – Erection of 36 no. dwellings (outline). REFUSED 8 May 2009

15/01006/OUT – Outline application for erection of doctor's surgery, pharmacy and up to 26 dwellings (with all matters reserved). GRANTED 1 July 2016

PLANNING POLICY BACKGROUND

The following policies are relevant to consideration of the application:

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits
- E12 – Trees and Development

- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

National Planning Policy Framework, 2012

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – No highway objection subject to conditions relating to internal road layout, details of off-site highway improvements and street lighting and a financial contribution, secured by a Section 106 Agreement, for the provision of a speed reduction measure on Yarm Road in connection with the reduction of the speed limit on Yarm Road from 40mph to 30mph.

Transport Policy – Contribution sought for the improvement of the existing bus shelter at Acorn Close. No further sustainable transport contributions to be sought.

Environmental Health Officer – In order to meet the necessary criteria for noise levels in rear gardens areas facing Yarm Road it will be necessary to erect a 1.8m high acoustic fence around parts of the garden areas. Details should be submitted for review. No further land contamination conditions required.

Public Rights of Way Officer - Access along Footpath no. 3 will need to be maintained during construction and the route will need to be accessible following completion of the development. Would look for a contribution as part of the sustainable transport contribution from the developer to improve the condition of the path given the likely increased use of the route.

Durham County Archaeology – No archaeological objection to this scheme.

Lead Local Flood Authority – The applicant has not provided sufficient detail regarding the management of surface water runoff from the proposed development and this information should be secured by condition.

Northumbrian Water Ltd – Recommend condition approval.

Railtrack – No objection in principle to the development subject to a number of requirements which must be met.

Police Architectural Liaison Officer – There have been issues with anti-social behaviour in other areas of the village but nothing to suggest it will migrate to the new development. There are no issues with the layout from a Design out Crime perspective.

CPRE – Object to the proposal for the following reasons:

- Now that the surgery is to be built somewhere else this site will not be required for it and consequently there is no need for the supporting housing;
- The significant increase in the number of houses (from 26 to 44) will place additional demands on local facilities and infrastructure which are already overstretched;

- The recent publication by the Department for Communities and Local Government ‘*Planning for the right homes in the right places: consultation proposals*’ calls into question the figures for housing need DBC is using. CPRE believes these houses are not required;
- The site is outside development limits of the village following the Richborough Case CPRE believes the proposal to be contrary to Saved Local Plan Policy E2 and Core Strategy Policy CS1 and will have a negative impact on the intrinsic quality of the agricultural land contrary to Policy CS14.

Middleton St George Parish Council – Object to the application for the following reasons:

- The proposed site is not on the ‘Call for Sites’ list within the context of the draft Local Plan;
- This application should be considered alongside the application for 10 dwellings and a convenience store (17/00911/FUL) on the neighbouring site to consider the combined effects of the two developments on the village in terms of safety, congestion, lack of education provision, loss of amenity for neighbouring houses, lack of sustainable drainage and sewerage, and noise;
- The Transport Statement should take into consideration the cumulative impact of other developments in the village;
- The proposed single access would be onto an already busy road, almost opposite the Beeches. Further development on Yarm Road will exacerbate the existing on-street parking for the terraced houses;
- A travel sweep analysis of the highway and road safety risks should also be carried out;
- The site is adjacent to a railway line and Yarm Road and development would be exposed to noise from these sources;
- More housing in the centre of the village will put more pressure on the existing drainage and sewerage system which was never designed for this amount of development;
- Lack of investment to date to upgrade and improve essential infrastructure within the village to mitigate the impact of proposed development on essential services;
- No further development should be granted permission until the build on Sadberge Road has been completed. Residents should not have to endure breaches of conditions relating to out of hours working, dangerous conditions on the main road, light pollution etc.

A total of 14 letters of objection have been received which raise the following issues:

- *Natural light will be obscured to the front of my house;*
- *Loss of view;*
- *Impact on local flora and fauna;*
- *Village at saturation point with regards to schooling, doctors and vehicular traffic;*
- *The two applications on neighbouring sites need to be taken into account and looked at as 1 application as the impacts for traffic pollution, noise and flow will need to be considered;*
- *Transport study has not taken into account other adjacent development, including the proposed Co-op store and 10 houses, which will significantly affect traffic on Yarm Road with reduced road/pedestrian safety in the area;*
- *Introduction of 3 new junctions on a small stretch of road, one for this development, one for the proposed shop and one for the proposed 10 dwellings will create chaos at peak times. It will also increase pollution in the area and air quality will be reduced for residents;*

- *Understand DBC has to adhere to their 5 year housing supply. Middleton St George has taken the brunt of the many planning applications and so far none have been refused;*
- *Disruption from two developments being built at the same time will effectively shut down the road into/out of the village;*
- *Rejection of the two applications would not impact on this quota significantly and would give the residents hope that the Council is working for the people and not the developers;*
- *Village could handle potentially one of these applications in the proposed area, but not two side by side;*
- *The impact on the local area will be significant for very little gain for the Council in this case;*
- *Bungalows should be built on the site as they would not interfere with views from Killinghall Row and provide housing for those people needing it, the elderly;*
- *Site does not appear to be large enough to accommodate 44 houses and parking without overflow onto Yarm Road;*
- *Trees, hedges and undergrowth would need to be removed to make way for development affecting wildlife and air quality in an overpopulated village;*
- *Several new developments in the village where development has halted because houses have not sold. Further housing therefore not acceptable or required. This would leave a building site with visual impact and potential for crime and anti-social behaviour;*
- *Development close to railway tracks and bridge which would cause problems;*
- *The railway line will be more visible as a result of the development;*
- *The residents of Killinghall Row will only have the road as a buffer from the construction work;*
- *Parking for properties on Killinghall Row will be impacted by contractors working on the new development;*
- *Middleton St George is receiving over one fifth of the quota allocated to DBC. This is not right when there are old and new houses sitting empty in the village;*
- *Surely DBC can find other sites with less impact on people;*
- *The residents of Middleton St George do not want new houses.*

PLANNING ISSUES

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

- Planning Policy
- Impact on Visual and Residential Amenity
- Loss of Agricultural Land
- Highway and Sustainable Transport Matters
- Sustainable Drainage
- Land Contamination
- Trees
- Ecology
- Archaeology
- Developer Contributions
- Delivery
- Other matters

Planning Policy

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.

The site is located outside of, but adjacent to the development limits for Middleton St George, as set out in the proposals map accompanying the Borough of Darlington Local Plan. Saved Local Plan Policy E2 (Development Limits) states that most new development will be located inside development limits. The reasoned justification to the policy explains that the limits to development are intended to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside, and that outside of development limits development will be strictly controlled.

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 5 years' worth of housing against their housing requirements.

Paragraph 47 of the NPPF also 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. Recent case law has established that in these circumstances, only policies that relate strictly to the supply of housing should be considered to be out of date. The Council cannot currently demonstrate a five year supply of suitable, available and deliverable housing land and consequently planning policies relating to the supply of houses 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 and Core Strategy policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable'.

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

In this instance, the proposal should be subject to the planning balance test set out in paragraph 14 of the NPPF. The site is not restricted by any of the constraints at footnote 9 to paragraph 14 of the NPPF and there are no specific policies within the framework which indicate that the development should be restricted. The proposal therefore falls to be considered against the presumption in favour of granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In order to continue to plan positively for housing development to meet the needs of our population, applications for planning permission for residential development in all areas of the

Borough should be considered with regard to the presumption in favour of sustainable development set out in the National Planning Policy Framework. Sustainable development has three broad elements: economic, social and environmental. These should not be considered in isolation, because they are mutually dependent. Economic, social and environmental gains should be sought jointly and simultaneously.

Economic role

Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Development creates local jobs in the construction industry, as well as business for and jobs in the building supply industry. The Inspector at the Gladman appeal found that at the present time Darlington appears to be falling short of its requirements in terms of housing construction. In such circumstances, the availability of any site that could contribute to house building and economic development, in the short term, should attract some weight.

Shopping and community provision in Middleton St George is good for a settlement of its size, there being a number of shops, including a chemist, as well as a variety of services that include a health centre and dentist. Additional population residing in the proposed development would undoubtedly generate more expenditure to support these businesses, which in many rural communities is under threat. Although the local school, St George's Academy, is currently at capacity, this issue is considered further below.

Social role

The proposal would contribute to the supply of housing at a time when there is an accepted need to increase the supply. The proposal would also provide a minimum of 20% affordable housing on the site in accordance with Core Strategy Policy CS11. The application also proposes a new footpath along the Yarm Road frontage with connections to existing pedestrian infrastructure. A financial contribution is also being sought towards the upgrading of the Acorn Close bus stop opposite the site.

Members have acknowledged in previous decisions that Middleton St George is a socially sustainable location. It is considered to be a thriving local community with numerous activities taking place throughout the week. There is a railway station close by with a half hourly services to Darlington and Teesside (hourly on Sundays) and a bus service with similar frequencies to Darlington. Both are within easy walking distance of the application site as are the village shops, services and facilities. Paragraph 38 of the NPPF identifies primary schools and local shops as key facilities that should be located within walking distance of most residential properties. Although the local primary school is currently at capacity, following the erection of an extension to accommodate other housing developments within the village, the applicants have agreed to make a financial contribution towards primary school places within the village to be directed towards a new school site, allocated as part of a future development site to the south of the application site.

Taking the above into account it is considered therefore that the proposed development would contribute positively to the social dimension of sustainability.

Environmental role

The application site is grassed agricultural land adjacent to an allotment site and opposite terraced properties on Killinghall Row and more recent development known as The Beeches. The site is bounded on its southern side by the Darlington to Middlesbrough railway line, and enclosed by mature hedgerow on all sides. While the site provides a pleasant green area within

the village, its contribution to the character of the village is somewhat diluted by the presence of the railway line and residential development nearby. Although the proposed development would result in the loss of this field and the roadside hedgerow, the site has been assessed as having low ecological value although opportunities exist for a series of ecological mitigation measures to be secured by planning condition. The development will also provide opportunities for improvements to pedestrian infrastructure, nearby bus stops and for sustainable drainage on the site.

There is an extant outline planning permission (15/01006/OUT) for the erection of a doctor's surgery on the site and up to 26 dwellings which is a material consideration in the determination of this application. Although the site is no longer needed for the doctor's surgery, for the reasons outlined at the beginning of this report, the application was presented as a mixed-use development rather than as an 'enabling case' and the housing element of the proposal was deemed to be acceptable in terms of it being sustainable development when assessed as part of the planning balance test as set out in paragraph 14 of the NPPF. As such the principle of residential development on this site is considered to be acceptable, subject to assessment of the impacts of the proposal against relevant planning policies and consideration of other material planning considerations.

Impact on Visual and Residential Amenity

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

CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy seeks to protect, and where appropriate enhance, the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place. This includes protecting and enhancing the separation and the intrinsic qualities of the openness between settlements. The reasoned justification to Saved Local Plan Policy E2 (Development Limits) also seeks to maintain well-defined settlement boundaries and safeguard the character and appearance of the countryside by strictly controlling development outside of development limits.

The site, which is currently a grassed agricultural land, adjoins the built form of the village along part of its southern boundary. While the proposal would result in the loss of this field and the roadside hedge along its northern boundary, it is considered that the development would appear as a modest extension to this built form and would not affect the relationship between the village and the surrounding countryside, nor impact adversely on the character and appearance of the countryside which Policy CS14 and Saved Policy E2 seek to protect. Suitable planning conditions relating to ecological mitigation and tree protection would be attached to ensure that the overall impact of the development would be reduced to an acceptable level.

Policy CS2 (Achieving High Quality, Sustainable Design) states that new development should reflect and/or enhance Darlington's distinctive natural, built and historic characteristics that positively contribute to the character of the local area and its sense of place. The NPPF at paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes, although it is appropriate to seek to promote or reinforce local distinctiveness.

The proposed development would comprise a total of 44 dwellings on the site at a density of approximately 33 dwellings per hectare, which is consistent with the density of existing

development in this part of Middleton St George. The dwellings will be arranged in two rows, one facing Yarm Road and one towards the rear of the site served from a single access point. The design of the proposed dwellings and the materials used has been amended slightly since the application was first submitted, to better address the streetscene and to use a palette of materials more reflective of existing dwellings within the vicinity. The site would be enclosed to both sides and the rear by 1.8 metre high hit and miss timber board fencing, with the front, northern boundary of the site enclosed by 1.5 metre high railings and brick pillars in front of a new boundary hedge.

The layout of the proposed development will ensure that appropriate separation distances between the proposed dwellings, in order to achieve satisfactory levels of residential amenity will be achieved. The proposed site layout also shows that the proposed development can be accommodated without compromising the residential amenities of properties opposite on Killinghall Row and The Beeches, in terms of light, outlook and privacy. Although the openness of the land would be eroded and existing views from properties on Killinghall Row and The Beeches would be affected, the right to a view is not a material consideration to be taken into account in consideration of the application.

The site is bounded by Yarm Road to the north and the Darlington to Middlesbrough railway line to the south. A Noise and Vibration Assessment submitted with the application concludes that occupants of the proposed dwellings will not be adversely affected by noise from the railway line although those dwellings on the Yarm Road frontage may be affected by road traffic noise. With double glazing and trickle vents internal noise levels within these properties will be sufficient to minimise disruption to future residents. In order to achieve the necessary criteria for garden areas of those properties with gardens adjacent to Yarm Road, a 1.8 metre high acoustic fence will be required around parts of the garden areas. Details of the fencing have been requested to ensure that the visual impact of fencing along the Yarm Road frontage is minimised.

The proposal is therefore considered to be of good design and achieves appropriate standards of residential amenity in accordance with the principles of the NPPF and Policies CS2 and CS16.

Loss of Agricultural Land

Paragraph 112 of the NPPF states that local planning authorities should take into account the economic, and other, benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In cases where there is doubt about the quality of the land, the applicant would be asked to submit further information. In this case, the land the subject of this application is considered to be moderate in terms of its agricultural land quality, having remained as grazing land for a number of years. In this context it is considered that the impact of the proposal on the loss of agricultural land is not significant.

Highway and Sustainable Transport Matters

A Transport Statement (TS) has been submitted with the application which considers the highways and transport issues associated with the proposed development. The TS shows that the development would not create an unacceptable impact on the local highway network. The application predicts that the generated traffic from the site to be in the order of 33 two way trips in the AM and PM peak. The Highway Engineer has considered the TS and advises that based on DBC surveys, Yarm Road has recorded traffic flows of around 3300 vehicles per day

(approx. 300 vehicles two way in the AM and PM peak) which is below the average figures (4000 vehicles per day) quoted in Manual for Streets for acceptable traffic flow and road safety on streets with direct frontage access. Even with the addition of the traffic flow from the new dwellings this is still below the average of 4000 vehicles per day. The accident rate on the immediate surrounding highway network is low with no accidents recorded in the previous 5 years on Yarm Road and within the vicinity of the proposed access junction. The Highway Engineer has confirmed that this does not raise cause for concern.

The junction spacing for the new access off Yarm Road, being offset more than 30m from The Beeches, complies with the junction spacing for a link road as set out in the design guidance. As part of the previous outline application it was conditioned that the 30mph speed limit be repositioned further to the east to cover the new development frontage and the Highway Engineer has requested the same for this application. The 30mph speed limit should be self-enforcing and a form of speed reduction measure should be provided on Yarm Road in the form of a financial contribution of £12,000 to be secured by a Section 106 Agreement.

Internal access road layout and car parking provision within the site complies with the design guidance. A new footway is also to be provided along the frontage of the development to link into the surrounding highway infrastructure. Subject to the payment of this contribution and a number of conditions to secure details of off-site highway works, swept path analysis, a construction management plan and the carrying out of a Road Safety Audit, the proposed development would not have an adverse impact on the local highway network.

A number of the objections received request that the current application be considered alongside that on the adjoining site to the east for the erection of a convenience store and 10 dwellings (17/00911/FUL) which is also under consideration, and other proposed housing development within the vicinity which is at the pre-application stage, to enable the cumulative impact of these developments on the local highway network to be taken into consideration.

There is no requirement as part of the Transport Statement (TS) to consider the cumulative impact of other developments on the local highway network. The Highway Engineer has considered the impact of the current proposal from a traffic impact and highway safety perspective, and taking the findings of the TS into account in terms of trip generation in the peak hours (AM and PM) when assessed against DBC surveys, there is sufficient capacity within the network to accommodate the proposed development. The current application on the adjoining site to the east and any future applications will be considered in due course on their own merits in terms of their impact on the local highway network and any mitigation works necessary to accommodate the development. As such it is not considered necessary to delay consideration of this application for that reason.

The Council's Sustainable Transport Officer advises that the site is within the required 400m walking distance to a bus stop, with the nearest bus stop (Acorn Close) being less than 200 metres away. Service 12/12A runs an hourly service from this stop Monday to Saturday, although there is no evening or Sunday service. Dinsdale Railway Station is approximately 600m away which provides good transport links to Saltburn and Darlington/Bishop Auckland. The off-site pedestrian improvements will link into existing pedestrian infrastructure and the site is on an advisory cycle route and is under 5 miles from Darlington Town Centre using the cycle network.

A contribution of £7,000 is sought for the improvement of the Acorn Close bus stop, however no further sustainable transport contribution is required in this instance since the off-site pedestrian improvements and the financial contribution are considered sufficient in this instance and a further contribution would not meet the tests of being reasonable or necessary to mitigate the impact of the development.

Sustainable Drainage

Core Strategy Policy CS16 (Protecting Environmental Resources, Human Health and Safety) states that new development should protect and, where possible, improve environmental resources, whilst ensuring there is no adverse impact on the environment, general amenity and the health and safety of the community. New development will be focussed on areas of low flood risk; Flood Zone 1.

The application site is located in Flood Zone 1. A Flood Risk Assessment and Drainage Strategy has been submitted, which has been amended since first submitted, to address the concerns of Stockton Borough Council acting as Lead Local Flood Authority regarding the siting of attenuation crates within private curtilage areas, rendering long-term maintenance arrangements uncertain. The amended FRA proposes that on-site attenuation will be provided in the form of upsized pipes within the road network, with the agreement of Northumbrian Water, to provide sufficient volumes so that no flooding occurs in a 1 in 100 year storm with 40% climate change applied. This will avoid the need for storage crates and permeable paving within the scheme design. Northumbrian Water and the Lead Local Flood Authority have advised that they have no objection to the revised proposals, subject to appropriate planning conditions.

Land Contamination

The application has been submitted with a Phase 2 Ground Investigation report which concludes that as a result of the site investigations that have taken place on the site (12 trial pits, 4 sampling boreholes and 3 ground gas and groundwater monitoring wells) the site is suitable for the proposed residential development and associated garden areas. The Council's Environmental Health Officer concurs with the findings of the report and advises that there is no requirement to attach any contaminated land conditions. The proposal therefore complies with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) in this regard.

Trees

Policy E12 (Trees and Development) of the Local Plan states that development proposals will be required to take full account of trees and hedgerows on and adjoining the site. An Arboricultural Pre-development Report, which includes a tree constraints plan, has been submitted with the application. The report identifies that the hedgerows delineate the application site boundaries, with a small number of trees located within the hedgerows. As a result of the proposed development it will be necessary to fell an ash tree located on the western boundary of the application site. The tree is infected with decay fungi (*Inonotus hispidus*) and as a result the report assesses the tree as being of Category U importance, being of such a condition that any existing value would be lost within 10 years. Such trees are not therefore considered to be a constraint to development and as such there is no objection to the felling of the tree. The remaining trees, an oak and a willow identified as being of moderate and low quality and value respectively, would be retained as part of the development and a condition requiring the protection of trees during construction is recommended.

Ecology

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

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

An Ecological Appraisal has been submitted with the application which concludes that the protected species surveys undertaken indicate that the site is overall low to moderate ecological value with no evidence of protected species recorded on the site itself. The habitats present on the site are however considered to be of value for nesting birds, commuting bats and potentially badgers. The proposal will also result in the loss of the roadside hedge along the northern site boundary which is of value as a habitat for nesting birds. Accordingly, the Ecological Appraisal recommends a series of mitigation measures to include the protection of those trees and hedgerows to be retained on site during the construction phase; the provision of suitable mitigation and compensatory habitat for nesting birds to offset against the loss of the roadside hedgerow, in the form of limiting the removal of the hedgerow to outside of the bird nesting season, the provision of bird nesting opportunities within the proposed dwellings and the enhancement of the retained hedgerows; and that a low-level lighting scheme be implemented to avoid indirect disturbance to bats, birds and small mammals. Subject to a condition to secure these mitigation measures, the proposed development is considered to comply with Policy CS16.

Archaeology

An Archaeological Evaluation has been submitted with the application following a programme of trial trenching on the site. The evaluation revealed nothing of archaeological interest on the site. On this basis Durham County Archaeology Department has raised no archaeological objection to the scheme and confirm that no further works are required. The proposal therefore complies with the requirements of paragraph 135 of the NPPF and Policy CS14 (Promoting Local Character and Distinctiveness) in this regard.

Developer Contributions

Developer contributions would be sought towards primary education provision within the locality (£54,288) and for highways/sustainable transport infrastructure in the form of traffic calming measures along Yarm Road to support a reduction in the speed limit from 40mph to 30mph (£12,000) and improvement works to the Acorn Close bus stop (£7,000). As the extant outline planning permission, for the doctor's surgery and 26 dwellings, was not subject to a contribution towards education provision, the applicant has agreed to make an education contribution based on the net increase in houses proposed, in this case 18 dwellings.

A minimum of 20% affordable housing provision on site, in accordance with the requirements of Policy CS4 (Developer Contributions) and the Planning Obligations SPD will be secured by an appropriate planning condition.

Delivery

Given that the Council cannot currently demonstrate a five year supply of housing, in an attempt to significantly boost housing delivery over the next 5 years or so to meet the housing need

identified; if a planning application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the commencement of development from the date of approval. Should planning permission be approved, it is recommended that this approach be followed.

Other matters

The Parish Council and a number of objectors to the application have objected on the grounds that the application should be considered alongside the current application on the adjoining site to the site to the east, for a convenience store and 10 no. dwellings (17/00911/FUL), and other proposals for residential development within or adjacent to the village which are at the pre-application stage, to enable the cumulative impacts of these developments on the village to be fully assessed.

The impacts of the current proposal have been fully assessed within the report and the development has been found to be acceptable, subject to appropriate planning conditions and obligations to achieve any appropriate mitigation for the impacts of the development. The application for the adjoining site and any other applications received will be assessed in due course in the same way, and on their own merits, and if any impacts are identified then appropriate mitigation will be sought. If those impacts cannot be satisfactorily mitigated against then this may result in the refusal of planning permission and as such it is not considered reasonable to delay consideration of this application for this reason.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The application site lies outside of development limits for Middleton St George as defined by the Borough of Darlington Local Plan 1997. The Council is unable to demonstrate a five year supply of deliverable housing sites and therefore 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 paragraph 14 of the NPPF, (the planning balance), relevant 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). Other relevant development plan policies and material considerations have been taken into account to assess whether any adverse impacts of 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 and any associated impacts regarding the loss of an undeveloped parcel of land on the edge of the village. The extant outline planning permission for the erection of a doctor's surgery and 26 dwellings (15/01006/OUT) is also a material consideration to be given some weight in the consideration of the application. Officers

therefore support the principle of developing this site for residential purposes as a departure from the development plan.

The proposal does not result in any adverse impacts on highway safety, surface water drainage or on residential and visual amenity, with appropriate mitigation measures in place to be secured by planning conditions. Appropriate planning obligations have also been negotiated and would be secured by a Section 106 Agreement, to ensure that the proposal is sustainable development which would generate environmental, social and economic benefits including contributing to the shortfall of housing within Darlington. Whilst the proposal would be contrary to the 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 of £54,288 towards education provision in Middleton St George;
- (b) A financial contribution of £12,000 towards traffic calming measures along Yarm Road to support a reduction in the speed limit from 40mph to 30mph;
- (c) A financial contribution of £7,000 towards the improvement of the Acorn Close bus stop.

SHOULD THE SECTION 106 AGREEMENT NOT BE COMPLETED WITHIN THIS PRESCRIBED PERIOD WITHOUT THE WRITTEN CONSENT OF THE COUNCIL TO EXTEND THIS TIME, THE MINDED TO APPROVE STATUS OF THE PERMISSION SHALL BE CONSIDERED TO BE A REFUSAL WITHOUT ANY FURTHER REFERENCE TO THE PLANNING APPLICATIONS COMMITTEE

AND SUBJECT TO THE FOLLOWING PLANNING CONDITIONS:

1. The development hereby permitted shall be commenced not later than 18 months from the date of this permission.

REASON – To accord with the provisions of Section 92(2) of the Town and Country Planning Act 1990 and to ensure the speedy provision of the site for the approved development.

2. The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:
 - Proposed Site Plan, drawing number (00) 300 Rev. N dated 9.3.17
 - Proposed Landscape Plan, drawing number (00) 310 Rev. H dated 9.3.17
 - Yarm Road Street Elevations, drawing number (00) 500 Rev. G dated 24.11.17
 - Proposed Boundary Treatments, drawing number (00) 360 Rev. E dated 9.3.17
 - Proposed Fencing Types and Details, drawing number (00) 610 Rev. B dated 9.3.17
 - House Type T3 (S), drawing number (00) 320 Rev. D dated 9.3.17
 - House Type 4, drawing number (00) 355 Rev. B dated 9.3.17
 - House Type 5, drawing number (00) 326 Rev. B dated 9.3.17
 - House Type 7, drawing number (00) 330 Rev. B dated 9.3.17

- House Type 9, drawing number (00) 335 Rev. B dated 9.3.17
- House Type 12, drawing number (00) 350 Rev. B dated 9.3.17

REASON – To ensure the development is carried out in accordance with the planning permission.

3. B4 (Details of external materials to be submitted)
4. The development shall not begin under a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - (a) The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 20% of housing units;
 - (b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (c) The arrangements for the transfer of the affordable housing to an affordable housing provision (or the management of the affordable housing if no RSL involved);
 - (d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON – To comply with local development plan policy.

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

REASON – In the interest of highway safety.

6. Prior to the commencement of the development, a Construction Management Plan shall be submitted to 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) Method 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.

7. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 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.

8. Prior to first occupation of the dwellings hereby approved, boundary treatments shall be erected along the boundaries of the development in accordance with the details show on the plan entitled ‘Proposed Boundary Treatments’ drawing number (00) 360 Rev. E. The specification of the acoustic fence including the materials, density and construction methods of the fence shall first be agreed in writing with the Local Planning Authority prior to the construction of the fence and shall be erected in accordance with the details as approved and thereafter be so maintained in perpetuity.

REASON – In the interest of visual and residential amenity.

9. Precise details of the off-site highway works required to access the site and mitigate the development impact shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The submitted details shall include the provision of a new footway and associated crossings on Yarm Road to connect into the surrounding infrastructure. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON– In the interest of highway safety.

10. 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 with the Local Planning Authority. The development shall not be carried out unless in complete accordance with the approved Audit.

REASON– In the interest of highway safety.

11. The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of a Sustainable Surface Water 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, discharge rates must be limited to $Q_{bar} 5.1l/sec$ for all storm events and sufficient storage provided to contain all surface water runoff generated for all storm events up to and including the 1 in 100yr+40%cc within the boundary of the site;

- (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 the construction phase;
- (iv) Details of adopting 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 the site or surrounding area, in accordance with the guidance within the Core Strategy Development Plan Policy CS10 and the National Planning Policy Framework.

12. No dwellings should be occupied until the surface water management system for the development is in place and fully operational. A maintenance plan detailing how the surface water management system will be maintained during the construction phase must also be submitted and approved in writing by the Local Planning Authority.

REASON – To reduce flood risk and ensure satisfactory long term maintenance for the lifetime of the development.

13. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled ‘Flood Risk Assessment and Drainage Strategy’. The drainage scheme shall ensure that foul flows discharge to the combined sewer manhole 8402 and ensure that surface water discharges to the existing watercourse.

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

14. Prior to the commencement of the development hereby permitted details of the proposed surface water and foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such a scheme shall be designed to ensure that all surface water and foul water drainage from the development area shall be directed away from Network Rail’s retained land and structures into suitable drainage systems. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

15. Prior to the commencement of development hereby permitted full overland flow conditions shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. Such details shall ensure that the construction of surface water retention ponds/tanks, SuDS or flow control systems do not take place within 30m of the Network Rail boundary where these systems are proposed to be **above** existing track level or 20m of the Network Rail boundary where these systems are proposed to be **below** existing track level. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

16. Notwithstanding any details of the proposed boundary treatment submitted as part of the application, details of trespass proof fence to be built adjacent to Network Rail's boundary, shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail, prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

17. In the event that excavations/piling/buildings are to be located within 10 metres of the railway boundary, prior to the commencement of the development hereby permitted a method statement shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail. This should include an outline of the proposed method of construction, risk assessment in relating to the railway and construction traffic management plan. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

18. In the event that external lighting is to be used either during the construction or operational phases of the development, details shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Network Rail prior to the commencement of development. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – To ensure the safety, operational needs and integrity of the railway.

19. A landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority, in conjunction with Network Rail, prior to any works commencing and, upon approval of such scheme, it shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority. Where any trees/shrubs are to be planted adjacent to the railway boundary these shrubs shall be positioned at a minimum distance greater than their predicted mature height from the boundary and only trees/shrubs from Network Rail's list of permitted tree species shall be used. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenities of the area and to ensure the safety, operational needs and integrity of the railway.

20. E11 (Tree Protection)

21. The mitigation measures set out in Section 6 of the Naturally Wild Ecological Impact Assessment dated 28.07.2015 shall be implemented in full. In addition, no development shall take place until precise details of a scheme for the mitigation of the loss of the northern boundary hedge and the provision for bird nesting opportunities on the site, in accordance with the mitigation measures set out in section 6 of that report has been submitted to and approved in writing by the Local Planning Authority. Thereafter the

approved scheme shall be implemented in full prior to first occupation of any of the dwellings on site.

REASON – To comply with Core Strategy Policy CS15 (Protecting and Enhancing Biodiversity and Geodiversity).

22. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the dwellings and gardens hereby approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the details as approved.

REASON – In the interest of visual and residential amenity.

INFORMATIVES

Highway Matters

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

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

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

The applicant is advised that contact must be made with the Assistant Director – Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the amended 30mph limit and introduction of Traffic Regulation Orders in connection with a 20mph zone.

Sustainable Drainage

Surface water discharges from this site shall be flow regulated to ensure that flooding problems elsewhere in the catchment are not exacerbated. **The discharge rates from the site will be restricted to the existing greenfield runoff rates (QBAR value 5.1l/sec)** 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 floodwaters exiting the site as a result of a rainfall event exceeding the 1 in 100 year event plus climate change should also be provided.

If the applicant proposes to discharge surface water into an ordinary watercourse a land drainage consent will be required from the Lead Local Flood Authority (LLFA). A land drainage consent

is a separate application that could take up to **8 weeks** for completion and no works on the watercourse can proceed until consent has been approved by the LLFA.

Railtrack

Drainage

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

If a Network Rail owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets within the vicinity of the proposed works.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission. The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Matthew Shelton (matthew.shelton@networkrail.co.uk) for further information and assistance.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the

railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions

Method statements may require to be submitted to Network Rail's Asset Protection Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavation/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted to NR for approval.

OPE

Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, detailed of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then

must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (**s55 British Transport Commission Act 1949**). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. In a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Trees/Shrubs/Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea)

A comprehensive list of permitted tree species is available upon request.

Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

The following policies are relevant to consideration of the application:

Darlington Core Strategy Development Plan Document 2011

- CS1 – Darlington's Sub-Regional Role and Locational Strategy

- CS2 – Achieving High Quality, Sustainable Design
- CS4 – Developer Contributions
- CS10 – New Housing Development
- CS14 – Promoting Local Character and Distinctiveness
- CS15 – Protecting and Enhancing Biodiversity and Geodiversity
- CS16 – Protecting Environmental Resources, Human Health and Safety

Saved Policies of the Darlington Local Plan 1997

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint

Revised Design of New Development Supplementary Planning Document, July 2011

Planning Obligations Supplementary Planning Document, January 2013

National Planning Policy Framework, 2012