

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4 April 2018**

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<b>APPLICATION REF. NO:</b>	<b>17/00911/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>2 January 2018</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>Land opposite Acorn Close, Middleton St George</b>
<b>DESCRIPTION:</b>	<b>Mixed use development comprising of A1 convenience store and residential development comprising erection of 10 dwellings (additional noise report received 6 October 2017, amended site plan, floor plans and elevations (retail unit) and sketch perspective received 31 October 2017, additional archaeological evaluation report received 23 November 2017, additional road safety audit received 11 December 2017, additional tracking information received 24 January 2018, additional tracking information and amended site plans received 14 February 2018, additional car parking accumulation figures received 1 March 2018, additional traffic calming measures received 8 March 2018 and amended site plans received 9 March 2018)</b>
<b>APPLICANT:</b>	<b>COMMERCIAL DEVELOPMENT PROJECTS LIMITED (CDP LTD) &amp; THE MAXEY FAMILY NO. 2 DISCRETIONARY SETTLEMENT</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of a cul-de-sac of 10 no. detached dwellings and new access and a convenience store, access and car park on land to the south of Yarm Road, Middleton St George. The dwellings are to occupy approximately two thirds of the site towards its western end served from a new access created off Yarm Road, approximately 25 metres to the east of the Acorn Close junction on the opposite side of the road. The convenience store is to be located on the remainder of the site at its eastern end with a separate access serving this part of the site.

The proposed dwellings are all four bedroom detached dwellings comprising a mix of five different house types. Each dwelling would have at least 2 in-curtilage parking spaces supplemented by car parking spaces within the integral garages, where provided. An area of open space to serve the development would be provided at the southern end of the site, to the rear of plot 5. The roadside boundaries of plots 1 and 7, either side of the access, would be

enclosed by a 1.8 metre high acoustic fence to protect the garden areas of these properties from road traffic noise.

The proposed convenience store would comprise a single storey red brick building under a mono-pitched roof located adjacent to Plot 10 and the eastern end of the site, and would provide approximately 372 sq m of retail floorspace. A separate access would serve the convenience store leading to a car park providing a total of 14 no. car parking spaces including 2 no. disabled parking spaces. A servicing area would be provided at the rear of the store.

The application has been amended since it was first submitted to provide a series of traffic calming measures in response to concerns expressed by the Council's Highway Engineer and Durham Police's Road Safety Officer regarding the proximity of the access to the convenience store to the adjacent roundabout and to amend the layout of the housing element to ensure compliance with adopted layout standards.

The application site is roughly triangular in shape and extends to approximately 0.63 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 Yarm Road and existing residential development at Acorn Close and Swain Court to the north and by the railway line to the south and east. Planning permission was granted for the residential development of the site to the west in March 2018 (17/00847/FUL) and the two sites are separated by Footpath No. 3 in the Parish of Middleton St George. The site is contained by mature hedgerow and shrub planting on all sides. The roadside hedgerow would be removed as part of the proposals.

The following information has been submitted with the application:

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

## **PLANNING HISTORY**

There is no relevant planning history

## **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

- CS9 – District and Local Centres and Local Shops and Services
- 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 Borough of Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping and 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 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 30 mph.

**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** – Details of acoustic fencing to protect houses from road traffic noise have been submitted and provided the application is built in accordance with these plans no further issues in this regard. Conditions required relating to land contamination, noise from the commercial unit and construction impacts.

**Public Rights of Way Officer** – The boundary between the path and the development site is a mature hedge which should screen the path from the development and limits the impact on path users. 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 increase in use of the route.

**Durham County Archaeology** – No further field work required as a result of the evaluation.

**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 conditional approval.

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

**Police Architectural Liaison Officer** – Crime risk assessment for this proposal, based on recorded incidents in the neighbourhood, is low. No issues with the layout of the housing element but concerned that convenience stores can attract nuisance and anti-social behaviour. Import for any external fixtures or fittings to be robust enough to withstand vandalism. Also concern regarding the proximity of the roundabout to the entrance of the car park which would cause conflict with vehicles entering and exiting. Potential for vehicles to park on Yarm Road by customers needs to be addressed.

**CPRE** – Object to the proposal for the following reasons:

- Local infrastructure and facilities already overstretched and this will place an additional burden;
- Impact on highways;
- DCLG 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 development site is not on the ‘Call for Sites’ list within the context of the draft Local Plan;
- The site is also outside of the village’s development limits and so contrary to the current plan;
- There is development proposed for the field adjacent to this site for 44 houses (17/00847/FUL). It would not be unreasonable 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;
- There are already two convenience stores in the centre of the village and a Morrisons not far away. Putting a convenience store on this site would be placing retail services in the village in an ad hoc way when what is needed is to plan for such services in a more sustainable manner. The Parish Council and Borough Council are currently in discussions in order to do this. The siting of the convenience store at this location is not appropriate for sustainable development in the village.
- Combined travel sweep analysis of the highway and road safety risks for both applications along Yarm Road should be carried out and also include a detailed prediction of the disturbance and loss to amenity caused by the extra vehicles servicing the convenience store. The Highway Engineer’s response should be taken into account;
- The site is adjacent to a railway line and Yarm Road and the development would be exposed to noise from these sources. The applicant has not taken into account the added noise produced from delivery vehicles to the convenience store. Given the current levels of noise to the application site and the combined noise produced from the adjacent site of 44 houses, the amenity of residents would be severely affected and the mitigation measures proposed would not suffice to offset this;

- Lack of investment to date to upgrade and improve essential infrastructure within the village to mitigate the effect of this and other approved development on essential services. Need more education provision and an improved bus service in terms of frequency and route;
- No further development should be granted permission until the builds on Sadberge Road and Middleton Lane/Neasham Road sites have 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 **8 letters of objection** have been received which raise the following issues:

- *Welcome idea of extra facilities for the village whose infrastructure is under strain but cannot support the development of a supermarket until we have a doctor's surgery;*
- *Concerns about management of traffic at the roundabout and the inadequacy of parking spaces which may result in illegal parking on nearby pavements and congestion on nearby roads;*
- *Developments often attract noise complaints related to early morning deliveries, youth nuisance and undesirables using the car park when the premises are closed;*
- *Village infrastructure cannot cope with hundreds of additional homes currently under construction;*
- *Traffic through the village is heavy enough without adding more cars to the roads;*
- *Additional junctions will make the road more dangerous;*
- *Air quality will be affected by vehicles idling along Yarm Road and by delivery vehicles, as well as noise pollution from these vehicles;*
- *Safety of people and children crossing the road to the Co-op is of concern;*
- *Our property will look onto the proposed Co-op;*
- *Green spaces need to be protected;*
- *The 30mph speed limit should be extended to the roundabout;*
- *Several new developments in the village where dwellings have not sold and construction has stopped. More dwellings are not therefore acceptable or required in an already overpopulated village;*
- *Concern that this could happen on this site leaving a building site with associated visual impact and potential for crime and anti-social behaviour;*
- *Increase in dwellings will impact availability of school places for village primary school and existing residents;*
- *Infrastructure is not needed at this side of the village as it is only a 5 minute walk to existing shops. Better placed on Sadberge Road where more residents will be;*
- *Development built close to railway tracks and bridge which could cause problems;*
- *Light pollution a concern;*
- *No justification for a convenience store in MSG as there are already 2 well stocked stores in existence. There is a major supermarket at Morton Park and several others in Eaglescliffe accessible by bus and car;*
- *Too many houses are already been built in the village and there is no demand for them;*
- *Location of the development will impact the local infrastructure more than development on the outskirts. This development conflicts with the development for 44 dwellings as it has not carried out a combined traffic impact assessment as well as the compound impact of both developments on the local area;*

- *The proposed Co-op will generate traffic from a much wider area of the village and will significantly affect the traffic on Yarm Road, including the introduction of three new junctions on a small stretch of road for the two developments;*
- *Deliveries will pose a traffic hazard so close to the roundabout and at times that could affect the quality of life of those living nearby;*
- *The design of the shop is not in keeping with the area and looks out of place in the proposed location;*
- *Understand that DBC has to adhere to 5 year supply of housing but MSG has taken the brunt of this and so far no applications have been refused. Rejection of this proposal would not impact overall targets significantly;*
- *Village could potentially handle one of these developments, but not two side by side;*
- *Disruption from two developments being built at the same time will effectively shut down the road into/out of the village;*
- *Small stretch of road and local area cannot sustainably take an additional 10 dwellings plus a shop without significant impact on local infrastructure.*

## **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 and 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 1997. 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.

### *Residential development*

The NPPF requires local authorities to plan positively for housing development to meet the needs of their area. In recent years Darlington has not been able to demonstrate a 5 year supply of deliverable housing sites, when measured against a housing requirement based on an up to date, objectively assessed need (OAN). As a consequence of this relevant policies for the supply of housing have not been considered up to date in line with paragraph 49 on the NPPF and planning applications have been considered in the context of the presumption in favour of sustainable development.

The above situation has recently changed. An update to the Strategic Housing Market Assessment was published in Oct 2017. This work indicated that 8,440 dwellings will be required over 2016 to 2036, an average of 422 dwellings per year. A 20% buffer has been applied to this figure due to previous under delivery. The Council is currently preparing a new Local Plan and an assessment of sites currently shows that a 5.86 year supply of deliverable housing land can be demonstrated. As a consequence policies relating to the supply of housing can now be given weight in the planning balance.

It should be noted that a recent Court of Appeal decision (*Barwood Strategic Land II LLP v East Staffordshire Borough Council & Anr.* Case Number: C1/2016/4569) has addressed the scope of the NPPF's presumption in favour of sustainable development policy. The judgement clarifies that the presumption of sustainable development should not apply in instances where a local council has an up to date plan. As Darlington Borough Council can demonstrate a five year supply of housing land, policies relating to the supply of housing are considered up to date and the presumption should not apply.

The enquiry site is located beyond the development limits of the village and therefore development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington's Sub-Regional Role and Locational Strategy) of the Core Strategy. Middleton St George is however identified as one of the larger villages in the Core Strategy and is well served by local facilities and infrastructure. The village has been identified as a suitable location for housing development in the Core Strategy, when the housing strategy is not achieving appropriate levels of delivery. This approach is also outlined in the Interim Planning Position Statement.

Despite the conflict with policy E2, the application site is an area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. The site also makes a contribution to the Council achieving a five year supply of housing land and boosting significantly the supply of housing in the Borough in line with paragraph 47 of the NPPF. The principle of residential development on this site is therefore considered to be acceptable.

#### *Convenience Store*

The proposed convenience store will provide approximately 372sqm (gross) of retail floorspace. It is also located beyond the development limits of the village and is not within an existing centre. Paragraph 24 of the NPPF states local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

The nearest existing centre is at Middleton St George to the west. This centre is referenced in Core Strategy policy CS9 and is mapped in the Interim Planning Position Statement. The applicant has outlined in the supporting statement that an assessment has taken place of any

alternative premises or land within the defined centre or edge of centre. The defined retail centre is tightly drawn and comprises of two storey premises and no open land with development potential. It concludes that no sequentially preferable sites are available. It is considered that the sequential test has been met.

There are no local thresholds for an impact assessment within the Core Strategy and the proposed unit is below the threshold set out in paragraph 26 of the NPPF (2,500sqm). Consequently an impact assessment is not required.

Policy CS9 also states that individual local shops which meet the day to day needs of nearby residents without the need to use a car will be protected and promoted. Proposed new shops in such circumstances will be limited to a maximum 100sqm gross floorspace unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case convenience shops up to 400 sqm gross floor space will be permitted. The proposal is 372sqm and would therefore fall within the above mentioned category of the policy. As outlined Middleton St George, is one of the large serviced villages in the borough and the Council are proposing a number of housing allocations in the area in the emerging Local Plan. As such it is considered that there will be further need in the village for convenience retail in the future.

In view of the above and in the context of the emerging Local Plan it is considered that the principle of the retail unit is acceptable.

### **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 grassed agricultural land, adjoins the building 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 building form, particularly when seen in the context of the development of the neighbouring site to the west, for which planning permission was recently granted (17/00847/FUL). As such the development of the site is not considered to 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.

#### *Residential development*

The residential element of the proposed development would comprise a total of 10 detached dwellings on the site at a density of approximately 20 dwellings per hectare, which is broadly consistent with the density of existing development in this part of Middleton St George. The dwellings would be accessed off Yarm Road arranged around a cul-de-sac, with houses either fronting or presenting gable end on to Yarm Road, in a similar arrangement to existing dwellings at Acorn Close and The Beeches opposite. A total of 5 different house types are proposed constructed of a palette of red brick, render and slate which is reflective of existing dwellings within the vicinity.

The layout of the proposed dwellings 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 comprising the residential amenities of the properties opposite on Acorn Close and Swain Court, in terms of light, outlook and privacy. Although the openness of the land would be eroded and existing views from properties opposite 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 has been submitted with the application which assesses the extent to which the proposed residential development will be affected by road traffic and railway noise and also to consider the potential noise impact of the convenience store which will be considered in more detail in the next section of this report. The assessment concludes that the 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 noise levels for the 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 submitted and the Environmental Health Officer is satisfied with the proposed details on the basis that the acoustic fencing is provided in accordance with the submitted details.

#### *Convenience store*

The proposed convenience store will be located at the eastern end of the site roughly opposite the entrance to Swain Court. It is to be a single storey building, constructed of brick, with aluminium framed windows and doors, under a mono-pitched roof, with a pressed metal fascia beneath. It will have a maximum height of approximately 5 metres. Access, parking for 16 no. vehicles, cycle and motorcycle parking and a servicing area will be provided to the east of the proposed store. The proposed convenience store is considered to be acceptable in terms of scale, design and use of materials in the context of both existing and proposed residential development within the vicinity of the site.

The convenience store will be sited adjacent to the east gable end of plot 10, separated by a 1.8 metre high solid timber acoustic fence. There will be a separation distance of approximately 3 metres between the convenience store and the proposed dwelling at plot 10 which will run the full length of this property and its rear garden. The mono-pitched roof over the convenience store will slope from east to west, being at its lowest height of approximately 3.9 metres adjacent to the eastern boundary with plot 10. While the store will be apparent and visible from the rear of this property at this height it is not considered to have an unduly overbearing impact on the amenities of this property in terms of light or outlook. Similarly being located on the opposite side of Yarm Road the proposed convenience store is not considered to have an unacceptable impact on the amenities of the existing dwellings within the immediate vicinity in this regard.

The Noise and Vibration Assessment has considered the impact of the proposed convenience store on the amenities of existing and proposed dwellings. The assessment considers the noise impact of the proposed store to be negligible however a series of conditions requiring the submission of details of all external plant, equipment and machinery, the submission of a noise assessment to assess the noise rating level, restricting construction hours and activities and limiting servicing hours have been suggested by the Environmental Health Officer to minimise the impact of the proposed convenience store on the amenities of nearby residential properties.

A number of objectors have raised the issue of the proposed convenience store having the potential to attract anti-social behaviour. The Police Architectural Liaison Officer has commented on the application and although he identifies that shops have the potential for people to congregate in the area, the overall crime risk associated with the proposed development is considered to be low, based on reported incidences of crime in the area.

Subject to these conditions, 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 to consider the impact on the local highway network in terms of trip generation in the peak hours. The TS concludes that the proposed development would produce a minimal number of trips on the peak highway periods (combined totals of 14 two way trips in the AM peak and 37 two way trips in the PM peak from the proposed housing and retail elements of the proposal). The Highway Engineer advises that some of the trips to the convenience store could be argued as being 'pass-by' trips, already on the network not creating additional traffic movements therefore the overall impact would be slightly lessened. Paragraph 32 of the NPPF states that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts on

development are severe'. The trip generation assessment is considered not to have a severe impact on the highway network considering the existing spare capacity in the network.

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 current application, and that predicted as part of the development of the site to the west for 44 dwellings (predicted to create an additional 33 two way trips in the AM and PM peak), this is still below the average of 4000 vehicles per day.

#### *Housing element*

The housing element of the proposed development is to be served by a separate access off Yarm Road towards the west of the site. The junction spacing for the new access is offset 30m from Acorn Close which would comply with the junction spacing for a link road as detailed in the design guidance. As part of the application for the development of the neighbouring site (17/00847/FUL) it was conditioned that the 30 mph speed limit be repositioned further east to cover the new development frontage and the Highway Engineer has requested the same for this application. The 30 mph speed limit should be self-enforcing and a speed reduction measure (detailed in the next section of this report) should be provided on Yarm Road in the form of a financial contribution of £12,000 to be secured by a Section 106 Agreement.

The internal layout of this element of the proposal has been amended to comply with adopted layout and parking standards and a swept path analysis has been undertaken to show that the turning head is of sufficient size to accommodate an 11m refuse vehicle.

#### *Convenience store*

The convenience store and combined car park and servicing area would be served by a separate access approximately 27 metres from the exit of the Woolsington Drive/Yarm Road roundabout. This junction distance falls short of both national and local guidance (Manual for Streets and the Tees Valley Design Guide). In response to these concerns, and following negotiations with Officers, an independent Road Safety Audit (RSA) has been undertaken and a series of traffic calming measures are now proposed as follows:

- The introduction of a priority give-way junction giving priority to eastbound traffic to slow vehicles down coming from the roundabout and higher speed limit roads and the provision of a 30mph speed limit from Yarm Road/Woolsington Drive roundabout;
- Parking restrictions on Yarm Road along the frontage of the development to avoid overspill parking and deliveries from impacting upon safety at the new junction;
- Relocation of Acorn Close bus stop

The change of speed limit and traffic calming feature have been discussed with the Police who are supportive of this change. Although the retail access junction falls marginally short of the desirable minimum spacing at 27 metres (desirable 30 metres) given the introduction of a 30mph speed limit and traffic calming feature, the Highway Engineer considers this to be acceptable on the basis that visibility splays appropriate to the 30mph speed limit can be achieved.

Although the traffic calming feature impacts upon the existing bus stop, this is shown to be relocated between Acorn Close and a private access which would limit the visibility of vehicles

exiting both junctions onto Yarm Road, however given the frequency of the bus along this route this should not pose a significant risk. The relocation of the bus stop can be secured as part of the S278 Agreement and a financial contribution secured through the Section 106 Agreement would contribute towards associated infrastructure in the form of raised kerbs.

Car park accumulation figures, using TRICS information, has been provided at the request of the Highway Engineer which demonstrates that the maximum accumulation of vehicles at any one time is 10 vehicles. With a total of 14 car parking spaces provided, the figures demonstrate that there is sufficient car parking to serve the proposed convenience store. The Highway Engineer is in agreement with this information.

The configuration of the car park and servicing areas is such that it can only accommodate a servicing vehicle of 12.1m or less. A condition requiring the submission of a servicing management plan is therefore attached.

The Council's Sustainable Transport Officer advises that the site is within the required 400m walking distance to a bus stop, with the closest bus stop less than 100 metres away on Yarm Road. Service 12/12A runs from these stops hourly Monday to Saturday, although there is no evening or Sunday service. Dinsdale Railway Station is approximately 900m away giving good transport links to Saltburn and Darlington/Bishop Auckland with a half hourly service. Off-site pedestrian improvements will link into existing pedestrian and cycling infrastructure. A crossing point with dropped kerbs/tactile paving along Yarm Road is needed to allow pedestrians to safely cross Yarm Road, to be secured by an appropriate planning condition. This will also ensure a safe route to school is provided.

A contribution of £7,000 is sought for the relocation/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 to mitigate against the impact of the development and a further contribution would not meet the tests of being reasonable or necessary.

### **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.

A Flood Risk Assessment (FRA) has been submitted with the application which confirms that the site is located within Flood Zone 1 and demonstrates that the proposal, subject to a series of mitigation measures, will be at a low risk of flooding from surrounding watercourse, surface water, sewers and groundwater. 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 conditions being attached to any approval that requires the developer to submit a full Surface Water Drainage and Management scheme for the whole site to include detailed design of the surface water management system, a hydraulic assessment of the existing overland flow paths and the watercourse, including the railway culvert, build program for the provision of the critical surface water drainage infrastructure, management plans, details of adoption responsibilities and management plans / maintenance, that the development is in accordance with the submitted Flood Risk Assessment and that no

dwelling should be occupied until the surface water management system for the development is in place and fully operational.

### **Land Contamination**

The application has been submitted with a Phase 1 Desk Top Study Report which identifies that the majority of the site has remained an undeveloped farm land/pasture land with the exception of a small tramway/railway line which cuts across the very eastern boundary of the site. The historical maps document the former industrial land uses on the surrounding land as well as the construction of the railway embankment which forms the southern boundary of the site.

The Desk Top Study Report recommends, given the former industrial land uses on the site and the surrounding uses, that further site investigations are needed to establish that the site can be developed for the proposed end uses. The report also recommends that due to the potential of made ground on the site a series of ground gas monitoring wells be installed however the Council's Environmental Health Officer does not consider this necessary given that the proposed car park for the convenience store is in the location most likely to be impacted by ground gas, and that information available at this stage does not warrant such investigations. As such it is recommended that the standard land contamination conditions are attached to any approved granted which if the initial site investigation shows that the site can be development without further remediation works then the remaining conditions can be discharged if the applicant justifies that further remediation is not warranted based on the site investigation. The proposal therefore complies with Policy CS16 (Protecting Environmental Resources, Human Health and Safety) in this regard.

### **Trees and 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 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.

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 site overall is of low to moderate ecological value with no evidence of protected species recorded on the site itself. The boundary hedgerows provide habitats of greatest ecological value for nesting birds and commuting bats and those to the south and west will be retained and will continue to be of benefit. Accordingly, the Ecological Appraisal recommends a series of mitigation measures to include an indigenous landscaping scheme and the provision of bird and bat nesting opportunities within the proposed development. Subject to a condition securing these mitigation measures, in addition to conditions limiting the removal of the roadside hedge to outside the bird nesting season and the protection of trees and hedgerows on the site during the construction period, the proposed development is considered to comply with Policy CS15.

**Archaeology**

An Archaeological Evaluation has been submitted with the application which has revealed nothing of archaeological interest on the site and no further work is required. On this basis Durham County Archaeology Department has raised no archaeological objection to the scheme. 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 (£30,160) and for highways/sustainable transport infrastructure in the form of traffic calming measures along Yarm Road to support a reduction in the speed limit to form 40mph to 30mph (£12,000) and improvement works to the Acorn Close bus stop (£7,000).

Recent Government Guidance on Planning Obligations, which amends paragraph 031 of the Planning Practice Guidance (November 2016), states that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (Section 106 Agreements) should not be sought from small-scale development. Most relevant to this application is that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000 square metres.

**Delivery**

To ensure the Council maintains a five year supply of housing land and to progress to the delivery of dwellings within a short time frame a condition limiting the implementation of this permission to 18 months is considered appropriate.

**Other matters**

The Parish Council and a number of objectors consider that the application should not be considered until the cumulative impact of this, and other proposed residential development within the village, is known and fully understood.

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. 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 is located beyond the development limits of the village and therefore residential development would be contrary to saved policy E2 (Development Limits) of the Darlington Local Plan 1997 and Policy CS1 (Darlington's Sub-Regional Role and Locational

Strategy). Middleton St George is however identified as one of the larger villages in the Core Strategy and is served by local facilities and infrastructure. The village has been identified as a suitable location for housing development in the Core Strategy, when the housing strategy is not achieving appropriate levels of delivery. This approach is also outlined in the Interim Planning Position Statement.

Despite the conflict with the above policy, the application site is an area which the Council considers to be suitable for housing development and are proposing for allocation in the emerging Local Plan. The site also makes a valuable contribution to the Council achieving a five-year supply of housing land and boosting significantly the supply of housing in line with paragraph 47 of the NPPF. The principle of residential development on the site is therefore considered acceptable.

Despite the conflict with saved policy E2, when considered in the context of the emerging Local Plan, contribution to the 5 year supply of housing land and the conclusion of the sequential test, the principle of both residential and retail development are considered to be acceptable on the application site.

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 mitigate against the impacts of the development.

### **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 £30,160 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 THE 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 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:

(SK-)01 Location Plan  
(SK-)02 Existing Site Plan  
(SK-)03H Proposed Site Plan  
(SK-)04C Proposed Retail Unit  
(SK-)05 House type 1  
(SK-)06 House type 2  
(SK-)07 House type 3  
(SK-)08 House type 4  
(SK-)09 House type 5  
(SK-)10E Sketch Perspectives  
(SK-)11C Site Plan Proposed  
16-1051 002F Proposed Access and Traffic Calming Scheme

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

3. B4 (Details of external materials to be submitted)
4. 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 across the entire frontage of the site and associated crossings on Yarm Road to connect into the surrounding infrastructure, relocated speed limit and associated parking restrictions and a new bus stop. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interest of highway safety.

5. 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.

6. Prior to the first occupation of the convenience store hereby permitted, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the convenience store shall not be occupied until the approved details have been implemented in full and shall be retained for the duration of the development.

REASON – To encourage access to the site by sustainable modes of transport.

7. No development in connection with the convenience store hereby approved shall take place until a Servicing Management Plan, which shall limit the size of service vehicles visiting the site and make and providing for the management of the car park in connection with service vehicles has been submitted to and approved in writing by the Local Planning Authority. Thereafter all vehicle servicing shall take place in accordance with the approved Servicing Management Plan.



REASON – In the interest of highway safety.

8. No external plant, equipment or machinery shall be installed as part of the convenience store of the proposed development without the prior written approval of the Local Planning Authority. Where external plant, equipment or machinery is proposed details shall be submitted in writing to the Local Planning Authority prior to its installation and must include the type of plant, equipment or machinery to be installed and the proposed locations, and if deemed necessary by the Local Planning Authority, appropriate noise mitigation measures shall be implemented prior to the plant, equipment or machinery first becoming operational and thereafter shall be retained and maintained for the life of the development.

REASON – In the interest of residential amenity.

9. At the request of the Local Planning Authority a noise impact assessment shall be carried out in connection with the convenience store hereby approved by a suitably qualified acoustic consultant/engineer (appointed by the applicant) to assess the noise rating level in accordance with BS4142:2014 – ‘Method for rating and assessing industrial and commercial sound’. The rating level ( $L_{A,T}$ ), as defined in BS4142:2014, from external plant, machinery and equipment associated with the development (whether operating individually or when all plant is operating simultaneously) shall not exceed the day-time and night-time background noise level ( $L_{A90,T}$ ) at noise sensitive receptors. The noise sensitive receptors and background noise levels to be used in the BS4142:2014 assessment shall be agreed in advance with the Local Planning Authority.

REASON – In the interest of residential amenity.

10. Prior to the commencement of 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 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 than in complete accordance with the approved details.

REASON – In the interests of residential amenity and highway safety.

11. 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 of the Local Planning Authority.

REASON – In the interest of residential amenity.

12. The use of the convenience store hereby permitted shall not commence until details of the arrangements for the storing of waste or refuse have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved.

REASON – In the interest of residential amenity.

13. Deliveries to and the collection of waste from the convenience store hereby permitted shall only be permitted whilst the premises is open and in any event only between the hours of 07.00 and 19.00 Monday to Saturday and 10.00 and 18.00 on Sundays and Bank Holidays.

REASON – In the interest of residential amenity.

14. CL3 (Phase 2 Site Investigation Works)
15. CL4 (Phase 3 Remediation and Verification Strategy)
16. CL5 (Any additional contamination)
17. CL6 (Verification and Completion Report)
18. Prior to the development being beneficially occupied, a copy of the analysis, reporting, publication or archiving agreed as part of the approved Written Scheme of Investigation for the evaluation of this site, shall be deposited at the County Durham Historic Environment Record.

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

19. 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 including design water levels and finished floor levels demonstrating a suitable freeboard;
  - (ii) A detailed hydraulic assessment of existing overland flow paths and the watercourse including the culvert under the railway; the risk of blockage at the railway culvert; and existing overland flow paths should flows exceed the capacity of the watercourse and/or railway culvert;
  - (iii) A build program and timetable for the provision of the critical surface water drainage infrastructure;
  - (iv) Details of adoption responsibilities;

- (v) Management plan for the Surface Water Drainage scheme.

The building hereby approved shall not be brought into use until the approved 'Surface Water Drainage' scheme has been implemented and the approved scheme shall be maintained in accordance with the Surface Water Management scheme for the lifetime of the development.

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance with the guidance within Core Strategy Policy CS10 and the National Planning Policy Framework.

20. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy dated 1 September 2017 and the following mitigation measures detailed in the FRA:

- Limiting the surface water run-off generated by the impermeable areas of the development up to and including the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This will be achieved in accordance with the calculations within the Appendix G stating a Qbar of 2.5l/s.

The mitigation measures shall be fully implemented prior to the occupation of the development hereby permitted and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed in writing by the Local Planning Authority.

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

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

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

22. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Flood Risk Assessment' dated September 2017. The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 8506 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 NPPF.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. The ecological enhancement measures set out in the Brooks Ecological 'Preliminary Ecological Appraisal' dated August 2017 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, for the protection of hedgerow to be retained on site, and the provision for bird and bat nesting opportunities on the site, in accordance with the recommendation 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).

30. No tree or hedgerow removal shall take place within the bird breeding season (March to September inclusive) unless a bird nesting survey has first been undertaken and submitted to and approved in writing by the Local Planning Authority.

REASON – In the interest of nesting birds.

## **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 to enter into a S278/38 Agreement before commencement of the works on site. Contact must be made with the Assistant Director – Highways, Design and Projects (contact Mr S Brannan 01325 406663) to discuss this matter.

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

An appropriate street lighting scheme and design to cover the new highways and any proposed amendments to the existing lighting 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 be made with the Assistant Director – Highways, Design and Engineering (contact Mr C Easby 01325 406707) to discuss the introduction of Traffic Regulation Orders in connection to a revised 30mph zone and parking restrictions on Yarm Road.

### **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 greenfield runoff rate (OBAR value)** 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 even 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 nature low-lying areas and conveyance paths where appropriate. This means considering the existing blue/green corridors across the proposed site and utilising 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-catchment, discharge and flow control locations, storage features and how SuDS integrate into the landscape.

The developer will need to provide a detailed programme 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 a sustainable drainage system within the site.

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 (LFFA). 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 LFFA.

The updated guidance states the new allowances for climate change now require both +20% scenario and a +40% scenario. Therefore, new surface water drainage schemes 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;
- New development drainage systems should be designed to include a 10% uplift to runoff to account for 'Urban Creep';
  - 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'. 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 this proposed development.

### **Railtrack Drainage**

All surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage systems, the details of which are to be approved by Network Rail before construction starts on site.

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](mailto: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.



**Scaffolding**

Any scaffolding which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

**Bridge Strikes**

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in bridge strikes. Vehicles hitting railway bridges cause significant disruption and delay to rail users. It should be noted that the adjacent railway bridge on Yarm Road has a height restriction of 13'6" and this may be a particular issue for large construction vehicles associated with the site and also delivery lorries associated with the proposed store. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

**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 Pados*), Wild Pear (*Pyrus Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaeagus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat “Zebrina”

Not Acceptable:

Acer (*Acer pseudoplatanous*), 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.

**Lighting**

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of the lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

**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:****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
- CS9 – District and Local Centres and Local Shops and Services
- 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 Borough of Darlington Local Plan 1997**

- E2 – Development Limits
- E12 – Trees and Development
- E14 – Landscaping and 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**

